TEXAS A&M UNIVERSITY-COMMERCE

SYLLABUS

Fall 2013

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Course: BA 301 - The Legal Environment of Business

Time & Location: Online 24-7

Instructor: Edgar J. Garrett, Jr., JD

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A. COURSE DESCRIPTION: This course is a study of the legal environment of business including elements of tort and contract law, product liability, employment law and discrimination, consumer law, and the basics of the legal system, including ethics and foreign and international law.

B. COURSE MISSION

1. To provide an overview of the basics of the legal system, both nationally and internationally.
2. To develop skills in working with legal materials and understanding the language of the law.
3. To provide a general understanding of the major legal issues that impact the business environment, both nationally and internationally.
4. To provide knowledge of specific basic laws which affect business structure and finance.

C. EXPEXTED STUDENT COMPETENCIES TO BE ACHIEVED IN THIS COURSE. These are set out in the following statements:

a. Demonstrate knowledge of the legal environment of business by an understanding of the role, nature and sources of law; the courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.

b. Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law; the commerce clause of the Constitution; intellectual property laws; consumer protection laws; employment laws; environmental laws; business competition laws; and discrimination laws.

c. Demonstrate an understanding of the elements of contracts, breach of performance and remedies, and E-Commerce issues.

d. Demonstrate the ability to define tort law; understand common torts; and explain liabilities and remedies for the breach thereof.

e. Demonstrate the process of legal research and preparing a case brief.

Student understanding of the foregoing concepts will be tested throughout the course, viz.:

a. *Demonstrate knowledge of the legal environment of business by an understanding of the role, nature and sources of law; the courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.*

1. What are the major legal philosophies that have influenced the American legal system?
2. Define the doctrine of *stare decisis*.
3. Understand basic ethical systems, how they differ, and how they impact the law.
4. Understand the process of negotiation, mediation and arbitration.

5. Compare and contrast the function of trial courts and appellate courts.
6. What is the doctrine of sovereign immunity?
7. What are the most common risks of criminal liability faced by business people.

b. *Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law; the commerce clause of the Constitution; intellectual property laws; consumer protection laws; employment laws; environmental laws; business competition laws; and discrimination laws.*

1. Explain the federal government's authority to regulate interstate commerce.
2. Know the major laws that protect employees in the workplace.
3. Know the protected categories under Title VII.
4. Understand the types of sexual harassment and how an organization can bring itself into compliance with the law.
5. Know an organization's obligations to the disabled under the ADA.
6. Name three unfair and deceptive practices that violate Section 5 of the Federal

   Trade Commission Act.

c. *Demonstrate an understanding of the elements of contracts, breach of performance and remedies, and E-Commerce issues.*

1. Know the four essential elements to make a contract enforceable.
2. Know the difference between compensatory, consequential, punitive and nominal damages.

d. *Demonstrate the ability to define tort law; understand common torts; and explain liabilities and remedies for the breach thereof.*

1. Know the essential factors necessary for a valid negligence claim.
2. Name and describe the two types of defamation.
3. Understand the concept and practice of strict liability

e. *Student understanding of the process of legal research and preparing a case brief will be assessed by the case brief assignment.*

D. COURSE REQUIREMENTS

1. Readings as assigned.
2. Chapter quizzes (20% of grade)
3. Three examinations and a final (50% of grade). The final will not be comprehensive. Normally there will be no make-up exams. Exams will be graded on the following scale. 90-100=A; 80-89=B; 70-79=C; 60-69=D; Below 60=F.
4. One written case brief is due on or before **November 25th**. I will provide instructions on how to write a brief to you via email at the appropriate time. Cases will be found on the second floor of the library, in the Southwestern Reports, the Federal Supplement, and the Federal Reports. The can also be found under the Westlaw or Lexis-Nexis databases for the library. Cases will be provided by the instructor upon your email request. Students must report on different cases. The brief should be neatly typed (20% of grade). This course is designed to train you in the skill of critical legal thinking. As such it is imperative that you do all the reading (particularly the cases), quizzes and discussion postings. Jumping ahead would frustrate the process. The study of law is unlike any other college courses. At the outset of the course you could not yet prepare a proper case brief as you have not been seasoned with the study. Further instructions on the process will be forthcoming. Though you may request your case early on, the case brief should not be attempted until after exam 2. See the Grading Rubric in eCollege for further elucidation.
5. Class participation is required (10% of grade). Each student is required to make at least one thoughtful post for each required chapter of study along with three postings in challenge or support of the postings of other students or in rebuttal or defense of your own. Posts for readings associated with text chapters are required no later than the end of the week during which the chapter is assigned. This is the class participation component of the grade. See the Grading Rubric for discussions in eCollege for further elucidation. As a general guideline, your grade on this portion will be a function of the quality, quantity, timeliness and consistency of your posts (including your original posts and your replies to other posts) on the bulletin board. Please note the deadline for bulletin board participation in the daily schedule. Please also note that heavy activity during the last few days cannot compensate for a lack of participation during the term. Plan to participate throughout the course.

E. TEXT: Miller and Jentz, *Business Law Today*, Ninth Edition, (South-Western, Cengage Learning 2012)
Comprehensive Edition ISBN 978-0-538-45280-9 or 0-538-45280-3

F. OUTLINE OF COURSE. This outline as to dates and assignments is tentative. It assumes the material will be covered at maximum speed. Exams, however, will be given as scheduled, but will cover only material that has been covered in class before the exam.

Date Open/Close	Subject	Assignment
Aug 28 / Sep 1	Introduction to law and the course The Legal Environment of Business	Chapter 1 Discussion and Quiz
Sep 1 / Sep 8	Constitutional Law	Chapter 2 Discussion and Quiz
Sep 1 / Sep 8	Ethics and Business Decision Making	Chapter 8 Discussion and Quiz
Sep 8 / Sep 15	Courts and Alternative Dispute Resolution	Chapter 3 Discussion and Quiz
Sep 8 / Sep 15	Administrative Law	Chapter 38 Discussion and Quiz
Sep 15 / Sep 22	Exam I (Chapters 1, 2, 3, 8 and 38)	
Sep 22 / Sep 29	International Law in a Global Economy	Chapter 27 Discussion and Quiz
Sep 22 / Sep 29	Torts and Cyber Torts	Chapter 4 Discussion and Quiz
Sep 29 / Oct 6	Promoting Competition	Chapter 39 Discussion and Quiz
Oct 6 / Oct 13	Criminal Law	Chapter 6 Discussion and Quiz
Oct 6 / Oct 13	Cyber Crime	Chapter 7 Discussion and Quiz
Oct 13 / Oct 20	Exam II (Chapters 4, 6, 7, 27 and 39)	
Oct 20 / Oct 27	Contracts – Nature and Classification	Chapter 9 Discussion and Quiz
Oct 26 / Oct 27	Agreements in Traditional and E-Contracts	Chapter 10 Discussion and Quiz
Oct 27 / Nov 3	Breach and Remedies	Chapter 16 Discussion and Quiz
Oct 27 / Nov 3	Intellectual Property	Chapter 5 Discussion and Quiz
Nov 3 / Nov 10	Exam III (Chapters 5, 9, 10 and 16)	
Nov 10 / Nov 17	Employment, Immigration and Labor Law	Chapter 29 Discussion and Quiz
Nov 17 / Nov 24	Employment Discrimination	Chapter 30 Discussion and Quiz
Nov 25	Case Brief	Due in Drop Box
Nov 24 / Dec 1	Consumer Law	Chapter 40 Discussion and Quiz
Dec 1 / Dec 8	Environmental Law	Chapter 41 Discussion and Quiz
Dec 8 / Dec 12	**FINAL EXAM** (Chapters 29, 30, 40 and 41)	

NOTE: Requests from students with disabilities for reasonable accommodations must go through the Academic Support Committee. For more information, please contact the office of Advisement Services, BA 314, (903)886-5133.

All students enrolled at the university shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment (see Student's Guide Book, Policies and Procedures, conduct).

Texas A&M University-Commerce

College of Business and Technology

Academic Honesty Policy

Statement of Ethical and Professional Conduct:

The College of Business and Technology at Texas A&M University-Commerce faculty, staff and students will follow the highest level of ethical and professional behavior. We will strive to be recognized as a community with legal, ethical and moral principles and to teach and practice professionalism in all that we do.

In an academic environment we will endeavor to not only teach these values but also to live them in our daily lives and work. Faculty and staff will be held to the same standards and expectations as our students.

Failure to abide by these principles will result in sanctions up to and including dismissal.

Actionable Conduct:

There are five different types of actions that will bring sanction. They are:

1. Illegal activity: Violation of any local, state or federal laws that prohibit the offender from performance of his or her duty.

2. Dishonest Conduct: Seeking or obtaining unfair advantage by stealing or receiving copies of tests or intentionally preventing others from completing their work. In addition falsifying of records to enter or complete a program will also be considered dishonest conduct.

3. Cheating: The unauthorized use of another's work and reporting it as your own.

4. Plagiarism: Using someone else's ideas and not giving proper credit.

5. Collusion: Acting with others to perpetrate any of the above actions regardless of personal gain.

Sanctions:

In the case of staff or faculty the immediate supervisor will be the arbiter of actionable behavior and will use Texas A&M University-Commerce and/or Texas A&M University System Policy and Procedures as appropriate to guide sanctions.

Faculty, guided by clearly delineated policy in the course syllabus, will be the arbiter for in-class violations. All violations will be reported to the Dean of the College of Business and Technology to assure equity and to provide appropriate counsel. In addition, the Dean will maintain records of violations by students. Second violations will be reviewed by the Dean and sanctions beyond those of the faculty up to and including suspension and permanent expulsion from Texas A&M University-Commerce will be considered. Faculty and students are guided by the current undergraduate and graduate catalogs of the University as well as The Student's Guidebook.

Faculty, staff and students will always be afforded due process and review as appropriate.

Texas A&M University-Commerce

College of Business & Technology

Student Appeal of Course Grade

(Refer to TAMU-C Procedure: 13.99.99.R0.05)

TEXAS A&M UNIVERSITY-COMMERCE PROCEDURE

13.99.99. R0.05 Student's Appeal of Instructor's Evaluation Effective September 1, 1996 Revised December 15, 1999 Revised February 8, 2007 Supplements System Policy 13.02

1. The final grades awarded by faculty members are their expert judgment concerning student performance. Students challenging a final grade must show that the instructor's judgment was unfair based on: a) some basis other than performance, or b) standards different from those applied to other students in the same course section, or c) a substantial, unreasonable, and unannounced departure from previously articulated standards or the syllabus.

2. Students who believe their grade to be unfair ***must first discuss the matter with the instructor***.

3. ***If no satisfactory resolution is reached with the instructor, or if the instructor is unavailable, the student shall appeal to the Department Head.*** A grade appeal must be initiated in writing with the Department Head (or Dean if the Department Head is the instructor) within six (6) months of the last day of the semester in which the grade was awarded. The Department Head will examine the student's appeal to determine whether the student has established an apparent case of unfair academic evaluation as described in section 1. If the student has not established a case that appears to have merit, the Department Head will so inform the student and the instructor without delay.

4. If the case has merit, the Department Head will secure, from all parties, written statements and other such information as he or she deems helpful and will issue his or her findings and remedies, if any. In so doing, the Department Head will be guided by the principle ***the burden of proof lies with the student.***

5. The instructor or the student may appeal the Department Head's decision (with respect to findings and remedies) to the Dean of the College in which the course is offered within 30 days of the date on which the Department Head offered his or her judgment.

6. Upon receipt of an appeal, the Dean will appoint a three-person advisory committee of faculty to hear the case. The chair of the committee will be from a department other than the one offering the course in question. The two remaining committee members will be from the department offering the course. One of these faculty members may be suggested by the author of the appeal. The instructor and the student may file additional statements. The committee will review all written materials and may seek other information, as they deem appropriate. After reviewing all information, the committee will communicate their findings and suggested remedies, if any, to the Dean.

7. The Dean is the final authority on issues of fairness in course evaluation. He or she will consider the recommendations of the committee but has wide latitude in resolving the matter.

The Dean too will be guided by the principle that the student must show the evaluation to have been unfair as identified in Section 1.

8. The Dean is responsible for notifying the Office of the Registrar of any decision requiring a change in records.

References: Prior ETSU Policies V C 1.1 and B-32 approved October 7, 1977; revised September 1, 1979, January 19, 1990, July 30, 1998, and December 15, 1999; Procedure A13.06

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CONTACT FOR INTERPRETATION: Provost and Vice President for Academic Affairs

Students with Disabilities:

The Americans with Disabilities Act (ADA) is a federal anti-discrimination 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:

Office of Student Disability Resources and Services

Texas A&M University-Commerce

Gee Library

Room 132

Phone (903) 886-5150 or (903) 886-5835

Fax (903) 468-8148

StudentDisabilityServices@tamu-commerce.edu

Protocol and Grading Rubric for Discussion Posts.

Discussion postings must demonstrate an observable understanding of the cases being discussed. The understanding will be at the critical legal thinking level. Discussion postings should be a minimum of one short paragraph and a maximum of two paragraphs. Postings should be evenly made during the discussion period (not concentrated all on one day or at the beginning and/or end of the period) with 4 postings being the target. Avoid postings that are limited to "I agree" or "great idea" or "Judges were spot on in the mule skinning case", etc. If you agree (or disagree) with the case or a posting of another student please expound as to why you agree or disagree supporting your assertion with concepts from the case or chapter or by bringing in a related example or experience. Try to use quotes from the cases or the chapter to support your posting using page numbers to cite your quotes. Build on the postings of others to create threads. Bring in related prior knowledge (work experience, readings, family experiences, etc.) Use proper etiquette (language, typing, etc.)

Grading Rubric for Discussion Posts

Criteria	**Excellent – 19 Points**	**Good – 16 Points**	**Acceptable – 14 Points**	**Unacceptable – 0 Points**
Initial Posting	Posting is well developed that fully addresses and develops all aspects and concepts of the case	Posting is well developed that addresses most aspects of the case; lacks full development of concepts of the case	Posting is adequate with superficial thought and preparation; does not address all aspects of the case	No posting; or copies the post of another
Frequency	Participates 4 or more times throughout the week	Participates 2-3 times throughout the week	Participates 1 time	Participates not at all; or copies the post of another
Follow-Up Posting	Demonstrates analysis of other's postings; extends meaningful discussion by building on previous postings	Elaborates on an existing posting without further comment or observation	Posts shallow contribution to discussion (merely agrees or disagrees) does not enrich discussion	Posts no follow-up responses to others; or copies the post of another
Content Contribution	Posts factually correct, reflective and substantive contribution; invites and	Posts information that is factually correct; lacks full development of	Repeats facts of case but does not add substantive information to discussion	No post or posts information that is off-topic, incorrect, or irrelevant to discussion; or

	advances discussion	concept or thought		copies the post of another
Clarity & Mechanics	Contributes to discussion with clear, concise comments formatted in an easy to read style that is free of grammatical or spelling errors	Contributes valuable information to discussion with minor clarity or mechanics errors	Communicates in friendly, courteous and helpful manner which some errors in clarity or mechanics	No post or posts long, unorganized or rude content that may contain multiple errors or may be inappropriate; or copies the post of another

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Case Brief Instructions and Grading Rubric

Please note that, unlike the case you have been assigned, the cases in the text have been stripped down to a fundamental legal issue related to the chapter of study and do not contain much of the procedural aspects you may find in your case.

DECIDE ON A FORMAT AND STICK TO IT: Structure is essential to a good brief. It enables you to arrange systematically the related parts that are scattered throughout most cases, thus making manageable and understandable what might otherwise seem to be an endless and unfathomable sea of information. There are, of course, an unlimited number of formats that can be utilized. However, it is best to find one that suits your needs and stick to it. Consistency breeds both efficiency and the security that when called upon you will know where to look in your brief for the information you are asked to give. Be mindful that the operative word is “brief”; ideally the case brief should be about one page in length and never over two pages.

Nevertheless, it is important that a brief contain the following:

TITLE AND VENUE: Identify the case name and citation in the correct format.

RULE OF LAW: A statement of the general principle of law that the case illustrates in the form of a statement.

Determining the rule of law of a case is a procedure similar to determining the issue of the case. Avoid being fooled by red herrings; there may be a few rules of law mentioned in the case excerpt, but usually only one is the rule with which the judges are most concerned. The techniques used to locate the issue, described below, may also be utilized to find the rule of law.

FACTS: A synopsis of only the essential relevant facts of the case, i.e. those bearing upon or leading up to the issue. The facts entry should be a short statement of the events that led one party to initiate legal proceedings against another in the first place. While some

cases conveniently state the salient facts at the beginning of the decision, in other instances they will have to be culled from hiding places throughout the text, even from concurring and dissenting opinions. Some of the "facts" will often be in dispute and should be so noted. Conflicting evidence may be briefly pointed up. It is impossible to tell what is relevant until the entire case is read, as the ultimate determination of the rights and liabilities of the parties may turn on something buried deep in the opinion. The facts entry should seldom be longer than five sentences.

ISSUE: A statement of the general legal question answered by or illustrated in the case (Do not attempt to delve into procedural issues; just focus on the substantive legal issue). For clarity, the issue is best put in the form of a question capable of a yes or no answer. In reality, the issue is simply the Concise Rule of Law put in the form of a question.

The major problem presented in discerning what is the issue in the case is that an opinion usually purports to raise and answer several questions. However, except for rare cases, only one such question is really the issue in the case. Collateral issues not necessary to the resolution of the matter in controversy are handled by the court by language known as obiter dictum or merely dictum. While dicta may be included later in the brief, it has no place under the issue heading.

To find the issue, the student again asks who wants what and then goes on to ask why did that party succeed or fail in getting it. Once this is determined, the "why" should be turned into a question.

Since many issues are resolved by a court in coming to a final disposition of a case, you should focus on the portion of the opinion containing the issue or issues most relevant to the area of law under scrutiny. A noted law professor gave this advice: "Look at the case key or head notes”. It is also most important to remember to read the key or head notes at the beginning of a case to determine what the editors of the case reporter have gleaned from it.

OPINION AND DECISION: This section should succinctly explain the rationale of the court in arriving at its decision. In capsulizing the reasoning of the court, it should always include an application of the general rule or rules of law to the specific facts of the case. Hidden justifications come to light in this entry; the reasons for the state of the law, the public policies, the biases and prejudices, those considerations that influence the justices' thinking and, ultimately, the outcome of the case. At the end, there should be a short indication of the disposition or procedural resolution of the case. You may wish to put this portion of the brief in outline form.

USE OF PRECEDENT: You should relate how the rule of law discernible from this case compares with that derived from earlier and later cases. Where does this case fit in the series of cases which has shaped the relevant portion of the law?

EFFECT ON BUSINESS AND SOCIETY: You should briefly summarize the impact and effect that the ruling in the case will have on business and society.

REMEMBER THAT THE OPERATIVE WORD IS "BRIEF".

For further elucidation, check these links out:

http://www.lib.jjay.cuny.edu/research/brief.html
http://www.ucs.louisiana.edu/~ras2777/civlib/casebrief.html
http://www.lawnerds.com/guide/briefing.html
http://www.ucs.louisiana.edu/~ras2777/adminlaw/casebrief.html

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Grading Rubric for Case Brief

Written Case Brief	Exemplary 14 pts	Satisfactory 8 pts	Average 4 pts	Poor 2 pts	Not Done 0 pts
Identification – Heading	Identifies case name and citation in correct format	Identifies case name and citation with format errors	Identifies case name and citation incorrectly	Does not include one of either the name or citation	Incomplete/Not provided
Issue/Legal Question	Issue correctly identified and is stated in the form of a question	Issue correctly identified, but may contain not Issue correctly identified, but may contain extraneous information and not stated in the form of a question	Issue is not completely identified	Incorrect issue is identified	Incomplete/Not provided
Rule/Relevant Law	Rule is correctly identified and is in the form of a statement	Rule correctly identified, but may contain extraneous info and is not in the form of a	Rule is not completely identified.	Incorrect rule is identified	Incomplete/Not provided

		statement.			
Facts	Includes all relevant facts and the reasoning logically connects the facts to the rule in accord with the opinion	Includes all key facts and the reasoning may contain weaknesses, but is basically cogent and accords with the opinion.	Does not include all key facts and reasoning	Does not include all key facts and reasoning is absent or incoherent or is not in accord with the opinion.	Incomplete/Not provided
Decision/Action	Properly identified vote of the court and action taken by the court	Properly identified Vote of court and action taken by Court, however fails to identify Voting Coalition.	Properly identified Vote of court, failed to identify any other aspects of decision	Improperly identified the decision.	Incomplete/Not provided
Conclusion/Summary	Summation complete with correct restatement of the issue and rule	Summation mainly complete and correct.	Summation incomplete or incorrect.	Summation lacks clarity and was not consistent with the case.	Incomplete/Not provided
Opinion	Properly identified the official opinion of the court and relevant information in formulation of opinion, and summation of concurring or dissenting opinions.	Properly identified the official opinion of the court and relevant information in formulation of opinion, partial information on concurring or dissenting opinions	Properly identified the official opinion of the court, incomplete mention of concurring or dissenting opinions	Failed to properly identify the opinion of the court, no information on concurring or dissenting opinions	Incomplete/Not provided
Use of Precedent	Properly identified the cases used as	Properly identified the cases used as	Properly identified the cases used as	Failed to properly identify the	Incomplete/Not provided

	precedent along with explanation of how case shapes the relevant law.	precedent, incomplete explanation on shaping relevant law.	precedent, no explanation on shaping relevant law.	cases used as precedent, no explanation on shaping relevant law.

COURSE GRADING RUBRIC

Criteria (Course Objectives)	**1 (Unsatisfactory)**	**2 (Emerging)**	**3 (Proficient)**	**4 (Exemplary)**
Demonstrate knowledge of legal environment of business by an understanding of the role, nature and sources of law; courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.	Student does not demonstrate any knowledge or understanding.	Student demonstrates meager knowledge and understanding.	Student demonstrates knowledge of and understanding of most aspects.	Student demonstrates mastery in knowledge and understanding of all aspects.
Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law, the commerce clause of the Constitution, intellectual property laws, consumer protection laws, employment laws, environmental laws, business completion laws and discrimination laws.	Student does not demonstrate any knowledge or understanding.	Student demonstrates meager knowledge and understanding.	Student demonstrates knowledge of and understanding of most aspects.	Student demonstrates mastery in knowledge and understanding of all aspects.
Demonstrate an understanding of the elements of contracts, breach of performance and remedies and E-Commerce issues.	Student does not demonstrate any knowledge or understanding.	Student demonstrates meager knowledge and understanding.	Student demonstrates knowledge of and understanding of most aspects.	Student demonstrates mastery in knowledge and understanding of all aspects.
Demonstrate the ability to define tort law and understand common torts and explain liabilities and remedies.	Student does not demonstrate any knowledge or understanding.	Student demonstrates meager knowledge and understanding.	Student demonstrates knowledge of and understanding of most aspects.	Student demonstrates mastery in knowledge and understanding of

				all aspects.
Demonstrate the process of researching and preparing a case brief	Student does not demonstrate any knowledge or understanding of the process.	Student demonstrates meager knowledge and understanding of the process.	Student demonstrates knowledge of and understanding of most aspects of the process.	Student demonstrates mastery in knowledge and understanding of all aspects of the process.