

**BLAW 235 LEGAL, ETHICAL AND GLOBAL
ENVIRONMENT OF BUSINESS
COMMON SYLLABUS
Spring Semester 2009**

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Text: The Legal Environment Today: Business in its Ethical, Regulatory, and International Setting (Fifth or St. Cloud State Edition, Miller and Cross).

STUDENT LEARNING OBJECTIVES

BLAW 235 students will learn to:

- A. Apply the court system to business disputes and compare and contrast conflict resolution alternatives.
- B. Identify and explain means of business influence on political and governmental processes.
- C. Describe and apply the constitutional rights of free speech and due process to business settings.
- D. Identify, distinguish and apply legal principles to business situations in the areas of contracts, torts, consumer and employee rights, and employment relationships
- E. Identify ethical dilemmas and stakeholders and evaluate the consequences of ethical decisions in business situations
- F. Recognize and respond to the global and culturally diverse context in which business and business law function.
- G. Independently and collaboratively evaluate and defend alternative outcomes in legal case scenarios.
- H. Communicate legal and/or ethical principles and interpretive analyses orally or in writing.

II. REQUIRED CORE TOPICS

- 1. Legal system and sources of law: courts and litigation procedure, juries, judges, alternative dispute resolution, common law development, and statutory interpretation.
- 2. Ethics and social responsibility: relationship between ethics and law and between ethics and profit, and responsibilities of business to shareholders and communities.

3. Constitutional law: commercial speech and due process in business settings.
4. Administrative regulation: relationships between business and government.
5. Contracts: offer, acceptance, consideration, defenses justifying contract cancellation, and warranties.
6. Torts: negligence, intentional torts, assumption of risk, comparative negligence and strict liability.
7. International law: application of U.S. law abroad, international treaties, and cultural awareness.
8. Employee rights and impacts of diversity on business: wage and hour, worker's compensation, OSHA, privacy, and civil rights (gender, race, religion, age, disability, sexual preference).
9. Agency and corporate and personal liability: independent contractor status, agency contract authority, and vicarious liability.
10. Consumer protection: false advertising, credit, security, and debt collection.
11. Environment: common law remedies of nuisance and negligence and state and federal statutes, agencies and pollution regulations.

III. SKILL COVERAGE

BLAW 235 includes a written communication assignment requiring the discovery or application of legal literature or a community service experience, and requiring students to make critical assessments rigorously evaluated for business writing mechanics.

Use of Class Time

Lecture, case analysis, problem solving, student presentations and discussion. You should come prepared to discuss the assigned text as well as related legal issues in the news. Your grade, in part, will be determined by your class participation and student involvement is expected.

Writing Project

1. **Topic.** Pick a business law topic and then find an article on that topic to serve as the basis for your paper. A good place to find an article is the St. Cloud State Web Site, under library, find the ABI/Inform database and search (link below). You must base your paper on an article and the article can come from a journal or professional magazine. Please select an article with enough detail to allow you to analyze and write a paper on it (generally, more than a couple of pages long). Spend some time and find a good article, but you do not need to go beyond that article and the book for research.
http://research.stcloudstate.edu/rqs.phtml?subject_id=16
2. **Summary and Analysis.** Write a paper with an introduction, summary of the facts and key points, summary of the law, your analysis and a conclusion.

Summarize the key points in the article as briefly as you can and then provide an analysis. Include a definition of the law and apply the facts of the case to the law. Use the text book if it helps provide support for your paper. Also include your personal reaction to the article or the text, or both. I want to know how you feel about the subject, its impact on you or on business, and the fairness and ethics involved in the controversy. Support your positions with analysis.

3. **Specific Assignment/Grading.** The paper must be typed, double spaced and be at least two pages in length. Please do not exceed three pages in length. You must include a copy of the article as well. See the outline for the due date. Papers involving criminal law will not be accepted. I am awarding 10 bonus points if you go to the Write Place, Room 118 Riverview. I receive a notice when you attend the Write Place, but to get credit you must write "Went to Write Place" or something to that effect on the paper. One-half of the grade (75 points) will be based on the technical writing of the paper (organization, clarity, grammar, etc). See the grading sheet attached to this Syllabus. The 75 points will be awarded according to the combined score on each of the three areas on the sheet. The remaining 75 points is based on the strength of your legal analysis and ability to present you personal reactions in a professional, logical, concise and organized manner. See the attachments to this syllabus for more writing information as well as sample papers on the web site.

4. **Writing Help.** The Write Place is located in Riverview 118. Please take advantage of this opportunity for help with your paper.

Tentative Outline

Date	Group	Topic - Assignment	Chapter
January 12		Introduction	
January 14		Legal Foundations	1
January 16		Legal Foundations and Ethics	2
January 19	No Class	Martin Luther King Holiday	2
January 21	Group 1	Ethics and Alternative Dispute Resolution	3
January 23	Group 1	Group Work Day	
January 26	Group 1	Alternative Dispute Resolution continued	3
January 28	Group 1	American Court System GROUP 1 Debate – Jury Selection Question – see back of syllabus	3
January 30		American Court System continued – short review for exam	3
February 2		Exam 1 – Ch 1, 2, and 3	
February 4	Group 2	Exam 1 Results/Review – Introduce Torts	5
February 6	Group 2	Torts, GROUP 2 Debate – Dollar Inn – In syllabus	5
February 9	Group 2	Torts continued	5
February 11	Group 3	Product Liability	5
February 13	Group 3	Product Liability continued GROUP 3 Debate – Ingersoll-Rand – in syllabus	5
February 16	Group 4	Torts/Contracts	8
February 18		Contracts continued	

February 20	Group 4	Contracts and Start Remedies	8 & 9
February 23	Group 4	Contract Remedies GROUP 4 Debate Q: 9-9, p. 311 in book Tick Inspector	9
February 25	Group 4	Contract Defenses/Remedies	9
February 27		review material for exam 2	
March 2		Exam 2 – Ch 5, 8 & 9	
March 4		Exam 2 Results/Review – Introduce Admin Agencies	16
March 6		Administrative Agencies Group 5 Debate Q: 16-10 Female Observer on Fishing Vessel in book, p 552	16
March 9	No Class	SPRING BREAK	
March 11	No Class	SPRING BREAK	
March 13	No Class	SPRING BREAK	
March 16	Group 5	Creditor's Rights and Bankruptcy Q:	12
March 18	Group 6	Bankruptcy Group 6 Debate, Davenport case in syllabus	12
March 20	Group 6	Creditor's Rights and Bankruptcy	12
March 23	Group 7	Business Organizations	11
March 25	Group 7	Business Org Group 7 Debate Q: 11-10 ADG ADP in book	11
March 27	Group 7	Business Organizations, PAPER DUE DATE	11
March 30		Employment Relationships	13
April 1		Complete Employment – Review for Exam	13
April 3		Exam 3 Ch 16, 12, 11, & 13	
April 6	Group 8	Exam 3 Results/Review – Introduce Equal Employment	14
April 8		Equal Employment Continued	
April 10	Group 8	Equal Employment Opportunities	14
April 13	Group 8	Equal Emp – GROUP 8 Debate Q:14-8 English Only Policies- in book	14
April 15		Consumer Protection	17
April 17		Consumer Protection	17
April 20	Group 9	Protecting the Environment	18
April 22	Group 9	Environment, GROUP 9 Debate - Q: 18-10 debate "Taking" in book	18
April 24	Group 9	Intellectual Property (limited coverage), start Int'l	7 & 22
April 27		International Q: 22-1, 22-2	22
April 29		Complete Int'l	
May 1		Review for final – review for final CH 14,17,18,7 & 22	
May 8 FINAL		Wednesday, December 17 @ 10:15 in Classroom	

Group Participation/Case Questions at End of Chapter

The group participation assignment is designed to develop your critical thinking skills, presentation skills and teamwork skills. At the beginning of the semester, students will be placed into groups. Throughout the class, you will engage in discussion with your group and participate as a group. Plus, each group is assigned one chapter and will lead the discussion for the class for that chapter (will be called on for the case questions and general class discussion).

That leadership includes a group presentation in front of the class. The group participation involves group coordination and an in-class exchange of views. The presentations will be injected into the class discussion as a break from lecture and will not happen on an exact schedule. The debate question is listed in the syllabus. That question is one that makes a good participation question and you

are free to use it. The group can also agree to another question or another approach to the group participation assignment to get that topic area discussed.

The group participation will occur when we reach the assigned topic area. The group should present a 5 – 10 minute debate or exchange on the topic. You may approach the debate in any manner that presents the information and the two sides to the topic in an efficient manner. One approach would be to have one person explain the topic, one person on each side of the issue advocate their respective positions and a fourth person serve as a judge or arbitrator. The team should also be prepared to accept questions from the class and the Professor.

Your grade is based on effort, timeliness, presentation and clarity (how clearly the class understands what is happening). Each member of the group will receive the same grade unless I am aware of unequal contributions. You will also be responsible to take the lead in answering the other case questions assigned for that topic area. Coordinating group projects, operating under loose guidelines, and presenting information are all difficult skills to learn but are absolutely essential in the business world. This is what many business people spend their lives doing - try to have some fun with the assignment.

Participation

Your level of oral participation in classroom activities will determine the participation grade. Each class will be filled with opportunities to participate and participation is encouraged. The participation grade is somewhat subjective, but I will keep general records of participation. Please feel free to talk with me at anytime concerning your grade for participation. Participation will generally include asking and answering questions and making comments or sharing experiences. The participation grade will also include answering the questions contained at the end of each chapter. To encourage group participation, these questions will be assigned to a group for a specific class. In general, groups will receive the same grade for orally answering and explaining questions in the book assigned to that group; however, all members of the group should participate orally.

Quizzes

There will be two quizzes during the semester on unannounced dates. The quizzes will be approximately 10 questions each.

Exams

The class includes four examinations. Unless otherwise announced, the exams will consist of between 40 and 65 multiple-choice questions. Please contact me if you cannot make a scheduled exam date. The Herberger College of Business has three times during the week that you will be able to take a make-up exam: Mondays, 1:00-3:00, Thursdays 1:30-3:30 or Fridays 10:00-noon. Do not be late -- all exams must be completed by the ending time on that day. No exceptions.

You must schedule a time with your instructor and report to Centennial Hall 321 to take the exam. Student must show picture student ID before taking exam.

Academic dishonesty will not be tolerated. Dishonest acts include, but are not limited to: copying, sharing, or obtaining information from any unauthorized source during tests or other assignments; plagiarism, attempting to take credit for the intellectual creation of another person; joint or group efforts on individual assignments, and vice-versa; submitting work completed by or substantially borrowed from the work of students in a previous term; falsifying information; giving information about a test, or assignment to students in the same or other sections of the course. The full consequences of academic dishonesty will be pursued in accordance with the policies and procedures in the SCSU Student Handbook available at <http://www.stcloudstate.edu/studenthandbook/code/intro.asp>.

Grading/Course Requirements

The Actual Points Allocated Are Estimates Subject to Change

Tests:

Test 1	130	
Test 2	190	
Test 3	190	
Test 4	<u>190</u>	
Tests Sub-Total	700	(Tests = 70% of Total Grade)

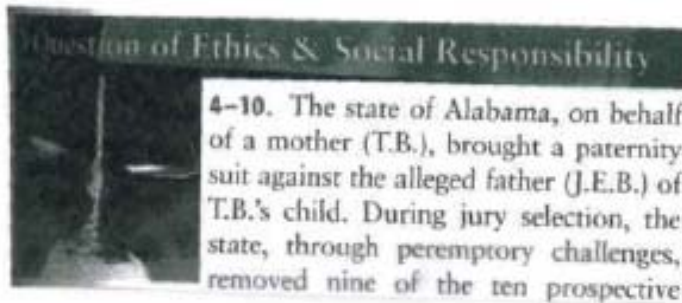
Paper: 150 (Paper = 15% of Total Grade)

In-Class Work:

Quiz 1	25	
Quiz 2	25	
Debate	50	
Participation	<u>50</u>	
Sub-Total	<u>150</u>	(In-Class Work = 15% of Total Grade)

Grand Total: 1,000

Group 1 Debate Question on Jury Selection



male jurors. J.E.B.'s attorney struck the final male from the jury pool. As a result of these peremptory strikes, the final jury consisted of twelve women. When the jury returned a verdict in favor of the mother, the father appealed. The father argued that eliminating men from the jury constituted gender discrimination and violated his rights to equal protection and due process (see Chapter 5). The father requested the court to extend the principle enunciated in *Batson v. Kentucky* (cited in footnote 16 of this chapter), which prohibited peremptory strikes based solely on race, to include gender-based strikes. The appellate court refused to do so. [*J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 114 S.Ct. 1419, 128 L.Ed.2d 89 (1994)]

1. Do you agree with J.E.B. that the state's exercise of its peremptory challenges violated his right to equal protection and due process? Why or why not?
2. If you were the judge, how would you rule?
3. The late Supreme Court Justice Thurgood Marshall urged, when the Court was reviewing the *Batson* case, that peremptory challenges be banned entirely. Do you agree with this proposal? Discuss.

Group 2 Debate Question

Dollar Inn

A Question of Ethics & Social Responsibility



8-11. Patsy Slone, while a guest at the Dollar Inn, a hotel, was stabbed in the thumb by a hypodermic needle concealed in the tube of a roll of toilet paper. Slone, fearing that she might have been exposed to the virus that

causes acquired immune deficiency syndrome (AIDS), sued the hotel for damages to compensate her for the emotional distress she suffered after the needle stab. An Indiana trial court held for Slone and awarded her \$250,000 in damages. The hotel appealed, and one of the issues before the court was whether Slone had to prove that she was actually exposed to AIDS to recover for emotional distress. The appellate court held that she did not and that her fear of getting AIDS was reasonable in these circumstances. [*Slone v. Dollar Inn, Inc.*, 695 N.E.2d 185 (Ind.App. 1998)]

1. Should the plaintiff in this case have been required to show that she was actually exposed to the AIDS virus in order to recover for emotional distress? Should she have been required to show that she actually acquired the AIDS virus as a result of the needle stab?
2. In some states, plaintiffs are barred from recovery in emotional distress cases unless the distress is evidenced by some kind of physical symptoms. Is this fair?

Group 3 Debate Question

Ingersoll-Rand

CASE 9.2 Rogers v. Ingersoll-Rand Co.



United States Court of Appeals,
District of Columbia Circuit, 1998.
144 F.3d 841.
[http://laws.lp.findlaw.com/
DC/977131A.html](http://laws.lp.findlaw.com/DC/977131A.html)²

COMPANY PROFILE *Ingersoll-Rand Company is a manufacturer of air compressors, construction and mining equipment, bearings and precision components, tools, locks and architectural hardware, and industrial machinery. The company also makes Bobcat skid-steer loaders, Blow-Knox pavers, Club Car golf carts and light utility vehicles, and Thermo King transport temperature control systems. In joint ventures with other firms, Ingersoll-Rand is a supplier of pumps and hydrocarbon processing equipment and services. Ingersoll-Rand distributes its products in more than one hundred countries. Forty percent of its sales are outside the United States.*

BACKGROUND AND FACTS Among the equipment that Ingersoll-Rand makes is a milling machine. In the maintenance manual that accompanies the machine are warnings that users should stay ten feet away from the rear of the machine when it is operating, verify that the back-up alarm is working, and check the area for the presence of others. There is also a sign on the machine that tells users to stay ten feet away. While using the machine to strip asphalt from a road being repaved, Terrill Wilson backed up. The alarm did not sound, and Cosandra Rogers, who was standing with her back to the machine, was run over and maimed. Rogers filed a suit in a federal district court against Ingersoll-Rand, alleging in part strict liability on the basis of a design defect. The jury awarded Rogers \$10.2 million in compensatory damages and \$6.5 million in punitive damages. Ingersoll-Rand appealed, emphasizing the adequacy of its warnings.


Group 4 – in book see syllabus

Group 5 – in book see syllabus

Group 6 -- Debate Question

Davenport Below

A Question of Ethics & Social Responsibility



15-11. In September 1986, Edward and Debora Davenport pleaded guilty in a Pennsylvania court to welfare fraud and were sentenced to probation for one year. As a condition of their probation, the Davenports were ordered to make monthly restitution payments to the county probation department, which would forward the payments to the Pennsylvania Department of Public Welfare, the victim of the Davenports' fraud. In May 1987, the Davenports filed a petition for Chapter 13 relief and listed the restitution payments among their debts. The bankruptcy court held that the restitution obligation was a dischargeable debt. Ultimately, the United States Supreme Court reviewed the case. The Court noted that under the Bankruptcy Code, a debt is defined as a liability on a claim, and a claim is defined as a right to payment. Because the restitution obligations clearly constituted a right to payment, the Court held that the obligations were dischargeable in bankruptcy. [*Pennsylvania Department of Public Welfare v. Davenport*, 495 U.S. 552, 110 S.Ct. 2126, 109 L.Ed.2d 588 (1990)]

1. Critics of this decision contend that the Court adhered to the letter, but not the spirit, of bankruptcy law in arriving at its conclusion. In what way, if any, did the Court not abide by the "spirit" of bankruptcy law?
2. Do you think that Chapter 13 plans, which allow nearly all types of debts to be discharged, tip the scales of justice too far in favor of debtors?

Group 7 – in book see syllabus

Group 8 – in book see syllabus

Group 9 – in book see syllabus

Grading Sheet for Oral Presentations

BLAW 235 Debates

Failing	Poor	Good	Very Good	Excellent
(5)	(10)	(15)	(20)	(25)

Presentation Score: _____

- Clearly Presented – someone hearing the presentation should know what's happening – Keep it simple
- Concise – Avoid wordiness – rambling Concise (avoid unnecessary facts)
- Key facts included - emphasis key facts and avoid unnecessary facts – emphasis facts that help provide context as well
- Good Eye Contact
- Clear speaking – volume, facing audience, word choice
- Not Reading
- Kept Class Interested
- Roles for all group members

Content Analysis Score: _____

- Explain key facts – what does the class need to know, what is interesting – avoid unnecessary detail
- Explain key law – what law applies? What does it say?
- Apply key facts to law (key facts should be presented so class understands the facts and the importance
- Includes key analysis of both sides of legal issue – these are contested lawsuits - show both sides
- Includes the holding for the case – class should have a good understand of the key point of the case
- Includes why this case is important (generally the holding – put in your words) – same as above
- Answered questions well

General Comments

Score (out of 50) _____

All students in the group that present get the same grade for the oral presentation (in most cases)

Grading Sheet for Business Law 235 Paper

1. Technical Writing

Failing (1)	Poor (2)	Good (3)	Very Good (4)	Excellent (5)
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Organization Score: _____

- Clear purpose (thesis sentence)
- Logical development of ideas
- Transitions
- Conclusion

Expression Score: _____

- Formal vocabulary – not conversational (like really, stuff, thing, etc.)
- Accurate word meanings and forms
- Active not passive
- Expletives (passive wording) it and there followed by any being verb such as is, are, seems, to be, or would be
- Avoid wordiness repetition
- Strengthen points with assertive not weak language
- Variety and smoothness in sentence structure
- Correct pro-noun use

Grammar/Mechanics Score: _____

- Proper citation to article
- Verb tense agreement
- Subject/verb agreement
- Correct pronouns and clear references
- Correct use of plurals and possessives and apostrophes
- Parallel construction
- Personification
- No prepositions at the end of sentences
- Avoid sentence fragments, run-ons
- Proofread for spelling, punctuation and typing errors

Total Technical Score: _____
Converted to 75 point scale: _____

2. Legal Analysis

- Article selection (appropriate article for paper)
- Identify legal issues and provide definition of the law
- Include key facts necessary for legal analysis
- Focus on most important legal claims – limited scope of paper – don't try to do too much
- Concise legal analysis of facts applied to law
- Arguments/analysis for both positions
- Personal views on facts and law

Total Legal Score (out of 75) _____

3. Overall Grade/Comments

Total Paper Score (out of 150) _____

Revisions for Common Problems

Wordy (w)- too many words used to express the idea/thought

Student sentence: Then he went on to say that we did not have similar issues.

Revised sentence: Then he said the issues were different.

Student sentence: Another possibility for a golfer to obtain a spot in an official tournament is to successfully compete in "open" qualifying rounds.

Revised sentence: A golfer may also successfully compete in "open" qualifying rounds.

Student sentence: Recently there have been a great number of concerns coming to our attention dealing with the long-term affects of COX-2 inhibitors.

Revised sentence: Recent studies raised many concerns about the long term affects of COX-2 inhibitors.

Awkward (awk)- sentence structure is not smooth

Student sentence #1: Due to the fact that the MLBA brought the First Amendment Act against Cartoons, does not constitute a basis for federal jurisdiction.

Revised sentence: Simply bringing a First Amendment action against Cartoons does not constitute basis for Federal jurisdiction.

Student sentence #2: The issues discussed will show how the drug testing is a scandal.

Revised sentence: The discussion will explain the drug testing scandal.

Student sentence #3: Not only does this make the entire company look unorganized, but our stockholders are losing a lot of money.

Revised sentence: The entire company looks unorganized and stockholders are losing money.

Assertive Language (AL) -writer needs stronger stand

Student sentence #1: It seems as though we might not be able to trust our CEO.

Revised sentence: We are unable to trust the CEO.

Student sentence #2: One reason could be for lack of evidence.

Revised sentence: Because of lack of evidence,.....

Passive Verbs (pass)- verb form consisting of a being verb (is, was) and a past participle; indicates subject is being acted upon rather than performing the action. If you can ask "by whom" the verb is likely passive: ex: Joe was harassed (by whom?), vs The supervisor harassed Joe (active).

Student sentence #1: This office was also being occupied by the team's owner, David Modell. During the meeting Bouchat was informed that the team's name was going to be the Ravens, and Bouchat was asked by Moag to send his drawings for consideration.

Revised sentences: Moag shared office space with team owner, David Modell. During the meeting, Moag informed Bouchat the team name would be the Ravens and asked him to submit his drawings for consideration.

Student sentence #2: It has been brought to the attention of IBM that this pension plan is unfair for older employees.

Revised sentence: IBM learned the pension plan is unfair to older employees.

Student sentence #3: Barry Bonds was recently tested for steroids.

Revised sentence: Barry Bonds underwent a steroid test. *Or*, The MLB tested Barry Bonds for steroid use.

Vocabulary (v, sl)- informal or conversational vocabulary

Student sentence #1: On the other side of this are the positives that can come from relocation.

Revised sentence: However, relocation does have benefits.


Student sentence #2: Mr. Welch has had a hard time getting a hold of any OSHA representatives, and yet nobody has gotten back to him.

Revised sentence: Mr. Welch struggled to contact OSHA representatives who did not return his calls.

Student sentence #3: So the big names were doing really good with profits.

Revised sentences: Large companies were profiting.

GRADING SYMBOLS

C	content needed (see evaluation sheet)
O	organization needed (see evaluation sheet)
¶	paragraph needed
V	informal/conversational vocabulary
AL	assertive language needed
W	wordy
rep	repetitive or redundant
awk	awkward sentence (meaning clear, but strange construction)
MNS	makes no sense, meaning totally unclear
pass	passive wording
WW	wrong word
ref	referent error (object of reference is unclear)
agr	agreement error (subject/verb and pronoun/object mismatch -- singular with plural)
/	through letter = make lower case
=	under letter = capitalize
	delete
^	insert
#	space
~	transpose letter or phrase
SP	spell out
prep	error in preposition usage
O	spelling error

NOTE: Last page of Donna Gorrell's Writer's Handbook for A to Z contains a complete list of grading symbols.