

**MGT 597: Business Law
Spring 2013**

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Office & Office Hours: see below

Course Description

A survey and study of the legal and regulatory environments businesses operate within, including international business implications and an overview of doing business with the U.S. Government. The class will encompass interactive lectures, reading, case studies, and a team based Contract Negotiation exercise. This course satisfies the business law requirement for the MSM Cohort program.

The Books

- The Legal and Regulatory Environment of Business by Lee Reed, Marisa Pagnattaro, Daniel Cahoy, Peter Shedd, and Jere Morehead
- Fundamentals of Government Contracting 2012 | 2013 edition by Jay Grenig

Grade Determination

The following table depicts the basis for earning points throughout this class. Please note that homework based upon the assigned questions in the text will not be graded, but you will forfeit 5 points for each week you do not complete the assignment.

Grade Component	Max Points	A	B	C	F	Comment
Midterm	100	90+	80-89	70-79	69 or less	In class, closed book (Material from Week 1 – 7 only)
Final (Two Parts)	100	90+	80-89	70-79	69 or less	Final will consist of 2 parts: <ul style="list-style-type: none">• In class multiple choice, closed book (50 pts) (Material from Week 8 – 16)• Take-home paper (“Report”) due the evening of the final (50 pts)
Contract Negotiation Exercise	100	90+	80-89	70-79	69 or less	This is a team grade. The exercise and score sheet will be provided March 7 th
Total Course Points	300	270+	240-269	210-239	238 or less	

Questions from the Text, Handouts, and Case Studies

As noted earlier, you are expected to complete the assigned questions from the text (or handouts) each week. You will also be required to complete assigned case studies. These are individual exercises to assist you in developing an understanding of the substantive law and its application. We will go over the questions, through discussion, each week. Again, you must complete these assignments weekly or forfeit 5 points for each missed assignment.

Business Discussions

Business Discussion questions, whether assigned from the book or handouts can be done with up to 3 other classmates. In fact, I encourage you to team up to discuss these, because often times in the legal and regulatory context, how facts are applied to the rule of law can often render legitimate differences of opinion. We will be discussing these each week in class, so it is essential that you come prepared for a lively and informative discourse.

Comment on the Final Exam “Report”

You will be provided with a “fact pattern” concerning a company that is engaged in government contract work as part of your final exam. Your role is as a newly assigned Contracts Manager responsible for assessing the various issues and concerns the company is facing and providing a comprehensive report to the Chief Executive Officer. It is up to you to determine what the issues are, why they are of concern, and to make appropriate recommendations.

I will be handing out the this part of the final exam on January 31st so, you can begin work at any time; however I strongly encourage you to begin early. This “Report” cannot be completed in a successful manner a few days before the end of the term. The key to success on this “Report” is your ability to spot issues, understand the contract law that is relevant to each issue and apply the law to the facts and posit an appropriate recommendation or course of action, in other words, in-depth analysis and critical thinking.

You are not to complete the report using APA format. Rather, your response should be in the format of a report that would commonly be used in this situation. The elements are as follows:

- Executive Summary (you should briefly discuss the nature of your assessment, including how you went about your assessment, a top level summary of your findings, and the overall impact of the issues in the aggregate on the business)
- Discussion of Issues (include the issue, why it’s an issue, and the potential impacts on the business)
- Recommendations (include why you are making the recommendation and what you believe the outcome(s) will be)

It is up to you to determine the best way to present the material in the report. Remember, you want to ensure the reader does not have to struggle to follow your discussion.

How to Brief a Case

Your text, “The Legal and Regulatory Environment of Business” includes case studies which are edited cases from various courts that you’ll be “briefing” for your homework assignments and that we will be discussing in depth in class. It is imperative that you actually “brief” the case as part of your homework in order to understand the underlying issue(s) and legal principles that led to the various positions. We will also be going over your briefs as part of our weekly class discussion. The text offers a suggestion for how to “brief” a case, however, for your consideration, I offer the following, which I think is simpler to follow:

IRAC Method¹

IRAC is an acronym for Issue, Rule, Analysis/Application, and Conclusion and is a four-step process for legal analysis. It consists of:

1. Issue: formulating the legal issue raised by the facts;
2. Rule: identifying the legal rule that governs the issue;
3. Analysis: determining how the legal rule applies to the issue; and
4. Conclusion: stating the results of the legal analysis.

ISSUE

Issue spotting, is the first step in the IRAC method process and consists of identifying the issue or issues presented by the facts in a case and determining what law applies and how it applies. It is important to remember that a single set of facts may contain multiple issues. You should separate the issues and analyze each of them individually.

RULE

The next step in the IRAC method is to identify the rule of law that governs the issue. This is where legal research comes in. You will need to research the law (your text materials will be sufficient) to determine the rule of law that governs the issue. The rule of law that applies to the issue may be enacted law, such as a statute, ordinance or regulation. It may be case law, which is legal precedent set forth in court opinions. Or the rule of law may be a combination of enacted law and case law.

ANALYSIS/APPLICATION

The third step of the IRAC method of legal analysis is the analysis or application part. In this step, you will determine how the rule of law applies to the issue. Putman notes that there are three sub-parts to the analysis or application step of the IRAC method. Proper analysis or application requires the legal writer to:

- Identify the elements of the rule of law;

¹ Sources:

Katherine A. Currier and Thomas E. Eimermann, *Introduction to Law for Paralegals* (5th ed., Wolters Kluwer 2012).

William H. Putman, *Legal Analysis and Writing* (3d ed., Cengage 2009).

- Apply each of the elements of the rule of law to the facts of the case and determine if each element is satisfied by the facts; and
- Consider any potential counterarguments that might be made to one's analysis.

CONCLUSION

The fourth and final step of the IRAC method is the conclusion. This is where you answer the question originally raised by the legal issue. Only by going through the process of formulating a well-stated issue, researching the applicable rule of law, and analyzing the law as applied to the facts, can you reach a viable conclusion. If the issue, rule and analysis sections of your case brief are well developed, the conclusion will be logically supported.

Office Hours & the Brian Baier Contracts Library & Resources in my Office

I will also be available in my office, which is in building 136 during lunch daily. Please feel free to stop by or call my extension, x4908.

The Contracts Department is also home to the Brian Baier Contracts Library (Building 111 in the Contracts/Export Control area, or there is another library in my office in 136). You are welcome to use these resources. Both contain a plethora of exceptional materials on all aspects of Contracts, including Commercial Contracts, International Contracts, Government Contracts, Negotiations, Subcontracts, Intellectual Property, and general reference. There are places to sit in 111 and use the materials as well as a white board. Please note that no materials are to be removed from the library. If the Brian Baier door is locked please see anyone in that area, they will unlock the room for you.

Weekly Topics and Reading Assignments

Week	Topic	Reading Assignment/Homework ²
1 1/17	<ul style="list-style-type: none"> • Intro to Class 	<u>The Legal and Regulatory Environment of Business</u> Chpt 1, Q: 2-4;7-21, Business Discussion 1&2 Chpt 2, Q: 1, 2, 4, 10-12(a),14, Business Discussion 1&2
2 1/24	<ul style="list-style-type: none"> • The Law as a Foundation for Business • Role of Ethics 	<u>The Legal and Regulatory Environment of Business</u> Chpt 3, Case 3.1, Q: 4-11, Business Discussion 2
3 1/31	<ul style="list-style-type: none"> • The Court System • Adjudication of Federal Contract Disputes 	<u>The Legal and Regulatory Environment of Business</u> Chpt 4, Case 4.1, 4.2, Q: All, Business Discussion 1&2 Chpt 5, Case 5.2, Q: 6, 9,11-14, Business Discussion 1

² Homework assignment that will be due the following week. For example, the assignment given on January 17th is due on January 24th.

Week	Topic	Reading Assignment/Homework ³
4 2/7	<ul style="list-style-type: none"> Litigation ADR 	<u>The Legal and Regulatory Environment of Business</u> Chpt 6 (read only) Chpt 7, Q: 1-21
5 2/14	<ul style="list-style-type: none"> The Constitution The Property System 	<u>The Legal and Regulatory Environment of Business</u> Chpt 8, Case 8.1, 8.2, Q: 1-19, Business Discussion 1
6 2/21	<ul style="list-style-type: none"> Contract Formation 	<u>The Legal and Regulatory Environment of Business</u> Chpt 9, Case 9.1, 9.2, Q: 1-13, Business Discussion 1
7 2/28	<ul style="list-style-type: none"> Contractual Performance & Agency 	<u>Fundamentals of Government Contracting</u> Chpts 1-4, 14C, Homework handout
8 3/7	<ul style="list-style-type: none"> MIDTERM (in class) U.S. Government Contracts 	<u>Fundamentals of Government Contracting</u> Chpts 5-8, Homework handout
9 3/14	<ul style="list-style-type: none"> U.S. Government Contracts 	<u>Fundamentals of Government Contracting</u> Chpts 9-13, Homework handout
10 3/21	<ul style="list-style-type: none"> U.S. Government Contracts 	<u>The Legal and Regulatory Environment of Business</u> Chpt 10, Case 10.1, 10.2, 10.3, Q: 1-19, Business Discussion 1&2
11 3/28	<ul style="list-style-type: none"> Torts Affecting Business 	<u>The Legal and Regulatory Environment of Business</u> Chpt 11, Case 11.1, 11.2, 11.4, Q: 4-7, 13-21 Handout re: USG Data Rights

³ Homework assignment that will be due the following week. For example, the assignment given on January 17th is due on January 24th.

Week	Topic	Reading Assignment/Homework ⁴
12 4/4	<ul style="list-style-type: none"> Intellectual Property 	<u>The Legal and Regulatory Environment of Business</u> Chpt 12, Case 12.1, 12.2, 12.3,Q: 1-13, Business Discussion 1&2
13 4/11	<ul style="list-style-type: none"> International Law 	<u>The Legal and Regulatory Environment of Business</u> Chpt 13, Case 13.2, 12.2, 12.3,Q: 8-20 Handout on Mandatory Disclosure Rule, False Claims Act, False Statements
14 4/18	<ul style="list-style-type: none"> Criminal Law and Business 	<u>The Legal and Regulatory Environment of Business</u> Chpt 16, Case 16.1, 16.3,16.4, Q: 2,4,5,6-16 Handout on Teaming Agreements
15 4/25	<ul style="list-style-type: none"> Anti-Trust Laws & Teaming Agreements 	<u>The Legal and Regulatory Environment of Business</u> Chpt 21, Case 21.1, 21.2, Q: 1-11
16 5/2	<ul style="list-style-type: none"> Employment Laws Review 	
17 5/9	<ul style="list-style-type: none"> FINAL (in class) Report Due 	

Disability Statement

The Americans with Disabilities Act (ADA) Is a federal antidiscrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

⁴ Homework assignment that will be due the following week. For example, the assignment given on January 17th is due on January 24th.

Office of Disability Resources and Services

Texas A&M University–commerce

Halladay Student Services Building

Room 303 A/D

Telephone: 903.886.5150 or 903.886.5835

Fax: 903.468.8148

Student Conduct Statement: “All students enrolled at the University shall follow the tenants of common decency and acceptable behavior conducive to a positive learning environment.”

Students enrolled in online courses have the same rights and responsibilities as students in life taught courses. Referred to student guidebook located at:

[www.tamu-commerce.edu/student life/guidebook.htm](http://www.tamu-commerce.edu/student%20life/guidebook.htm)

Comment on Academic Honesty

As you are aware, citations are required even in regard to information found on the Internet. The Course Paper you are required to complete must be your own work. Although you are not required to submit your course paper in APA format, if making reference to a particular source, that source must be cited. In addition quotations must be properly attributed. Please be advised all papers will be assessed for authenticity using turnitin.com software.

Any deviation from these guidelines will constitute plagiarism. And as you know that means you are not doing your own work. If you have any questions in regard to plagiarism please let me know.

Plagiarism represents disregard for academic standards and is strictly against University policy. Plagiarized work will result in an “F” for the course and further administrative sanctions permitted under University policy. Guidelines for properly quoting someone else’s writings and the proper citing of sources can be found in the APA Publication Manual.