LEGAL ENVIRONMENT OF BUSINESS

Course Syllabus

Course: BA2900-006 – Spring 2015
Instructor: Jennifer McGillivary, J.D.
Phone: (314) 266-9199
E-mail: mcgillivaryj@umsl.edu
Office Hours: T/Th 9:30 a.m. – 11:00 a.m. and 12:30 p.m. – 1:30 p.m., before and after class, or by appointment
Office: Honors 308B

Class Hours: T / Th 2:00 p.m. – 3:15 p.m.
Classroom: SSB 342

Note: E-mail is the best way to contact me. I will make every effort to respond to e-mails within 24 hours, excluding breaks and weekends.

COURSE DESCRIPTION:

The legal environment of business is defined as: the attitude of the government toward business, the historical development of this attitude; current trends of public control in taxation, regulation of commerce and competition; freedom of contract, antitrust legislation and its relationship to marketing, mergers and acquisitions; and labor management relations.

The main purpose of this class is “to remove the mystique from the law and to empower you to participate in legal matters.” Legal Environment, 4th Ed., Beatty and Samuelson (p. 6). Legal, social and government forces continually shape today’s global business environment.

This class will prepare you to understand your role and responsibility within this environment, identify issues, recognize potential problems and know when to consult with an expert. Each of these skills will result in efficiency and cost effectiveness for your business. You will develop improved reasoning and problem-solving skills in an effort to better evaluate the legal, regulatory and ethical environment in which you work and be able to incorporate that knowledge into your business decision-making process.

COURSE OBJECTIVES:

1. To improve your ability to recognize and manage legal risks in business decision making.
2. To assist you in making more ethical decisions, individually and as an organization.
3. To introduce you to legal processes and substantive legal topics affecting business, including employment relationships, business formation, international law, contracts, etc.
4. To encourage critical thinking in order to examine all sides of a discussion.
5. To enhance students analytical skills and refine their skills in criticizing and evaluating secondary sources.
6. To stimulate and improve student’s articulate oral expression.
7. To research primary documents and various sources of information.
**STUDENT RESPONSIBILITIES:**

Students are expected to:

1. Arrive on time. Class begins promptly at 2:00 p.m. Walking in late is disruptive to me and the other students. A one-point deduction from your attendance points will be taken for arriving late to class.

2. Attend class and complete all assignments in accordance with the expectations established by the instructor and program of study. Class attendance and participation is essential for success. It is your responsibility to verify missed assignments with your classmates or with me prior to the next class. As the semester progresses, there may be small changes in the syllabus.

3. Conduct yourself in a manner which contributes to a positive learning environment for everyone in the classroom. Students are expected to work, individually and together, to create an atmosphere that demonstrates courtesy, civility, and respect for one another and the instructor. Comments that degrade or ridicule another, whether based on individual or cultural differences, are unacceptable. Disagreement is fine, but respecting the other person’s opinion is expected.

4. Familiarize yourself with all university policies and procedures. All pagers and cell phones must be SILENCED during class. Texting is prohibited unless it is any emergency. Laptops may be used only for taking notes. E-mail, Facebook, internet searches, etc. in class are disruptive, disrespectful to the instructor, and distract other students. Adherence to the Student Conduct Code is expected.

5. Ask questions and seek clarification, direction, and guidance to any class assignment, university policy or procedure that is unclear.

**Academic Honesty:**

A major goal of the course is to uncover your own ideas, thoughts, and opinions. In all your written works it is important to use your own ideas and concepts and not recite the words of another. Proper citations are required and quotes must be used if you use another person’s words or phrases. Plagiarism is the use of another person’s words or ideas without crediting that person. Plagiarism will not be tolerated and may lead to a failure on an assignment, in the class, and dismissal from the University. All cases of plagiarism will be reported to the Associate Dean of the Honors College and to the Office of Academic Affairs.

**Students with Special Needs - Disability Services:**

To request academic accommodations (for example, a note taker or accommodations for access to library materials on reserve), students must register with Disability Access Services, 144 Millennium Student Center, 516-6554. This office is responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements.
Once you have registered with Disability Access Services, you may schedule an individual appointment with me to discuss any accommodations and to present the letter you have been given by that office.

**REQUIRED READINGS:**

2. Supplemental material on MyGateway

**COURSE REQUIREMENTS:**

**15% Attendance and Reading Questions:**

Regular attendance and completion of reading questions (6 points per class) is crucial. Your attendance will be vital to your success. Contribution to class discussion will make the course more interesting and enjoyable for everyone. Active participation with references from the readings will be the deciding factor on borderline grades. More than three unexcused absences may result in a failing grade in this category.

**15% Contract Negotiation Exercise and Written Contract:**

Written contract from negotiation exercise – Teams of students will negotiate the terms of a contract (the competing issues will be provided by the instructor in class). Each team will draft the final contract pursuant to the outcome of the negotiation. The final contract must include all elements necessary to bind the parties to the terms of the contract in a court of law. The contract will be graded on whether all required elements are present more so than the outcome of the negotiation. It must be submitted via MyGateway no later than 2:00 p.m. on Thursday, March 5.

**10% Courtroom Visit**

Each student is required to attend a court proceeding at a county, state, or federal courthouse (not a municipal court or traffic court) and prepare a one-page, typed, double-spaced summary regarding one thing that you learned from your visit. A class form (available on MyGateway) must be completed evidencing your visit. The summary and class form must be submitted via MyGateway no later than 2:00 p.m. on Thursday, April 2.

**20% Mediation Statement and Exercise:**

Each student is expected to write a mediation statement (the competing issues will be provided by the instructor in class). Each student will be assigned an issue, half of the students will serve as a student mediator and half of the students will serve as an observer. Students will provide their written statements to a student mediator one class period prior to their mediation. Students will then spend no more than 30 minutes mediating their dispute.
The mediation statement must be no longer than three pages, type-written, double-spaced and submitted via MyGateway no later than **2:00 p.m. on Thursday, April 23**. The mediation statement will be graded on persuasiveness using appropriate support for your position, professionalism, composition, and grammar.

**20% Final Paper**

Use the internet to research a recent business case decided within the last ten years (excluding those already summarized in your textbook) that also involves an ethical issue. Locate the full text of the court decision on Google Scholar or Lexis Nexis (see UMSL Homepage, Libraries, Databases, Databases Sorted Alphabetically, L – Lexis Nexis Academic, Search, Look Up a Legal Case – law section).

- Brief the legal issue: name of the case, essential facts, issue, relevant law, analysis by the court, conclusion (or holding) of the court.
- Identify the ethical issues in the case.
- Do the legal and ethical issues conflict?
- Do you agree with the court’s decision? Why or why not?
- How should the affected business ethically respond and fulfill their corporate responsibility?

The paper must be no longer than three pages, type-written, double-spaced, and submitted via MyGateway no later than **5:00 p.m. on Wednesday, May 7**. You must support the position taken in your paper. You must appropriately cite the case discussed in your paper (examples are footnotes in the textbook). Written work will also be evaluated for composition and grammar.

**20% Exams**

Each exam is worth 100 points. Exams will cover the chapters assigned prior to the date of the exam, all material presented and discussed in class, including guest presentations and class assignments.

**Grading:**

The following grading scheme will be applied in this course:

A = 93 – 100; A- = 90 – 92; B+ = 86 – 89; B = 83 – 85; B- = 80 – 82; C+ = 76 – 79; C = 73 – 75; C- = 70 – 72; D = 60 – 70; F = 59 or less
**Course Schedule:**

**January 20** – Course Introduction  
- Class overview, review syllabus

**January 22** – Chapter 1, Legal Foundations

**January 27** – Chapter 1, Legal Foundations (continued)  
- Appendix to Chapter 1, Guide to Understanding Cases and Finding the Law  
- Chapter 5, Business, Societal, and Ethical Contexts of Law

**January 29** – Chapter 5, Business, Societal, and Ethical Contexts of Law (continued)

**February 3** – Chapter 2, Business and the Constitution  
- Appendix A, U.S. Constitution (headings and Bill of Rights)

**February 5** – Chapter 3, The American Judicial System, Jurisdiction, and Venue

**February 10** – Chapter 4, Resolving Disputes: Litigation and ADR options

**February 12** – Chapter 4, Resolving Disputes: Litigation and ADR options (continued)

**February 17** – Chapter 6, Overview and Language of Contracts

**February 19** – Chapter 7, Contract Formation

**February 24** – Chapter 8, Contract Performance: Conditions, Breach, and Remedies

**February 26** – Chapter 9, Contracts for the Sale of Goods

**March 3** – In-class Contract Negotiation Project

**March 5** – Chapter 10, Torts and Products Liability  
- *Written Contract due*

**March 10** – Chapter 11, Agency

**March 12** – Chapter 12, Employment Relationships and Labor Law

**March 17** – Chapter 13, Employment Discrimination

**March 19** – Exam I

**March 24 / 26** – Spring Break, No Class

**March 31** – Chapter 14, Choice of Business Entity, Sole Proprietorships, and Partnerships  
- *Case selection due*
April 2 – Chapter 15, Limited Liability Companies and Limited Liability Partnerships
- Courtroom Visit Assignment due

April 7 – Chapter 16, Corporations

April 9 – Chapter 17, Regulations of Securities, Corporate Governance, and Financial Markets

April 14 – Chapter 18, Administrative Law

April 16 – Chapter 21, Creditors’ Rights and Bankruptcy

April 21 – Chapter 22, Consumer Protection Law

April 23 – Chapter 23, Criminal Law and Procedure in Business
- Mediation Statements due

April 28 – Chapter 24, Personal Property, Real Property, and Land Use Law

April 30 – Chapter 25, Intellectual Property

May 5 – Mediations

May 7 – Chapter 26, Int’l Law and Global Commerce
- Final Paper due

TBA – Final Exam

NOTE:

No material in this course is intended to constitute legal advice. As a faculty member, I am prohibited by professional ethics and university policy from representing any of my students as clients and therefore cannot give anyone specific legal advice. Please do not rely on the information presented in this course in lieu of obtaining a professional legal opinion from an attorney.

This syllabus is subject to change at the discretion of the instructor to accommodate instructional and/or student needs.