BUSINESS MANAGEMENT 303
-THE LEGAL ENVIRONMENT OF BUSINESS-

Spring Semester, 2014 Mondays and Thursdays 2:30 – 3:45 pm
Lifetime Fitness Center Seminar Room

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TEXT: Henry R. Cheeseman: *The Legal Environment of Business and Online Commerce* (7th Ed., Pearson: Prentice Hall 2013)

1. Introduction

This course is an introduction to the legal environment of business. On a basic level, that means an introduction to understanding the law and legal system. But the "legal environment" also includes the political context in which laws are written and enforced, and the social, economic and historical events that influence the creation, enforcement, and application of laws. We also will explore the regulatory activities of federal, state and local agencies, alternative methods of dispute resolution, and how the legal system operates in general.

Several studies have shown that managers themselves view law as an important area of study. An obvious manifestation of the importance of law to business is the rapid and sustained rise in the amount of litigation and regulation to which businesses are subjected. It is possible to chart the increase in litigation in many areas of the law which relate to business. For example, there has been a huge increase in the number of employment discrimination lawsuits filed in the last 25 years alone (121% increase in business litigation, a 17% increase in personal injury litigation, and a 430% increase in employment law cases filed in the Federal District Courts).

George Seidel, Professor of Business Administration at the University of Michigan Business School, in his study of the forces affecting the rise of importance of law in business, lists six forces which have constantly forced legal issues onto management agendas during the last decades of the 20th century. (Seidel 737) In addition to increased litigation and regulation, he includes globalization, technology, compliance and

entrepreneurship as important forces in the modern business world which explain the increasing importance of law to business decision-making. Seidel's conclusion is that "law effectively is a minor for every future manager because it pervades business decision-making and operations."

2. Objectives

The objectives of this course are to:

- provide an in-depth introduction to various aspects of the law and how it affects everyday life.
- provide a basic understanding of the legal system.
- encourage you to see connections between the law and political, social and economic forces in society.
- enhance your critical understanding of how the legal and moral environment of business changes.
- improve your research, writing, and presentation skills.

As a business person, you must be able to recognize potential problems before they become actualized and costly; to know when you need to consult a lawyer and when you do not (it is very inefficient to send every proposed communication or planned course of action past an attorney); and to have sufficient insight into the legal system so that the service and advice of the lawyer can be knowledgeably evaluated and incorporated into your firm's decision-making processes.

3. Reading Assignments, Topics of Discussion, and Exams

Chapter reading assignments are shown below. You must not only read the assignment, but try to think about it as well.

I do expect you to be prepared for each class. You will be called upon. Being prepared does not mean that you have to be an expert who gets all the answers right. Many times there may not be a "right answer".

You must look up and read the entire appellate court opinion of the case assigned for each Chapter. An easy way to obtain copies of legal cases and articles on the law is www.googlescholar.com.

CASE PRESENTATION TEAMS:

► Each student will be assigned to a Team for the semester.

► At the beginning of each class I will call upon a Team to come to the front of the class to discuss the Case assigned to be read from the previous Chapter. Since you will not know when your Team may be called, you must be prepared to present every assigned Case!

► One of you shall present the view of the facts and the applicable law from the Plaintiff's (or the Government's) point of view.

► Then a second Team member responds with the Defendant's version of the facts and application of the law.

► Finally, the third member will assume the role of a company executive explaining the Court's ruling to his/her Board of Directors with advice as to what the Board should learn from this and suggestions to keep the company out of similar trouble.

► The Team's entire presentation shall not exceed 12 minutes.

► Each student will be graded upon the quality of his/her performance, *i.e.*, their ability to describe the parties' respective positions and discuss the issues in the case.

► Grades will be "A", "C" or "F". I will disregard your lowest grade in calculating your Class Participation grade (see page 8).

► Team members must rotate roles after each presentation, so that the Plaintiff advocate in the first presentation becomes the Defendant advocate in the second presentation, and so on.

DATE	**TOPIC**	**CHAPTER**

PART I
LEGAL AND ETHICAL ENVIRONMENT

1. Monday, Jan. 20 FIRST CLASS - INTRODUCTION

2. Thursday, Jan. 23	Ethics and Social Responsibility of Business Ethics Case 2.2	2
3. Monday, Jan. 27	Judicial, Alternative and E-Dispute Resolution CLT Case 4.1	4

PART II
CONSTITUTION AND PUBLIC POLICY

4. Thursday, Jan. 30	Constitutional Law for Business and E- Commerce Ethics Case 5.9	5
5. Monday, Feb. 3	Torts and Strict Liability Ethics Case 6.10	6
6. Thursday, Feb. 6	Torts and Strict Liability CLT Case 6.9	6
7. Monday, Feb. 10	Intellectual Property and Cyber Piracy CLT Case 8.8	8

PART III
CONTRACTS, COMMERCIAL LAW, AND E-COMMERCE

8. Thursday, Feb. 13	Formation of Traditional and E-Contracts CLT Case 9.10	9
9. Monday, Feb. 17	Performance and Breach of Traditional and E-Contracts CLT Case 10.1	10
10. Thursday, Feb. 20	FIRST MID-TERM EXAM	
11. Monday, Feb. 24	E-Commerce and Digital Law *Cvent, Inc. v. Eventbrite, Inc*., 2010 U.S. Dist. Lexis 96354 (E.D. Va.	11

	Sept. 14, 2010)	
12. Thursday, Feb. 27	UCC Sales and Lease Contracts and Warranties CLT Case 12.2	12
13. Monday, Mar. 3	Credits, Secured Transactions, and Bankruptcy CLT Case 13.2	13
14. Thursday, Mar. 6	Small Business and General Limited Partnerships Ethics Case No. 14.8	14

- *SPRING BREAK – NO CLASS MONDAY, MARCH 10 & THURSDAY, MARCH 13*-

PART IV
BUSINESS ORGANIZATIONS AND INVESTOR PROTECTION

15. Monday, Mar. 17	Limited Liability Companies, Limited Liability Partnerships and Special Forms of Business CLT Case 15.1	15
16. Thursday, Mar. 20	Corporations and the Sarbanes – Oxley Act CLT Case 16.8	16 & App. B
17. Monday, Mar. 24	Corporations and the Sarbanes – Oxley Act CLT Case 16.6	16 & App. B
18. Thursday, Mar. 27	Investor Protection, E-Securities, and Wall Street Reform CLT Case 17.5	17
19. Monday, Mar. 31	SECOND MID-TERM EXAM	

PART V
AGENCY, EMPLOYMENT, AND LABOR LAW

20. Thursday, Apr. 3	Agency Law CLT Case 18.6	18
21. Monday, Apr. 7	Equal Opportunity in Employment Ethics Case 19.9	19
22. Thursday, Apr. 10	NO CLASS	
23. Monday, Apr. 14	Employment Law and Worker Protection CLT Case 20.5	20
24. Thursday, Apr. 17	Labor Law and Immigration Law CLT Case 21.2	21
25. Monday, Apr. 21	Labor Law and Immigration Law CLT Case 21.3	21

PART VI
GOVERNMENT REGULATION

26. Thursday, Apr. 24	Antitrust Law and Unfair Trade Practices CLT Case 22.7	22
27. Monday, Apr. 28	Consumer Protection (No case assigned)	23
28. Thursday, May 1	EXTRA CLASS – make up if necessary	

FINAL EXAM – *Date to be Determined*

Information on Assignments, Attendance and Exams

1. **<u>Late assignments will receive a grade of zero unless excused</u>**.

2. If you are absent on the day an exam is given, it is **your responsibility** to contact me **before** the exam is administered. Deferments will only be granted for very good cause shown. Failure to contact me before the exam and/or failure to show very good cause for a deferment may result in your not being able to make up the exam and **you receiving a grade of zero for that exam.**

3. If you are absent on the day on which an assignment is handed out, it is **your responsibility** to make arrangements to obtain the assignment and complete such assignment by the due date.

4. If you are absent on a day on which an in-class assignment is completed, it is **your responsibility** to make arrangements to obtain the assignment from a classmate prior to the next class meeting and to complete and turn in such assignment on or before the next scheduled class. **If the in-class assignment is not turned in before the next scheduled class, it will be considered late and receive a grade of zero**.

5. Attendance is **mandatory,** and is part of your participation grade. Absences will be noted and will be considered in assigning a final grade. Class participation will also be considered in assigning a final grade. Students are expected to be ready to discuss the readings (including the Learning Objectives, Critical Legal Thinking Cases and Ethics Cases) in class. I will call on students to answer various questions. I will also pose general discussion questions to the class. Class participation is encouraged and everyone should have the opportunity to share their opinion. *Important Note*: Class participation points can be deducted for counter-productive classroom activity – most especially disrupting the class by inappropriately talking to your neighbors.

NOTE: If you decide to drop this course, it is *your* responsibility to go to the Registrar's Office and submit the proper form to be formally withdrawn from the course.

6. All written homework must be neatly typed in a professional, interesting and readable manner, using **14 point font, 1-inch margin left and right, top and bottom** (the same as this Syllabus). No handwritten material will be accepted unless otherwise indicated.

7. All written work must conform to the general rules of English, spelling, paragraphs, punctuation, grammar, and sentence structure.

8. The power to all electronic devices, including cell phones and computers, shall be turned **OFF** during class and examinations. Failure to power-off such devices during an exam may result in you not being allowed to complete the exam.

9. **Pens**, not pencils, must be used for all exams and in-class assignments.

10. The three exams will cover lecture material, textbook readings, class discussions, guest speakers, videos shown in class, and homework assignments. The exams will be a combination of multiple choice, short answer and essay questions. Each exam is NON-CUMULATIVE, and will test only your application of material covered during the period immediately preceding that exam. For example, the second mid-term exam will test only that material we have covered since the first mid-term exam.

11. If you must **make-up an exam**, OAS will proctor make-up exams on Fridays, from 9 a.m. ---1 p.m. only, and the make-up exam must be received in OAS by noon on Thursday. If you need accommodations (extended time), I must have your exam to OAS by noon the day before you are to take the exam or OAS will not proctor it. Accordingly, you should tell me verbally and by email of your need for a proctored exam at least several days **before** the exam.

Academic Integrity/Cheating/Plagiarism

An original work product on all assignments is expected of each and every student. Assignments are to be a student's own work product and not a collaborative effort, unless indicated otherwise. All materials excerpted or quoted from a source must be properly identified and cited. Cheating, fabrication, facilitating academic dishonesty, and/or plagiarism may result in a grade of "F" for the course and appropriate disciplinary action in accordance with college policies and procedures. By participating in this course you are giving permission for the instructor to send your written work product to *turnitin.com*.

Grading

EXAMS (3)	60%
CLASS PARTICIPATION (including any in-class quizzes, performance Team member, discussions in class; attendance is part of participating)	40%

General Grade Scale for assignments and exams:

A+ = 97-100	A = 93-96	A- = 90-92
B+ = 87-89	B = 83-86	B- = 80-82
C+ = 77-79	C = 73-76	C- = 70-72
D+ = 67-69	D = 63-66	F- = 0-62

Final Class Grades are issued on an A, B, C, D, F scale. There MAY BE + or – final class grades.

Online Sources:

A great source for legal research is the Jurist website: http://jurist.law.pitt.edu/ Also, there is the Legal Information Institute at Cornell Law School, see http://www.law.cornell.edu/ . If you have trouble with legal terminology, there are a number of free online law dictionaries, including http://dictionary.law.com/.