

California State University, Northridge
BLAW 280: Business Law 1
Spring 2014

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Sections: 12826
Time: Fr 2 – 4:45 p.m.
Location: JH 1129
Textbook: Business Law and the Legal Environment, 6th ed., Beatty & Samuelson (2012), ISBN10: 1-111-53060-2. You may purchase a hardcopy or selected chapters online (28-29 & 31-36) for \$6.50 per chapter at <http://www.cengagebrain.com/shop/isbn/9781111530600>. In addition, the custom print version of the selected chapters of the textbook are available at the school bookstore under ISBN: 9781305044159 for approximately \$140.

Office Hours: TuTh 10:45 – 12:00 p.m. and Fr 4:45 – 5:15 p.m.

Mission of the Department of Business Law

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.

Student Learning Outcomes of all Business Law Courses

Classes are taught using the Socratic and problem methods 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 courses study ethical issues in a business context, with actual topics depending on course content.

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.

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 questions.

Policy Regarding Laptops and Other Electronic Devices

We will engage in active learning and you may only handwrite notes. We will not have any laptops or hand-held electronic devices used in this class. Please be prepared and bring your written case briefs, textbook/online textbook printouts, and printouts of other assigned reading material to class.

Policy Regarding Recordings

Students may not make audio or visual recordings of lectures or class presentations. Unauthorized use of class materials may subject an individual to legal proceedings brought by the instructor as well as proceedings by the University.

Course Practices

In this course, you will complete assigned readings and bring your written case briefs to class. We will engage in class discussions to facilitate your understanding of new material. I will call on you at random to share your case briefs, opinions, and analytical thinking. Your level of preparation will contribute to your and your classmates' learning experience, and accordingly will influence your grade.

Assignments

Supplemental assignments and readings will be announced in class or through on-line communication and/or posting on Moodle. It is always your responsibility to obtain the assignments whether they are assigned solely in class or posted online. For an understanding of the material we will cover and a tentative schedule, please see Class Assignments. We will also review articles and cases outside of the text.

Exams

The date for the midterms and final exam are listed below.

Midterm 1: Friday, February 28, 2014
Midterm 2: Friday, April 4, 2014

Final Exam: Friday, May 16, 2014
 3:00 – 5:00 p.m.
 JH 1129

Student Evaluation

Your final grade will be calculated as described below.

Assignments	Percent of Final Grade
Class Participation:	10%
Midterm I:	30%
Midterm 2:	30%
Final Exam:	30%

The grading system (as described in "Regulations" in the CSUN catalog) includes plus/minus grading and is as listed below. **There will be no make-up exams or assignments.**

Grade	Weighted Grade Points
A	93-100
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	0-59

Academic Honesty

We will adhere to the university's policy on academic honesty. Instances of academic dishonesty will result in a grade of "F" for the course and will be referred to the Dean's office for further action.

Briefing Cases

Please use the following "IRAC" format in briefing cases and problems:

Issue: The issue is the legal question that must be answered in order to reach a conclusion and determine who wins the lawsuit. An issue, when answered, gives a result in the particular case.

Please note that cases in the textbook provide an issue, however you may rephrase the issue if you wish. Problems may state an issue, but often the question is too general. Develop a better issue when needed. Avoid making the issue general in nature, *e.g. Did a tort take place? Will the plaintiff be successful?* Make the issue specific: Make reference to a legal term/principle and include important facts.

For example: *Did false imprisonment occur if the plaintiff was asleep at the time of the confinement? Did Miller owe a duty of care to Osco, Inc. when the ship ran aground?*

Rule: This is the law that is required to analyze the issue. Rules are stated so that they can be used to analyze other fact situations. They read like definitions. *If the issue is false imprisonment, define it: "False imprisonment is the intentional confinement of another causing injury." If the issue is duty, the rule is "A duty of care is owed whenever the defendant should anticipate that her conduct could create a risk of harm to the plaintiff."* Notice that rules of law do not include the facts of a case or problem.

Please note that cases use or summarize the rule of law as stated in the opinion. For problems you must find the rules of law. Special directions are provided for torts.

Application: The application shows analysis and reasoning by discussing how the rule applies to the particular facts of a case/problem. Do not begin with a conclusion. Instead, begin by addressing each element of the law and explain how it fits or does not fit the facts. Spend more time on this section, as it is the most important and most difficult, but it is a skill that you will learn.

Plaintiff and defendant may approach the elements of the law differently. When possible, include arguments from both sides.

With cases, the text gives you the judge's reasoning and sometimes the opposing arguments. You are to organize and summarize the judge's logic in applying the law.

With problems or hypothetical situations, you know only the facts and are usually not given a lower court decision. Your job is to act as the attorney for both sides as you apply the law.

Conclusion: The issue is answered and a final decision is made as to who wins the lawsuit. In case opinions, summarize the conclusion given. With problems you must decide which argument was most persuasive – you are the judge! A few sentences will complete this section.

For sample case briefs, please see the appropriate link on the Business Law Department site at: <http://www.csun.edu/blaw/student-resources>.

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 law from questions of fact)
 - 3. Alternate dispute resolution
 - a. dispute avoidance techniques
 - b. arbitration
- II. Remedies (5% of class time)
 - A. Damages
 - 1. Compensatory: purpose, duty to mitigate
 - a. actual
 - b. 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, including applicability of UCC
 - B. Consideration
 - C. Reality of consent
 - 1. Misrepresentation/fraud
 - 2. Mistake
 - 3. Duress
 - 4. Undue influence
 - D. Capacity
 - E. Legality
 - F. Writing: Statute of Frauds
 - G. Rights of third parties
 - H. Performance, remedies, quasi-contract (coordinated with earlier discussion)

Assignments

Chapter Assignment	Review/Prepare	Brief	
1	Ch 1 – Introduction to the Law p. 5-11, 14-17, Sources of law, classification of law, and case analysis	Analysis section p. 17 regarding <i>Kuehn v. Pub Zone</i> , Exam Review Questions 3 & 5 regarding statutory law and civil v. criminal law	<i>Kuehn v. Pub Zone</i>
2	Ch 3 – Dispute Resolution p. 43-70, Court systems, civil procedure, alternative dispute resolution, and burden of proof	Exam Strategy p. 60 regarding summary judgment, Essay Question 3 regarding discovery	<i>Jones v. Clinton, Pereda v. Parajon</i>
3	Ch 6 – Intentional Torts p. 130-132, 138-140, and 136-137, Tort law, damages, and assault and battery	Differences Between Contract, Tort, and Criminal Law p. 131, Exam Strategy p. 136 regarding assault and battery, Exam Review Question 1 regarding tort law. Additional Question 3* regarding damages	<i>Caudle v. Betts</i> discussed in Exam Review 6, <i>Garratt v. Dailey*</i> , <i>Western Union Telegraph v. Hill*</i> , <i>Boeken v. Philip Morris</i>
4	Ch 6 – Intentional Torts p. 134-138, False imprisonment, intentional infliction of emotional distress, and property torts	Ethics Discussion Question* regarding <i>Katko v. Briney</i> and trespass	<i>Jane Doe and Nancy Roe v. Lynn Mills, Caldwell v. K-Mart</i> discussed in Essay Question 2
5	Ch 6 – Intentional Torts p. 132-134 and 148, Defamation and invasion of privacy	Essay Question 1 regarding defamation and also brief the hypothetical assuming the vice-president posted the recommended signs	<i>Yeagle v. Collegiate Times*</i> , <i>Wong v. Tai Jing*</i>
6	Ch 7 – Negligence p. 156-162, excluding section on Landowner's Duty, Duty of due care and breach of duty	Exam Strategy* regarding duty	<i>Hernandez v. Arizona Board of Regents, Wiener v. Southcoast Childcare Centers*</i> , <i>Biakanja v. Irving</i> , discussed in Essay Question 5
7	Ch 7 – Negligence p. 162-165 and 166-170, excluding section on Res Ipsa Loquitor, Causation, damages, and defenses	Exam Strategy p. 164 regarding proximate cause, <i>Ra v. Superior Court</i> , Essay Question 3, regarding duty and causation, Exam Review Question 8 regarding contributory and comparative negligence	<i>Truong v. Nguyen</i>
8	Ch 7 & 22- Strict Liability and Product Liability p. 170-172, 520-523, excluding section on	Exam Strategy p. 172 regarding negligence and strict liability	<i>New Jersey Department of Environmental Protection v. Alden Leeds</i>

	Contemporary Trends, p. 527 portion of chart comparing negligence and strict liability		
9	Ch 10 – Introduction to Contracts p. 230-237, 249-251, Introduction to Contracts and the UCC	Exam Review 8 regarding the UCC and common law, Exam Review 5 regarding enforceability	<i>Davis v. Mason, Foley v. Interactive Data Corp.</i> discussed in Essay Question 3, Essay Question 1 and 2
10	Ch 10 – Introduction to Contracts p. 238-242, Promissory estoppel and quasi-contract	Exam Review 7 regarding promissory estoppel and quasi-contract	<i>Norton v. Hoyt, Novak v. Credit Bureau Collection Service*</i> , <i>Chesney v. Stevens</i> as discussed in Essay Question 5
11	Ch 11 – Agreement (Offer and Acceptance) p. 251-256 excluding section on Auctions, Offers and invitations to bargain	Exam Review 1 regarding meeting of the minds, Exam Review 3 regarding advertisements	<i>Cochran v. Norkunas*</i>
12	Ch 11 – Agreement (Offer and Acceptance) p. 257 – 260, Definite Terms and the UCC and open terms	Exam Strategy p. 258 regarding definite terms	<i>Baer v. Chase, Academy Chicago Publishers v. Cheever</i> as discussed in Essay Question 5
13	Ch 11 – Agreement (Offer and Acceptance) p. 260-262, Termination of offer	Exam Review 5 regarding termination, Additional Question 8	<i>Taggart v. Douglas County*</i> , <i>Duke v. Whatley</i> as discussed in Essay Question 4
14	Ch 11 – Agreement (Offer and Acceptance) p. 262-268, Acceptance and the UCC and the battle of the forms	Exam Strategy p. 264 regarding additional terms	<i>Foster v. Ohio State University, Bayway Refining v. Tosco, Soldau v. Organon, Northrop v. Litronic Industries</i> as discussed in Additional Question 4
15	Ch 12 – Consideration	Exam Review 2, Multiple Choice Question 1	<i>Kelso v. International Wood Products*</i> , <i>Hamer v. Sidway, Dementas v. Estate of Tallas*</i>
16	Ch 14 – Capacity and Consent p. 317-327, Capacity, misrepresentation, and fraud	Exam Strategy p. 326, regarding misrepresentation and fraud	<i>Star Chevrolet v. Green*</i> , <i>Hoffman v. Stamper*</i> , <i>Hess v. Chase Manhattan Bank, Mason v. Chrysler</i> as discussed in Essay Question 2
17	Ch 14 – Capacity and Consent p. 327-333, Mistake, duress, undue influence	Exam Strategy p. 329 regarding mutual mistake	<i>Donovan v. RRL Corporation, Sepulveda v. Aviles, Newburn v. Dobbs Mobile Bay</i> as discussed in Essay Question 4
18	Ch 15 – Written Contracts p. 340-341, 347-349 What the Writing Must Contain,	Exam Strategy p. 348 regarding statute of frauds, Exam Review	<i>Baker v. Daves*</i> , <i>Sawyer v. Mills, Seton v. Lear Corp., Simon v. Simon</i>

	342-344 Agreements for an Interest in Land, and 349-353 Sale of Goods, Statue of frauds	Question 1	as discussed in Essay Question 4
19	Ch 15 – Written Contracts p. 353-355, Parol evidence rule	Additional Question 3	<i>Mayo v. North Carolina State University, First National Bank v. Griffin</i> as discussed in Essay Question 1
20	Ch 17 – Performance and Discharge	Exam Review 1, Multiple Choice Question 1	<i>Strategic Resources Group v. Knight-Ridder*</i> , <i>Brunswick Hills Racquet Club v. Route 18 Shopping Ctr. Associates</i> , <i>O'Brien v. Ohio State University</i> , <i>Foundation Development Corp. v. Loehmann's</i> as discussed in Essay Question 4

* Cases found in Supplemental Cases provided to you.

Above is our *tentative* class schedule. For all class meetings, you must stay abreast of our progression of the denoted class flow and note that additional problems may be assigned prior to or during class.