

COURSE SYLLABUS

BUSINESS LAW I (BLAW 280)
Fall 2016, Tuesdays 7:00 – 9:45 pm
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Office Hours:	Tuesdays 5:45 – 6:45 pm and by appointment
Required Text:	BUSINESS LAW: THE ETHICAL, GLOBAL, AND E-COMMERCE ENVIRONMENT, 16th ed., Mallor <i>et al.</i> Chapters 1, 2, 4, 6, 7, 9 - 18. With the Business Law Textbook Affordability Initiative (http://www.csun.edu/blaw/business-law-textbook-affordability-initiative), the online book is available at a lower cost. To purchase the eBook, visit the McGraw Hill bookstore website at https://create.mheducation.com and 16ed eISBN #: 9781308556369.
Moodle:	It is your responsibility to check Moodle regularly for announcements and other information related to the course.

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. Students will analyze how the legal system has been created and how it is modified to address changing concerns. The course requires the study the law of torts - the legal concept of "private wrongs" which set standards of conduct in our society. Business Law 280 will then cover the law of contracts: the law which enforces agreements.

In the Business Law 280 course, students will

- Learn how to identify issues and apply law applies to factual settings.
- Read court decisions, prepare written briefs, orally defend interpretations and answer hypothetical questions in open class discussion.
- Learn to distinguish the application of rules depending on circumstances.
- Learn to argue alternate sides of a dispute regardless of personal belief.
- Learn to identify the functions, policies, and trends in the law and to consider social, economic and ethical influences on the law.

Lifelong Learning Goal: In this class, students will develop cognitive skills that will allow them to become more integrated and well-rounded individuals within various physical, social, cultural or technological environments and communities.

Course Prerequisites

Students must have completed lower division writing requirements and achieved sophomore standing to enroll in Business Law 280.

Course topics – BLAW 280

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 vs. Courts of equity
 - 2. Constitutional law
 - 3. Statutory law
- C. Legal Reasoning
 - 1. Case law analysis, role of precedent
 - 2. Statutory Interpretation
 - Plain meaning, Legislative history, Public policy, 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
 - Pleadings, Discovery, Trial Appeal
 - NB: importance of distinguishing questions of law from questions of fact
 - 3. Alternate Dispute Resolution
 - Dispute avoidance techniques, Arbitration

II. Remedies (5% of class time)

- A. Damages
 - 1. Compensatory: purpose, duty to mitigate
 - a. Actual and General
- B. Punitive damages: Purpose
- C. Liquidated damages: Purpose, Enforceability
- D. Extraordinary relief
 - 1. Specific performance

III. Torts (25% of class time)

- A. Intentional: applicability of punitive damages
 - 1. Related to the person
 - a. Assault
 - b. Battery
 - c. False imprisonment
 - d. Intentional infliction of emotional distress
 - 2. Related to Intangibles: reputation, privacy
 - a. Defamation
 - b. Invasion of privacy
 - 3. Related to property rights
 - a. Trespass
 - b. Conversion
 - c. Nuisance
 - d. Fraud/misrepresentation (coordinated with later discussion in contracts)
- B. Negligence
 - 1. Prima facie case
 - 2. Defenses
- C. Strict liability
 - 1. Products liability

IV. Contracts (60% of class time)

- A. Agreement: offer, acceptance, consideration
- B. Reality of consent
 - 1. Misrepresentation/fraud
 - 2. Mistake
 - 3. Duress
 - 4. Undue influence
- C. Capacity
- D. Legality
- E. Writing: Statute of Frauds
- F. Rights of third parties
- G. Performance, remedies, quasi-contract (coordinated with earlier discussion)

Class Preparation

Briefs: There are cases and Problem Cases which must be briefed in writing. A "case" is a court case which is contained in the text. A "Problem Case" is an end-of-chapter case in the section entitled "Problems and Problem Cases." These Problem Cases are also actual court cases, but do not include statements of the courts' decisions - that will be your job to analyze. When a problem case contains questions, simply ignore them, and instead brief the case. If you have questions about the assigned material, please ask. Finally, there may be additional assignments or materials to supplement the syllabus.

You will be called on at random throughout the semester to read your briefs and problems in class. It is your responsibility to be prepared for every class. If you are absent, it is still your responsibility to be prepared for the material covered in that class. If we do not finish all briefs on the day assigned, please bring them to our next class.

Once 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 for that class. You must be present in class to give such a note - it is not available as an excuse for an absence. You may not tape record the class without permission. There may be additional assignments not listed in this syllabus. You are responsible for any material that is emailed or posted on Moodle. Always check Moodle - information in Moodle will supplement or update information in this syllabus.

Class partner: You will make partners with another class member. The purpose of this partnership is to make sure that you have a source for any information or materials you may have missed.

Briefing Cases

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

Issue: What is the issue of the case?

In other words, 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 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: A statement of the rules of law which must be used to solve 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: Discussion of how the rule applies to the facts of the 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: The conclusion states 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 which are in the text, the editors have provided a summary of the facts of an actual case, but have not given the conclusion or the judge's opinion. Your job is to act as the judge in reasoning your way to a ruling, 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. You must bring your assigned brief to class on the day they are to be discussed. Once an assignment has been discussed, you no longer need to bring it to class. Each student is required to type or handwrite a brief for all assigned cases using the IRAC method. During the semester, students will be required to periodically submit their briefs. See also handout entitled "Briefing a Case Using IRAC Method" in Moodle.

Exams and Grading

Exams are comprised 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 or short answer questions.

There will be two midterms and a final. The final exam is cumulative. The grade allocation is as follows:

Midterm 1: 20% of course grade

Midterm 2: 20% of course grade

Final exam: 50% of course grade (given on the day and time listed in Solar)

Class participation: 10% of course grade

The class participation portion of your grade is determined by class attendance, completing all assignments, coming to class prepared, making valuable contributions to the class, demonstrating improvement and by turning in your assigned briefs.

Overall grades for the course will be allocated to students in accordance with the regulations set forth in the California State University Northridge catalog:

<i>GRADE</i>	<i>DEFINITION</i>	<i>GRADE %</i>
A	Outstanding	93% - 100%
A-		90% - 92%
B+	Very Good	88% - 89%
B		83% - 87%
B-		80% - 82%
C+	Average	78% - 79%
C		73% - 77%
C-		70% - 72%
D+	Barely Passing	68% - 69%
D		63% - 67%
D-		60% - 62%
F	Failure	0% - 59%

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.
- Remember: Don't fight, ignore, make up or repeat the facts. Answer the question and only the question.

Caution:

- Use non-erasable dark blue or black ink for your essays. Do not use white-out or tear pages out of your exam book.
- Bring one large exam book (green book) and one 882 scantron to the midterms and final. Do not write your name on the exam book - they will be exchanged in class. When you get the exam book 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 8½ x 11 sheet of paper of your own notes that you personally have prepared – one side only. During the exam, all books, notes, book bags, and purses must be placed in front of the class at the start of the exam. 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.

Please note that you are responsible for homework before the first class.

Assignments - Mallor, 16th ed.

Class #/ Date	Class topics	Work Due
1. August 30, 2016	Legal system Court system Procedure Remedies Court system Civil procedure	<ul style="list-style-type: none"> • Course and syllabus review • Read Chapter 1 – <i>The Nature of Law</i> (skip <i>Advance Dental Care, Inc. v. SunTrust Bank</i>, p.8, <i>James v. City of Costa Mesa</i>, p. 18 and Appendix, p. 22) • Read Chapter 2 – <i>The Resolution of Private Disputes</i> (skip <i>Daimler AG v. Bauman</i>, p. 33 and <i>AT&T Mobility v. Concepcion</i>, p. 50) • Brief Problem Cases¹ 1, 10 (Chapter 2) • Review Summons, Form Complaint (Handout on Moodle) • Review “Briefing a Case Using IRAC Method” (Handout on Moodle)
2. September 6, 2016	Intentional Torts: Assault, Battery, False Imprisonment	<ul style="list-style-type: none"> • Read Chapter 6 – <i>Intentional Torts</i>, p.181 – 194 • Brief <i>Mathias v. Accor Economy Lodging, Inc.</i>² • Brief <i>Pope v. Rostraver Shop and Save</i> • Brief Problem Cases 2 & 4 (Chapter 6)
3. September 13, 2016	Intentional Torts <ul style="list-style-type: none"> - Defamation - Invasion of Privacy 	<ul style="list-style-type: none"> • Read Chapter 6 – <i>Intentional Torts</i>, p. 194 – 214 (skip <i>Obsidian Finance Group, LLC v Cox</i>, p. 205) • Brief <i>Cyberlaw in Action (Evel Knievel, p. 197)</i> • Brief Problem Cases 3, 7 & 12 (Chapter 6)
4. September 20, 2016	Intentional Torts <ul style="list-style-type: none"> - Trespass to Real Property - Trespass to Personal Property - Nuisance 	<ul style="list-style-type: none"> • Read Chapter 6 – <i>Intentional Torts</i>, p. 214-219 • Brief <i>Stephens v. Pillen</i>, p. 216 • Brief Problem Case 10 (Chapter 6)
5. September 27, 2016	Negligence	<ul style="list-style-type: none"> • Read Chapter 7 – <i>Negligence and Strict Liability</i>, p. 225 – 253 (skip <i>Shafer v. TNT Well Service, Inc.</i>, p 228) • Brief <i>Currie v. Chevron U.S.A., Inc.</i> • Brief <i>Stahleker v. Ford Motor Co.</i> • Brief Problem Cases 1, 3 & 4 (Chapter 7)
6. October 2, 2016	Negligence <ul style="list-style-type: none"> - Defenses - Strict Liability - Products Liability 	<ul style="list-style-type: none"> • Read Chapter 7 – <i>Negligence and Strict Liability</i>, p. 253- 258 • Brief <i>Dyer v. Maine Drilling & Blasting</i> • Brief Problem Case 12 (Chapter 7)
7. October 9, 2016	Midterm 1	Midterm 1 covers Chapters 1, 2, 6, 7

¹ “Problem Case” refers to the Problem Cases located at the end of each Chapter.

² Brief only those cases and Problem Cases designated. When cases are included in assigned readings but not designated for briefing, simply read them.

8. October 18, 2016	Contracts - Introduction - Offer	<ul style="list-style-type: none"> • Read Chapter 9, <i>Introduction to Contracts</i>, p. 320-325 • Read Chapter 10, <i>The Agreement: Offer</i> (skip <i>J.D. Fields & Company, Inc. v. United States Steel</i>, p. 343 and <i>D'Agostino v. Federal Insurance Company</i>, p 354) • Brief <i>Mermam v. MacDonald</i> • Brief Problem Cases 1, 3, 4, 5, 10 (Chapter 10)
9. October 25, 2016	Contracts - Acceptance	<ul style="list-style-type: none"> • Read Chapter 11, <i>The Agreement: Acceptance</i> (skip <i>The United States Life Insurance Company in the City of New York v. Wilson</i>, p. 368 and <i>Bauer v. Qwest Communications Company, LLC</i>, p. 374) • Brief <i>Pride v. Lewis</i> • Brief <i>Cabot Oil & Gas Corporation v. Daugherty Petroleum Inc.</i> • Brief Problem Cases 2, 6 (Chapter 11)
10. November 1, 2016	Contracts - Consideration	<ul style="list-style-type: none"> • Read Chapter 12 - <i>Consideration</i> • Brief <i>Gottlieb v. Tropicana Hotel and Casino</i> • Brief <i>McLellan v. Charly</i> • Brief Problem Cases 1, 6, 9, 10 (Chapter 12)
11. November 8, 2016	Midterm 2	Midterm 2 covers p. 320-325 (Ch. 9) and Chapters 10-12
12. November 15, 2016	Contracts - Consent	<ul style="list-style-type: none"> • <u>Guest speaker</u>: Marty Willhite, General Counsel of Legendary Entertainment • Read Chapter 13 – <i>Reality of Consent</i> (skip <i>Sumerel v. Goodyear Tire & Rubber Company</i>, p. 413) • Brief <i>Stephen A. Wheat Trust v. Sparks</i> • Brief Problem Cases 2, 3, 4, 9 (Chapter 13)
13. November 22, 2016	Contracts - Capacity	<ul style="list-style-type: none"> • Chapter 13, <i>Reality of Consent</i> (continued) • Read Chapter 14 - <i>Capacity to Contract</i> • Brief <i>Rogers v. Household Life Insurance Co.</i> • Brief Problem Cases 6, 7 & 9 (Chapter 14)
14. November 29, 2016	Contracts - Illegality - Writing	<ul style="list-style-type: none"> • Read Chapter 15 – <i>Illegality</i> (skip <i>Coma Corp. v. Kansas Dept of Labor</i>, p. 435, <i>DeWolfe v. Hingman</i>, p. 443) • Brief <i>Gamboa v. Alvarado</i> • Brief Problem Case 3 (Chapter 15) • Read Chapter 16 - <i>Writing</i> • Brief <i>Linscott v. Shasteen</i> • Brief Problem Cases 4, 5 & 7 (Chapter 16)
15. December 6, 2016	- Review	<ul style="list-style-type: none"> • Contracts Wrap Up • Review for Final Exam
16. December 13, 2016 8:00 pm – 10:00 pm	Final Exam	Final exam is cumulative - Time to be confirmed in SOLAR

