

SYLLABUS – REVISED 1/25/19

Business Law Course Outline/Fall Syllabus - (Bus 110 Section 1) Mondays 6:00– 8:50 p.m. Broome Library 2330

*Textbooks: Required: Jennings - *Foundations of the Legal Environment of Business*, Second Edition*

*Highly Recommended: Joshua Greene - *Moral Tribes: Emotion, Reason, and the Gap between Us and Them**

INSTRUCTOR: Panda Kroll, email: panda.kroll@csuci.edu, tel. 805-551-0773

Office Hour: Mondays 5 pm Sage Hall 2038 or by arrangement

DATE	TOPICS TO COVER IN CLASS	READING & HOMEWORK DUE BEFORE CLASS BEGINS
1/21	MARTIN LUTHER KING HOLIDAY	
1/28	<p>I. The Legal Environment in Which We Live II. “Truthiness” v. Critical Thinking</p> <p>When Is An Act Legal/Illegal? Is Cannabis Illegal? Is Porn Legal?</p> <p><i>How to:</i> Succeed in This Class The Socratic Method: Q&A (Applying legal rules to fact patterns)</p> <p><i>Video:</i> Age of Consent</p> <p>Sign up for <i>Moral Tribes</i> weekly presentation</p>	<p>MODULE I – WHY HAVE LAWS AT ALL? Before Class: Review Assignments posted in Canvas Answer Survey Complete Study Guides: CANVAS #1A & 1B</p> <p><u>Sex & Drugs @Work</u> ✓ Read articles posted on Canvas (Ma & Pa cannabis business, porn@work)</p> <p>ALLOW 4-6 HOURS TO COMPLETE ASSIGNMENT – this will be true each week, so plan accordingly Please do not turn in homework in class.</p>
2/4	<p>III. Sources of Law Statutes & Judicial Decisions</p> <p>When Is An Act Legal/Illegal? Is Cannabis Illegal? Is Drug Testing Legal?</p> <p><i>Video:</i> Supreme Court oral arguments in <i>Ross</i></p>	<p>MORAL TRIBES: Part 1-Moral Problems Intro, Chapter (Ch) 1: The Tragedy of the Commons Ch 2: Moral Machinery</p> <p>Read Case Study posted in Canvas: <i>Ross v. RagingWire</i> (medical cannabis @work)</p> <p><u>IN-CLASS QUIZ ON ROSS v RAGINGWIRE</u></p>
2/11	<p>IV. Sources of Ethics: What If There Were No Laws? What If The Laws Are Unfair?</p> <p><u>Sex Laws:</u> Were Romeo & Juliet guilty of sex crimes?</p> <p><u>Obscenity Laws:</u> Is rap music obscene? What is “sexting,” and is it child pornography?</p> <p><i>Video:</i> Teens Accused of Sexting Fight Back</p>	<p>MORAL TRIBES Ch 2: Moral Machinery</p> <p><i>Take Home Quiz/Study Guide:</i> CANVAS #2A & 2B <u>Sex Laws</u> ✓ Sexts – Pornography? Obscenity? ✓ Rap Music</p> <p>Be prepared to discuss: “How did the teens defend themselves from the threat of state criminal charges for child pornography arising from their use of their cell phones?”</p>

2/18	<p><u>Cyber-Crime & Punishment:</u> Civil Liability and Criminal Guilt for Emails and Facebook Postings</p> <p><i>How to:</i></p> <ul style="list-style-type: none"> • Regulate “new” torts/crimes • Distinguish criminal from civil law • Manage your online reputation <p><i>Video:</i> MySpace Suicide: Witness Testimony</p>	<p>MORAL TRIBES Ch 3: Strife on the New Pastures</p> <p><i>Take Home Quiz/Study Guides:</i> CANVAS #3A, B & C <u>Cyber Laws</u></p> <ul style="list-style-type: none"> ✓ Privacy & Reputation on the Internet ✓ Virtual Lives/Real Consequences: ✓ The MySpace Suicide Case <p>UPLOAD Answer to Case Study: E-Mail Trouble On the Job</p>
2/25	<p><u>Litigation in Our Judicial System:</u> How Does A Lawsuit Begin? Which Facts Matter? What is the Truth and Who Decides?</p> <p><i>What 2 Do When U Want 2 Sue and How 2 Prove Your Case</i></p> <p><i>How to:</i></p> <ul style="list-style-type: none"> • Write/respond to a “demand” letter • Decide whether to litigate • Avoid Evidence “Spoliation” <p><i>Exercise:</i> Litigation Flowchart</p>	<p>MORAL TRIBES: Part 2-Morality Fast & Slow Ch 4: Trolleyology</p> <p>MODULE II – “SEZ WHO?” <u>“NastyGrams,” Evidence in Litigation</u></p> <p><i>Take Home Quiz/Study Guides:</i> CANVAS #4A & 4B Read Jennings, Ch. 3 selected pages:</p> <ul style="list-style-type: none"> ✓ Analyze Exhs. 3.1, 3.2, 3.3, 3.6 and esp. 3.9 ✓ Read at least pages pp 67-77 in Ch. 3 <p>UPLOAD Answers to Jennings Case 3.3 <i>Wal-Mart Stores v. Johnson</i> “Reining Deer,” pp. 73-74</p>
3/4	<p>CONSTITUTION TEST (open book)</p> <p><u>Federal & State Constitutional Controversies</u> Which Laws Are “Fundamental?” Bill of Rights/Equal Protection/Due Process</p> <ul style="list-style-type: none"> • Declaration of Independence • Racial Inequality in Land Ownership <p><u>Students’ Rights</u> T-Shirt Wars Bathroom Wars</p> <p><i>How to:</i> Use the 14th Amendment offensively to protect individuals from discrimination based on membership in a protected class</p> <p><i>How to:</i> Use the 1st Amendment offensively to protect pro-drug/pro-choice/anti-gay messages</p> <p><i>How to:</i> Understand how judges resolve cases involving competing rights (property rights, free speech, religious freedom and equal protection, on the one hand, and privacy, safety, and a school’s “educational mission” on the other)</p>	<p>MORAL TRIBES Ch 5: Efficiency, Flexibility, & The Dual-Process Brain</p> <p>BRING <i>JENNINGS</i> TO CLASS FOR OPEN BOOK TEST</p> <p>Read Jennings, Appendix A (US Constitution)</p> <p><i>Take Home Quiz/Study Guides:</i> CANVAS #5A & 5B MODULE II: <u>Our Fundamental Rights</u></p> <ol style="list-style-type: none"> 1) <i>Constitution Study Guide</i> (not to upload but to prepare by filling in blanks) 2) <u>Student Speech Controversies: T-Shirt Wars!</u> <ul style="list-style-type: none"> ✓ <i>Morse (Juneau School Bd.) v. Frederick</i> “BONG HiTS 4 JESUS” in SCOTUS ✓ <i>Nuxoll v. Indian Prairie School Dist.</i> ”Homosexuality is Shameful” <i>Harper v. Poway School Dist.</i> “Be Happy Not Gay” <i>T.A. v. McSwain Union Elementary School Dist.</i> “Abortion Is Murder/Growing Growing Gone” – <p>SuperReader Presentations on <u>Equal Protection</u></p> <ul style="list-style-type: none"> ✓ <i>Gloucester County School Board v. G.G.</i> School Bathrooms in SCOTUS ✓ <i>Masterpiece Cakeshop v. Co Civil Rights Comm.</i> Cakes, Celebrations, & Discrimination in SCOTUS

3/11	<p align="center"><u>Constitutional Law, cont.:</u> Do Corporations Have 1st Amendment Rights?</p> <p align="center"><i>How to:</i> Use the 1st Amendment defensively to avoid liability for controversial messages</p> <p align="center"><u>Tort Law: Intro to Risk Allocation - Who Should Pay For Careless/Criminal Acts? Duty to Rescue</u></p> <p>Elements of Negligence</p> <ul style="list-style-type: none"> • Duty • Breach of Duty (Carelessness) • “But For” Causation (Factual Cause) • Proximate Cause (Legal Cause) • Damages <p>Torts “Matching” Exercise <i>How to:</i> Respond to requests for references</p>	<p><u>MORAL TRIBES: Part 3–Common Currency</u> Ch. 6: A Splendid Idea</p> <p>MODULE III: <u>The Law of Torts (Wrongs/Negligence)</u></p> <p>Skim Ch. 8 (the entire chapter)</p> <p>1) Study Guide: Reading/Qs Canvas #6A (<i>McCollum v. CBS/Ozzy Osbourne</i> - wrongful death)</p> <p>2) UPLOAD Answers to Canvas #6B - <i>Randi W.</i> (negligence/fraud)</p> <p>3) UPLOAD Answers to <i>Jennings</i>, Case 8.3 - <i>Van Horn</i> (negligence: duty issue, “Good Samaritan” defense)</p> <p>4) UPLOAD Answers to Canvas #6C (<i>Jenny Jones</i> murder case)</p>
3/18	SPRING BREAK	
3/25	<p align="center"><u>Tort Law, cont.:</u> Are Laws Protecting Privacy & Reputations Consistent with The First Amendment?</p> <p><i>How to:</i> Avoid exploitation and defamation claims</p> <p align="center"><i>Video:</i> Eminem “Brain Damage”</p> <p align="center"><u>QUIZ on IP (Intellectual Property) Law</u></p> <p>Be sure you know and can apply the definitions:</p> <ul style="list-style-type: none"> A. Copyright & Fair Use B. Trademark C. Patent D. Trade Secret E. DMCA “Safe Harbor” Defense <p align="center"><i>Video:</i> “Pretty Woman”</p> <p align="center">PUBLISH STUDY GUIDE FOR TEST I</p>	<p><u>MORAL TRIBES</u> Ch. 7: In Search of Common Currency</p> <p>MODULE III – <u>Reputation Torts & Intellectual Property</u></p> <p>2) Study Guide: Reading/Qs Canvas #7A ✓ <i>Bailey v. Mathers, III</i> (a/k/a Eminem, Slim Shady) ✓ “Borat” complaint and pages of Panda’s article</p> <p>3) Answer <i>Jennings</i> Case 14.2 (2 Live Crew)</p> <p>Skim Ch.14 (the entire chapter); Study Exh. 14.1</p> <p>4) Complete CANVAS #7B ✓ Trade Secrets – article explaining California law ✓ <i>Viacom v. YouTube</i> – article on \$1B lawsuit</p> <p align="center"><i>STUDY FOR QUIZ ON IP DEFINITIONS</i></p>
4/1	CESAR CHAVEZ HOLIDAY	1) Watch Borat film (in CANVAS)
4/8	<p align="center">TEST I</p> <p align="center">Trademark and Fair Use Product Liability/False Advertising</p> <p><i>How to know:</i> Know when advertising is “false” <i>How to know:</i> Know when coffee is “too hot”?</p> <p align="center"><i>Video:</i> “Barbie Girl” <i>Video:</i> “Borat” mockumentary presentation</p>	<p>MODULE III – (cont.)</p> <p>1) UPLOAD Answers to Canvas #8b (McDonald’s hot coffee case)</p> <p>2) Study Guide: Reading/Qs Canvas #8a: <i>Mattel v. MCA Records</i> (The Plastic Plaintiff)</p> <p align="center"><i>STUDY FOR TEST</i></p>

4/15	<p>Intro to Contracts – Contract Formation</p> <p>Sources of Contract Law: UCC – Common Law</p> <p><i>How to:</i> Know when a contract has been formed <i>How to:</i> Know when a contract needs to be in writing (Statute of Frauds)</p> <p><i>Video:</i> “Pepsi Stuff”</p> <p>Video: “Some Kind of Monster”</p>	<p><u>MORAL TRIBES: Part Four: Moral Convictions</u> Ch. 8: Common Currency Found</p> <p>MODULE IV –The Law of Contracts : Part I (Formation) - “Did I Agree To That?”</p> <p>1) CANVAS #9 (Fill-in-Blanks) Common Law & UCC Contract Rules</p> <p>Read <i>Jennings</i> Ch. 10 p. 230-232, 236-242, 247-249 Exhibits 10.3, 10.5; definition of contract p. G-5</p> <p>2) UPLOAD Answers to Case 10.2 <i>Leonard v. PepsiCo</i> (Does “Pepsi Stuff” Include a Harrier Jet?)</p> <p>3) UPLOAD Answers to Case 10.5 <i>Rosenfeld v Basquiat</i> (“The Artist, The Crayon, & the Contract”)</p> <p>4) UPLOAD Answers to Case 11.2 <i>Reed v. King</i> (The Haunted House)</p>
4/22	<p>Contracts – Performance & Defenses</p> <p>“Battle of the Forms” What happens when businesses exchange competing forms with different terms?</p> <p>“Clickthrough” Agreements, Liability Limitations Unconscionable Contracts</p> <p><i>How to:</i> avoid a warranty claim</p> <p>PUBLISH STUDY GUIDE FOR TEST II</p>	<p><u>MORAL TRIBES:</u> Ch. 9: Alarming Acts Ch. 10: Justice & Fairness</p> <p>MODULE 4 –The Law of Contracts “ Part II (Defenses) Read <i>Jennings</i> pp. 254-263, 267-68 Defenses/Remedies Study <i>Jennings</i> Exhibit 12.2 - UCC Warranties</p> <p>1) Case Study 11.3 <i>A.V. v. iParadigm</i> (TurnItIn copyright case – first see “Consider” p. 255)</p> <p>2) Quiz: CANVAS #10A <i>Mortenson Co v. Timberline Software</i> (The Two-Million-Dollar Bug) 5 pts + 20 E.C. option</p> <p>3) CANVAS #10B Fill in Blank Study Guide (UCC Warranty Provisions)</p>
4/29	<p>Contracts – More Defenses: Fraud/Misrepresentation/Lack of Capacity</p> <p><i>How to:</i> Set aside/avoid/rescind a contract <i>How to:</i> Prevent contract “fraud” claims</p> <p>TEST II</p> <p><i>Exercises: GroupThink</i> Challenger Disaster & Whistle-blowers</p>	<p>MODULE IV –The Law of Contracts (cont.) <u>Getting Out Of A Bad Contract – Part 2</u></p> <p>1) ANSWER CANVAS #11A: “Young Drugged & Wealthy”</p> <p><u>When Defects Cost Lives: Whistle Blowers</u> Read Ch. 15, p. 365 (Protection for Whistleblowers)</p> <p>2) CANVAS #11B: Cast Study The Challenger Disaster</p> <p>STUDY FOR TEST</p>

5/6	<p style="text-align: center;"><u>Corporate Law</u> - <u>Forms of Doing Business</u></p> <p style="text-align: center;"><i>How to:</i></p> <ul style="list-style-type: none"> • Form a sole proprietorship • Form a partnership (without really trying) • Limit liability, fund a business <p style="text-align: center;"><u>Employment Law:</u> Agency <i>How to:</i> Restrict post-employment conduct</p> <p style="text-align: center;">Know if you owe/ are owed overtime pay</p> <p style="text-align: center;">PUBLISH STUDY GUIDE FOR TEST III</p>	<p><u>MORAL TRIBES: Part 5-Moral Solutions</u> Ch. 11: Deep Pragmatism Ch. 12: Beyond Point-and-Shoot Morality</p> <p>MODULE V – The Law of Corporations / Agency Read Jennings:Ch. 18, pp. 410-426, esp. Exhibit 18.1 1) Answer Case 18.2 (Ma & Pa café) 2) Answer CANVAS #12A (What are the different forms of business entities?)</p> <p><u>Duties of “Agents” and “Principals”</u> Read Ch. 15 pp. 350-354, 356, 358 3) Answer CANVAS #12B (<i>Oprah</i> case)</p> <p><u>Liability for Agent’s Mistakes</u> 1) Answer Jennings Q’s: Case 15.3 (Cookie Crazy) 2) Answers Jennings Q’s: p. 367, questions #4 and #5</p>
5/13	<p style="text-align: center;">(“FINAL” – not cumulative)</p> <p style="text-align: center;"><u>Employment Law:</u> Agency, cont. Employer & Employee Liability</p> <p style="text-align: center;"><u>Employment Law:</u> Employee Rights <i>Wage & Hour Laws</i> <i>Discrimination/Harassment/Retaliation</i></p> <p style="text-align: center;">How to: Tolerate Intolerance</p> <p style="text-align: center;">TEST III 7:00-9:00 p.m.</p>	<p>MODULE V – Employment Law</p> <p><u>Illegal Discrimination & Retaliation in the Workplace</u> Read CANVAS #13 CA Employment Law Read Jennings p. 399 (BFOQ), p.404-405 (ADA) 3) UPLOAD Answers to Jennings Case 17.3 (sex harassment)</p> <p><u>Religious and Gender Discrimination @ Work</u> 1) UPLOAD Answers to CANVAS #14a: <i>Buonanno v. AT&T</i> (Conservative Christians’ right to disagree w/gay-friendly workplace policies)</p> <p>2) Read Jennings “Consider” 17.3 on pp. 397-98 (“Church of Body Modification”)</p> <p style="text-align: center;"><i>STUDY FOR TEST</i></p>

RES OUR CES: (a single copy of each of the two class textbooks is on reserve at the CSU CI Library) Over half of your assignments are on myCI Learn

/Canvas.

BUS 110: OVERVIEW OF COURSE AND COURSE EXPECTATIONS

Class Preparation: Plan for four to six hours of homework each week: 2 hours reading and re-reading assigned cases and articles and 2-4 hours preparing Case Questions and/or completing myCI Learn assignments, due each day **before class begins**. I have done my best to make the extensive homework worth your time, by choosing “hot” topics likely to arise in your work and daily life. You’ll get more out of class if you are prepared, and you will earn more “Preparedness” points.

Expectations:

You need your syllabus, textbook(s) and study guides each class. To maximize your experience, attend class, arrive on time, read and complete assignments, and “Opt In” to participate in class by answering questions.

Method of Student Evaluation:

Exam Score (best two out of three).....	60%
Homework Score (Quizzes, Uploaded Assignments).....	30%
Class Preparedness Score (Attendance, Opt In/Out of Discussions with ✓+ or -)	5%
Presentations on Moral Tribes	5%

Cut-Offs for Final Grade:

94% = A; 90% = A-; 87% = B+; 84%=B, 80% = B-; 77% = C+, 74% = C, 70% = C-; 67% = D+, 64% = D. Below 64% = F

Exam Score:

Exam Score is evaluated on your best score on two out of three multiple-choice tests. You will not need blue books or scantrons. There will be three multiple choice tests, based on lecture, readings, assignments and/or any topics discussed during class. I will provide a study guide prior to each test. There will be no cumulative final, although tests may include material discussed throughout the semester. I will exclude your lowest-graded test from your score. I will keep your tests and quizzes on file for only two weeks after the test or quiz is given. If you wish to go over a test or quiz, do so *prior* to that time. I do not give make-up tests; that is why I count only two out of the three tests.

Homework Score: Homework Score is evaluated on homework uploads due *prior* to class, and three in-class quizzes. If you upload the homework assignment to Canvas after class begins, you will not receive any credit (no late homework).

Class Preparedness Score: Opt-In (“Plus/Check/Minus” Participation / *Moral Tribes* Presentation):

Class Preparedness Score is evaluated based your participation and presentations. You will prepare a collaborative presentation on a chapter from *Moral Tribes*. To prepare for class discussion of the articles and cases in Canvas and the textbooks, complete study guides and upload assignments. We will have class discussions in which I will ask you questions from the assignments. You can “Opt-Out” of discussions by claiming a minus and/or be absent up to three times with no effect on your participation grade. If you come in after roll is taken, I will mark you absent and as an “Op-Out” unless and until you meet with me after class to update the roll.

Course Format:

The best way to learn and to apply the law is to read about and discuss legal issues that affect us, applying critical thinking to find rational conclusions. For this reason, this is not a lecture-based class. Instead, this class requires substantial student preparation and participation. You will discuss your responses to assignments and apply what you have learned to hypothetical and real situations. You are responsible for checking Canvas each week for announcements, changes, clarifications and assignments, and for coming to class with assignments uploaded and study guides completed.

What is Critical Thinking?

This course focuses on applying **critical thinking** skills to solve ill-structured problems. To be successful in this course and in the job market, you will need to develop the capacity to evaluate skillfully and fairly the quality of evidence and detect **error, hypocrisy, manipulation, dissembling** (lies), and **bias** (prejudice). In other words, recognize “Truthiness.”

- Identifying issues and prioritizing which to address;
- Using evidence, experience, and values to analyze these issues;
- Managing uncertainty and risk; and
- Making rational decisions (i.e., finding the most productive solution that is sensitive to uncertainty & risk)

Program Learning Goals

1. Critical Thinking
2. Oral Communication
3. Written Communication
4. Collaboration
5. Conduct (Ethics)
6. Competency in Discipline (i.e., in Business)

Student Learning Outcomes/Course Objective:

The course objective is to provide students with practical knowledge of legal principles and issues that arise in business. Businesses are subject to employment and contract disputes, negligence claims, regulatory compliance, and other legal issues, yet many business owners and managers are ill-equipped to identify legal risks before they arise. Without legal sophistication, business cannot identify and implement strategies to prevent problems from occurring or, at least, from spiraling out of control. While litigation is an inevitable cost of doing business, it is controllable. Students will develop the ability to spot potential legal problems and manage risks, enhancing their marketability to the businesses that employ them, and increasing their effectiveness as entrepreneurs.

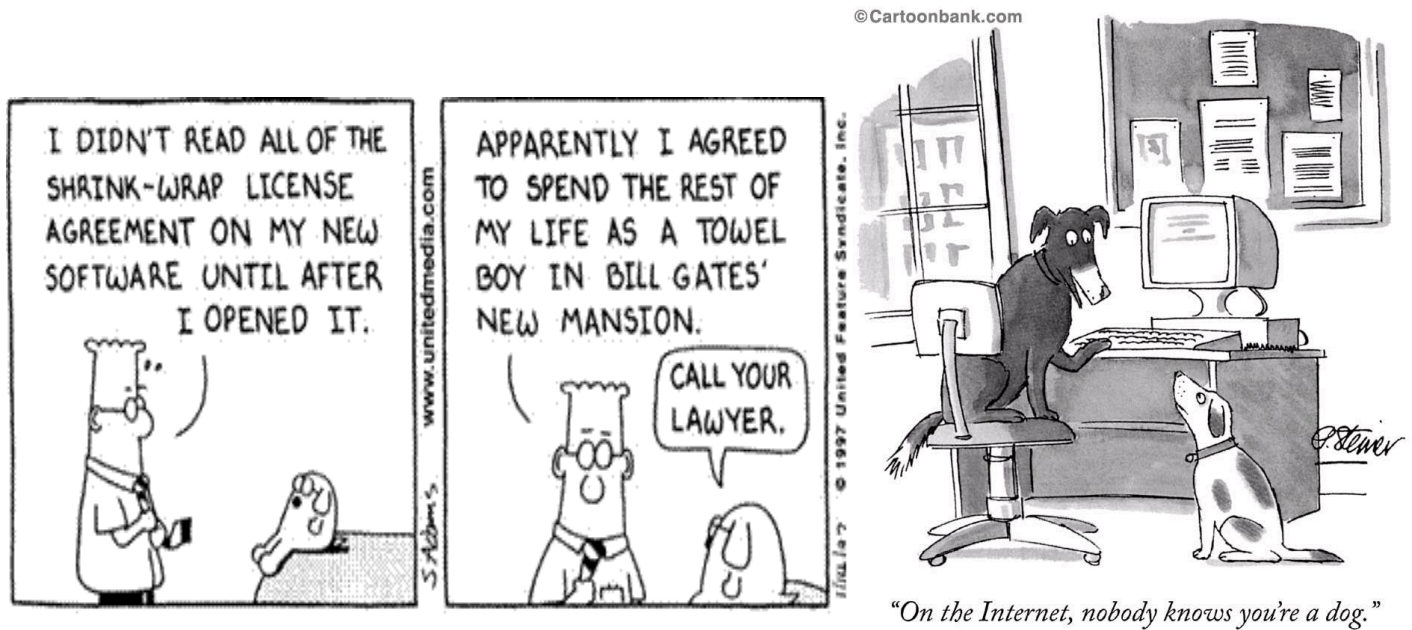
At the completion of this course, students will be able to:

- Describe the major components of the United States legal system (Learning Goals 2, 3, 5, 6);

- Write analyses of cases related to business organizations and their legal environments (1-6);;
- Research and present oral and written analyses of how laws and regulations impact business organizations (1-6);
- Identify, analyze, and suggest solutions for businesses to address their legal and ethical challenges (1-6).

Cheating, Plagiarism and Other Forms of Academic Dishonesty: Don't copy another student's assignment or test and don't let another student copy your assignment or test. CSUCI characterizes its graduates as creative in developing imaginative self-expression and independent thinking and dedicated to maintaining principles of intellectual honesty. Academic dishonesty is incompatible with these characteristics. Accordingly, you are expected to complete your own work, and you will be subject to sanctions if you cheat or assist others in cheating. If a student is suspected of submitting work containing word-for-word or closely paraphrased language from another student's work, OR if a student is suspected of assisting another student in copying, **both student(s) will receive no credit for any such suspected assignments//tests and will be reported to CSUCI's Judicial Affairs for adjudication / sanctions, up to and including a failing course grade.** See <http://www.csuci.edu/studentlife/student-conduct/academic-dishonesty.htm>.

Students with Disabilities needing accommodations, please make requests to: Disability Accommodation Services Phone: <https://www.csuci.edu/dass/>. Please discuss any approved accommodations with the professor as soon as possible.



(Examples of private law - invalid **racially restrictive** covenants in a real property deed)

said Tracts to a corporation or association formed by residents or owners of property in Innis Arden No. 2, or to a corporation or association formed by residents or owners of Innis Arden, for community purposes, in the activities of which corporation or association residents of Innis Arden No. 2 shall have the right to participate, subject to reasonable restrictions and requirements imposed by such corporation or association.

14. **RACIAL RESTRICTIONS.** No property in said addition shall at any time be sold, conveyed, rented or leased in whole or in part to any person or persons not of the White or Caucasian race. No person other than one of the White or Caucasian race shall be permitted to occupy any property in said addition or portion thereof or building thereon except a domestic servant actually employed by a person of the White or Caucasian race where the latter is an occupant of such property.

15. **ANIMALS.** No hogs, cattle, horses, sheep, goats, or or similar livestock shall be permitted or maintained on said property at any time. Chicken hens, pigeons, rabbits and other similar small livestock, not exceeding a total of twenty-five in number, shall be permitted but must be kept on the premises of the owner. Not more than one dog and cat may be kept for each building site. No pen, yard, run, hutch, coop or other structure or area for the housing and keeping of the above described poultry or animals shall be built or maintained closer

That said premises shall not at any time hereafter be sold, leased or transferred to any colored person or persons or to any person or persons of the Ethiopian or Semetic Race or to any descendant of either of said races and said premises shall not be used or occupied by any such person or persons at any time as a residence or otherwise and these presents are made upon the express condition that upon the sale, lease or transfer of title to any colored person or persons or to any person or persons of the Ethiopian or Semetic Race, or to any descendant of either of said races, then the estate hereunder shall become immediately forfeited and all right, title and interest therein shall thereupon revert to the grantors, their heirs, executors, administrators or assigns.