

**COURSE SYLLABUS
BUSINESS LAW I (280)
Professor Golden
Spring 2017**

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Office Hours: Monday: 1:45 p.m. – 3:45 p.m.
And by appointment.

I have once a month meetings on Mondays at 12:30 p.m. Otherwise I am available at that time. *No class during spring recess: March 20 – March 26.*

Moodle

IT IS YOUR RESPONSIBILITY TO CHECK MOODLE REGULARLY FOR ANNOUNCEMENTS AND OTHER PERTINENT INFORMATION RELATED TO THE COURSE.

Mission

The mission of the Department of Business Law is to enable students, through excellence in teaching, to recognize and analyze legal issues arising in the business environment.

Method of Instruction

The class will be taught by a combination of lecture and class discussion methods. Students will be called on to answer questions about the reading, and to read their answers to the homework assignments.

Course Objectives

Business Law I is designed to provide students with a background in legal philosophy and reasoning, and an overview of the court system and civil procedure. The course will focus primarily on the law of torts (“private wrongs” which set standards of conduct in our society), and on the law of contracts (the law which enforces agreements). You will analyze how law applies to different factual disputes. 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 recognize similarities and differences between different cases and different factual situations.

Class Preparation

The first set of assignments is included in this syllabus. Be prepared to complete one to two assignments each week. While I will *generally* announce in class how much to prepare for the next class, **it is your responsibility to ensure you have prepared assignments for each class**. Assignments include reading from the texts, cases, and case problems, which must be briefed and answered in writing, respectively. The cases are contained in the text, while the case problems appear at the end of the chapter or are noted in the syllabus. **You are required** to bring your written briefs (typed or handwritten) of the cases and your answers to the case problems to class on the day for which they are assigned and until we have gone over them. Briefs and case problems must be submitted on Moodle **no later than 11:00 a.m.** on the day they are due in order for you to receive homework credit. Please note that some case problems are included in this syllabus.

Classroom Policies

Common courtesy is expected.

- Cell phones should be silent.
- Barring emergencies, please do not walk out in the middle of class.
- **DO NOT** text message or use your laptop during lectures unless you are accessing your e-book.
- Please wait until lecture is over before packing up and leaving.
- Lectures may not be recorded.
- No make-up exams will be given, barring extenuating circumstances.
- ***Anyone who texts in class will lose a participation point and may be asked to leave the class.***

Course Requirements

1. Two midterms: the first midterm will comprise 25% of the final grade, and the second midterm 15%. The midterms will cover the material indicated on the class assignment list and will be comprised of objective and essay questions. All exams will be comprised of at least 50% essay questions. Tentative dates are listed, but are subject to change.
2. Final: 30% of the final grade. The final examination will be cumulative, but will emphasize material covered since the second midterm. It will be similar in form to the midterms. **The final will be on May 17th, 10:15a.m. – 12:15 p.m.**
3. Class attendance and participation: 10% of the final grade. There are no excused absences. Arrive to class on time. Three late arrivals will constitute one absence. **If a student is absent more than three class sessions, his or her attendance/participation grade will be reduced one grade level.** For example, if a student's A/P points equate to a "C" for the semester, that grade will be reduced to a "C-" if the student is absent more than three times. **If a student is absent for more than 50% of the class sessions, that student will receive a grade of "F" in the course.**

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.

You will be called on at random throughout the semester to answer questions or read your case problems and briefs. You will receive a participation point simply for reading your homework, regardless of whether or not you answered the question correctly. Two times during the semester you may give me a note at the start of class stating that you are unprepared and no negative mark will be made. (Please note: the note does not excuse you from submitting your homework on Moodle.) You must be present in class to give such a note - it is not available as an excuse for an absence. If you are unprepared (and have not submitted a note) or absent when called upon, you will receive an "unprepared" mark. **Any student who is unprepared will receive a one-percentage point reduction from his or her attendance/participation grade.**

4. Submitted homework assignments: 10% of the final grade.
Each week you will post the required homework assignment on Moodle. Assignments are due **no later than 11:00 a.m.** on the day they are due in class. **Do not** submit assignments in person or via email unless requested to do so. You will receive points for completing the homework – the assignments will not be graded. However, in order to receive credit, your answers should be more than a sentence or two long. Answers to problems and the application section of the brief should be a full paragraph. Students may not submit identical answers. **Make sure to save a copy of your answers and bring them to class until we have gone over the assignment.**

5. Courtroom Visitation: 5% of the final grade. You are to attend one **jury** trial in progress. The case can deal with criminal or civil issues. **No credit will be given for observing jury selection, traffic court, small claims court, law and motion hearings, bench trials or assignments out of the master calendar.** In order to locate a trial in progress, you should speak to the information officer at the courthouse you select, or speak to a court clerk or bailiff in any courtroom. You should plan to make this visit between 9:30 a.m. - 12:00 p.m. or 1:30 p.m. - 4:00 p.m., Monday through Thursday. Some courts are closed on Friday. You do not need to observe the entire trial - plan to stay two to three hours. You may need to ask the bailiff or court clerk some information during appropriate breaks. Dress appropriately. You may attend the same trial as fellow classmates as long as you write your reports individually. **Alternate assignments** are available for those who can produce documentation indicating that they *cannot* attend a jury trial.

Format instructions (2 - 5 points will be deducted for each instruction not followed)

1. The reports should be four *full* pages, typewritten, double-spaced, 12-point font;
2. Number the pages;
3. All margins should be one inch (many default settings are 1.25 inches);
4. Do *not* leave extra room between paragraphs (many default settings do so);
5. Cite any sources used (in parentheses after the information, footnotes or endnotes); **FAILURE TO CITE SOURCES WILL TRIGGER PLAGIARISM PENALTIES.**
6. If you use a long quote, indent and single-space the quote.
7. Put your name, class and date single-spaced in the upper right-hand corner.

Requirements continued on the next page.

Visitation report requirements

1. Courthouse visited and date (a sentence or two);
2. How you located a trial in progress (no more than a paragraph);
3. Name of the case you observed;
4. Type of case you observed (civil or criminal, causes of action or crimes charged, the facts available to you);
5. Explain how the law applied to the facts of the case, if possible;
6. Explain how the case related to a topic covered in class, if possible; if the topic has not been covered in class, check the book or the internet (such as findlaw.com, or California Penal Code if it's a criminal case – **DO NOT CITE TO WIKIPEDIA**) for the applicable definitions of the legal concepts being discussed in the case;
7. Description of the attorneys' roles (e.g., questioning witnesses, making objections, speaking to the judge and jury);
8. Description of the judge's role;
9. Your reaction to the proceeding. (Was the proceeding what you expected, were you excited, bored, etc.)

Papers will be graded for form as well as content. The majority of the report should *not* be spent explaining how you searched all over the building for a case, or simply summarizing the facts of the case. Write in paragraph form. You may submit the report during office hours for feedback *up to one week* before the due date. A grading rubric will be posted.

Court Visitation Due: submit on Moodle by Monday, February 20th at 10PM

6. Automobile Sales Agreement: 5% of the final grade.
Select one partner from this class. One of you will be the “buyer” and one the “seller.” You will be writing a contract to sell a car. Using a car actually owned or regularly used by one of you, create a legally binding agreement to sell that car to the buyer. (If neither of you own a car, agree to sell some other item that one of you owns, such as an iPhone or computer.) Using the material in the text and presented in class, construct a legally binding agreement. However, at the top of the agreement, write, “CLASS ASSIGNMENT ONLY.” You will be provided with a set format to follow. Include a history of offers and counteroffers. The papers leading up to the final agreement should include the communications/negotiations between the buyer and seller (for example, through email messages or texts). Those communications/negotiations must include an explanation of the communication using the applicable legal principles discussed in class. For example, the top of the page might have an email message in which one party is making an offer to the other party. At the bottom of that page, you would explain what is an offer by defining the term and listing its required components. Grading rubric will be provided.

Requirements continued on the next page.

For full credit:

1. each student must submit the completed agreement on Moodle (both partners submit the same agreement)
2. all outside sources, including the textbook and lecture notes, must be properly cited
3. a history of the negotiations, with explanations, must be included with the agreement
4. note "For Class Assignment Only" at the top of the agreement

Due: submit on Moodle by Monday, May 8th at 10PM.

Communication

I am generally accessible via email; please allow 24 hours for a response. When sending an email, please address me appropriately (my title is Professor, not "Hey"), indicate which class you are in and sign your email. I do not check email from Friday evening until Saturday night.

Grading Policies

Plagiarism and cheating will not be tolerated. Any student found to have either submitted work that was not his/her own (this includes either another student's work or 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.

Grades will be given utilizing the grade point scale set forth in the "Regulations" section of the CSUN catalog. Grades are based on a 100 point scale, and plus and minus grading will be used. All cases of cheating result in a grade of "F" for the course and are referred to the Dean's office for further action. You are responsible for following the academic regulations of the University and the standards of academic honesty applicable to all students. Collaboration on examinations and graded assignments is prohibited.

Please note: 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 class participation and improvement.

Required Materials & Class Assignments

1. Text: Business Law: The Ethical, Global and E-Commerce Environment 16th Edition (Mallor, Barnes, Bowers & Langvardt). The text is available at the bookstore and online. You may also purchase only the required chapters online at:
<<https://create.mheducation.com/shop/>>
ISBN: 9781308556369
2. Moodle access and account (available from your computer).

Note: Brief the cases and answer in paragraph form the case problems (CP) and syllabus questions listed below. Read all others included in the reading.

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Introduction

1. Read: p. 2 – 9 (up to Jurisprudence)
p. 12 (Legal Reasoning) – 15
Brief: *Hagan v. Coca-Cola Bottling Co.* p. 14
Do: Assume that you are a trial court judge in Nebraska's state court system and that *Sigler v. Patrick* is one of the civil cases you must decide. Your research has revealed that the critical issue in *Sigler* is the same issue presented in *Churchich v. Duda*, a 1996 decision of the Supreme Court of Nebraska (the highest court in the Nebraska system). The *Churchich* decision established a new common law rule for Nebraska. Your research has also revealed that in 2007, the Nebraska legislature enacted a statute that states a rule different from the common law rule established in *Churchich*. You believe, however, that the 2007 statute offers an unwise rule, and that the common law rule set forth in *Churchich* amounts to much better public policy. In deciding the *Sigler* case, are you free to apply the *Churchich* rule? Why or why not? (From the 14th edition.)
2. Read: p. 28 – 29
p. 35 (Federal Courts & Their Jurisdiction) – 46 (up to Class Actions; skip *WWP, Inc.* on p. 40)
Do: CP #1, (*Is either part of Davis's attorney's argument correct? Explain why or why not.*) #6 p. 55 – 56
Question: State at least two differences between a demurrer and a motion for summary judgment.

Torts

3. Read: p. 181 – 194 (up to Defamation)
Brief: *Howard v. Wilson* p. 186
Durham v. McDonald's Restaurants of Oklahoma, Inc. p. 189
Do: CP #1, #2, #4, #6 p. 219 – 221
4. Read: p. 194 – 208
Do: *Bertrand v. Mullin* p.199 *instead of briefing, answer the following questions:*
- What is the difference between the prima facie case required for a regular defamation plaintiff, and the one required for a public official plaintiff?
 - What is actual malice and reckless disregard?
 - What were some of the things that the court stated did *not* meet the definition of actual malice or reckless disregard?
 - What were Bertrand's arguments in support of a finding of actual malice?
 - What was the court's response to the arguments?
 - What was the court's conclusion and why?
- Do: CP #7 p. 221
5. Read: p. 208 – 218
Brief: *Jordan v. Jewel Food Stores, Inc.* p. 210
Stephens v. Pillen p. 216
Question: Nineteen-year-old Elli Lake and 20-year-old Melissa Weber vacationed in Mexico with Weber's sister. During the vacation, Weber's sister took a photograph of Lake and Weber naked in the shower together. After the vacation, Lake and Weber brought five rolls of film to a Wal-Mart photo lab for processing. The negatives and all but one of the developed photographs were returned to Lake and Weber, along with a written notice stating that one of the photographs had not been printed because of its "nature." A few months later, an acquaintance of Lake and Weber alluded to the photograph of Lake and Weber in the shower and raised questions about their sexual orientation. A friend of Lake and Weber told them, a few months after that, that a Wal-Mart employee had shown her a copy of the photograph. Still later, Lake was informed that copies of the photograph were in circulation in the community. Lake and Weber sued Wal-Mart in a Minnesota trial court on four different invasion of privacy theories. Wal-Mart filed a demurrer. The trial court dismissed the case, explaining that Minnesota has not recognized any of the invasion of privacy torts as valid causes of action in that state. If Minnesota *did* recognize all four invasion of privacy theories, would Lake and Weber likely be successful using any of them?
(Taken from the 12th edition.)
- Question: Bruno and Norma Ahnert lived across the street and approximately 500 feet from the Getty Granite Company. Asserting that Getty's business produced excessive noise and dust, the Ahnerts sued Getty for nuisance and trespass to land. They alleged that the noise disturbed their sleep and made conversation, TV watching, and radio or stereo listening difficult. In addition, the Ahnerts alleged that the dust prevented them

from opening their windows for ventilation and rendered their outdoor premises unfit for use and enjoyment. Getty asked the court to dismiss the Ahnerts' claims for failure to state claims upon which relief could be granted. Did the Ahnerts state a valid trespass claim? Did they state a valid nuisance claim?
(Taken from the 13th edition.)

6. Read: p. 225 – 235

p. 240 (Negligence per se)

p. 242 – 249

p. 252 (read Special Rules and Res Ipsa Loquitur)

Brief: *Black v. William Insulation Co.* p. 247

Do: CP #1, CP #9 p. 258, p. 262

Question: While Sandra and Michael Morris were shopping at a Sam's Club store, Michael was pushing a shopping cart and Sandra was walking generally alongside him. The Morrises were proceeding through the frozen foods section of the store when, after rounding a corner, Sandra slipped on a wet substance. Sandra then fell, hitting a small portable freezer known as a "spot box" and landed on her lower back and buttocks. She attempted to pull herself up using the cart that Michael was holding, but slipped halfway up and fell a second time. Once Sandra was finally standing up, she noticed that her clothes and shoes were soaked. She thought that the substance on which she slipped was water from the spot box freezer. The store manager arrived on the scene and ordered an employee to clean up the pool of liquid. The employee who did so noted that the pool was approximately ten inches in diameter and was located "right there under the drain of the freezer." According to the Morrises, the store manager told them he thought the liquid was water that had leaked from the spot box freezer. They also contended that the manager pointed out to them that the plug on the bottom of the spot box freezer was out. Sandra, who was treated at a hospital emergency room, experienced severe bruises and considerable pain, for which she was prescribed medication. In accordance with her physician's advice, she remained off her feet for a week. Sandra filed a negligence lawsuit against Wal-Mart Stores, Inc., the owner of the Sam's Club store. In particular, she attempted to rely on the *res ipsa loquitur* theory. At the close of her case-in-chief, however, the court granted judgment as a matter of law in favor of the defendant. The court did so because it did not think Sandra had proven what was necessary to enable her to rely on *res ipsa loquitur*. Was the court correct? Explain why or why not. (Taken from the 14th edition.)

7. Read: p. 253 (Negligence Defenses) – 258
Question: While he was a freshman at Auburn University, Jason Jones became a pledge at the Kappa Alpha (KA) fraternity. Over the next year, KA brothers hazed Jones in various ways, including (1) making him jump into a ditch filled with urine, feces, dinner leftovers, and vomit; (2) paddling his buttocks; (3) pushing and kicking him; (4) making him run a gauntlet in which he was pushed, hit, and kicked; and (5) making him attend 2:00 a.m. hazing meetings. Jones continued to participate in these and other hazing activities until he was suspended from Auburn for poor academic performance. Even though he knew that 20 – 40 percent of his pledge class had withdrawn from the pledge program, Jones kept participating because he wanted to become a full member of KA. Jones later sued the local and national KA organizations for, among other things, negligent hazing in violation of state criminal statute that outlawed hazing.. The defendants moved for summary judgment. What was their best defense? Should the court grant their motion? (Taken from the 15th edition.)

Question: Pyrodyne Corp. was hired to display the fireworks as part of a July 4th celebration at the Western Washington State Fairgrounds. During the display, a five-inch mortar was knocked into a horizontal position. A rocket inside the mortar then ignited, flew 500 feet parallel to the earth, and exploded near the crowd of onlookers. Danny and Marion Klein were injured as a result of the explosion. They filed a strict liability lawsuit against Pyrodyne. Pyrodyne moved for summary judgment, arguing that the Kleins' case should be governed by negligence principles rather than strict liability. Explain if negligence or strict liability principles should apply. (Taken from the 14th edition.)

MIDTERM #1 (tentatively scheduled for March 1st)