

# BLAW 308: BUSINESS LAW II

BLAW308 GOLDBERG

BLAW 308 – FALL 2018

**Professor Hilary Goldberg, J.D.**

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Office hours: M/W 1:45-2:45 pm & by appointment

**Student Health Center:**

**818-677-3666**

**Counseling Center:**

**818-677-2366**

## Canvas

It is your responsibility to check CANVAS frequently for announcements and information.

Prerequisite: BLAW 280.

Corequisites/Prerequisites for Business majors: BUS 302/L.  
Description: Study of the role of law in business, including the study of legal institutions and their role in facilitating and regulating business. Topics include agency and employment law, the various forms of business organizations and securities law. You will analyze how law applies to factual settings. You will read appellate court decisions, prepare written briefs of the decisions, orally defend your interpretations of the cases and answer hypothetical questions in open class discussion. You will learn to distinguish the application of rules depending on changing circumstances in various cases and hypotheticals. You will learn to argue alternate sides of a dispute regardless of personal belief. You will learn to identify

Text: Business Law: The Ethical, Global And E-Commerce Environment, 17<sup>th</sup> Ed.; By Arlen Langvardt, et al.

Reader Available At Bookstore; E-Version Online  
At  
<https://create.mheducation.com/shop/>  
Search for and select book by ISBN 9781307303049

## Class Meetings

Monday/Wednesday

11:00 am - 12:15 PM

BB1234

## Grade Breakdown

10%: Participation

15%; Homework

25%: Exam 1

25%: Exam 2

25%: Exam 3

Total = 100%

In-class exams are composed of one or more fact patterns which you will brief using IRAC. They require you to analyze factual situations, identify legal issues and apply the law in determining the outcome of hypothetical cases, or combination thereof. You may also have multiple choice and short answer questions.

The grade reached after averaging exams, homework, and participation will be the minimum grade you can receive in the course.

the functions, policies, and trends in the law, and to consider social, economic and ethical influences on the law.

BLAW 308 helps students learn the law relevant to engaging in business. This includes laws that help their own progress in life as well as those that help maintain a healthy and well-functioning society. In addition, students learn the process of legal analysis, so that they can develop their skills of critical thinking and problem solving. This is helpful to students to become fully developed students and adults. BLAW 308 teaches students to learn how to identify issues and apply law to situations. Doing this, students learn skills of issue identification and analysis, furthering the development of legal rights and duties in our diverse society.

## **Classroom Policies**

Arrive on-time and ready to meaningfully contribute to your learning community. Bring a hard copy of all cases and your briefs to class.

### **CSUN's Attendance Policy**

"Students are expected to attend all class meetings. Students who are absent from the first 2 meetings of a class that meets more than once a week or from the first meeting of a class that meets once a week lose the right to remain on the class roll and must formally withdraw from the class, following University procedures and deadlines. Failure to formally withdraw from a class will result in the instructor assigning to the student a grade of "WU" (Unauthorized Withdrawal), which, in computing a student's GPA, counts as a grade of "F."

### **Missed Classes**

If you do miss class, you are responsible for the material

covered on that day and should find out what you missed from another student. Exchange numbers with another student in class for this purpose. Note: if you are very ill and contagious, please do not come to class or to my office hours. Contact me and we will find a way to keep you on track.

### **Professionalism/Decorum**

The use of cell phones to text, email, swipe, like, tweet, re-tweet, take pictures, record sounds, or write fantastic reviews of this class online is prohibited during class. I will assign a grade penalty for every instance of inappropriate technology usage, amounting to .5% point reduction of the course participation grade.

Lectures may not be recorded.

### **Late work not accepted.**

### **Academic Dishonesty**

**Plagiarism and cheating will not be tolerated.** Any student found to have either submitted work that was not his/her own (this includes submitting work identical to another student's work, copying information from an uncredited, on-line source) or cheated on an exam will be given an "F" on the assignment, potentially in the class, and may be referred to the office of student affairs for further discipline.

### **Not sure what Plagiarism is?**

**Visit:**

<http://library.csun.edu/guides/NewsReporting/Plagiarism>

**How does being unprepared impact my grade?** You are expected to **earn** your participation score by actively engaging in the course. Earn points by completing assigned case/chapter problem briefs, participating in discussion, and group work.

## Course Grades

Participation	10%	This class will utilize the Socratic method- be prepared to be called upon at random to read your case briefs and your answers to assigned chapter problems. To receive full credit for your participation, you must show that you are prepared for class and participate actively in all in-class exercises.
Homework	15%	Homework Assignments will be posted to canvas and may be chapter problems, case briefs, or practice problems.
Exams	75%	<p>Exam 1: 25%          Exam 2: 25%          Exam 3: 25%</p> <p>Exams are CLOSED BOOK, include essays, short answer and multiple choice, or combination thereof. One side of one 8.5 x 11 sheet of <b>your own notes</b> is permitted.</p> <p>Make-up exams will be permitted only with advance notice and good-cause shown.</p>

**DRES.** If you have a disability and need accommodations, please register with the Disability Resources and Educational Services (DRES) office or the National Center on Deafness (NCOD). The DRES office is located in Bayramian Hall, room 110 and can be reached at 818.677.2684. NCOD is located on Bertrand Street in Jeanne Chisholm Hall and can be reached at 818.677.2611. If you would like to discuss your need for accommodations with me, please contact me to set up an appointment. Due to privacy concerns, you must be the one to initiate this conversation.

**Legal Advice.** While I am a lawyer, I am not your lawyer. I am your professor and I am here to teach you the law, so that you will be empowered to make educated, thoroughly analyzed choices. CSUN prohibits faculty members from providing legal advice or services to students. If you need legal advice or information regarding the law, resources can be found at the Department of Business Law web page at <http://www.csun.edu/blaw/student-resources>.

**Business Law Department Mission:** Our mission is to equip students with the academic knowledge, problem solving, analytical and professional skills in the areas of business law, business ethics, and real estate necessary to achieve their personal and professional goals.

**Student Learning outcomes of the Undergraduate Program:** Classes are taught using the Socratic method, with its goal of participatory learning and the development of reasoning skills. This active learning process requires students to articulate, develop and defend positions, to think critically and to engage in problem-solving. Students learn to formulate an effective legal analysis by synthesizing information, identifying legal issues, distinguishing relevant from irrelevant facts, using facts and law to support argument, reasoning by analogy and reaching conclusions based on analysis. In addition, students in all BLAW courses study ethical issues in a business context, with actual topics depending on course content.

Your continued enrollment in the course evidences your agreement to the policies contained herein.

No recording class. No photos. You may not audio or video record the class, nor take any photos in the classroom.

*The grade reached after averaging the homework, participation and exams will be the minimum grade you can receive in the course. At the professor's sole discretion, your course grade may be raised based on classroom participation and improvement. Plus/minus grading is used.*

Grading System (taken from "Regulations", CSUN catalog)

GRADE	DEFINITION	GRADE POINTS
A	Outstanding	4.0
A-		3.7
B+		3.3
B	Very Good	3.0
B-		2.7
C+		2.3
C	Average	2.0
C-		1.7
D+		1.3
D	Barely Passing	1.0
D-		0.7
F	Failure	0

### Schedule of Classes

**Weekly Reading:** Reading assignments are listed below on a weekly basis. Any changes will be posted in writing on CANVAS. If there is a conflict between CANVAS and the Syllabus, CANVAS governs.

**Assignments:** You are responsible for all reading assigned in the text, case briefs, chapter problems, as well as any other materials identified on CANVAS.

**Bring your reading materials and assigned “Work Due” to each class meeting. All Homework is described (including due date) and posted in CANVAS.**

Week Number-Date	Topic	Work Due
Week 1- 8/27	Welcome to BLAW 308 and Introduction to Agency Law	Read Syllabus IRAC Review Introduction to Agency (In-Class IRAC Practice)  Read: Chapter 35
Week 2- 9/3	9/3- Labor Day – NO CLASS  9/5- CH 35- Agency	Read CH 35 Brief: CBSv. FCC Gniakuk v. Camp Sunshine ABKCO v. Harrisongs (Handout) Problems 2, 4, 8
Week 3- 9/10	CH 36	Read CH 36 Brief: Treadwell v. JD Construction Green v. Cosby Problems 1,9, 11

Week 4- 9/17	CH 51	Read CH 51 Berry v. Great American Dream Johnson v. J. Walter Thompson Problems 1, 4, 9, 11
Week 5- 9/24	9/24 – Review	Catch up and in-class exam prep.
	9/26- EXAM 1	EXAM 1 in class (bring green book, scantron, 8.5 x 11 reference sheet, pen, pencil)
Week 6- 10/1	CH 37	Read CH 37 Brief: Rasmussen v. Jackson Finch v. Raymer Problems 4, 9, 12
Week 7- 10/8	CH 38	Read CH 38 Brief: Mortgage Grader v. Ward Spector v. Konover (Handout) Problems 3, 10, 11
Week 8- 10/15	CH 39	Read CH 39 Brief: Urbain v. Beierling Schwartz v. Family Dental (Handout) Problems 8, 10
Week 9- 10/22	CH 40	Read CH 40 Brief: Hecht v. Andover Moser v. Moser Problems 2, 8, 9

Week 10- 10/29	EXAM 2	Catch up, review and exam 2
Week 11- 11/5	CH 41	Read CH 41 Brief: Supply Chain v. ACT Problems 3, 4, 9
Week 12- 11/12	11/12- Veteran's Day NO CLASS  11/14 – Introduction to CH 42	Read CH 42 Brief: Krupinski v. Deyesso Tedeton v. Tedeton Problems 2, 5
Week 13- 11/19	Complete CH 42  Introduction to Ch 43	Read CH 43 Brief: Guth v. Loft United States v. Jensen Problems 3, 4, 7
Week 14- 11/26	Complete CH 43  Introduction to CH 44	Read CH 44 Brief: United Techs Corp v. Treppel Dodge v. Ford Problem 6, 7, 10
Week 15- 12/3	Complete CH 44	Review
Week 16- 12/10	EXAM 3	EXAM 3 IN CLASS

### How to Write a "Brief"

We will briefly review the principles of brief writing on the first day of class. When you prepare the full written briefs, you will need to use the following "I-R-A-C" (Issue-RuleApplication-Conclusion) format:

**Issue:** What question must be answered in order to reach a conclusion in the case? The Issue MUST be expressed in the form of a legal question which, when answered, gives a result in the particular case. Make it specific (e.g. "Has there been a false imprisonment if the plaintiff was asleep at the time of 'confinement'?"") rather than general (e.g. "Will the plaintiff be successful?"). You may make it referable to the specific case being briefed (e.g. "Did Miller owe a duty of care to Osco, Inc.?") or which can apply to all cases that present a similar question (e.g. "Is a duty owed whenever there is an employment relationship?"), the latter approach being preferred. Many cases present more than one issue; if there is more than one issue, it is OK to write more than one, but be sure to list the principal one and focus on that.

**Rule:** The rule is the law that applies to the principal issue. It should be stated as a general principle, (e.g. A duty of care is owed whenever the defendant should anticipate that her conduct could create a risk of harm to the plaintiff.) not a conclusion to the particular case being briefed, (e.g. "The plaintiff was negligent."). Typically, the Rule can be expressed in one or two sentences. The Rule should always relate to the Issue. If you see that the two are unrelated, then either the Issue is wrong or the Rule is wrong.

**Application:** The Application is a discussion of how the rule applies to the facts of a particular case. Essentially, the "Application" is a description of the court's thought process by which it answered the Issue and established the Rule. While the Issue and Rule are normally only one or two sentences each, the Application section of a Brief should be two to four paragraphs long. It should be written debate, not simply a statement of the conclusion. Identify the relevant facts of the case. The facts can be included in the Application or in a separate section of the brief entitled, "Facts." Whenever possible, present both sides of any issue. Do not begin with your conclusion. The Application shows how you are able to track the arguments of each party in the case and the court's reasoning.

**Conclusion:** What was the result of the case? With cases, the text gives you a background of the facts along with the judge's reasoning and conclusion. When you brief cases, you are basically summarizing the judge's opinion. Most briefs should not have to exceed more than two pages in length PER CASE.