

BUSINESS LAW I - TORTS & CONTRACTS

SYLLABUS - BLAW280 – SILVIA

BLAW 280

Professor Hilary Silvia, J.D.

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Student office hours: M 11am - 12 pm; W 10 am-12 pm & by appointment via zoom

"LIVE AS IF YOU WERE TO DIE TOMORROW. LEARN AS IF YOU WERE TO LIVE FOREVER."

-Mahatma Gandhi

"EDUCATION IS NOT THE FILLING OF A PAIL, BUT THE LIGHTING OF A FIRE."

-W.B. Yeats

TEXT:
Business Law: Text and Cases, 15th Ed
Kenneth W. Clarkson/Roger LeRoy Miller
Hard-cover ISBN: 978-0-357-12963-0
(cengage- e-book acceptable)

Student Health Center: 818-677-3666

Counseling Center: 818-677-2366

Canvas

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

Objectives and Course Description

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.

SPRING 2022

Section 4571

Course meets M/W 2-3:15 pm (Sagebrush 100)

Grade Breakdown

30%: Weekly Assignments

10%: Participation/Assigned Presentation

20%: Exam 1

20%: Exam 2

20%: Final Exam

Total = 100%

Grading Scale: A-/A – 90% and above

B-/B/B+ – 80% - 89%

C-/C/C+ – 70% - 79%

D-/D/D+ – 60% - 69%

The grade reached after averaging assignments will be the minimum grade you can receive in the course. Plus/minus grading is used.

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.

GE 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 POLICIES

This court will meet in-person twice per week as listed on Solar. In the event of a public health related emergency, we will continue to meet at our scheduled time via zoom. All relevant information will be posted and updated to Canvas.

Weekly Assignments: You will turn in weekly assignments on canvas. These assignments vary by topic and will include IRAC case briefs, case problems, short answer, short essay, and questions. If your weekly assignment includes a case brief, it must be briefed in "IRAC" format.

Participation/Assigned Presentation: Participation in class is worth 5%, and the Assigned Presentation is worth 5%. Students will form groups, select a week and topic, and present to the class (1) assigned IRAC(s); (2) two relevant/current cases/events, and (3) why their chosen area of law matters in light of current events/where they see this area of law being relevant in their personal and professional lives.

Exams: You will be assigned two mid-term exams that will be held and/or due to be completed during our class meeting time. You will also have a final exam which will take place on the date and time listed on SOLAR. Your exams may include written IRACs, multiple choice, short answer, fill in the blank, and true/false questions.

Academic Dishonesty: Plagiarism and cheating will not be tolerated. Any student found to have either submitted work that was not their own (this includes either another student's work or information from an uncredited, on-line source) 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. Please maintain a professional tone in both online chat sessions and in emails to your professor and classmates.

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.

Weekly Reading: Reading, watching, and work assignments are listed below on a weekly basis. The syllabus may be updated during the semester. Any changes will be posted in writing on CANVAS. If there is a conflict between CANVAS and the Syllabus, CANVAS governs. Homework is due BEFORE class each week. Homework may be turned in late for a maximum of ½ credit, no exceptions unless discussed in advance.

Week No. / Dates	Required reading & viewing - all materials & links posted to Canvas-	Weekly assignments will be a combination of IRAC briefs, problems, short answer and multiple choice. All weekly assignments will be described and turned in on canvas. Additional required reading may be posted to canvas- check canvas regularly
1/24/22	Introduction & Expectations	Read: Syllabus 1. <i>Yeasin v. Durham</i> (pg 20) 2. <i>Redmond v. Jenner</i> Complaint (posted to Canvas) Watch: lecture videos posted to canvas In class (via zoom) practice brief
1/31/22	Law and Legal Reasoning	Read: Chapter 1 Brief: <i>Yeasin v. Durham</i> (pg 20) Chapter Problems: 1-2; 1-4; 1-5 Watch: lecture videos posted to canvas TURN IN: TURNITIN assignment described and posted in CANVAS, to be turned in online
2/7/22	Courts and Alternative Dispute Resolution	Read: Chapter 4 Brief: <i>Mala v. Crown Bay</i> <i>Gucci v. Wang</i> (you will find all cases within the chapter unless stated otherwise on the syllabus) Chapter Problems: 2-2; 2-4; 2-7; 2-9

		<p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>
2/14/22	Intentional Torts Against Persons	<p>Chapter 6- part 1: sections 6.1-6.2</p> <p>Brief:</p> <p><i>Blake v. Giustibelli</i></p> <p><i>Shoyoye v. County of LA (posted to Canvas)</i></p> <p>Chapter Problems: Issue Spotter 1; Problem 6-1; 6-3; 6-4</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>
2/21/22	Business Torts, Intentional Torts Against Property Intro to Negligence	<p>Chapter 6-part 2: Sections 6.3-6.4</p> <p>Brief:</p> <p><i>Bogenberger v. Pi Kappa Alpha Corp.</i></p> <p><i>The Watcher (posted to Canvas- article)</i></p> <p><i>Boring v. Google (posted to Canvas)</i></p> <p><i>Redmond v. Jenner (Canvas)</i></p> <p>Chapter Problems: 6-2; 6-6</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>
2/28/22	Exam 1	Review content posted to canvas and exam 1
3/7/22	Negligence	<p>Chapter 6- part 3: Sections 6.5-</p> <p><i>Taylor v. Baseball Club of America</i></p> <p><i>Griffin v. Haunted Hotel (Canvas)</i></p> <p><i>Sengupta v. Tough Mudder (Canvas-focus on negligence and gross negligence claims)</i></p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>

3/14/22	Strict Liability & Product Liability	<p>Read: Chapter 7</p> <p>Brief:</p> <p><i>Schwarck v. Arctic Cat, Inc.</i></p> <p><i>Stange v. Janssen Pharmaceuticals, Inc.</i></p> <p>Chapter Problems: Issue Spotter 1; 7-3; 7-6</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>
<p>SPRING BREAK 3/21/22- 3/25/22</p>		
3/28/22	Contracts	<p>Read: Chapter 11</p> <p>Brief:</p> <p><i>Weston v. Cornell University</i></p> <p><i>Boswell v. Panera Bread Co.</i></p> <p><i>Wagner v. Columbia Pictures</i></p> <p>Chapter Problems: 11-1; 11-4; 11-5; 11-9</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>
4/4/22	Agreement in Traditional and E-Contracts	<p>Read: Chapter 12</p> <p>Brief:</p> <p><i>Lucy v. Zehmer</i></p> <p><i>Basis Technology v. Amazon</i></p> <p>Chapter Problems: 12-3; 12-4; 12-9</p> <p>[Example: Elvis Dumervil]</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>

4/11/22	Consideration	<p>Read: Chapter 13</p> <p>Brief:</p> <p><i>Hamer v. Sidway</i></p> <p><i>Already v. Nike, Inc.</i></p> <p>Chapter Problems: Issue Spotter 2; 13-2; 13-5; 13-7</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>
4/18/22	Exam 2	Review content posted to canvas and exam 2
4/25/22	Capacity & Legality	<p>Read: Chapter 14</p> <p>Brief:</p> <p><i>Sengupta v. Tough Mudder (Canvas-focus on illegality issues)</i></p> <p><i>Holmes v. Multimedia (pg 273)</i></p> <p>Chapter Problems: Issue spotter 2; 14-4; 14-6; 14-9</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>
5/2/22	Mistakes, Fraud, and Voluntary Consent	<p>Read: Chapter 15</p> <p>Brief:</p> <p><i>PAK Foods Houston, LLC v. Garcia</i></p> <p><i>Kennedy v. Shave Barber Co.</i></p> <p>Chapter Problems: 15-2; 15-3; 15-7; 15-9</p> <p>Watch: lecture videos posted to canvas</p> <p>Work: turnitin assignment posted on canvas</p>

5/9/22	The Writing Requirement, Performance, and Breach	Read: TBD Watch: lecture videos posted to canvas Work: turnitin assignment posted on canvas
5/16/22	Final exam on date and time listed on SOLAR	

Summary of Course topics

- I. The Legal System (10% of class time)
- II. Remedies (5% of class time) – integrated throughout semester
 - A. Compensatory Damages
 - B. Punitive damages: purpose
 - C. Liquidated damages: purpose, enforceability
 - D. Extraordinary relief (specific performance)
- III. Torts (25% of class time)
 - A. Intentional and Business Torts: applicability of punitive damages
 - 1. Related to the person (assault, battery, false imprisonment, intentional infliction of emotional distress)
 - 2. Related to intangibles: reputation, privacy (defamation, invasion of privacy)
 - 3. Related to property rights (trespass, conversion, nuisance, fraud/misrepresentation)
 - B. Negligence (prima facie case, defenses)
 - C. Strict liability (& products liability)
- IV. Contracts (50% of class time)
 - A. Agreement: offer, acceptance, including applicability of UCC
 - B. Consideration
 - C. Reality of consent (Misrepresentation/fraud, mistake, duress, undue influence)
 - D. Capacity
 - E. Legality
 - F. Writing: Statute of Frauds
 - G. Assignment & Rights of third parties
 - H. Performance, breach of contract, remedies, quasi-contract

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.

The grade reached after averaging the quizzes 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

How to Brief or IRAC a case:

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. The issue should be one or two sentences, state the party names and the relevant legal terms.

Rule: The rule is the law which applies to the issue. It should be stated as a general principal and not include any party names or facts. The rule should be stated as a list or an outline- not in paragraph form.

Application: The application is a discussion of how the rule applies to the facts of a particular case. 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. 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.

Conclusion: What was the result of the case? Who wins?

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 outlining the judge's opinion. With chapter problems, you have a summary of the facts of an actual case, and your job is to act as the judge in reasoning your way to a ruling, again using the IRAC format.

Helpful Hints and Examples: your IRAC is also called a case brief

Issue: "Has there been a false imprisonment if the plaintiff was asleep at the time of 'confinement?' or "Did Miller owe a duty of care to Osco, Inc.?"

Rule: "To prove that a defendant is liable for battery, plaintiff must prove that there was an:

1. Intentional
2. harmful or offensive
3. touching of another, and
4. without consent.

Do not simply write "Battery." You must define the rule.

Application: "In this case, plaintiff will argue that defendant's acts were intentional because defendant walked towards plaintiff with clenched fists and stated that he wanted to "punch this jerk in the face." He then followed through on this behavior which is indicative of his specific intent to cause the physical contact.....

"Defendant will argue..."

Make sure you have a separate paragraph for each element of the rule.

Conclusion: "Defendant is liable for battery. Plaintiff may recover compensatory damages."