

Business Law Course Outline/Spring 2014 Syllabus - (Bus 110 Section 3) Thurs 3:00– 6:00 p.m. Broome 2480

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

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

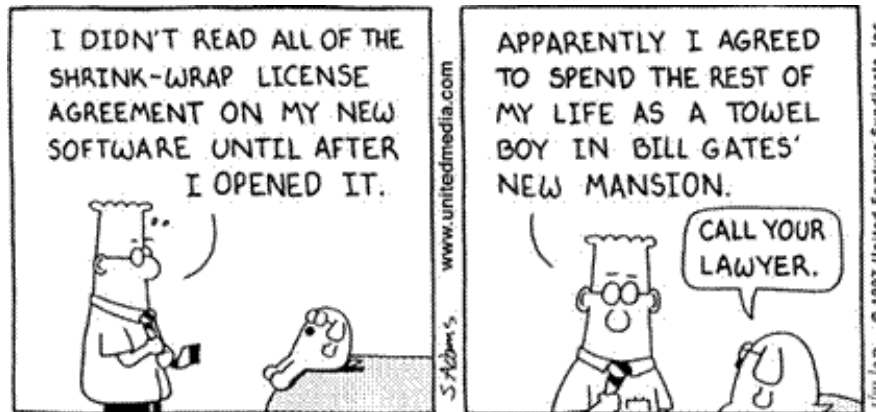
DATE	TOPICS TO COVER IN CLASS	READING DUE BEFORE THIS CLASS
8/28	<p align="center"><u>Introduction:</u></p> <p align="center">i. The Legal Environment That We Live In</p> <p align="center">ii. “Truthiness” v. Critical Thinking</p> <p align="center"><i>How to:</i> Succeed In This Class The Socratic Method: Q&A (Applying legal rules to fact patterns)</p> <p align="center"><i>Exercise:</i> Issue Spotting re: Drug Testing <i>Video:</i> Age of Consent</p>	<p>Before Class: Answer Survey in Blackboard (“BB”)</p> <p>Pre-Class Assignment in BB: <u>Sex and Drugs at Work</u> Read and compare two pairs of articles in BB (medical marijuana bust, judicial porn resignation)</p> <p>Locate California Penal Code section 261.5 (§ 261.5) This is California’s Age of Consent statute.</p> <p>*Blackboard (BB) Pre-Class Study Guide (Questions on Age of Consent Statute)</p>
9/4	<p align="center"><u>Sources of Law: When Is An Act Legal/Illegal?</u></p> <p align="center"><u>When Is An Act Protected/Precluded?</u></p> <p align="center"><u>Drug Laws:</u> Is Marijuana Legal? Is Drug Testing Legal?</p> <p align="center"><i>How to:</i></p> <ul style="list-style-type: none"> • Brief a case (e.g., <i>Ross v. RagingWire</i>) • Identify sources of law (“sez who?”): criminal v. civil law, state v. federal law common v. statutory law, public v. private law <p align="center"><i>Video:</i> <i>Ross</i> lawsuit oral arguments</p>	<p>MORAL TRIBES – Moral Problems</p> <p>Intro, Chapter (Ch) 1: The Tragedy of the Commons</p> <p>BB UNIT 1 – WHY HAVE LAWS AT ALL?</p> <ul style="list-style-type: none"> ✓ Read <i>Jennings</i>, pages (“p” or “pp”) 1-6, 11-14 (esp. private v. public law, criminal v. civil law) ✓ Study Exhibit (“Exh.”) 1.2 ✓ pp. 92-93 (esp. “What is Police Power?”) ✓ p. 96 (state v. federal regulation, “preemption”) ✓ <p>BB #1 - <u>Drug Laws</u> - (medical marijuana @ work) California Supreme Court Case: <i>Ross v. RagingWire</i></p> <p>*Study Guide: Reading/Qs BB #1 (for in-class test) ALLOW 4-6 HOURS TO COMPLETE ASSIGNMENT – this will be true each week, so plan accordingly</p>
9/11	<p align="center"><u>Sources of Ethics: What If There Were No Laws?</u></p> <p align="center"><u>What If The Laws Are Unfair?</u></p> <p align="center"><u>Sex Laws:</u> Were Romeo & Juliet guilty of sex crimes?</p> <p align="center"><u>Obscenity Laws:</u> Is rap music obscene? What is “sexting,” and is it child pornography?</p> <p align="center"><i>Video:</i> Teens Accused of Sexting Fight Back</p>	<p>MORAL TRIBES</p> <p>Ch 2: Moral Machinery</p> <p>BB UNIT 1, BB #2 - <u>Sex Laws</u> * Study Guide: Reading/ Qs BB #2</p> <ul style="list-style-type: none"> ✓ Obscenity ✓ Rap Music ✓ Sexting <p>Be prepared to discuss: How did the teens defend themselves from the threat of state criminal charges arising from their use of their cell phones?</p>
9/18	<p align="center">Cyber-Crime & Punishment,</p> <p align="center">Civil Liability for Emails and Facebook Postings</p> <p align="center"><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 align="center"><i>Video:</i> MySpace Suicide: Witness Testimony</p>	<p>MORAL TRIBES</p> <p>Ch 3: Strife on the New Pastures</p> <p>BB UNIT 1, BB #3 <u>Cyber Laws</u></p> <p>1) *Study Guide: Reading /Qs BB #3a</p> <ul style="list-style-type: none"> ✓ Privacy & Reputation on the Internet ✓ Virtual Lives/Real Consequences: ✓ The MySpace Suicide Case <p>2) *Study Guide: Reading/Qs BB #3b E-Mail Trouble (we won’t discuss until next week)</p>

<p>9/25</p>	<p><u>Litigation In Our Judicial System:</u> How Does A Lawsuit Begin? Which Facts Matter?</p> <p><i>How to:</i></p> <ul style="list-style-type: none"> • Write/respond to a “demand” letter • Decide to litigate or not • Avoid Evidence “Spoliation” <p><i>Exercise:</i> Litigation Flowchart</p>	<p>MORAL TRIBES – PART II: Morality Fast & Slow Ch 4: Trolleyology</p> <p>BB UNIT 2 – “SEZ WHO?” BB #4 – “<u>NastyGrams,</u>” Evidence in Litigation</p> <p><i>What2Do When U Want2 Sue /How to Prove Your Case</i></p> <p>Read Jennings, Ch. 3 selected pages: ✓ 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> <p>TURN IN *Answer questions after Jennings Case 3.3 <i>Wal-Mart Stores v. Johnson</i> “Reining Deer,” pp. 73-74)</p>
<p>10/2</p>	<p>CONSTITUTION EXAM (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"> • Racial Inequality in Land Ownership • Gay Marriage: legal arguments pro and con <p>Which Laws Are Reserved to the States? Commerce Clause & Regulation of Marijuana Use</p> <p>Do Students Have 1st Amendment Rights?</p> <p><i>How to:</i> Know whether school speech is protected or prohibited</p> <p><i>How to:</i> Use the 1st Amendment offensively to protect the right to express a controversial message</p>	<p>MORAL TRIBES Ch 5: Efficiency, Flexibility, and The Dual-Procees Brain</p> <p>BB UNIT 2: <u>Our Fundamental Rights</u> 1) *<i>Constitution Study Guide</i> BB #5a (this is not to turn in but to prepare by filling in blanks)</p> <p>YOU CHOOSE: Read EITHER</p> <ul style="list-style-type: none"> ✓ BB #5b: Federalism: <i>Fed v. State regulation of marijuana</i> OR ✓ BB #5c Equal Protection: <i>Is Gay Marriage Legal?</i> <p><u>Student Speech Rights: T-Shirt Wars!!!</u> 2) *<i>Study Guide: Reading/Qs</i> BB #5d: ✓ “BONG HiTS 4 JESUS” banner School Speech B4 and After BONG HiTS ✓ “Be Happy Not Gay” T-shirt anti-abortion speech: “growing growing gone” T-shirt</p> <p>BRING JENNINGS TO CLASS FOR OPEN BOOK EXAM</p>
<p>10/9</p>	<p><u>Constitutional Law, cont.:</u> Do Corporations Have 1st Amendment Rights?</p> <p><i>How to:</i> Use the 1st Amendment Act defensively to avoid liability for a controversial message</p> <p><u>Tort Law: Intro to Risk Allocation -</u> Who Should Pay For Careless/Criminal Acts? Duty to Rescue</p> <p>Elements of Negligence</p> <ul style="list-style-type: none"> • Duty • Breach of Duty (Carelessness) • “But For” Causation/Proximate Cause • Damages <p><i>How to:</i> Respond to requests for references</p>	<p><u>MORAL TRIBES – PART III. Common Currency</u> Ch. 6: A Splendid Idea</p> <p>BB UNIT 3: <u>The Law of Torts</u> Read Jennings pp. 184-187, 190 (bottom) -192, 202-203 Be sure you understand the 5 elements of negligence.</p> <p>1) *<i>Study Guide: Reading/Qs</i> BB #6a <i>McCollum v. CBS/Ozzy Osbourne</i> (wrongful death)</p> <p>2) *Answer Q’s BB #6b - <i>Randi W.</i> (negligence/fraud)</p> <p>PICK ONE OF THESE TWO: *Answer Qs Jennings, Case 8.3 - <i>Van Horn</i> (negligence: duty issue, “Good Samaritan” defense) OR *Answer Q’s Jennings, Case 8.5 - <i>Palsgraf</i> (negligence: proximate cause/foreseeability issue)</p> <p>DO NOW OR NEXT WEEK 3) *Answer Q’s BB #6c – <i>Jenny Jones</i> murder case</p>

10/16	<p style="text-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 Torts “Matching” Exercise</p> <p style="text-align: center;"><i>Video:</i> Eminem “Brain Damage”</p> <p style="text-align: center;"><u>QUIZ on Intellectual Property Law</u> Just be sure you know the definitions: A. Copyright & Fair Use B. Trademark C. Patent D. Trade Secret E. DMCA “Safe Harbor” Defense</p> <p style="text-align: center;"><i>Video:</i> “Pretty Woman”</p> <p style="text-align: center;">PUBLISH STUDY GUIDE FOR TEST I</p>	<p><u>MORAL TRIBES</u> Ch. 7: In Search of Common Currency</p> <p>BB UNIT 3 – <u>Reputation Torts</u> 1) *Study Guide: Reading/Qs BB #7a ✓ <i>Bailey v. Mathers, III</i> (a/k/a Eminem, Slim Shady) ✓ “Borat” complaint and pages of Panda’s article</p> <p>VIEW “BORAT” FILM IN EXTERNAL LINKS</p> <p>BB UNIT 3, cont. - <u>Intellectual Property</u> 2) *Answer Qs <i>Jennings</i> Case 14.2 (2 Live Crew)</p> <p>Skim Ch.14 (the entire chapter); Study Exh. 14.1</p> <p>3) *Study Guide: Reading/Qs BB #7b: ✓ Trade Secrets – article explaining California law ✓ <i>Viacom v. YouTube</i> – article on \$1B lawsuit</p> <p style="text-align: center;">*STUDY FOR QUIZ ON IP DEFINITIONS</p>
10/23	<p style="text-align: center;">TEST I</p> <p style="text-align: center;"><u>Trademark and Fair Use</u></p> <p style="text-align: center;"><u>Product Liability/False Advertising</u> <i>How to know:</i> When is advertising “false?” <i>How to know:</i> When is coffee “too hot to handle?”</p> <p style="text-align: center;"><i>Video:</i> Barbie Girl <i>Video:</i> “Borat” mockumentary presentation</p>	<p><u>MORAL TRIBES</u> Ch. 8: Common Currency Found</p> <p>BB UNIT 3 – (cont.) 1) *Study Guide: Reading/Qs BB #8a: <i>Mattel v. MCA Records</i> (The Plastic Plaintiff)</p> <p>2) *Answer Questions to BB #8b (McDonald’s hot coffee case)</p> <p style="text-align: center;"><i>STUDY FOR TEST</i></p>
10/30	<p style="text-align: center;">Intro to Contracts - Formation 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 style="text-align: center;"><i>Video:</i> “Pepsi Stuff”</p>	<p><u>MORAL TRIBES – PART IV: Moral Convictions</u> Ch. 9: Alarming Acts</p> <p>BB UNIT 4 –The Law of Contracts : Part I (Formation) “Did I Agree To That?”</p> <p>1) *Study Guide: Reading/Qs BB #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) *Answer Qs Case 10.2 <i>Leonard v. PepsiCo</i> (Does “Pepsi Stuff” Include a Harrier Jet?)</p> <p>3) *Answer Qs Case 10.5 <i>Rosenfeld v Basquiat</i> (“The Artist, The Crayon, & the Contract”)</p> <p>4) *Answer Qs Case 11.2 <i>Reed v. King</i> (The Haunted House)</p>

11/6	<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. 10: Justice & Fairness</p> <p>BB UNIT 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) *Answer Qs Case 11.3 <i>A.V. v. iParadigm</i> (TurnItIn copyright case – first see “Consider” p. 255)</p> <p>2) *Study Guide: Reading/Qs BB #10a <i>Mortenson Co v. Timberline</i> (“Precision” software) (The Two-Million-Dollar Bug)</p> <p>3) *Study Guide: Reading/Qs BB #10b Fill in Blank Study Guide (UCC Warranty Provisions)</p>
11/13	<p><u>Contract - Defenses:</u> Fraud/Misrepresentation/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><u>MORAL TRIBES – PART V: Moral Solutions</u> Ch. 11: Deep Pragmatism</p> <p>BB UNIT 4 –The Law of Contracts (cont.) Getting Out Of A Bad Contract – Part 2</p> <p>1) *Answer Qs BB #11a: “Young Drugged & Wealthy”</p> <p>When Defects Cost Lives: Whistle Blowers Read Ch. 15, p. 365 (Protection for Whistleblowers)</p> <p>2) *Answer Qs BB #11b: Challenger Disaster</p> <p>STUDY FOR TEST</p>
11/20	<p><u>Corporate Law</u> <u>And Forms of Doing Business</u></p> <p><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><u>Employment Law:</u> Agency <i>How to:</i> Restrict post-employment conduct</p> <p>Know if you owe/ are owed overtime pay</p>	<p><u>MORAL TRIBES</u> Ch. 12: Beyond Point-and-Shoot Morality</p> <p>BB UNIT 5 – The Law of Corporations / Agency Read <i>Jennings</i>:Ch. 18, pp. 410-426, esp. Exhibit 18.1</p> <p>1) *Answer Qs Case 18.2 (Shot down in Ma & Pa café)</p> <p>2) *Study Guide: Reading/Qs BB #12a (What are the different forms of business entities?)</p> <p>Duties of “Agents” and “Principals” Read Ch. 15 pp. 350-354, 356, 358</p> <p>3) *Answer Qs BB #12b (<i>Oprah</i> case)</p> <p>Skim BB #12c -Advanced Health Care Directive</p>
11/27	<p><u>THANKSGIVING</u></p>	
12/4	<p><u>Employment Law:</u> Agency, cont. Employer & Employee Liability</p> <p><u>Employment Law:</u> Employee Rights <i>Wage & Hours/ Sex Discrimination/Harassment</i></p> <p><i>How to:</i> Avoid/ respond to harassment charges</p> <p>PUBLISH STUDY GUIDE FOR TEST III</p>	<p><u>MORAL TRIBES</u> (Conservative Critique of <i>Moral Tribes</i> /Utilitarianism)</p> <p>BB UNIT 5 – The Law of Corporations / Employees Liability for Agent’s Mistakes</p> <p>1) Answer <i>Jennings</i> Q’s: Case 15.3 (Cookie Crazy)</p> <p>2) Answer <i>Jennings</i> Q’s: p. 367, questions #4 and #5</p> <p>Illegal Discrimination & Retaliation in the Workplace Read BB #13 CA Employment Law Read <i>Jennings</i> p. 399 (BFOQ), p.404-405 (ADA)</p> <p>3) Answer <i>Jennings</i> Qs: Case 17.3 (sex harassment)</p>

12/11	<p align="center">FINAL: MEET 4:00-6:00 p.m.</p> <p align="center">TEST III</p> <p>Employment Law: Discriminatory Acts Religious and Disability Discrimination</p> <p align="center">How to: Tolerate Intolerance</p>	<p>BB UNIT 5 – The Law of Corporations /Employees <u>Religious and Gender Discrimination @ Work</u></p> <p>Read Jennings “Consider” 17.3 on pp. 397-98 (“Church of Body Modification”)</p> <p>1) *Answer Qs BB #14a: <i>Buonanno v. AT&T</i> (Conservative Christians’ right to disagree w/gay- friendly workplace policies)</p> <p>2) Read BB #14b: Religion/Sexual Orientation @ Work THREE short articles on employment discrimination</p> <p>STUDY FOR TEST</p>
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YOUR INSTRUCTOR:

Panda Kroll, Esq. ,email: panda.kroll@csuci.edu, tel. 805 551-0773
Office: Sage Hall Room 2038 / Hours: Thursday 2 pm or by arrangement

YOUR REQUIRED RESOURCES:

(TEXTBOOK) Jennings (2013) *Foundations of the Legal Environment of Business*, Second Edition*
Joshua Greene (2013) *Moral Tribes: Emotion, Reason, and the Gap Between Us and Them*.
Blackboard – About half of your assignments are on Blackboard! You will need access to a computer.

BUS 110: OVERVIEW OF COURSE AND COURSE EXPECTATIONS

Class Preparation – 100% Attendance, 100% Homework 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 Blackboard assignments. 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.

Expectations: Attendance, Homework Exchange. Class Participation:

You are expected bring your syllabus, textbooks and any study guides to class every day. All students are expected to do assigned reading and preparation, attend class, arrive on time, and be prepared to answer questions in class. If a student comes in after roll is taken, the student will be marked absent unless and until the student meets with the instructor after class to change the roll sheet.

Exams/Quiz:

There will be one “fill-in-the blank” open book quiz on the Constitution, one multiple choice quiz, and three multiple choice exams, based on lecture, readings, assignments and/or any topics discussed during class. You will not need blue books or scantrons. You will be provided with a study guide prior to each exam. There will be no cumulative final, although exams may include material discussed throughout the semester. The instructor will exclude your lowest-graded

exam from your score. **NO MAKE-UP EXAMS WILL BE GIVEN!** Exams and quizzes will be kept on file for only two weeks after the exam or quiz is given. If you wish to go over an exam or quiz, you may do so *prior* to that time.

Participation/Class Discussion:

To prepare for class, students will read assigned reading in Blackboard and the textbooks case questions, and complete study guides. You will not turn in the completed study guide. We will have class discussions in which I will ask you questions from the readings. You can “opt out” by turning in a note with the words “opt-out” and your name on it. You can turn in up to three “opt-out” notes with no effect on your participation grade.

Method of Student Evaluation:

Exams.....	60%
Participation (Quizzes & Class Discussion)	30%
Attendance	10%

Cut-Offs for Final Grade:

93% = A; 90% = A-; 87% = B+; 83%=B, 80% = B-; 77% = C+, 73% = C, 70% = C-; 67% = D+, 63% = D. Below 63% = F

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. Students will discuss their responses to assigned work and apply what they have learned to hypothetical and real situations. Students will be responsible for checking Blackboard each week for announcements, changes, clarifications and assignments, and for coming to class with study guides completed on the date due.

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).

What is Critical Thinking?

- 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

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 enhancing 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 (5, 6);
- Write analyses of cases related to business organizations and their legal environments (1, 3, 5);
- 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 test and don't let another student copy your test. Use quotes if the words you use are not yours and cite the author. 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 language from websites, other students, etc., OR if a student is suspected of assisting another student in cheating or copying, **the student will be reported to CSUCI's Judicial Affairs for adjudication / sanctions, including a failing course grade.**

Disabilities Accommodations:

Students with Disabilities needing accommodations, please make requests to:
 Disability Accommodation Services Phone: 805-437-8510 (V/TTY); Fax: (805) 437-8529
 Office: Bell Tower Room 1769
 Email: accommodations@csuci.edu/
 Please discuss any approved accommodations with the professor as soon as possible.

*Finances an issue? You can find the first edition of the text online for just a few dollars, however you will need to see me for an alternate syllabus if you have purchased that earlier edition as the pages are different.

(Example of invalid racially restrictive covenant in land deed to be discussed) ©Cartoonbank.com

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 Caucausian race. No person other than one of the White or Caucausian 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 Caucausian 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



“On the Internet, nobody knows you’re a dog.”