

BLAW 280: BUSINESS LAW I
Spring 2014 Syllabus

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Type "BLAW 280" and your class time in subject line, write professionally, and permit 24 hours response time.

Class/Section: Section 12827 Mon/Wed 9:30-10:45 a.m. – JH 1121
Section 12828 Mon/Wed 2:00- 3:15 p.m. – JH 1234

Office: JH3243

Offices Hours: Mon. & Wed. 11:00 a.m. to 12:00 p.m., Fri. 12:00- 1:00 p.m.

Text: BUSINESS LAW: THE ETHICAL, GLOBAL AND E-COMMERCE ENVIRONMENT, 15th ed., Mallor *et al.*, (2013).
This text is available hardcopy at the campus bookstore and elsewhere or online (at significant savings) at <https://create.mcgraw-hill.com/shop/>
Type in: Business Law I Mallor 15th ed. ISBN 9781121608115 You need chapters 1, 2, 4, 6, 7, 9-18 (approximately \$30)
For more information on CSUN's Business Law Textbook Affordability Initiative, visit <http://www.csun.edu/blaw/business-law-textbook-affordability-initiative>

Objectives of the Course

Business Law 280 (3 units) is designed to provide students with an understanding of the legal environment in which business decisions are made. The course will cover the topics of the court system and procedure. We will analyze how the legal system has been created, and how it is modified to address changing concerns. We will study the law of torts - the legal concept of "private wrongs" which set standards of conduct in our society. We will then cover the law of contracts: the law which enforces agreements.

You will analyze how law applies to factual settings. You will read 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 the functions, policies, and trends in the law and to consider social, economic and ethical influences on the law.

There will be two exams, one mid-term and one final exam. The final exam will be cumulative. Exams are composed of one or more essay questions which require you to analyze factual situations, identify legal issues and apply the law in determining the outcome of hypothetical cases. Exams sometime include multiple-choice, true-false, and

fill-in-the-blank questions.

Guidelines For Success:

1. Participate! Be prepared for classroom discussion.
2. Read the assigned text before class and brief all assigned cases using IRAC, as discussed below.
3. Summarize your notes as soon as you can after the lecture and add anything from the text that may enhance your understanding.
4. If you have trouble remembering basic concepts and ideas make flashcards.
5. Ask questions in class, in my office, and by email.
6. Form study groups.
7. Read books. This will help you to become a better writer, which is critical to your success in this class and beyond.

Course topics

- I. The Legal System (10% of class time)
 - A. Purposes of law
 - B. Historical background
 1. Common law: flexibility of system designed to find remedies for evolving notions of fairness and rights
 - a. Courts of law
 - b. Courts of equity
 2. Constitutional law
 3. Statutory law
 - C. Legal Reasoning
 1. Case law analysis, role of precedent
 2. Statutory Interpretation
 - a. plain meaning
 - b. legislative history
 - c. public policy
 - d. precedent
 - D. Distinction between state and federal law
 - E. Distinction between civil and criminal law
 - F. Procedural (sufficient to understand cases studied)
 1. Court structure
 - a. jurisdiction
 - b. trial courts distinguished from appellate courts
 2. Stages of lawsuit
 - a. pleadings
 - b. discovery
 - c. trial
 - d. appeal (NB: importance of distinguishing questions of

- D. Capacity
- E. Legality
- F. Writing: Statute of Frauds
- G. Rights of third parties
- H. Performance, remedies, quasi-contract (coordinated with earlier discussion)

Active Learning & Classroom Policies

Weekly Reading: Reading assignments are listed below on a weekly basis. Always be one full assignment ahead. If, for instance, we begin but do not finish an assignment, prepare the next full assignment for the next class. Assignments include reading from the text. In addition, there are cases, case problems and questions which must be briefed in writing. A “case” is a court case which is contained in the text. A “case problem” or “chapter problem” is an end-of-chapter question, which, again, must be briefed. These case problems are also actual court cases, but do not include the court's decisions - that will be your job to analyze. If you have questions about the assigned material, please ask.

Absences: 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. Contact me in advance and we will work out a solution so your illness does not count against your Active Learning/Participation points.

Cell Phones: The use of cell phones is not permitted in class. Any student using a cell phone during class (to chat, surf or text) will earn a one-point grade reduction, and may be asked to leave.

Contacting Your Professor: You may contact me via email. Please maintain a professional tone and allow 24 hours for a response. Please be sure to indicate what class you are in and sign your email.

Exams and Grading

Grading is based on a combination of evaluation of written assignments, active learning and class participation, mid-term exam and final exam. The grade allocation is as follows:

A. Active Learning – 10% of course grade – at the end of the semester, I will assign a numeric grade for active learning for the semester. This will have a 10% impact on your grade. Your semester grade is affected by **whether you have turned in required chapter problems and verdict generator results** (which receive credit/no credit scores) as well as whether you have been **prepared when called on** for discussion and case briefs – and for general voluntary class participation. **Failure to turn in a required**

chapter problem or verdict generator will result in a one-point grade reduction.

Your class participation grade is also affected by class attendance; students who miss significant class time will be marked lower for class participation.

This class will be taught utilizing the Socratic method- be prepared to be called upon at random. **If you are called upon and unprepared or absent, your active learning grade will be reduced by one point.** Weekly preparation will help you gain a deeper understanding of the subject matter and will leave you well prepared for the mid-term and final exams.

B. Graded written assignments – collectively 15% of course grade – the three written assignments listed below must be typed and turned in via MOODLE before the start of class on the date they are due. Late or handwritten assignments will not be considered. They must present thorough analysis, utilize IRAC format where possible, and incorporate proper writing techniques.

C. Mid-term exam – 30% of course grade. The mid-term will be given in class at the time and date listed below. Make-up exams will be permitted only with advance notice and good-cause shown.

D. Final exam – 45% of course grade. The final exam will be given at the time and date listed in the schedule of classes. The final exam will be cumulative. Make-up exams will be permitted only with advance notice and good-cause shown.

Both the Mid-term and the Final will be composed of:

- (i) one or more essay questions, some “short” and some “long,” which will require you to analyze facts, identify legal issues and apply the law determining the outcome of hypothetical cases;
- (ii) multiple-choice, true-false, and/or fill-in-the-blank questions, frequently focusing on key terms and basic principles.

The grade reached after averaging the assignments 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. One way to increase participation is to bring news articles or find recent cases related to topics studied in the class. 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

Life Long Learning Overall Goals:

Students will develop cognitive, physical and affective skills which will allow them to become more integrated and well-rounded individuals within various physical, social, cultural, and technological environments and communities.

Life Long Learning GE SLO #1: Students will identify and actively engage in behaviors conducive to individual health, well-being, or development, and understand the value of maintaining these behaviors throughout their lifespan; BLAW 280 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.

Life Long Learning GE SLO #2: Students will identify and apply strategies leading to health, well-being, or development for community members of diverse populations; BLAW 280 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.

Schedule of Classes

The following chart outlines the Class/Date, Topics and Work to be done in time for that class. In other words, for the date shown, the applicable “Work” is to be completed PRIOR to the start of that week’s classes. This syllabus is subject to change during the semester and further assignments may will be assigned and/or distributed in class.

Class/Date	Topic	Work Due
Week 1 January 22	Introduction & Expectations, IRAC Review	Read: Syllabus Review and be prepared to discuss: “Reading and Briefing Cases” on pgs. 21-23
Week 2 January 27	Nature of Law Resolution of Private Disputes	Read: Chapters 1 & 2 Brief: (1) <i>Young v. Beck</i> (2) <i>Federal Communications Commission v. At&T, Inc.</i> (3) <i>Bombliss v. Cornelsen</i> (4) <i>WWP, Inc. v. Wounded Warriors Family Support, Inc.</i> (5) Chapter 1, Problems 1, 9 (6) Chapter 2, Problems 3, 5 Due Jan 29 before start of class: Log on to http://www.supremecourtus.gov and find a recent decision that you find interesting- they are listed in the upper right side of the page. Be prepared to discuss in class. Draft one page discussion of the case and turn in through MOODLE.
Week 3	Intentional Torts	Read: Chapter 6

February 3		<p>Brief:</p> <p>(1) <i>Mathias v. Accor Economy Lodging, Inc.</i></p> <p>(2) <i>Durham v. McDonald's Restaurant of Oklahoma, Inc.</i></p> <p>(3) <i>Pope v. Rostraver Shop and Save</i></p> <p>(4) Chapter 6 Problems 4, 8, 14</p> <p>(Turn your answer to Problem 4 in via Moodle before the start of class Wednesday.)</p>
Week 4 February 10	<p>Intentional Torts Continued...</p> <p>Introduction to Negligence</p>	<p>Read: Chapters 6 & 7</p> <p>Brief:</p> <p>(1) <i>Kipper v. NYP Holdings Co.</i></p> <p>(2) <i>Raleigh v. Performance Plumbing and Heating, Inc.**</i></p> <p>(3) <i>Kroger Co. v. Plonski</i></p> <p>(4) Chapter 6 Problems 3, 10</p> <p>Complete the case “Defamation: Trashing the French Maid.” Find it at www.mhhe.com/mallor15e, click “Student Edition,” click “You Be the Judge” #4 Defamation.” Complete the verdict generator and submit through MOODLE before the start of class Wednesday.</p>
Week 5 February 17	<p>Negligence Continued</p> <p>Strict Liability</p>	<p>Read: Chapter 7</p> <p>Brief:</p> <p>(1) <i>Atlantic Coast Airlines v. Cook</i></p> <p>(2) <i>Berberich v. Jack</i></p> <p>(3) Chapter 7 Problems 1, 12</p> <p>Graded Written Assignment 1: Online Research “Negligent Hiring” on pg 255- find <i>Schechter v. Merchants Home Delivery, Inc.</i> Compare and contrast with <i>Raleigh**</i>. Briefs of both cases, as well as assigned written essay to be turned in through MOODLE before the start of class on Wednesday for grading.</p>
Week 6	Review &	February 24: Midterm Review

February 24	Midterm	February 26: Midterm Exam
Week 7 March 3	Introduction to Contracts, (Types of Contracts, Sources of Law, “Non-Contract” Obligations The Offer (Intent, Terms)	Read: Chapter 9, 10 Brief: (1) <i>Palese v. Delaware State Lottery Office</i> (2) <i>Aceves v. U.S. Bank</i> (3) <i>Meram v. MacDonald</i> (4) <i>Hines v. Overstock</i> (5) Chapter 9 Problems 6, 10 (Turn your answer to Problem 10 in via Moodle before the start of class Wednesday.)
Week 8 March 10	Offer cont... (Termination) Acceptance	Read: Chapter 10, 11 Brief: (1) <i>Family Video Movie Club v. Home Folks, Inc.</i> (2) <i>Trademark Properties v. A & E Television Networks</i> (3) <i>Okosa v. Hall</i> (4) Chapter 10 Problem 4 (5) Chapter 11 Problems 2, 6
Week 9 March 17	Consideration	Read: Chapter 12 Brief: (1) <i>Gottlieb v. Tropicana Hotel and Casino</i> (2) <i>Margeson v. Artis</i> (3) Chapter 12 Problems 1, 5, 7,
Week 10 March 24	Consent (Misrepresentation & Fraud, Mistake, Duress, Undue Influence)	Read: Chapter 13 Brief: (1) <i>Timothy v. Keetch</i> (2) <i>Sumerel v. Goodyear Tire & Rubber Company</i> (3) Chapter 13 Problems 1, 4, 10 Graded Written Assignment #2: “Researching Internet Fraud” from page 401 and report your findings in memorandum form – approx. 2 pages. You may want to reference the Internet Crime Complaint Center (operated by the FBI) http://www.ic3.gov . Also complete the case “FRAUD: Blind Dates Go

		Bust.” Find it at www.mhhe.com/mallor15e , click “Student Edition,” click “You Be the Judge #3 Fraud.” Complete the verdict generator. All materials to be submitted via MOODLE before the start of class Wednesday.
Week 11, (NO CLASS MARCH 31- HOLIDAY) Class Meets April 2, 2014	HOLIDAY Capacity to Contract (Minors, Incapacity, Intoxication)	March 31: NO CLASS April 2: Read: Chapter 14 Brief: (1) <i>Woodman v. Kera LLC</i> (2) <i>Young v. Weaver</i> (3) <i>Rogers v. Household Life Insurance Co.</i> (4) Chapter 14 Problem 1, 7, 9 Log on and research: What is the age of majority in California?
Week 12 April 7 NO CLASS SPRING BREAK	SPRING BREAK	NO CLASS
Week 13 April 14	Illegality (Unlawful v. Unfair)	Read: Chapter 15 Brief: (1) <i>Coma Corporation v. Kansas Department of Labor</i> (2) <i>Marcinczyk v. State of New Jersey Police Training Commission</i> (3) <i>Moore v. Woman to Woman Obstetrics & Gynecology</i> (4) Chapter 15 Problem 4, 8
Week 14	Writing and the	Read: Chapter 16

April 21	Statute of Frauds Parol Evidence Rule	Brief: (1) <i>Schaadt v. St. Jude Medical S.C., Inc.</i> (2) <i>Green Garden Packaging Co., Inc. v. Schoenmann Produce Company, Inc.</i> (3) <i>Hinkel v. Sataria Distribution & Packaging</i> (4) Chapter 16 Problem 2, 8, 10 Also complete the case “Verbal Agreement: Recording Studio Blues.” Find it at www.mhhe.com/mallor15e , click “Student Edition,” click “You Be the Judge #7” Verbal Agreement. Complete the verdict generator and submit through MOODLE before the start of class Wednesday.
Week 15 April 28	Third Party Rights (Assignment, Delegation of Duties, Third-Party Beneficiaries)	Read: Chapters 17 Brief: (1) <i>Watts v. Simpson</i> (2) <i>Podraza v. New Century Physicians of Nebraska, Inc.</i> (3) Chapter 17 Problems 1, 2, 6 Graded Written Assignment 3: Online Research “Assignment of Leases” on pg. 472 – to be turned in for grading. Discuss the rules concerning assignment, considerations, concerns and obligations of the landlord, the assignee and the assignor. Must be turned in through MOODLE before start of class Wednesday.
Week 16 May 5	Performance (Continued) and Remedies (Breach, Excuse, Discharge, Remedies) Final Review At End Of Class	Read: Chapter 18 Brief: (1) <i>East Capitol View Community Development Corporation v. Robinson</i> (2) <i>Houseman v. Dare</i> (3) Chapter 18 Problems 1, 8
May 12	Final Exam Week	Final Exam at date and time listed by university

Briefing Cases

To brief cases, case problems and questions, use the following "IRAC" format:

Issue: What question must be answered in order to reach a conclusion in the case? This should be 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 which present a similar question, (e.g. "Is a duty owed whenever there is an employment relationship?") Most cases present one issue. If there is more than one issue, list all, and give rules for all issues raised.

Rule: The rule is the law which applies to the issue. It should be stated as a general principal, (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.")

Application: The application is a discussion of how the rule applies to the facts of a particular case. While the issue and rule are normally only one sentence each, the application is normally paragraphs long. It should be written debate - not simply a statement of the conclusion. Whenever possible, present both sides of any issue. Do not begin with your conclusion. The application shows how you are able to reason on paper and is the most difficult (and, on exams, the most important) skill you will learn.

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. With case problems, the editors have given you a summary of the facts of an actual case, but have not given you the judge's opinion. Your job is to act as the judge in reasoning your way to a ruling, again using the IRAC format. While most of these case problems are followed by a question, ignore the question and instead brief the problem.

Most briefs are one page long. They must be brought to class on the day they are to be discussed. They will be collected at random. Once an assignment has been discussed, you no longer need to bring it to class. Briefs may be either handwritten or typed.

General Instructions on Taking Exams

Answer each question fully, clearly, and in the order given. Mere conclusions receive no credit. You should:

- Discuss the issue.
- Define and discuss any principles of law, legal theories, etc., relevant to the question.
- Fully apply the given facts to the legal principles on which you rely. Do not ignore any facts, even if they do not support your conclusions. Do not assume that I know that you know something - tell me in your exam what you know, defining every legal term used.
- The actual conclusions you reach could be the least important part of your answer - but you must base your conclusions on complete and intelligent applications of the facts to the legal principles involved.
- If further facts could affect the outcome of the problem, state with particularity what they are, and how they could affect the outcome.
- You may either use the "IRAC" format or write in straight paragraph form. Either way, you need to cover the same information: the issues involved, the applicable legal rules, and an application of the law to the facts to reach your outcome. Discuss all issues - some questions have more than one issue.
- If you need scratch paper to make notes, use your exam itself. Although you must turn it in, it will not be graded. You may also designate a page of your bluebook as "notes" and it will not be graded.

Caution:

- Use non-eraseable dark blue or black ink for your essays. Do not use white-out or tear pages out of your blue book.
- Bring one large bluebook and one 882 scantron to the midterms and final. Do not write your name on the bluebook - they will be exchanged in class. When you get the bluebook in class that you will use for your exam, write your name on the inside back cover of the bluebook. Do not write your name on the front cover of the bluebook. The purpose of this requirement is to ensure blind grading. Write on every line of the blue book. Write on only one side of each page; however you may use the facing page to insert information. Write your name on the exam itself. When you complete the exam. place the exam and scantron inside your bluebook and turn in the whole as a package. *Failure to follow all of these directions will cause a 0.1 reduction in your exam grade. Failure to return the exam itself will result in a grade of "F" for the exam and may be referred to the Dean's office for further proceedings*
- All exams are closed book. You may bring one handwritten 8 ½ by 11 sheet of paper in of your own notes that you personally have prepared- one side only. Make sure that all study materials are completely out of sight. Make sure that all books, notes, bookbags, and purses are placed in front of the class at the start of

the exam. There is a presumption of cheating if any study materials are within view during exams. Note: all cases of cheating result in a grade of "F" for the course and are referred to the Dean's office for further action.

Legal Advice

Faculty members may not provide legal advice or legal services to students. If you need legal advice or information regarding the law, resources can be found on the Department of Business Law web page at <http://www.csun.edu/blaw/student-resources>.