

Spring 2016 –BUSINESS LAW 280-12 -- 13499 (INTRODUCTION TO BUSINESS LAW) COURSE SYLLABUS

COURSE INFORMATION:

Class #13499, Friday 8:00 – 10:45 a.m.

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Class Room: Juniper Hall, Room 1232.

Office Hours: Tuesdays and Thursdays: 9:30 p.m. to 10:45 p.m. Office hours are also typically 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.

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 will be a reading assignment that you should complete **BEFORE** the first class session (see below).

The Matador Bookstore has the 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 (or bring your laptop) as we will refer to the text in class on many occasions. To purchase ebooks, you will need to go to the McGraw Hill bookstore website at <https://create.mheducation.com/shop/>, and enter the specific ISBN number (Mallor, 16th ed. eISBN # 9781308556369.)

FYI, the 16th edition of Mallor is "new" for the 2015-16 academic year. It is substantially different than the 15th or other prior editions used prior to 2015. Earlier editions are not useable for this class. **BE SURE TO GET THE 16TH EDITION.**

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 \mp 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 two dates in the semester in which two FORMAL case briefs are to be submitted for a grade (February 19 and April 29).** Briefs are due at the start of the class period

on those due dates. Also, 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 at least an informal 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**:

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 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 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 court's reasoning on paper and is the most difficult (and, on exams, the most important) skill you will learn.

Conclusion: What was the result of the case?

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.

Turning in Formal Briefs and Answers to Chapter Questions

As noted above, on at least two occasions, 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 answers to questions posed at the end of each chapter.

Exams and 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% of the course grade. These include the Briefs due February 19 and April 29, and the homework assignment due April 22. There may be other homework assignments given during the semester that will be included in this category of points.
- B. Class participation – Roughly 5%-10% of the course grade – See further below.
- C. Midterm exam – Roughly 20% of the course grade – closed book, but one single-sided page of notes allowed.
- D. Short quizzes on contract and tort law – Roughly 20% of the course grade – closed book.
- E. Final exam – Roughly 30% of course grade – closed book, but one single-sided page of notes allowed.

Grading Scale

Grading will be based 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, as well as your general participation in class discussions. Class participation incorporates attendance, demonstration of preparedness when called on involuntarily and contributions made voluntarily to class discussions. At the end of the semester, I will assign a number of points to each student from 0-20 based on your class participation.

Exams

The mid-term, short quizzes and final exams will be composed of: (i) one or more 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; and (iii) 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 OK.

HOWEVER, PLEASE NOTE THAT THE SHORT QUIZZES ON CONTRACT AND TORT ISSUES WILL BE CLOSED BOOK - NO MATERIALS WILL BE PERMITTED TO BE USED ON THOSE 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 is essential.

PLEASE BE PREPARED FOR CLASS. IN MY EXPERIENCE, THE STUDENTS WHO WERE 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.

I cannot emphasize enough the value of being prepared in advance of class. Much of the material will be hard to "get" 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.

ASSIGNMENTS

Date	Class Topics	Work Due
Class 1-A Friday January 29	Discussion of Syllabus and Class organization issues; Nature of Law – Legal reasoning, case law	Read pages 2 through 9. Be prepared to discuss Price v. High Pointe Oil and Advance Dental Care v. Suntrust Bank. There is no writing assignment. HOWEVER, PLEASE COMPLETE THIS READING ASSIGNMENT BEFORE THE FIRST CLASS -- specifically, be prepared to discuss the Price and Advance Dental Care cases. Use the IRAC analysis discussed above in this Syllabus
Class 1-B Friday January 29	Statutory Interpretation - Limits of Court Power	Read pages 14-22, beginning with "Cyberlaw in Action". Be prepared to discuss the Fair Housing Council of San Fernando Valley case. I suggest that you do a written practice brief of this case. Be prepared to answer the question at the end of the "Cyberlaw In Action" box on page 16 comparing the Fair Housing Council decision and the Chicago Lawyers Committee v. Craigslist case. Also be prepared to discuss the Hagan v. Coca Cola Bottling Company and the James v City of Costa Mesa cases. Again, no written assignment is due, but be prepared to discuss.
Class 2-A Friday February 5	Resolution of Private Disputes – Federal Courts, State Courts and Civil Procedure	Read pages 28-32; 35-43 (up to Summary Judgment) (you may skip page 42 Cyberlaw In Action). Be prepared to discuss Abdouch v. Lopez and Hertz Corp. v. Friend. Brief them in writing to practice for upcoming brief submittals. Be prepared to answer Chapter Problem 1 on page 55.
Class 2-B Friday February 5	Summary Judgment Trials and Appeals	Read pages 43-54. Informally brief Walmart Stores v. Dukes and AT&T Mobility v. Concepcion. Answer Problems 5 and 7 on pages 56-57. Be sure to familiarize yourself with the concepts of "ADR" referenced in pages 50-54. Be sure you can identify the differences between Arbitration and Mediation. 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.
Class 3-A Friday February 12	Intentional Torts	Read pages 181-194 (but skip Durham v. McDonald's Restaurants). Informally brief Mathias v. Accor Economy Lodging and Pope v. Rostraver Shop and Save.
Class 3-B Thursday February 12	Defamation	Read pages 194- top of 208 (skip Cyberlaw in Action on page 197). Be prepared to discuss Bertrand v. Mullin and Obsidian Finance Group v. Cox. Also read the short supplemental reading on New York Times v. Sullivan using the following link:

		<p>www.hrcr.org/safrica/expression/nytimes_sullivan.html</p> <p>While the New York Times case is discussed in the Mallor text on page 187, it is a critical case to understand defamation of public figures. Be sure to read the supplemental reading for its discussions of the pro's and con's of the US Supreme Court decision and be prepared to discuss.</p>
Class 4-A Friday February 19	Invasion of Privacy and Nuisance issues	<p>Read pages 208-219</p> <p>Formally brief <i>Jordan v. Jewel Food Stores, Inc.</i> and <i>Stephens v. Pillen</i>.</p> <p>This is your first written assignment to be turned in. YOUR BRIEFS OF THE JORDAN AND PILLEN CASES ARE TO BE TURNED IN PRIOR TO THE START OF CLASS 4-A (February 19).</p>
Class 4-B Friday February 19	Negligence – Duty/Breach of duty; Elements of Negligence	<p>Read pages 225-240. Informally brief <i>Shafer v. TNT Well Service</i>, <i>Currie v. Chevron</i>, <i>Dick’s Sporting Goods v. Webb</i> and <i>Lord v. D&J Enterprises, Inc.</i></p>
Class 5 Friday February 26	15 MINUTE QUIZ ON NATURE OF LAW AND INTENTIONAL TORTS	<p>WILL COVER MATERIAL DISCUSSED IN CLASSES 1-A THROUGH 4-A. MULTIPLE CHOICE AND SHORT ANSWER QUESTIONS</p>
Class 5-A Friday February 26	Special Duties – Duties to persons/property; Negligence per se; Causation; Proximate Cause; Intervening Cause	<p>Read pages 240 (Negligence per se) – 252, but skip <i>Atlantic Coast Airlines v. Cook</i></p> <p>Informally brief <i>Kaltman v. All American Pest Control</i>, <i>Black v. William Insulation</i>, and <i>Stahlecker v. Ford Motor Company</i>, and be prepared to discuss them.</p> <p>Additional reading and viewing: Read the Wikipedia summary of the famous <i>Palsgraf v. Long Island Railroad</i> 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.</p>
Class 5-B Friday February 26	Res Ipsa Loquitur; Negligence Defenses; Comp. Negligence; Assumption of Risk; Strict Liability; Tort Reform	<p>Read pages 252-258. Informally brief <i>Dyer v. Maine Drilling & Blasting, Inc.</i> and be prepared to discuss it.</p> <p>Answer Chapter Problems 5 and 10 on pages 260 and 262.</p>
Class 6-A Friday March 4	Completion of any remaining Tort issues	Mid-Term Review
Class 6-B Friday	MID-TERM EXAM 1 hour, 15 minutes	The mid-term exam covers the material read and discussed from Classes 1-A through Class 6-A

March 4		
Class 7-A Friday March 11	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.
Class 7-B Friday March 11	Promissory Estoppel; Offers: Special Offer Problem Areas	Read pages 333-335, and 339-349. Informally brief Aceves v. U.S. Bank, Meram v. McDonald, J.D Fields & Company v. United States Steel International, Inc., and Kolodziej v. Mason, and be prepared to discuss them.
Class 8-A Friday March 18	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.
Class 8-B Friday March 18	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.
Friday March 25	No Class	Spring Break
Class 9-A Friday April 1	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
Class 9-B Friday April 1	Introduction to Consideration issues	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 10-A and B Friday April 8	Half hour quiz on contract issues Consideration * Absence of * Pre-Existing/Past duties	Quiz will cover material covered in Classes 7-A through 9-B Read pages 387 (from "Pre-Existing Duties") to 398. Informally brief Margeson v. Artis, Doe v. Roman Catholic Archdiocese of Indianapolis, and McClelan v. Charly, and be prepared to discuss them. Answer Chapter Problems 5 and 10 on pages 399 and 401.
Class 11-A Friday April 15	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. PASS OUT ASSIGNMENT DUE APRIL 22

Class 11-B Friday April 15	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 12-A and B Friday April 22	Capacity to contract	TURN IN HOMEWORK ASSIGNMENT AT THE BEGINNING OF CLASS 12-A (April 22) Read pages 421-430. Informally brief Galloway v. Iowa, Zelnick v. Adams, and Rogers v. Household Life Insurance Co. Answer Chapter Problems 1 and 6 on pages 431 and 432.
Class 13-A Friday April 29	Illegality/Legality of Contract; Exculpatory Clauses	Read pages 434-445 (UP TO UNFAIRNESS IN AGREEMENTS) HOMEWORK DUE – FORMALLY brief Coma Corporation v. Kansas Department of Labor and Clark’s Sales and Service, Inc. v. Smith. THE BRIEFS FOR THESE CASES ARE DUE TO BE SUBMITTED BEFORE THE START OF CLASS 13-A (April 29).
Class 13-B Friday April 29	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. Answer Chapter Problems 2 and 3 on page 454
Class 14-A Friday May 6	Statute of Frauds/Writings; Parol Evidence	Read pages 456-468 (through cyberlaw in action). Informally brief Dynergy, Inc. v. Yates and Linscott v. Shasteen. And Read pages 470 (Parol Evidence) - 474. Informally brief Jacco & Associates, Inc. v. HVAC, Inc.
Class 14-B Friday May 6	Breach of Contract; Contract Remedies	Read pages 504-516. Informally brief Harrison v. Family Home Builders, LLC, East Capitol View Community Development Corporation v. Robinson, and George v. A.L. Hoyt & Sons. Answer Chapter Problems 3 and 9 on pages 522 and 524.
Class 15-A Friday May 13	Complete any remaining contract issues	
Class 15-B Friday May 13	Review for Final Exam	Be prepared to ask questions to help review for the final exam. I will conduct a review session. The final will be cumulative; however, it will emphasize Contract Law issues