**SPRING 2020 COURSE SYLLABUS**

**BUSINESS LAW 280-7-13618 (BUSINESS LAW I)**

**COURSE INFORMATION:**

Class No. 13618 Fridays 9:00 to 11:45am

Instructor: Professor Reid L. Denham

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Class Room: Bookstein Hall, Room 1121.

Office Hours: Fridays: 8:00 to 9:00am and 11:45am to 12:30pm and also available by appointment.

# Textbook

*Business Law – The Ethical, Global, and E-Commerce Environment*, Langvardt, Barnes, Prenkert, McCrory and Perry, 17th ed., (2019). ISBN 9781307303032.

You must have the textbook prior to the start of class. The Matador Bookstore has the hardcover textbook and a soft-cover BLAW I (BLAW 280) chapter-specific paperback version. There is also a rental program through which you can rent the textbook. I understand that all students of core BLAW classes are also offered the option of purchasing text materials online. For our class, you may also download the Langvardt textbook materials for Chapters 1, 2, 6, 7, and 10-18. You should print the chapters to bring to class as we will refer to the textbook in class. You may also go to the McGraw Hill bookstore website at https://create.mheducation.com/shop.

**COURSE OVERVIEW:**

# Student Learning Outcomes

The mission of the Department of Business Law is to equip students with the academic knowledge, problem solving, and analytical and professional skills in the areas of business law, business ethics and real estate necessary to achieve their personal and professional goals.

# Course Objective

The course is taught through lecture and class discussion, 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 will learn to formulate an effective legal analysis by synthesizing information, identifying legal issues, distinguishing relevant from irrelevant facts, using facts and law to support arguments, reasoning by analogy and reaching conclusions based on analysis. In addition, students will study ethical issues in a business context.

The course provides an overview of the legal environment in which business decisions are made. The course will cover topics relating to the court system and procedure. We will analyze how the legal system in the United States has been created and how it is modified to address changing concerns. We will study the law of torts and the legal concept of "private wrongs" which set standards of conduct in our society. We will then cover the law of contracts, which creates legal obligations and enforces agreements.

**COMMUNICATING/CLASS ROOM DISCUSSION IN THE SOCRATIC METHOD/ HOMEWORK:**

One of the goals of this course will be to learn basic principles of law and to evaluate critically those principles in various factual situations. This course will also demand that students communicate, both in writing and orally, the results of their reasoning and thinking; and that communication will involve both oral communication in class and written communication in a few written assignments (and of course the quizzes, and mid-term and final exams). In the "real world," understanding the law is important, being able to apply the law to a given set of facts is even more important, but being able to communicate it effectively, in writing and orally, is critical.

The classroom will be an active learning environment. Classes will be conducted in a combination of lecture, active class discussion and the "Socratic Method" of instruction. It is critical to read the assigned text and cases before class. I cannot emphasize enough the importance of reading the course material in advance of each of our class discussions. My experience in teaching makes it clear that the students who come prepared to class outperform the other students. On occasion, you may find that the reading material is difficult to understand in advance of class; however, even if you are not able to fully grasp the material reading it on your own, you will still be in a far better position to understand it through class discussion if you prepare the assignments in advance. I will also be available after class and during office hours to explain the concepts you do not master in class.

You should be prepared to orally defend your interpretation of the cases and to answer hypothetical questions in open class discussions. You should learn to argue alternate sides of a dispute. Expect to be called on randomly in class. Participation will not be limited to "volunteers". The success of the class and your own success within the class are highly dependent on your ability to be prepared for class, including doing the informal briefing and other requirements set forth below.

**CASE BRIEFING AND ANSWERING ASSIGNMENTS/GRADING/CLASS PARTICIPATION:**

**What is a Case Brief?**

When the Syllabus indicates a requirement to "Brief" a specific case, you will need to do so in writing. The Syllabus also specifies the dates in the semester in which formal case briefs are to be submitted for a grade. All Briefs are due at the start of the class period on those due dates.

As is noted in the “Work Due Before Class” section of the Syllabus, you should also informally answer the Problem Cases assigned as a tool for note taking, as a means of preparing for class discussion and as a means of practicing brief-writing in advance of the formal written assignments. I will call on students at random during class to discuss the assigned cases.

# How to Write a "Brief"

We will discuss brief-writing extensively in class, but the following provides a guide. When you submit the written briefs, you should use the following **"IRAC'** (Issue Rule Application Conclusion)format:

**Issue**: What question must be answered in order to reach a conclusion in the case? The Issue must be expressed in the form of a legal question which, when answered, gives a result in the 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 the Defendant Osco, Inc. owe a duty of care to the Plaintiff Miller when Miller was trespassing on Osco’s property?"), or you may frame it so that the issue can apply to all cases that present a similar question (e.g. "Is a duty owed whenever there is an employment relationship?"). Many cases present more than one issue; if there is more than one issue, it is OK to write more than one, but be sure to list the principal one and focus on that.

**Rule**: The Rule is the law that applies to the principal 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 case being briefed, (e.g. "The plaintiff was negligent."). Typically, the Rule can be expressed in one or two sentences.

**Application**: The Application is a discussion of how the Rule applies to the facts of the case.

Essentially, the Application section is a description of the relevant facts, the parties’ arguments and positions in the case, and the court's thought process by which it answered the Issue and established the Rule. While the Issue and Rule are normally only one or two sentences each, the Application section of a brief should be two to four paragraphs long. It should be a 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 section shows how you can track the court's reasoning on paper and is the most difficult skill you will learn. It is also permissible to put the relevant facts of the case in a separate section of the brief.

**Conclusion**: What was the result of the case? Did the Appellate or Supreme Court affirm, reverse or reverse and remand the lower court’s decision?

With cases, the textbook 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. Most briefs should not have to exceed more than two pages in length.

**Turning in Briefs and Answers to Problem Cases**

Hard copies of the Briefs and answers to Problem Cases are due at the beginning of class.

# Grading

Grading is based on a combination of evaluation of written assignments, class participation, quizzes, and the mid-term and final exams. The grade allocation will be based on points roughly as follows:

1. Written assignments - Briefs and answers to Problem Cases collectively comprise roughly 10% of the course grade. There are other class assignments given during the semester that will be included in this category of points.

1. Class participation - Class participation comprises roughly 10% of the course grade – See further below.

1. Quizzes on torts and contract law - Quizzes comprise roughly 10% of the course grade. Quizzes are closed book.

1. Midterm exams – There are two midterm exams. Each midterm comprises roughly 20% of the course grade or a combined 40% of the course grade – closed book, but one single-sided 8 ½”x11” page of notes is allowed.

1. Final exam - The final exam comprises roughly 30% of course grade – closed book, but one single-sided 8 ½”x11” page of notes is allowed.

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

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| --- | --- | --- |
| *GRADE* | *DEFINITION* | *GRADE POINT* |
| AA- | Outstanding | 4.03.7 |
| B+BB- | Very Good | 3.33.02.7 |
| C+CC- | Average | 2.3 2.0 1.7 |
| D+DD- | Barely Passing | 1.31.0.70 |
| F | Failure | .00 |

Plagiarism and cheating will not be tolerated. You are responsible for knowing and complying with all College and University rules and regulations. Any incident of cheating or plagiarism will result in a Fail in the course and disciplinary action may be imposed, including expulsion from the University. For example, your written assignments cannot be identical to that of another student. Making your exam answers visible or accessible to other is prohibited

# Class participation

You may not audio or video record the class, nor take any photos in the classroom. Use of cell phones during class are strictly prohibited. If you bring them into the classroom, they must be set to the “off” position (not “silent” or vibrate, but “off”) and put away. You may not bring electronic devices into the classroom on days on which an exam is scheduled.

The Reading, Briefs and answers to Problem Cases are set forth in the Syllabus and are to be **c**ompleted in advance of each class. You are required only to read the material and brief the Cases and Problem

Cases specifically assigned in the Syllabus. If material, Case Briefs or Problem Cases are not specifically mentioned, you do not need to read them or brief them. Preparation for class entails reading the assigned material and preparing written briefs for all assignments

As noted above, your semester grade is affected by whether you have been prepared when called on for discussion and presentation of Briefs and answers to Problem Cases, your general participation in class discussions. Class participation incorporates attendance, demonstration of preparedness when called on in class, turning in all assignments on time, and contributions made to class discussions.

# DRES

If you have a disability and need accommodations, please register with the disability Resources and Educational Services (DRES) office or the National Center for Deafness (NCOD). The DRES office is in Bayramian Hall, Room 110 and can be reached at (818) 677-2684. NCOD is located on Bertand Street in 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.

# Exams

The mid-term, quizzes and final exam will be composed of:

1. one or more short essay questions which require you to analyze the facts, identify legal issues and apply the law in determining the outcome of hypothetical cases;

1. short answer questions involving analysis of fact situations;

1. one or more cases to be briefed; and

1. multiple-choice, true or false and/or fill-in-the-blank questions often focusing on key terms and basic principles.

The midterm and final exams will be "semi-closed book". "Semi-closed" means that you may bring a maximum of one side of one 8.5"x11" piece of paper only containing notes (typed or handwritten) to the exam and you may use that single sheet during the exam. No other study material is allowed. Whatever font or margins you want to use on the one side of paper are acceptable.

Please note, however, that all quizzes will be closed book – no materials will be permitted to be used on quizzes.

# Essay Portion of Exams

Answer each question fully, clearly and in the order given in the IRAC format. Mere conclusions receive little credit. You should:

* Discuss the issue.
* Define and discuss any principles of law, legal theories, etc., relevant to the issue.
* 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 conclusion(s). Do not assume that certain facts are known – in your answer, explain what you know and define every legal term used.
* The actual conclusion(s) you reach could be the least important part of your answer –you should base your conclusion(s) on complete and intelligent application of the facts to the legal principles involved.
* If additional facts could affect the outcome of the case, 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. Some questions have more than one issue; make sure to discuss all issues.
* Don’t fight, ignore, make up or repeat facts. Answer the question(s) and only the question(s).

Caution

* Use non-erasable dark blue or black ink for your essays. Bring one large CSUN exam book

(“green book”).

* If you need scratch paper to make notes, use your exam. The notes on the exam will not be graded. You may also designate a page of your green book as “notes” and it will not be graded.
* Do not use white-out or tear pages out of your green book.
* Do not write your name on the green book. However, when you get the exam, write your name on it.
* The exam will include an “exam number” on the right-hand corner. Write only the exam number on the cover of your green book. The purpose of this requirement is to ensure blind grading.
* Write only on one side of each page, however, you may use the facing page to insert information.
* When you complete the exam, place the exam inside your green book and turn in the whole as a package. Failure to follow these directions will cause a 0.1 reduction of your exam grade. Failure to return the exam itself will result in an “F” grade and may be referred to the Dean’s office for further proceedings.
* During the exam, all books, notes, book bags, and purses must be placed in front of the class at the start of the exam.

# Legal Advice

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.](http://www.csun.edu/blaw/student-resources)

# Reading Assignments

The following chart outlines each class, Topic and Work Due Before Class. (This syllabus is subject to change during the semester and assignments may be altered. Announcements will be made in class; therefore, attendance in class is essential. If you must miss class, you are nevertheless responsible for what was discussed in that class.)

**ASSIGNMENTS:**

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| Date  | Topic  | Work Due Before Class  |
| Week 1 Friday 01/24   | Introduction & Expectations The Nature of Law | Read: Syllabus  *Certain Underwriters at Lloyd’s of London v. AEG Live, LLC, et al*. (Handout) Read: Chapter 1 (Except Jurisprudence section, pp.10-13).  Brief: *Coomer v. Kansas City Royals Baseball Corp*, pp.15-18; and *James v. City of Costa Mesa*, pp.25-27. Problem Cases: 3, 8 and 9, pp.31 and 33.  |
| Week 2 Friday 01/31  | The Resolution of Private Disputes | Read: Chapter 2 (Except Class Actions section, pp.54-55).  Brief: *Hertz Corp. v. Friend*, pp.44-46. Problem Cases: 3, 7 and 8, pp.63 and 65.  |
| Week 3 Friday 02/07  | Intentional Torts | Read: Chapter 6 (Except Invasion of Privacy section, pp.226-227).  Brief: *Banks v. Lockart*, pp.204-206, *Durham v.* *McDonald’s Restaurants of OK, Inc*., pp.207-208 and *Bertrand v. Mullin*, pp.218-221. Problem Cases: 1, 4 and 13, pp.237-238 and 243-244.  Quiz: *Chapters 1 and 2*  |
| Week 4 Friday 02/14  | Negligence and Strict Liability  | Read: Chapter 7 (Except Tort Reform section, p.278-279).  Brief: *Currie v. Chevron USA, Inc*., pp.252-255, *Philibert v. Kluser*, pp.262-265, *Black v. William Insulation Co*., pp.267-268 and *Toms v. Calvary Assembly of God, Inc.* pp.275-278. Problem Cases: 1 and 12, pp.279 and 285.  Review for Midterm Exam (Chapters 1, 2, 6 and 7)Written Brief Assignment:  *Merrill v. Navegar, Inc.*, 26 Cal.4th 465, 28 P.3d 116, 110 Cal.Rptr.2d 370 (2001) (Handout) Due: 03/13  |
| Week 502/21 |  | MIDTERM EXAM (Chapters 1, 2, 6 and 7) |
| Week 6Friday 02/28  | The Agreement: Offer | Read: Chapter 10  Brief: *Domingo v. Mitchell*, pp.365-366, *Cords v. Uber Technologies, Inc.*, p.374, and *D’Agostino v. Federal Insurance Co.*, pp.378-379. Problem Cases: 1, 3 and 9, pp.380-382.  |
| Week 7 Friday 03/06 | The Agreement: Acceptance | Read: Chapter 11 Brief: *The United States Life Insurance Co. in the City of New York v. Wilson,* pp.392-394, *Bauer v. Qwest Communications Co., LLC*, pp.396-397, Problem Cases: 1, 3 and 9, pp.401-402 and 404. |
| Week 8Friday 03/13  | Consideration  | Read: Chapter 12Brief: *Franchise Holding II, LLC v. Huntington Restaurants Group, Inc*., pp.407-408, and *Day v. Fortune Hi-Tech Marketing, Inc*., pp.410-411, Problem Cases: 4, 7 and 8, pp.422-424.Review for Midterm (Chapters 10, 11 and 12)In-Class Group Activity – Court Hearing: *Merrill v. Navegar, Inc*. 26 Cal.4th 465, 28 P.3d 116, 110 Cal.Rptr.2d 370 (2001), Written Brief Due.Written Brief Group Assignment: *Arbitrations* (Handout) Due: 04/17. |
| Friday03/20 |  | SPRING BREAK – No Class |
| Week 9Friday03/27 |  | MIDTERM EXAM (Chapters 10, 11 and 12) |
| Week 10Friday 04/03  | Reality of Consent  | Read: Chapter 13  Brief: *Stephen A. Wheat Trust v. Sparks*, pp. 428-430, *Timothy v. Keetch*, p.431 and *Hicks v. Sparks*, pp. 434-435, Problem Cases: 6, 7 and 10, pp.443-444. |
| Week 11 Friday 04/10 | Capacity to Contract  | Read: Chapter 14  Brief: *J.T. ex rel. Thode v. Monster Mountain, LLC,* pp. 446-448, and *Rogers v. Household Life Insurance Co*., pp.453-454, Problem Cases: 2, 5 and 9 pp.455-457.  In-Class Group Discussion: *Feiden v. Feiden*, 151 A.D.2d 889, 542 N.Y.2d 860 (1989) (Handout). |
| Week 12Friday 04/17  | Illegality | Read: Chapter 15 (Except Family Relationships and Public Policy section, pp.470-471).  Brief: *Coma Corp. Kansas Dept. of Labor*, pp.460-461, *Clark’s Sales and Service, Inc. Smith*, pp.465-467 and *Walters v. YMCA,* pp.468-470. Problem Cases: 4, 8 and 10, pp.480-481. Quiz: *Chapters 13 and 14*.In-Class Group Activity – *Arbitrations,* Presiding, an arbitrator with the American Arbitration Association. Group Written Brief Due.  |
| Week 13 Friday 04/24  | Writing  | Read: Chapter 16  Brief: *Dynegy, Inc. v. Yates,* pp. 486-487 and *Green Garden Packaging Co., v. Schoenmann Produce Co.*, pp.496-497. Problem Cases: 1, 3, 4 and 10, pp.502 and 504.  |
| Week 14 Friday 05/01  | Right of Third-Parties  | Read: Chapter 17 (Except Vesting of Beneficiary’s Rights section, p.523).  Brief: *Sogeti USA LLC v, Scariano*, pp.509-510 and *Johnson v. Bank of America, NA*, pp.515-516, Problem Cases: 3, 9 and 10, pp.524 and 526.  In-Class Group Activity - *Chapter 17 Worksheet*  |
| Week 15 Friday 05/08  | Performance and Remedies  | Read: Chapter 18  Brief: *Killian v. Ricchetti,* pp.529-530, *Stanton v. Greenstar Recycled Holdings, LLC*., pp.532-534 and *Harrison v. Family Home Builders, LLC*, pp.537-538, Problem Cases: 2, 3 and 5, pp.553-554.  In-Class Group Activity - *Chapter 18 Worksheet*  Review for Final Exam  |
| Friday 05/15  |   | FINAL EXAM (Cumulative)  |