

BU 361: BUSINESS LAWsyllabus

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Business Law, 3/e (Cheeseman), Prentice-Hall (hardback)

BU361 is an introductory course to law--its nature, development, flexibility, and growth--and to the legal environment of business, with particular emphasis on contract law--dealing with the offer, acceptance, reality of consent, consideration, capacity to contract, illegality, the Statute of Frauds, the rights of third parties, the performance of contracts, and remedies. It includes a study of the Uniform Commercial Code (UCC), the Restatement (Second) of Contracts, the Uniform Partnership Act, and the Model Business Corporations Act; the law of agency, of partnership, of corporations, and the area of government regulations of business dealing with the interrelationships of economics and the law; the Sherman Antitrust Act, the Robinson-Patman Act; the Federal Trade Commission Act; and other related laws governing economic competition. This course is also a service learning course. we all have the responsibility to return something to society. It is especially important that people in business have a social conscience. In this class you will have the option to participate in a service project that relates to the field of law during this semester.

Course Objectives and Student Responsibilities

To learn and refine methods of legal reasoning and analysis, and apply these to problems arising in the commercial world, using the following steps:

- a) Applying the rules of law to specific facts, either real-life or hypothetical;
- b) Discerning the range of possible outcomes or results;
- c) **Recommending** appropriate courses of actions for business managers in similar situations; and
- d) **Identifying** general management rules or policies that might be established from the law and the facts.

Study methods of statutory analysis and interpretation (of **the UCC**) and apply them to **commercial problems**.

Understand the basic principles of law **that** relate to commercial **transactions**, and learn **how** to apply these principles to problems **that** arise in **commercial** transactions and consumer transactions both inside and outside the **United States**.

Learn the nature of law, how laws are made, and the complex interactions between law and social, political, and economic forces in both the **domestic** and foreign arenas.

To explain legal terms in simple, plain, and yet accurate English so **that** such terms will be of use to you as a future business manager.

To develop an increased awareness of legal, governmental, and ethical restraints facing business managers

To raise and discuss issues in regard to actions which **may** be legal but not **ethical** or moral.

To increase skills in making **management** decisions which have legal ramifications.

To increase **your** awareness of when legal counsel is **necessary** or appropriate and **how** to seek such counsel.

Course Competencies: Upon **satisfactory completion** of the course the student should be able to:

Demonstrate a broad understanding of the **American** system of jurisprudence--its **evolvment** and procedures.

Recognize broad principles of law relating to contracts, the **UCC**, **agency**, partnership, corporations and **government** regulations.

Explain the nature and types of contracts and identify the basic **elements** of valid contracts.

Explain mutual assent and identify basic elements of valid offers and acceptances.

Discuss the various circumstances constituting **termination** of contracts and indicate the legal remedies available for non-performance.

Compare the advantages and disadvantages of the three basic **forms** of business organizations.

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Term paper **20** pages (typed and in proper form with a **minimum** of 15 references) on the **Americans** with Disabilities Act of 1990. As an alternative to the term paper you may do a community **service** project in which you **commit** a minimum of **40 hours of training** (training may count for no more than 258 of the **time** required for this project) and volunteer work (this option is not as easy as it seems). For it will be your responsibility to **find** a suitable placement and further you **must** fulfill all of the organization's requirements. I will **provide** a verification and evaluation **form** for completion by the volunteer organization's supervisor to fill out). Additionally, there will be a number of short written assignments that must be **done** while performing the service learning project. **This** option must be initiated within the first three weeks of class to be valid. Further **information** on this option will be given in **the** second week of class. Please note that if you are not able to complete this option within the time limits of this semester a grade of "I" will be assigned. **This requirement, paper or service learning, will be graded on a pass/fail basis. Due Date for paper: DECEMBER 2, 1999- NO LATE PAPERS WILL BE ACCEPTED.** Failure to **complete** this requirement will result in a two (2) grade **penalty**.

SERVICE LEARNING is a method by which students learn through active participation in thoughtfully organized service conducted in and meeting the needs of the community. Service learning is integrated into and enhances the curriculum. It includes structured time for reflection **and** helps to foster civic and corporate responsibility. As a pedagogy, service learning emerges from experiential learning theory and **encourages** active student involvement in the learning process.

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Final Examination (See **final examination schedule** for the **date and time** for the **final** for this class period). 50 possible points

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Midterm Exam I 50 possible points

Midterm Exam II 50 possible points

A • 128*

B • 105*

C • 90*

D • 75*

* with a passing grade
on the paper or service
learning **option**.

Further, please note that a rule in my class is the primacy of the

If for some **odd** reason there happens to be a conflict between what I say in the lecture and what is written in the textbook; the textbook will **control**. **This means** that the correct answer for the **exam** will be that which

Demonstrate an **understanding** of the nature of **agency** and describe the basic duties, rights, and liabilities of agents, principals, and third **parties**.

Describe the nature of partnerships--their formation, termination, rights, powers, and liabilities of general and limited partners.

Discuss the **formation** and characteristics of a corporation and the nature of capital stock and **securities**.

Discuss the **rights, duties, and responsibilities** of **corporate** directors and officers.

Identify the basic rights and liabilities of shareholders.

Discuss the purposes and functions of government **regulations** and other related laws that govern economic competition.

To achieve the above objectives **and competencies**, students are expected to attend all **classes**; complete all written and reading assignments as advance class **preparation**; take as active part in class **discussions**; organize and participate in a study **group** (optional); brief all the assigned cases; and write critical analyses for all assigned problems.

THE THIRTY MINUTE RULE: **THERE MAY BE TIMES WHERE DUE TO CIRCUMSTANCES THAT ARE BEYOND MY CONTROL I WILL NOT BE ABLE TO START THIS CLASS ON TIME. IF THIS SHOULD OCCUR YOU ARE TO WAIT FOR THIRTY MINUTES BEFORE LEAVING CLASS. IF YOU CHOOSE NOT TO WAIT YOU WILL STILL BE RESPONSIBLE FOR ANY MATERIAL THAT IS DISCUSSED IN CLASS.**

There will be three (3) essay examinations [two midterms and **one final**] given throughout the semester. These exams will be cumulative. This comprehensive nature is to assist the student in discerning the interrelationships **among** legal and **managerial** concepts in the course. Your grade for this course will be determined by the weighted average of these three **examinations** and a research paper. The **instructor reserves the right** to issue a grade of **"F"** or to **otherwise** adjust the grade of any student that **misses** more than **20%** of the scheduled **class sessions**. **Further**, please note that the **academic dishonesty policy** of the **University** will be strictly **enforced** in this class.

(If there is **any** student in this class who has **need** for **special** discuss this with me.)

is found in the textbook and not that given in class. Generally, there is no conflict between the lecture and the textbook.

MAKE-UP AMINATIONS will be given only at the option of the instructor; {ate **arrangements** must be personally made by any student that

NO ANY MAKE-UP
test will be allowed. If a make-up is not possible a greater weight will be given to the final examination. There will be NO make-ups for the final exam.

EXTRA CREDIT IN THIS CLASS. There will be no extra credit in this class. To do well in this course, all that is required is to study hard and to do your best on the **exams**.

HOW WILL THE SUBJECT OF LAW BE PRESENTED BY YOUR INSTRUCTOR?

Lecture will be the **main method**: This is where the law will be stated for you. However, students will be engaged to participate in class discussions on a daily basis. At the same time, please **remember** that, in class, the **encouragement** and allowance of student views are **structured** so the learning process is **maximized** for all students and class discussions are not monopolized or dominated by only a few students.

Reading is **supplemental** to the **lecture** and advanced **preparation** of the assigned reading and problems will greatly enhance the **student's understanding** of the **materials** presented in the lecture.

Case law will be used to **make** the law meaningful. These cases will be found in your textbook.

There will be **times** when you may not **understand** the **material** being covered in class. If this occurs, please do not be afraid to interrupt the instructor and ask the instructor to repeat or explain the part that you did not understand. If you are not **comfortable** with interrupting your instructor during the class session, please feel free to see **your instructor** after class or at the instructor's office. Depending on how you feel about working with others in your class, it **may** be a good idea to **form** a study group of three to five of your fellow students to review the subject **matter** every **two** weeks or a few days **before** each **examination**; you may find that this type of study or support group is a good way to learn from and with one another. You may also find that you **study** and learn better on your own.

I also encourage the expression of student views in my classes. If you have any suggestions on how to improve **the** course, even as the course **progresses**, please feel free to raise those **suggestions** with me. MAHALO.

A NOTE ON **ENGLISH**--Whether we like it or not, English is the language of **communication** in this course. Thus, it is **important** that correct **English** Grammar and spelling is used. In our class discussions, **informal** English may be used so **long** as it is designated and recognized as such. However, on **exams** and papers, formal and correct English will be expected to be used.

Caveat: ALL DISCUSSIONS AND EXAMPLES IN THIS CLASS ARE TO BE USED FOR ACADEMIC PURPOSES ONLY. THE EXPLANATIONS GIVEN BY YOUR INSTRUCTOR ARE NOT TO BE CONSTRUED AS LEGAL ADVISE. AS INDIVIDUAL SITUATIONS ARE UNIQUE, A SOUND LEGAL OPINION WOULD REQUIRE INTENSIVE INVESTIGATION AND RESEARCH. ACCORDINGLY A SOUND LEGAL OPINION CAN NOT BE RENDERED WITHIN THE TIME LIMITATIONS OF A CLASS DISCUSSION. IF YOU HAVE A LEGAL PROBLEM, CONSULT AN ATTORNEY THAT PRACTICES IN THE AREA OF LAW IN WHICH YOU ARE EXPERIENCING DIFFICULTIES. I WILL BE HAPPY TO REFER YOU AN ATTORNEY THAT PRACTICES IN A SPECIFIC AREA SHOULD YOU NEED PERSONAL LEGAL ASSISTANCE.

THE ACADEMIC DISHONESTY POLICY OF THE UNIVERSITY WILL BE STRICTLY ENFORCED IN THIS CLASS.

The ~~sequence that~~ the subject ~~matter~~ will be discussed in class will be ~~as follows unless a change~~ is announced in class:

Unit I

Unit II

Unit XII

MIDTERM 1

MIDTERM 2

Unit VII

Unit VIII

Unit IX

FINAL EXAM ____ SEE FINAL EXAMINATION SCHEDULE.

Chapters referred to above are in Business Law The Legal, Ethical, and International Environment; Third Edition (hereafter referred to as "the textbook").

Now, write a letter to me, Wayne, your instructor, telling me who you are. Tell me of your strengths, weaknesses, fears, and goals. Discuss your world and how your roles in this world might affect your performance in this class. Speak of your business background. Discuss how this class might play a role in your future.

Tell me what I might do to help you--achieve your goals for this class. Include in your letter a statement that you have read and understood the grading for this class and the academic dishonesty policy of the university. This letter must be e-mailed to me at wtanna@chaminade.edu by Tuesday September 7, 1999.

SERVICE LEARNING
ASSIGNMENT ONE

Your first service learning assignment will require you to investigate possible placements, choose one that you . will be willing to stay with for the duration of the semester or the project's required time commitment (whichever is longer) and to make your first visit or orientation meeting.

1. You may get assistance from others on campus to locate an agency to serve with. However, please remember that I must approve both the agency and the kind of work that is to be done at that agency.
2. Investigate each of the possible projects that interest you with respect to:
 - d. **Practical** Issues--canyon get there and back at the times the agency requires your time and service (do you have transportation, does the time fit into your schedule)?
 - b. Personal issues--will you be working with a population or in a situation that is comfortable for you, can your work there effectively or will this whole situation get you stressed out?
 - c. Course related issues--is the agency and the service to be performed the type of activity that relates to law or accounting; will the project meet with my approval?

You may be able to talk with other students that have volunteered with the agency you are thinking about working with. You may want to interview the volunteer coordinator at the site you are thinking about working at. You may also try to talk with other instructors or administrators at our school that are involved with service learning in order to find out more about possible opportunities that may work for you.

3. Set up your first visit and plan a regular schedule when you are ready to proceed with you **service** learning project.

Your first written report (1-2 typed pages) should include:

- a. A discussion of the place you have selected and your rationale for choosing the one you did. How does this fit in with the subject you are studying?
- b. A discussion of the things you did to check out the agency that you are thinking about working with.

DUE: WEEK THREE OF CLASSES

STUDENT INFORMATION SHEET

Name: (Last, or Surname) First (Middle **Initial**)

Current Address:

Telephone: Days:

Evenings:

Current Employer:

Job Title:

Major: