2012

BLAW 300-06 The Legal Environment of Business

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BLAW 300 – The Legal Environment of Business

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Williams College of Business Mission Statement: “We educate students of business, enabling them to improve organizations and society, consistent with the Jesuit tradition.”

BLAW 300 satisfies the Mission Statement by exposing students to both the legal and ethical aspects of business. Course topics include jurisdiction and the court system, business ethics, business crimes, torts, employment law, and business organizations. Understanding this business material is critical for managers to successfully navigate the legal challenges they will face during their career. Viewing the material through both legal and ethical perspective is consistent with the Jesuit tradition.

I. Purposes and Objectives

1. To expose the student to the relationship and conflicts between law, ethics, and business.
2. To help develop the student’s analytical ability (i.e. the ability to spot legal/ethical issues and critically reason to a logical conclusion).
3. To help develop the student’s written and spoken communication skills.
4. To help develop the student’s research skills.

II. Expectations

1. Students should submit only their own work product, and fully comply wit the University Honors Code and this syllabus.
2. Students should be prepared to discuss all assigned readings and cases in class. The best learning occurs when students thoroughly prepare the material before class and can engage actively in discussion during class.
3. Each student, as well as the professor, is entitled to expect a positive learning environment and a classroom that is free from uncivil behavior. As a courtesy to all present, please turn off cell phones and other electronic devices prior to entering the classroom. During class, texting, surfing the web, and unauthorized photographing is inappropriate behavior. When assigning course grades, a grading penalty may be imposed in cases of uncivil behavior stemming from disruptive or distracting classroom conduct.
4. Students should plan to take tests at the scheduled time. As Prof. Alkire will drop the lowest quiz score, make-up quizzes are only available for excused absences OR extraordinary circumstances, and must be taken within one week of the original quiz date.
5. Regular, punctual and continuous attendance during class meetings is a condition for granting academic credit, and factors directly into the contributions grade. Unexcused absences can result in failing the class, regardless of other
grades. A student is responsible for assignments and information covered in class, and should obtain class notes from another student.

6. Students should are responsible for materials, announcements, assignments posted through Xavier.edu. and Blackboard. For problems with Blackboard contact the HELP desk; if all else fails, contact Paul Kieffer: Kieffer@xavier.edu.

III. Class Participation

Class participation counts as 30% of your final grade and is a combination of in-class participation, reflective blog entries and case briefs.

Each class has a maximum of 10 “points” for participation. Students can add to their in-class participation by participating in the reflective blog and turning in case briefs, even if they could not attend that night’s class. Students who actively participate in class, give thoughtful comments on the reflective blog (private – only the student and the professor can view), and do an excellent job briefing the cases for the semester, will maximize the “points” for any given class. Students that just give a one-line comment on the reflective blog, will not add many (if any) points to their points for that day’s participation. At the end of the course, the professor will add all of the student’s participation points together, then rank them against other students. Students with the most “points” will receive the highest participation grades. Students who only attend class, and have minimal in-class and reflective blog participation, and do not brief the cases (or do not brief the cases well) will receive a significantly lower participation grade. This lower participation will most likely have a very negative impact on the student’s final grade.

Example of two different students: Student 1 maximized her/his participation by actively participating in nearly every class, had excellent reflective blog entries (not just a recap of what happened in class), and did an excellent job on the case briefs. That person may receive 170 points (10 points per class for 15 classes).

Student 2 showed up to every class, but never (or rarely) participated either in class or on the reflective blog. Student 2 did not brief the cases, or did not do a very good job briefing the cases. This student might receive 15 points (1 point per class for 15 classes).

These two students would be the high and low for ranking the class, and all other students would fall somewhere in between. Student 1 would receive an excellent participation grade. Student 2 would receive a very low, and most likely failing participation grade.

Blackboard.xu.edu. In this site you’ll find a copy of the syllabus, sample papers, a sample quiz and Chapter by Chapter powerpoint presentations (which will be added as the semester progresses). I would recommend printing out the slides and annotating the outlines before class (as you read the chapter) and during class (as we discuss various topics). Please remember, quizzes can cover ANY material, discussion, exercise or video for that chapter, NOT JUST THE INFORMATION CONTAINED ON THE POWERPOINT SLIDES.

1. Reflective Blog Entries: You will have 48 hours following each class to post a reflective blog entry. Students should think thoughtfully about the topic discussed and propose
further reflections and analysis (not simply regurgitate what was discussed). Another option is to find a news story that relates to the topic discussed, post a link to the story and provide thoughtful analysis of the story. The blog entries are private between the student and Professor.

2. **Case Briefs:** Case briefs for assigned cases must be submitted in hard copy at the beginning of class. You should also keep a copy for yourself for use during class discussion. A case brief is a short summary and analysis of the case prepared for use in classroom discussion. It is a set of notes, presented in a systematic way, in order to sort out the parties, identify the issues, ascertain what was decided, and analyze the reasoning behind decisions made by the courts. We will discuss how to brief a case in the first class, but remember IRAC (Issue, Rule, Analysis, Conclusion).

3. **Attendance:** You may miss one class without penalty. Any student missing more than one class with an *unexcused* absence can lose up to 5 points from their final grade for every class missed.

An *excused* absence is defined as when the student contacts me by email explaining the legitimate reason for missing the class either prior to missing the class, or (if prior notice not possible) at the student’s earliest possible convenience. Legitimate reasons include collegiate sports, work, family or health problems. All other absences are deemed unexcused absences. Students involved in a Xavier-sponsored activity who must miss more than one class to participate in the event, must have a written note from their advisor, coach of Sr. Rose Ann Fleming explaining the reason for missing the class.

**IV. Quizzes**

There will be five quizzes to be given at the beginning of the class listed on the syllabus, which will constitute 30% of the student’s final grade. They will be multiple choice and short answer. Quiz questions will come from *all* the readings, class discussions, and cases covered since the last quiz. I will drop the lowest quiz from the quiz average. Because the lowest quiz grade will be dropped, there will be no make-ups for a missed quiz.

**V. Research Paper**

Students will prepare a research paper on a topic selected by the student and agreed upon by Professor Alkire. The paper is worth 20% of the student's final grade.

1. **Paper Topic:** The paper topic is due to Prof. Alkire at the beginning of class on **February 8, 2012**. While the book (including chapters we don’t cover) is a good source for potential topics, feel free to explore areas in your major or areas of interest. Professor Alkire is available to consult about your topic.

2. **Paper Outline:** The paper outline is due to Prof. Alkire at the beginning of class on **March 14, 2012**. The outline should be 1 page, in sentence format, and should inform the reader with respect to the substance and organization of the paper. It should include citations to at least 4 law journals or cases.
3. **Final Paper:** The papers are due in the final form by **March 21, 2012** at the beginning of class and must be submitted on Turnitin.com. The student has a **grace period until March 28, 2012** at the beginning of class. This means they must be in my possession by the end of the grace period, not merely postmarked by this date. The student will lose 10 points from the project, per day, for every day the project is late after the March 28, 2012 grace period. There will be no exceptions due to business or family crises. The student should begin working on the project immediately, and deliver the project early if he/she believes there will be any problem with making the March 21 deadline.

Sample Papers will be posted on Blackboard (although requirements have changed.) Professor Alkire welcomes meeting with you to discuss your paper topic, research organization, and questions, but does not review drafts.

**VI. Team Ethics Project**

You will prepare ethics presentations in teams of 4-5 students that will be presented to the entire class the last two classes of the semester. The Project will constitute 20% of the student’s final grade. There will not be a final exam.

In the time assigned (usually 25-30 minutes), teams lead class members in discussing and exploring aspects of a current business ethics issue. Your grade reflects your individual contribution, professionalism (business casual attire, demeanor, preparation), following course requirements for the assignment (topic, outline, proper structure), the quality and creativity of the team’s presenting the material, its substance/depth, originality and use of effective teaching techniques and the extent of engaging students in the discussion. Approximately 50% of the time should involve engaging student participation. Using audio/visual devices, including an original video presentation, role play, quizzes, etc., is encouraged. Team grades are also based on the student’s individual contribution and participation while other teams present. Failure to attend presentations may result in a substantial reduction of the student’s grade or receiving no credit for it. Please advise at class one week before of any equipment needed.

**Team Responsibilities**

1. Each team shall provide Prof. Alkire with a typed topic and outline at the beginning of class on **April 4, 2012**. The outline should include the topic, team members, ethical issues to explore and methods.

2. Research (as needed), prepare and present topic. Each project must include an introduction of team members and topic, a discussion of 2-3 related scenarios/issues, and a conclusion. Business casual or other appropriate attire is expected.

3. Each team shall provide Prof. Alkire a team report at the time of presentation. The report should include meeting dates, those present at each meeting, assigned duties, and copies of any materials used (power point slides, research, handouts, etc).

4. Attend and actively participate in presentations of other teams.
VII. Grading

1. Grade Weights

   Class Participation  30%
   Quizzes            30%
   Research Paper    20%
   Presentation      20%
   Total              100%

2. Final Grade Cutoff

   A  >=  95          A-  >=  90
   B+ >=  87         B   >=  83
   B- >=  80         C+ >=  77
   C  >=  73         C- >=  70
   D  >=  65         F   <  65
### TENTATIVE SEMESTER SCHEDULE

(subject to change)

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Assigned Reading</th>
<th>Cases to Brief</th>
<th>Quizzes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/11/12</td>
<td>Introduction to Law</td>
<td>Chapter 1 and Case 6.4 on p. 188</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>1/18/12</td>
<td>The Court System</td>
<td>Chapter 3 (all)</td>
<td>Boumediene v. Bush and Kelo v. City of New London (p. 227)</td>
<td></td>
</tr>
<tr>
<td>1/18/12</td>
<td>The Court System</td>
<td>Chapter 7 (section 19)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/25/12</td>
<td>The Litigation Process and ADR</td>
<td>Chapter 4 (all)</td>
<td>Hein v. Freedom and Snyder v. Louisiana</td>
<td></td>
</tr>
<tr>
<td>1/25/12</td>
<td>The Litigation Process and ADR</td>
<td>Chapter 5 (pp. 129-end)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/1/12</td>
<td>Contracts</td>
<td>Chapter 8</td>
<td>Northeast Fence and Douglas v. Talk America</td>
<td>Quiz #1</td>
</tr>
<tr>
<td>2/8/12</td>
<td>Contracts</td>
<td>Chapter 9</td>
<td>Norfolk Southern RR and Venture Media</td>
<td>Paper Topic Due</td>
</tr>
<tr>
<td>2/15/12</td>
<td>Torts in Business Environment</td>
<td>Chapter 10 (1-10)</td>
<td>Van Stan and Wells Fargo</td>
<td>Quiz #2 (Ch. 8-9)</td>
</tr>
<tr>
<td>2/22/12</td>
<td>Torts in Business Environment</td>
<td>Chapter 10 (11-20)</td>
<td>Iannelli v. Burger King and Pee</td>
<td></td>
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<tr>
<td>2/29/12</td>
<td>Ethics/Law Library</td>
<td>Chapter 2</td>
<td></td>
<td>Quiz #3 (Ch. 10)</td>
</tr>
<tr>
<td>3/7/12</td>
<td>NO CLASS SPRING BREAK</td>
<td>NO CLASS</td>
<td></td>
<td></td>
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<tr>
<td>3/14/12</td>
<td>Criminal Law</td>
<td>Chapter 12</td>
<td>Hudson, Schmuck and USA v. Hughes</td>
<td>Paper Outline Due</td>
</tr>
<tr>
<td>3/21/12</td>
<td>Business Organizations</td>
<td>Chapter 14</td>
<td>Meyer and Anderson</td>
<td>Paper Due</td>
</tr>
<tr>
<td>3/28/12</td>
<td>Agency and Employment Law</td>
<td>Chapter 19</td>
<td>IBP v. Alvarez</td>
<td>Quiz #4 (Ch. 12, 14)</td>
</tr>
<tr>
<td>4/4/12</td>
<td>Employment Discrimination</td>
<td>Chapter 20 (1-6)</td>
<td>Oncale</td>
<td>Team Topic Due</td>
</tr>
<tr>
<td>4/18/12</td>
<td>Civil Action</td>
<td>none</td>
<td></td>
<td>Quiz #5 (Ch. 19-20)</td>
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<td>4/25/12</td>
<td>Presentations</td>
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<td>5/2/12</td>
<td>Presentations</td>
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To: Students enrolled in BLAW 300
From: Professor Alkire
Re: Papers

The student will research the topic and prepare a typed business paper, minimum of five (5) and maximum of seven (7) double spaced pages. The student is expected to use four or more outside sources, at least two of which are Law Review/Journal articles. You must footnote the authority for your propositions using the "Harvard Blue book" citation format. One of the most common problems deals with students failing to properly footnote.

AMOUNT OF MATERIAL FROM OTHER SOURCES - The goal of the paper is to have the participant select a topic of interest and research it in depth, using at least two law review articles, along with other material. While the student is expected to cite the ideas coming from these articles, and may occasionally use some direct quotes, the student should not have large segments of their paper “cut and pasted” from these outside sources. As a rule of thumb, if more than thirty percent (30%) of the paper are the direct words (or very similar words with minor “shuffling) from other sources (even if the sources are appropriately footnoted), the student will receive no credit (a zero) on the paper. If the student takes a significant portion of their paper from other sources, and does not footnote the appropriate authority, this will be considered plagiarism, which will result in immediate and severe disciplinary sanctions.

While students should be citing outside authority extensively, their papers should not merely “mimic” one or two articles. This means that once you cite a source, it may be appropriate to cite it again in several succeeding footnotes, but as a rule of thumb, that same source should not be cited for more than five footnotes in a row. When the same source is cited repeatedly and successively, students will lose a significant number of points from their grades because they are not synthesizing and integrating all of the material they are presenting.

Each paper will be submitted to TURNITIN.COM to verify that it represents the student’s work.
Blue Book Style Sheet – MAKE SURE YOU FOLLOW THIS STYLE SHEET, AND NOT THE FOOTNOTES ON THE SAMPLE PAPERS.

I. Periodicals (Law Reviews): - Author's first and last name, Title of the Article (underlined if you can not italicize), Volume Number of the periodical Name of the Journal (law review) (do not use the word "volume" or "vol" in the cite) First page the article appears on (do not use the word "page", or "p." or "pp."), page of the quote or attribution (year the article was printed).

II. Newspapers: - Author's Full name (if the article is signed, no name if unsigned), title of the article (underlined if you can not italicize), title of the newspaper, date of the newspaper, at page number, column numbers.
   i.e. Tom Getschow, Overdriven Execs, Some Middle Managers Cut Corners to Achieve High Corporate Goals, Wall St. J., Nov. 8, 1999, at 34, col. 4.

III. Magazines: - Author's full name, Title of the article (underline if you can not italicize), name of the magazine, cover date of the issue, at first page of the article, page number of the cite.

IV. Books: - Author's first and last name, title of the book Page number (year of publication).
   i.e. Marvin Clinard & Peter Yeager, Corporate Crime 66 (1980).

V. Statutes: - Title of the Act, Public law number (if available), Volume number of U.S. Code U.S.C. or U.S.C.A. Section number (year of the code or supplement).

VI. Cases: - Case name, volume of the reporter Title of the reporter First page that the case is found in the reporter, page(s) of the cite (circuit number [if a federal case] year).
   i.e. Bush v. Harvey Transfer Co., 146 Ohio St. 657 (1946), or
   i.e. DiSilvestro v. United States, 767 F. 2d 30, 31-32 (2d Cir. 1985), or

VII. Id. - Id. is used when the next cite uses the same information (except there may be a different page number of the new cite). [Please note both id. and supra are underlined, this is done if you do not have the ability to italicize.]
   16 Id. at 410.

VIII. Supra - Supra refers to a new cite referring to a previous cite with at least one intervening cite.
   i.e. 12 George Stricharchuk, Business Crack Down on Workers Who Cheat to Help the Company, Wall St. J., June 13, 1986 at 25, col. 4.

The publication giving rise to Falwell's suit occurred in the November 1983 issue of Hustler, which contained a parody of certain advertisements for Campari Liqueur. The actual Campari advertisements had featured interviews with well-known persons who discussed their "first time." The "first time" referred to in the advertisements was the particular celebrity's first consumption of Campari Liqueur. It was apparent, however, that the advertisements contained double entendres of a sexual nature. The parody in Hustler pictured Falwell as the celebrity supposedly being interviewed. In the "interview" which was written by Hustler personnel, Falwell referred to his "first time" - allegedly an incestuous encounter between a drunken Falwell and his drunken mother in an outhouse.

B. When you are quoting a quote (the source you are quoting, quotes another source): (1) if the quote is more than fifty words, follow the guidelines in XI.A, and put quotation marks within the quote, and (2) if the quote is less than fifty (50) words, use single quotes around the quotation:

i.e. Commentators have addressed whether public figures asserting intentional infliction of emotional distress could provide a way of circumventing traditional defamation obstacles. This was noted in the famous Falwell v. Hustler case. The Supreme Court of the United States, "continued with a ringing endorsement of significant free speech principles, noting the 'robust political debate' contemplated by the first amendment necessarily will lead to statements critical of public officials and public figures."2


2 Id. at 692.

If you are quoting or paraphrasing a law review article which is quoting or paraphrasing a case, you may cite the law review article without going to the original source. An example of this is footnotes 1 and 2 above, when the Langvardt article cites language from the Supreme Court in Falwell v. Hustler. You do not have to go to the Falwell case to get the cite for this quote.
C. All cites are treated as sentences which must end with a punctuation mark (usually a period).

D. If you have a style question that is not addressed in this style sheet, or the Blue Book, you should answer it by using the Chicago Manual of Style.