
Selected chapters from: Managers and the Legal Environment: Strategies for the 21st Century, Sixth Edition, Constance E. Bagley and Diane W. Savage, South-Western Cengage Learning (© 2010 • ISBN-10: 0324582048 • ISBN-13: 9780324582048). Additional reading assignments will be made throughout the semester from materials outside the text book: web site material, current articles, current legal cases, as well as material published by government regulators and others with the purpose of educating on marketing law. These materials will be introduced in class and either distributed or made available via the class web site.

Consider buying at http://www.ichapters.com/market/index.html search for Bagley and Savage or use the ISBN 9780324582048 and then click on the button for view “eChapters: $6.99 (EA)”
Chapter 9 – Torts
Chapter 11 – Intellectual Property
Chapter 5 – Agency
Chapter 13 – Civil Rights and Employment Discrimination
Chapter 20 – Business Entity Structure (limited coverage)

Additional reading assignments will be made throughout the semester from materials outside the textbook some of that is included with this syllabus: website material, current articles, current legal cases, as well as material published by government regulators and others with the purpose of educating on marketing law.

OBJECTIVES: To Explore:

1) Content In Context: to help students learn about the legal and regulatory environment and its impact on business decision-making;
2) Ethics in Context: to provide students with an understanding of ethical principles and the necessity of incorporating them into managerial decision-making;
3) Why That Law Exists: to enhance student awareness of the many societal influences that have led to government intervention in business practices;
4) Is It A Good Law: to provoke student thought on the desirability of existing laws and regulatory environment; and
5) Create and Comply With Laws: to explore the appropriate managerial role in shaping and responding to government policy.

POSITION PAPER

The six-eight page position paper is designed to help you develop your communication, collaboration, thinking and technological skills as you process and demonstrate legal knowledge. Topics areas are within the areas of international law, environmental law, debtor/creditor law, bankruptcy law, consumer protection, employment law, employment discrimination or securities fraud/insider trading. Check with me on how you plan to proceed with your topic prior to investing too much time on it to make sure it will work. The paper must be typed and double spaced. I will match partners/teams of 2 students each.

Each writing team will complete the following:

(1) Report to Board of Directors. Assume you work at a specific company for your paper and your boss has asked you to prepare the paper as a report for the corporation’s Board of Directors. The Board of Directors is trying to better understand the law and its impact on your company. The Board has also asked you to make recommendations concerning the law (Should it lobby for/against the new law? Should it adjust its practices? Does this give a competitive advantage? Move services overseas? Automate in order to reduce dependence on
employees? Get out of the business line? Expand, Other?).

(2) **Select A Company.** Choose a real company for this assignment to make the paper a bit more realistic. You can and should do a minimal amount of research on the company; however, the paper is primarily about the law and you should limit your research on the company. A deep knowledge of the company would obviously make the paper more insightful and better, but imagine you were just hired by the company and told that you should focus on the new law and only spend an hour or two reviewing the company website to determine its products and issues.

a. **Where You Work.** You can use where you work, but try to avoid the paper becoming too much about your company rather than the law.

b. **Arctic Cat.** If you are struggling with selecting a company, I suggest Arctic Cat. It has a large presence in St. Cloud, and makes easily understood products that are directly impacted by most of the law areas below. It manufactures products so it faces employment law issues, its product creates environment issues and undoubtedly the process of making them does as well, it competes against international companies and enjoys some international sales, it’s a publically traded company (Sarbanes-Oxley, etc), and its products are subject to consumer protection laws (including a new law introduced to make ATVs safer).

(3) **Describe Law.** Each student will be assigned to a group to cover a topic area below. Each group must describe a new, controversial or unsettled law in the chosen topic area as it is now, using examples and illustrations where possible. Give a high-level overview of how the law works in your topic area before delving into the details of your specific topic within the broad category.


b. **Employment Law** (employee privacy, wrongful discharge, drug testing, health care requirements, non-sex based harassment/bullying, proposed “card check” legislation) chapter 12

c. **Employment Discrimination** (cases based on a protected class, monster class actions in general, affirmative action, 2008 changes to how “disability” is interpreted, equal pay lawsuits, the current economic downturn has hurt “men’s” jobs more than women), chapter 12

d. **Environmental Law** (American Recovery and Reinvestment Act changes for “green” initiatives - laws for green issues in general – CAFÉ, utilities must get a certain percentage from green resources, reduce use, recycle, etc., federal rollbacks in Superfund of hazardous waste sites, coal plant emission control, timber and mining limits, wetlands protection, global warming efforts, Kyoto Protocol) chapter 15
e. Consumer Protection (tort limits, punitive damage limits, trends in consumer protection statutes – New credit card rules, laws on trans fat, salt, etc., Amy Klobuchar lead Consumer Product Safety Improvement Act of 2008 (CPSIA), proposed “fairness doctrine,” chapter 18)

f. Securities Law (Troubled Asset Relief Program (TARP), Madoff – would more regulation/overview help?, public offerings, insider trading, market abuses - Petters, Sarbanes Oxley – did this help?) chapters 22 and 23

g. Creditor-Debtor (Proposed changes to mortgages in bankruptcy, impact of bankruptcy filing on GM/Chrysler, loan agreements, collateral, secured debt, guarantees, lender liability and fraud) OR Bankruptcy Law (personal bankruptcy under new law, debtor-in-possession, fraud, business reorganizations) chapter 24

h. Antitrust (Recent mergers of large financial institutions, other).

(4) Offer Opinions. Offer reasoned opinions on the law(s) and future developments. Present and support both sides to the law. Reach a consensus on the best approach to the issue and support it.

(5) Recommend Actions. Recommend what managers in your business areas can do to effectively limit liability in the area.

PARTICIPATION

Class participation is a requirement of this course. Active involvement in open class discussion and in your groups is essential to your understanding of the material and its applications, and to the energy level of our class time. Your final grade will suffer is you fail to engage: comment or ask questions in class. Consistent, relevant (but not necessarily correct) contributions to the class and/or your group will be rewarded. I expect participation at least 2 times per session.

CURRENT EVENT REPORTS

Group Report. Each group will present one current event report. Prepare an oral report of a news or opinion piece from any medium - the web, television, newspaper, journal or other reliable publication. Choose any business law-related topic you/your group find interesting such as a proposed statute, ordinance or regulation, a government action, a civil dispute or court case, or a U.S. Supreme Court decision. Please tell me the topic in advance and if at all possible we will schedule it for the day we discuss that same topic in class. If the information relates to a life or business experience of yours, or if you tell us about experiences or knowledge of legal or ethical business events or cultural practices in other countries, all the better.

Group oral reports should last approximately 5 minutes with some additional time for questions. You will stand before the class and report on the article citing the source,
facts, values, and your opinion.

**Individual Report.** Each student may also separately present an individual current event report to aid the student’s participation grade. Individual oral reports should last 3 around minutes and you can do it from your seat (you may stand in front of the class if you prefer). You can do one report during a class session, up to a **total of four** for the semester. **BY DOING A QUALIFIED REPORT YOU WILL RECEIVE CLASS PARTICIPATION CREDIT EQUAL TO TWO SUBSTANTIAL IN-CLASS CONTRIBUTIONS,** in other words the same as if you had raised your hand two times and made a comment or asked a question that advanced class learning. No writing is required. You may use notes if you wish, but try not to rely on them.

**GROUP PROBLEM SOLVING**

Students will be assigned into groups of 2 (a different group than the group of 2 for your paper) and each group will be assigned oral discussions. These will be either chapter-end questions, current issues, cases, or other relevant items. Each oral discussion will have two groups assigned with one group presenting one side of the issue and the other group presenting the other side of the issue. Whichever group is listed first in the syllabus will open the discussion and be responsible for introducing the facts and issues. The other side should listen carefully for anything left out. The dates are assigned but will change to adjust for how quickly we work through the material. Groups assigned to a particular problem are expected to lead the discussion on that problem by preparing the following (except for Problem 3 of Chapter 11):

1. **Describe the Problem.** Re-state the facts of the problem concisely and in your own words to refresh everyone’s memory of the problem.
2. **Identify Legal Issues.** Identify all relevant legal issues in the problem, even (especially) if not asked. The issues are in the form of questions.
3. **Describe the Law.** Describe the legal rules/law that relate to and govern those issues. Many times this section will be spelling out the elements of claims and defenses
4. **Analyze the Problem.** Apply the rules to the facts given. Give as many arguments as you can for each side of the issue.
5. **Persuade.** Be an advocate for your side of the issue.
6. **Conclusion** You cannot merely state “This is a close call…” Make a decision.

Unsubstantiated conclusions will receive no credit. Each group will present the problems orally in class. Rotate speakers. Only those members attending and involved in the problems will receive credit. Groups are assigned four problems each.

**QUIZZES**

We will begin most chapters with a short quiz. The quizzes are graded and are designed
to reward reading and comprehension of the material prior to the class discussion. We will also use the quizzes and the problems to work through the material covered during that period.

**ACADEMIC INTEGRITY**

The Student Handbook Code of Conduct ([www.stcloudstate.edu/studenthandbook/code](http://www.stcloudstate.edu/studenthandbook/code)) at SCSU specifically prohibits academic dishonesty, including but not limited to, cheating, plagiarism, misrepresentation of student status, and resume falsification. Plagiarism includes, but is not limited to, the use by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment; unacknowledged use of materials prepared by another person or agency engaged in selling or otherwise providing term papers or other academic materials; and commercialization, sale or distribution of class notes without the instructor’s permission.

St Cloud State University has also created technology-related policies, guidelines, and standards to help users understand how technology should be utilized at our university, for the benefit of the campus community as a whole. These guidelines address accountability, provide consistency and clearly establish procedures for those using the university’s equipment and network. You are expected to familiarize yourself with these policies, guidelines, and standards and to adhere to these standards throughout your tenure at SCSU.

Please refer to [www.huskynet.stcloudstate.edu/policies](http://www.huskynet.stcloudstate.edu/policies) for information regarding these policies and for any questions regarding these policies.

**Plagiarism** is the presentation of someone else’s ideas or words as your own. To safeguard your reputation against plagiarism charges, be certain to give credit where credit is due. Specifically, provide a citation (in-text parenthetical reference, footnote, or endnote) for each (1) direct quotation, (2) passage from someone else’s work that you stated in your own words rather than using the original words (the words are your own, but the idea is not). After identifying the text that must be credited by someone else, develop complete, accurate citations and a reference page according to some recognized referencing method.

Additionally, in this class, students are expected to complete and submit assignments that reflect their own individual efforts. The textbook will serve as a very useful guide in preparing your written work; however, do not complete your outside work by direct imitation of the sample illustrations provided, sample illustrations from the internet, or from other materials (such as Career Services handouts, etc.) Also, do not work with classmates on individual assignments; your assignments should reflect your individual efforts.
## Tentative Outline

<table>
<thead>
<tr>
<th>Date</th>
<th>Chapter Assignment</th>
<th>Written Problems All Groups</th>
<th>Oral Problems Assigned Groups</th>
<th>Quizzes Exams</th>
</tr>
</thead>
</table>
| March 16   | Chapter 1: Law, Value Creation, and Risk Management  
Week 1                                                      | Please review and answer questions – do not need to hand in | Group Assigned (G1 = Group 1)  
4,5,6,7 - No groups assigned | Quiz# 1 |
| March 23   | Chapter 3: Courts, Sources of Law and Dispute Resolution (skim pp. 60-68) skip pp. 79-1st column 81)  
Week 2  
- Alternative Dispute Resolutions  
Ch 4 No Reading – short lecture to cover | CH3: 5  
- Citizens United v. Federal Election Commission – see class website – Other Links. (G1) on side of limiting campaign spending, (G2) on side of allowing corporate issue spending.  
- Fairness Doctrine and Rush Limbaugh. Go to class website for details. (G3) Limbaugh (G4) Fairness Doctrine CH3: pp.107,  
- “A Manger’s Dilemma (G5) on side of banning – talks first so present issue (G6) on side of not banning.” | Quiz# 2 |
Chapter 7: Contracts  
Week 3 | CH6: 3  
CH7: 4, 5,8 | Quiz# 3  
Quiz# 4 |
| April 6    | Chapter 7: Contracts continued  
Chapter 8: Sales (read pp250-252, skip 253-261, read 261 Battle of the Forms – 269, skip rest of chapter)  
Chapter 9: Torts  
Week 4 | CH8: 1, 2, 5  
CH9: 2, 4, 7 | Quiz# 5  
Quiz# 6 |
| April 13   | Chapter 9: Torts continued  
Chapter 10: NO READING – short lecture to cover the material  
Start Chapter 11: Intellectual Property  
Week 5 | CH11: 3, .8 | EXAM #1  
Quiz# 7 |
| April 20   | Chapter 11: Intellectual Property continued  
Chapter 5: Agency  
Week 6 | CH5: 2, 5, 8  
CH12: 3, 4, 5 | Quiz# 8  
Papers Due |
| April 27  | Chapter 12: The Employment Agreement (skip Labor-Management Relations (pp. 454-458), skip Fraudulent Inducement (p.430), skip Workplace Safety (441-445)), Chapter 13: Civil Rights and Employment Discrimination | CH13: 1, 4, 5, 6 | • Obama Pay Czar on website (G4) side of pay czar, (G13) side of no pay czar  
• Ethical consideration, p. 449 (G6) on side of hiring contract employees (G9) on side of it’s not ethical to do so  
• Fired for Wearing God Button – on website. (G2) side of employee, (G7) side of Home Depot  
• Ledbetter v. Goodyear Tire, p. 469 (G8) on side of Ledbetter (G5) on side of Goodyear  
• Question 4, p. 508 (G10) on side of Cullen (G3) on side of Olin Corp.  
• Question 5, p. 508 (G12) on side of Lyle (G1) on side of Friends | Quiz# 10 |
| May 4    | Chapter 20: Business Entity Structure (limited coverage) read pp. 758-766, pp. 774, Incorporation – 777 Alter Ego). Catch-Up | No Question s | Group 11 – Need one final case. | EXAM #2 |
## EVALUATION

The Actual Points Allocated Are Estimates Subject to Change

<table>
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<th>Tests:</th>
<th>Points</th>
<th>(1,000 total)</th>
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<tbody>
<tr>
<td>Test 1</td>
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<tr>
<td>Test 2</td>
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<td>Sub-Total</td>
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<td>(Tests = 30% of Total Grade)</td>
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<th>Quizzes</th>
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<th>Lowest quiz score dropped (or modified)</th>
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<tr>
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<td>Chapter Quiz 10</td>
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<td>(Chapter Quizzes = 9% of Total Grade)</td>
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<th>Oral Discussions/Problems</th>
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<td>Problem 1</td>
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<td>(4 items x 40 points each)</td>
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<td>Problem 3</td>
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<td>Problem 4</td>
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| Current Events Report     | 50     | (Current Events Report = 5% of the Total Grade) |

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<th>Position Paper/Presentation</th>
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<tr>
<td>Grammar</td>
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<tr>
<td>Content</td>
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<td></td>
<td>250</td>
<td>(Paper/Presentation = 25% of Total Grade)</td>
</tr>
<tr>
<td>Class Participation</td>
<td>150</td>
<td>(Class Participation = 15% of Total Grade)</td>
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**Grand Total:** 1,000