**Spring 2020–BUSINESS LAW 280-05 -- 13616 (INTRODUCTION TO BUSINESS LAW)**

**COURSE SYLLABUS**

**COURSE INFORMATION:**

Class #13616 Tuesdays/Thursdays 2:00 p.m. – 3:15 p.m.

Instructor: Professor Sandor E. Samuels

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Class Room: Bookstein Hall, Room 1234.

Office Hours: Tuesdays and Thursdays: 8:00 a.m. to 9:00 a.m.; 11:00 a.m. to 12 noon. Office hours are also available by appointment.

**Text**: Business Law – The Ethical, Global, and E-Commerce Environment, Mallor, Barnes, Langvardt, Prenkert, and McCrory, **16th ed.**, (2016). ISBN 978-0-07-773371-1. There is a 17th edition, but do not get that book.

**NOTE**: The Mallor text will be our primary textbook during the semester. You MUST have the textbook prior to the start of class. **In fact, there is a reading assignment that you MUST complete BEFORE the first class session (see below).**

The Matador Bookstore has the hardcover text available. It costs roughly $220 new or $165 used. There is also a rental program through which you can rent a hard copy of the text for around $100 for the semester. These costs are estimates, they may have changed since the printing of this syllabus. Further, as part of the Business Law Department's efforts to make textbooks more affordable, all students of core BLAW classes are also offered the option of purchasing text materials online. For our class, you may also download the Mallor text materials for BLAW I (BLAW 280) -- Chapters 1, 2, 4, 6, 7, and 9-18 of Mallor. You will find that you will want to print the chapters to bring to class as we will refer to the text in class on many occasions. Finally, you may purchase a soft cover BLAW280-specific paperback version from the Matador bookstore. You may also go to the McGraw Hill bookstore website at https://create.mheducation.com/shop/, and enter the specific ISBN number (Mallor, 16th ed. eISBN # 9781308556369.)

**COURSE OVERVIEW:**

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 ╤ 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.

The course is taught through lecture to some degree, but also through class discussion. We will focus on how the law applies to various factual settings. During the course, 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 discussions. You will learn to apply rules depending on changing facts and circumstances in various cases and hypotheticals. You will learn to argue alternate sides of a dispute regardless of your personal beliefs. You will learn to identify the functions, policies and trends in the law, and to consider the social, economic and ethical influences on the law.

**Communicating/Class Room Discussion in the Socratic Method/Homework:**

One of the key 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, 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.

Thus, 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. **That means that it is critical to read the assigned text and cases before class begins. 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 by a huge margin.** 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.

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 regardless of personal belief. Expect to be called on randomly in class. Participation will NOT be limited to "volunteers". Frankly, the success of the class as a whole 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 specifies the dates in the semester in which FORMAL case briefs are to be submitted for a grade.** Briefs are due at the start of the class period on those due dates.

As is noted in the Assignments section of the Syllabus, you should informally brief the other 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. Since I will call on students at random during class to discuss assigned cases, having your brief in hand will help you be prepared and serves as great practice for written communication. On other occasions during the semester, I may require students to submit other homework beyond what is listed in the syllabus. This might be as little as handing in a statement of the "Issue" in a case (see below) in order to make sure students are "getting" the concepts presented in class.

**How to Write a "Brief"**

We will discuss brief-writing extensively in class, but the following provides a very good guide, too.

When you submit the full written briefs, you will need to use the following **"I-R-A-C' (Issue-Rule-Application-Conclusion) format**:

**Facts:** I prefer that you discuss the relevant facts of the case in the first section of the brief labeled FACTS. In this section, you should discuss the RELEVANT facts that give rise to the issue in the case.

**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 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 (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 can 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?"), the latter approach being preferred. 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 particular 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 a particular case. Essentially, the "Application" 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 three to four 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 track the parties’ arguments and the court's reasoning, and is the most difficult skill you will learn.

**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 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. Most briefs should not have to exceed more than two pages in length PER CASE. To help you in briefing cases in class, you should review the sample brief for Price v. High Pointe Oil Company, Inc. available to you on Canvas.

**Turning in Formal Briefs and Answers to Chapter Questions**

As set forth in the syllabus, you will be asked to formally prepare and turn in briefs of cases in the textbook. You should bring the hard copies of the briefs to class on the due date. You may also, on occasion, be asked to turn in additional briefs and/or answers to questions posed at the end of each chapter.

**Grading**

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

A. Written assignments – Briefs and other homework collectively comprise roughly 20% - 25% of the course grade. There may be other homework assignments given during the semester that will be included in this category of points.

B. Class participation –Class participation comprises roughly 5%-10% of the course grade – See further below.

C. Short quizzes on torts and contract law – Quizzes comprise roughly 20% - 25% of the course grade – closed book.

D. Midterm exam – The midterm exam comprises roughly 20% - 25% of the course grade – closed book, but one single-sided 8 ½” x 11” page of notes allowed.

E. Final exam – The final exam comprises roughly 25% - 30% of course grade – closed book, but one single-sided 8 ½” x 11” page of notes allowed.

**Grading Scale**

**The final grade, which is based on an individual student’s point total, will be determined on a curve**.

**Class participation**

As noted above, your semester grade is affected by whether you have been prepared when called on for discussion and presentation of case briefs, your general participation in class discussions, and the briefs you will be asked to turn in once a month. Class participation incorporates attendance, demonstration of preparedness when called on in class, turning in all assignments on time, and contributions made to class discussions. At the end of the semester, I will assign a number of points to each student’s point total from 0-30 based on these factors.

**Exams**

The mid-term, short quizzes and final exam will be composed of: (i) 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; (ii) short answer questions involving analysis of fact situations; (iii) one or more cases to be briefed; and (iv) multiple-choice, true-false and/or fill-in-the-blank questions often focusing on key terms and basic principles.

The final and mid-term exams will be "semi-closed book". "Semi-closed" means that you may bring a maximum of ONE SIDE OF ONE 8.5" BY 11" PIECE OF PAPER ONLY containing notes (typed or handwritten) to the exam and you may use that single sheet during the exam. All other study materials must be completely out of sight. Whatever font or margins you want to use on the one side of paper are acceptable.

HOWEVER, PLEASE NOTE THAT ALL QUIZZES WILL BE CLOSED BOOK - NO MATERIALS WILL BE PERMITTED TO BE USED ON QUIZZES.

**Reading Assignments**

The following chart outlines the Class Sessions, Topics and Work to be done in time for that class. In other words, for the date shown, the applicable "Work" is to be completed prior to the start of that day's class. (Of course, 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.

PLEASE BE PREPARED FOR CLASS. IN MY EXPERIENCE, THE STUDENTS WHO ARE MOST PREPARED FOR CLASS (THROUGH READING MATERIAL ON TIME, PREPARING BRIEFS, ETC.) NOT ONLY "SCORED" BETTER ON THE HOMEWORK ASSIGNMENTS AND CLASS PARTICIPATION, BUT ALSO SCORED HIGHER ON THE EXAMS, AND THUS, EARNED HIGHER GRADES IN THE CLASS.

I cannot emphasize enough the value of being prepared in advance of class. Much of the material might be hard to understand on your own, but if you prepare by reading the assignments and attempting to brief the cases in advance of class, even if you don't "get it" on your own at first, it is highly likely that you will be able to grasp the material during class when it is discussed. If, however, you still do not understand a concept after discussion in class, please ask either during class or come to my office during my office hours.

**ASSIGNMENTS**

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| --- | --- | --- | --- | --- |
| Date | Class Topics | | Work Due | |
| Class 1  Tuesday  January 21 | Discussion of Syllabus and Class organization issues;  Nature of Law – Legal reasoning, case law | | Read pages 2 through 9 (through Classification of Law). Skip the Advance Dental Care case. Also, read and be prepared to discuss Problem Case 6 on pages 25-26. You should also read the Appendix on pages 22-23 to help you understand case briefing using IRAC. I have also prepared a sample brief for the Price v. High Pointe Oil case on Canvas.  YOU MUST COMPLETE THIS READING ASSIGNMENT BEFORE THE FIRST CLASS AND BE PREPARED TO DISCUSS THE MATERIAL AND THE PROBLEM CASE. | |
| Class 2  Thursday  January 23 | Statutory Interpretation | | Read pages 12 (beginning with The Functions of Law) - 21.  Be prepared to answer the question at the end of the "Cyberlaw In Action" box on page 16 comparing Chicago Lawyers Committee v. Craigslist case with Fair Housing Councils of the San Fernando Valley and San Diego v. Roommates.com (see question 10 on page 27 for the Roomates.com case).  Also be prepared to discuss the Hagan v. Coca Cola Bottling Company case and the James v. City of Costa Mesa case. No written assignment is due, but be prepared to discuss. | |
| Class 3  Tuesday  January 28 | Resolution of Private Disputes – Federal Courts, State Courts and Civil Procedure; Pleadings | | Read pages 28-32. Informally brief Abdouch v. Lopez. Skip the Global Business Environment on pages 33-34; read pages 35-41 (up to Discovery). **Brief and be prepared to discuss Hertz Corp. v. Friend. This brief will be turned in at the beginning of class 3 for a grade.** | |
| Class 4  Thursday  January 30 | Discovery;  Summary Judgment; Class Actions; Trials and Appeals; | | Read pages 41-50 (skip Cyberlaw in Action on page 42). Informally brief Walmart Stores v. Dukes  Review Problems 1 and 8 on pages 55 and 57 and be prepared to discuss the answers to these Problems. | |
| Class 5  Tuesday  February 4 | Alternative Dispute Resolution (ADR)  Torts (Introduction) | | Be sure to familiarize yourself with the concepts of "ADR" discussed in pages 50-54. Informally brief AT&T Mobility v. Concepcion. As a supplemental reading, the Wikipedia entry on these two types of ADR is worth reading if you are having trouble understanding these concepts from the Mallor text. Read pages 181-185. Informally brief Mathias v. Accor Economy Lodging. | |
| Class 6  Thursday  February 6 | Intentional Torts  (Battery, Assault, Emotional Distress, False Imprisonment) | | Read pages 186-194 (until Defamation) (but skip Durham v. McDonald’s Restaurants). Brief and be prepared to discuss Howard v. Wilson and Pope v. Rostraver Shop and Save | |
| Class 7  Tuesday  February 11 | Defamation | | Page 194 (Defamation) - 208 (Skip Cyberlaw in Action on page 197). Be prepared to discuss Bertrand v. Mullin and Obsidian Finance Group v. Cox.  Please focus on New York Times v. Sullivan discussed in the Mallor text on page 187. In order to understand the issued of defamation of public figures, you MUST read the short supplemental reading on New York Times v. Sullivan using the following links:  Type into your internet search bar “New York Times v. Sullivan” and find the discussion of this case in “oyez.org”;  And www.hrcr.org/safrica/expression/nytimes\_sullivan.html | |
| Class 8  Thursday  February 13 | Invasion of Privacy, Nuisance and Conversion issues | | Read pages 208-219. Informally brief Stephens v. Pillen.  **Formally brief Jordan v. Jewel Food Stores, Inc.**  **YOUR BRIEF OF THE JORDAN CASE IS TO BE TURNED IN PRIOR TO THE START OF CLASS 8.** | |
| Class 9  Tuesday  February 18 | 30 MINUTE QUIZ ON NATURE OF LAW AND ON INTENTIONAL TORTS;  Begin Discussion of Negligence | | THE QUIZ WILL COVER ITEMS COVERED IN CLASSES 1-8. MULTIPLE CHOICE, SHORT ANSWER AND TRUE/FALSE QUESTIONS.  Read pages 225-230 up to Was the Duty Breached. Informally brief Shafer v. TNT Well Service. | |
| Class 10  Thursday  February 20 | Negligence – Duty/Breach of duty concepts | | Read pages 230 (from Was the Duty Breached) – top of 240 (up to Negligence per se). Informally brief Currie v. Chevron, Dick’s Sporting Goods v. Webb, and Lord v. D&J Enterprises, Inc. | |
| Class 11  Tuesday  February 25 | Special Duties – Duties to persons/property; Negligence per se;  Causation; Proximate Cause; Intervening Cause | | Read pages 240 (Negligence per se) – 252, (but skip Atlantic Coast Airlines v. Cook). Informally brief Kaltman v. All American Pest Control, Black v. William Insulation, and Stahlecker v. Ford Motor Company.  Additional reading and viewing: Read the Wikipedia summary of the famous Palsgraf v. Long Island Railroad case and watch the You Tube video of the Lego version (really!) of the case facts. Here is the link:  <http://www.youtube.com/watch?v=mDEbTudkjhc&feature=related>. | |
| Class 12  Thursday  February 27 | Res Ipsa Loquitur;  Negl. Defenses; Comparative Negligence; Assumption of the Risk; Strict Liability; Tort Reform; Midterm Review | | Read pages 252-258. Informally brief Dyer v. Maine Drilling & Blasting, Inc. and be prepared to discuss it.    **Answer and turn in at the beginning of Class 12 Case Problems 1 and 4 on pages 258 and 259.** | |
| Class 13  Tuesday  March 3 | Mid-Term Exam  Full Period | | The mid-term exam covers the material read and discussed from Classes 1-13. | |
| Class 14  Thursday  March 5 | Intro to Contracts; UCC v. Common Law; Non-Contract  Obligations | | Read pages 320-333 (to Promissory Estoppel)  Informally brief Lambert v. Barron, Audio Visual Artistry v. Tanzer, and Symons v. Heaton, and be prepared to discuss them.  **The Audio Visual Artistry v. Tanzer brief will be due at the beginning of Class 15.** | |
| Class 15  Tuesday  March 10 | Promissory Estoppel; Offers:  Special Offer Problem Areas | | Read pages 333-335, and 339-349 (through the end of the page. Informally brief Aceves v. U.S. Bank, Meram v. McDonald, J.D Fields & Company v. United States Steel International, Inc., (but skip Kolodziej v. Mason), and be prepared to discuss them. | |
| Class 16  Thursday  March 12 | Termination of Offers; Revocation of Offers | | Read pages 350-356. Informally brief Hines v. Overstock.com and D’Agostino v. Federal Insurance Company, and be prepared to discuss them.  Answer Chapter Problems 3 and 5 on page 357. | |
| Tuesday  March 17 | No Class | | Spring Break | |
| Thursday  March 19 | No Class | | Spring Break | |
| Class 17  Tuesday  March 24 | Acceptance of Contracts -- 1  \* Intent | | Read pages 360 - top of 367. Informally brief Trademark Properties v. A&E Television Networks, Pride v. Lewis, and Duro Textiles, LLC v. Sunbelt Corporation. | |
| Thursday  March 26 | No Class | | Cesar Chavez Holiday | |
| Class 18  Thursday  March 26 | Acceptance of Contracts -- 2  \* When is acceptance  communicated?  \* Forms of communication  \* Acceptance issues | | Read pages 367-376, but skip Cabot Oil v. Daugherty Petroleum. Informally brief The United States Life Insurance Company in the City of New York v. Wilson, Bauer v. Qwest Communications Company, and be prepared to discuss them.  Answer Chapter Problems 1 and 8 on pages 377 and 379  **Please turn these problem answers in at the beginning of class 19.** | |
| Tuesday  March 31 | No Class | | Cesar Chavez Holiday | |
| Class 19  Thursday  April 2 | 30 minute quiz on offer/acceptance issues (multiple choice and short answer)  Introduction to Consideration issues | | Study material covered in Classes 14 through 19 to prepare for the Quiz  Read pages 381-387 up to Preexisting Duties.  Informally brief Franchise Holding II, LLC v. Huntington Restaurants Group, Inc., Gottlieb v. Tropicana Hotel and Casino, and Day v. Fortune Hi-Tech Marketing, Inc., and be prepared to discuss them. | |
| Class 20  Tuesday  April 7 | Consideration  \* Absence of  \* Pre-Existing/Past duties | | Read pages 387 (from "Pre-Existing Duties") to 398. Informally brief Margeson v. Artis and Doe v. Roman Catholic Archdiocese of Indianapolis, (but skip McClelan v. Charly), and be prepared to discuss them.  Answer Chapter Problems 5 and 10 on pages 399 and  401. | |
| Class 21  Thursday  April 9 | Consent  Misrepresentation Fraud | | Read pages 402-408.  Informally brief Stephen A. Wheat Trust v. Sparks and Timothy v. Keetch, and be prepared to discuss them.  **The Timothy v. Keetch brief will be due at the beginning of Class 22.**  **PASS OUT HOMEWORK ASSIGNMENT DUE APRIL 16; ASSIGNMENT AVAILABLE ON CANVASS** | |
| Class 22  Tuesday  April 14 | Mistake; Duress  Undue influence | | Read pages 409-418. Informally brief Hicks v. Sparks and Sumerel v. Goodyear Tire and Rubber, and be prepared to discuss them. Also be prepared to discuss Cyberlaw in Action and Ethics in Action on page 416.  Answer Chapter Problems 7 and 9 on pages 419-420. | |
| Class 23  Thursday  April 16 | Capacity to contract | | **TURN IN HOMEWORK ASSIGNMENT AT THE BEGINNING OF CLASS**  Read pages 421-430. Informally brief Galloway v. Iowa, Zelnick v. Adams, and Rogers v. Household Life Insurance Co. Also be ready to discuss questions at the end of Ethics in Action on page 424. | |
| Class 24  Tuesday  April 21 | | Illegality/Legality of Contract;  Exculpatory Clauses | | Read pages 434-445 (Up to Unfairness in Agreements)  **FORMALLY brief Coma Corporation v. Kansas Department of Labor. THIS CASE IS DUE TO BE SUBMITTED BEFORE THE START OF CLASS 25**.  Informally brief Clark’s Sales and Service, Inc. v. Smith and DeWolfe v. Hingman and be prepared to discuss them. |
| Class 25  Thursday  April 23 | | Unfairness in Agreements; Contracts of Adhesion | | Read pages 445-453. Informally brief Moore v. Woman to Woman Obstetrics & Gynecology and Gamboa v. Alvarado, and be prepared to discuss them. Be prepared to discuss the Ethics in Action on page 449  Answer Chapter Problems 2 and 3 on page 454 |
| Class 26  Tuesday  April 28 | | Statute of Frauds/Writings;  Parol Evidence | | Read pages 456-468 (through cyberlaw in action). Informally brief Dynergy, Inc. v. Yates and Linscott v. Shasteen.  Read pages 470 (Parol Evidence) - 474. Informally brief Jacco & Associates, Inc. v. HVAC, Inc. |
| Class 27  Thursday  April 30 | | Business Ethics, Corp. Social Responsibility,  Corp. Governance,  Critical Thinking | | Read pp. 97 – 127. |
| Class 28  Tuesday  May 5 | | Complete Business Ethics, Social Responsibility, Corp. Governance, Critical Thinking | | Review Corporate Scandal handouts. There are no briefs, but think about these scandals where some of these theories of ethical behavior might have been applied to avoid the negative outcomes. |
| Class 29  Thursday  May 7 | | Finish any remaining issues and review for final exam | | I will conduct a review session. Be prepared to ask questions to help review for the final exam. The final will be cumulative – meaning that it will contain questions on all topics covered from the beginning of class to now, but will emphasize contract law issues. |