2017

BLAW 300-04 Legal Environment of Business

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SYLLABUS
BLAW 300-04 Legal Environment of Business
Spring Term, 2016

Professor: Kathleen McGarvey Hidy, J.D.
E-mail: hidyk@xavier.edu
Telephone & Office: 513-745-4310; 224 Smith Hall
Office Hours: Mondays and Wednesdays: 2 p.m. to 5 p.m.; Meetings by appointment are available.
Class Meets: Monday, Wednesday, Friday: 12 p.m. to 12:50 p.m.
Smith Hall 349
Text: The Legal Environment of Business, by Pagnattaro 17th edition
(Customized edition: ISBN# 9781308494173)

Williams College of Business Mission Statement:
The College educates students of business, enabling them to improve organizations and society, consistent with the Jesuit tradition. The mission of the College is in keeping with the university’s mission, articulated by President Michael Graham, S.J. as “Xavier's mission is to serve society by forming students intellectually, morally and spiritually, with rigor and compassion, towards lives of solidarity, service and success.”

Course Description:
A substantive review of significant legal issues which impact businesses operating in the United States, with an emphasis on the analytical underpinnings of law and the ethical principles embedded in legal mandates.

Almost every critical decision businesses face involves some form of legal regulation and requirement imposed on them by the laws of the countries in which they operate. In the United States, businesses confront a multitude of laws which impact their daily operations, marketing, product development, human resources management and their financial profitability. The threat of litigation when a business fails to comply with the legal parameters governing its conduct has a significant and demonstrable effect on its profitability and long-term strategic planning. Put in simple terms, THE LAW MATTERS TO BUSINESS.

The primary purpose of this course is to provide you with a basic understanding of how laws govern businesses operating in the United States. Through analysis and discussion of substantive areas of law, we will explore the legal landscape through which businesses today must travel. The legal mandates imposed on businesses will be examined in light
of ethical principles as well. We will examine how the judicial system in the United
States enforces these laws and how that system impacts both the profitability and the
strategic planning of businesses. The patchwork of state and federal laws which impact
businesses operating in the United States is extensive; this course selects those areas of
law which you will most likely encounter when you enter the business world. Because
the laws themselves change regularly, specific rules you will learn in this course are
generalized and cannot be relied upon in actual business settings. However, the broad
principles you will learn should equip you to recognize a legal situation you may face in
your business career and understand the implications and importance of that situation.

The objectives of this course include:

- Gaining an understanding of key legal principles impacting businesses.
- Developing an ability to use critical thinking and reasoning skills.
- Developing an ability to effectively communicate in both oral and written
  presentations your analysis of the implications a legal issue may have on a
  business.
- Using research methods to investigate how legal issues can be examined
  and analyzed through sources available to business people.
- Developing an appreciation of the importance of substantive laws and the
  judicial system on businesses operating in the United States.

Assessment:
A variety of methods are used to assess student mastery of these Course Learning
Outcomes. Classroom discussion will include the Socratic method and group discussions
synthesizing both the theoretical and applied. Students will demonstrate critical thinking
and understanding of legal and ethical principles through oral presentations using case
analysis and written syntheses of case studies and articles, as well as a legal research
paper. Three tests will assess a student’s understanding and application of legal
principles. A team ethics project will allow students to demonstrate communication
skills, as well as to develop their ability to discuss in depth ethical issues involving
organizations and individuals in the workplace.

Williams College of Business Course Learning Outcomes:

1. **Critical Thinking**
   Through this course, students will be able to:
   Assess critically the legal and ethical implications of business decisions.

2. **Ethics and Social Responsibility**
   Through this course, students will be able to:
   Critically assess the legal and ethical implications of business decisions on stakeholders.

3. **Effective Written and Oral Communication**
   Through this course, students will be able to:
   Clearly and professionally communicate information and concepts in writing and orally, using appropriate technology
   where relevant.

4. **Global Perspective and Cultural Diversity**
   Through this course, students will be able to:
   Integrate the concepts of respect, inclusiveness and valuing of all persons into their decision-making.

5. **Understanding and Application of Knowledge Across Business**
Through this course, students will be able to:

- Describe basic legal and ethical principles relevant to organizations and individuals in the workplace;
- Analyze and explain judicial, legislative and regulatory developments relating to business organizations;
- Critically assess the legal and ethical implications of business decisions;
- Resolve conflicts between legal and ethical responsibilities in the business context;
- Apply legal principles to common scenarios that organizations and individuals encounter in business.

6. Personal and Professional Development

Through this course, students will be able to:

Learn research techniques and be able to identify issues, enabling them to stay abreast of legal developments affecting business.

7. Magis

Through this course, students will be able to recognize and cogently discuss significant questions in the social sciences and apply the approaches of multiple disciplines to a significant issue.

8. Reflection

Through this course, students will be able to find, evaluate, and logically convey information and ideas in written and oral presentations and evaluate real-world problems using established methods and arguments.

9. Discernment

Through this course, students will be able to identify and critically assess multiple dimensions of an ethical issue in an attempt to reach a conclusion and examine the nature of beauty, truth, and virtue as means of gaining a sense of the divine.

10. Cura Personalis

Through this course, students will be able to describe and examine the multifaceted character of society and how the inclusion of different perspectives can influence one’s worldview and discuss and evaluate what constitutes human wellness.

11. Solidarity and Kinship

Through this course, students will be able to examine the diverse, complex, and interdependent nature of people in the world and examine the interconnections between humans and the natural environment through the prism of commerce and governmental structures.

12. Service Rooted in Justice and Love

Through this course, students will be able to investigate the root causes of injustice with compassion and academic rigor and describe the evolution of their vocation and aspirations to contribute to the world.

13. Diversity

Students describe and examine the multifaceted character of society and how the inclusion of different perspectives can influence one’s worldview. In BLAW300 students do this analyzing: (1) Why is sexual orientation not included within federal anti-discrimination laws? (2) Why do we tend to socialize with people like ourselves, and stay away from those we perceive to be “different”? (3) Can race ever be a bona fide occupational qualification? (4) Are women (with or without children) discriminated against in the workplace? (5) How do men and women achieve a work-life balance/blend/blur? (6) What’s the difference between “welcomeness” and consent, when dealing with sexual harassment? (7) Is “same-sex” harassment treated the same as “opposite-sex” harassment? (8) Is racism “dead” in America – therefore we no longer need affirmative action programs? - (No!) (9) Is there any stigma attached to people covered by different anti-discrimination laws, especially when they get promotions? (10) What is the best strategy to get four generations of workers (Veterans, Boomers, Gen – X, and Millennials) to work together effectively? (11) Why reasonable accommodations for handicapped employees create a win-win environment in the workplace? (12) What is meant by the Jesuit gift of “Kinship”, walking with, and learning from “others”?

Students demonstrate an understanding of and provide examples of how complex social locations shape the life chances of diverse groups of people across the globe in this course through integrating the concepts of respect, inclusiveness and valuing all persons, into their decision making.

14. Ethics Religion and Society

Consistent with the mission of Xavier University as a Jesuit, Catholic university rooted in the liberal arts tradition, the Ethics/Religion and Society (E/RS) sequence of courses provides a basis for you to become intellectually, morally and spiritually educated individuals capable of critical reflection on ethical and religious questions of societal significance from the perspective of multiple disciplines with unique methods. Through the E/RS elective, you will develop a more proficient and durable ability to reflect critically on ethical and /or religious questions of social significance. Because this course is part of the core curriculum which aims to develop people of learning and reflection, integrity and achievement, in solidarity for and with others, the course addresses the following core learning objectives at the intermediate level: (1) students apply the approaches of multiple disciplines to a significant issue; (2) students investigate the root causes of injustice with compassion and academic rigor.
Williams College of Business Learning Goals

- **Critical Thinking**
  *Learning Goal:* WCB graduates will be able to think logically, reason quantitatively, and utilize appropriate analytical techniques and technology when evaluating and making decisions.
  
  *Corresponding Objectives:*
  
  - (1) WCB students will collect, evaluate and synthesize information to offer solutions and support decision making.
  - (2) WCB students will evaluate and articulate implications of business decisions and their impact on organizational stakeholders, both individually and in teams.

- **Ethics and Social Responsibility**
  *Learning Goal:* WCB graduates will be able to recognize ethical issues, discern moral implications of decision making, and be prepared, and willing, to serve as responsible and professional members of society.
  
  *Corresponding Objectives:*
  
  - (1) WCB students will recognize ethical issues and their implications on personal and business decisions.
  - (2) WCB students will demonstrate the skills necessary to analyze information and make informed, ethical decisions in complex, conflicting or ambiguous environments or situations.

- **Effective Written and Oral Communication**
  *Learning Goal:* WCB graduates will be able to organize, support and communicate ideas clearly and effectively, employ multiple mediums of communication (e.g., written, oral and visual), and adapt communication to audience, context or purpose.
  
  *Corresponding Objectives:*
  
  - (1) WCB students will produce business documents and reports demonstrating their ability to organize and communicate ideas clearly and professionally.
  - (2) WCB students will make effective presentations, accompanied by the appropriate technology, demonstrating their ability to organize and communicate ideas clearly and professionally, both individually and in teams.

- **Global Perspective and Cultural Diversity**
  *Learning Goal:* WCB graduates will appreciate the historical and cultural contexts of the world in which they live, demonstrate the competencies required for engaging in global business activities, and respect and value diverse peoples and perspectives.
  
  *Corresponding Objectives:*
  
  - (1) WCB students will identify and contrast key attributes of countries’ business environments.
  - (2) WCB students will evaluate and integrate global economic, political, technological, environmental and societal issues into their decision making.
  - (3) WCB students will integrate the concepts of respect, inclusiveness and valuing all persons into their decision making.

- **Understanding and Application of Knowledge Across Business Disciplines**
  *Learning Goal:* WCB graduates will be able to evaluate business from an integrative and holistic point of view, leverage the synergies between functional business areas, and demonstrate college-level mastery of their chosen discipline.
  
  *Corresponding Objectives:*
  
  - (1) WCB students will demonstrate the appropriate knowledge of accounting, economics, finance, management, management information systems, marketing, quantitative business analytics, international issues, and the legal and social environment of business.
  - (2) WCB students will evaluate business problems from an integrative point of view, including diverse business functions, competition and external environment (social, political, economic, and environmental.)
• (3) WCB students will demonstrate college-level mastery of the body of knowledge and skills relative to their major.
  (To be determined at the departmental level.)

• **Personal and Professional Development**

  *Learning Goal:* WCB graduates will be well-prepared for their future careers and appreciate the importance of continuous professional development and life-long learning.

  *Corresponding Objective:*

  • WCB students will articulate career goals, prepare a professional resume, demonstrate behavior-based interviewing techniques and develop a professional network.

**Disability Services Office:**
Anyone who believes he/she may need an academic accommodation based on the impact of a disability (e.g. sensory, learning, psychological, medical, mobility) should contact me to arrange an appointment to discuss your needs as soon as possible. I rely on the Disability Services Office for assistance in verifying your eligibility for academic accommodations related to your disability. If you have not previously contacted Disability Services, I encourage you to do so at 513-745-3280 on the Fifth Floor of the Conaton Learning Commons, Room 514 or e-mail Cassandra Jones at jonesc20@xavier.edu, to coordinate reasonable accommodations.

**Office of Student Success**
Location: 514 Conaton Learning Commons
Phone: 513-745-3036
Email: studentretention@xavier.edu

The Staff in the Office of Student Success is available to assist students to make the most of their Xavier experience. Personal staff consultations, success coaching, referrals to on-campus Solution Centers, and guiding students to effectively navigate their college experience are central to our work. Please visit www.xavier.edu/student-success to learn more or visit the Office of Student Success in the Conaton Learning Commons.

**Course Requirements:**

1. Attendance is mandatory. Roll will be taken at each class. More than **four** absences will result in a 5 point deduction per additional absence from your final class participation grade. The only exception to this requirement are pre-approved absences due to University-related activities.

2. **No laptops, cell phones, or smart phones may be used during class.** Any exception to this policy must be pre-approved.

3. Three Examinations will be given. No make-up tests will be given except for grave reasons. A make-up examination may be an oral examination, in part.

4. Grades are posted on Canvas:

   - **Class Participation Grade:** 10%
   - **Application Assignment Grade:** 10%
   - **Cumulative Test Grade:** 60%
   - **Research Paper Grade:** 20%

5. Letter grades will be assigned along the following scale:

   - A >= 94, A- >= 90, B+=87, B>=84, B- >= 80, C+=77, C >=74, C->=70, D+=67, D>= 63, F < 63.
6. Class Participation Grade: This grade is a composite of a student’s (1) daily in-class preparation, participation, and discussion of the material in the Text and the Application Assignments and (2) attendance. Knowledgeable class participation is strongly encouraged and will be rewarded with a favorable class participation grade. **Conduct contrary to the Student Handbook, available on-line, will negatively impact this grade. (“Xavier embraces certain values, which enhance the integrity of the educational community. A student’s behavior should reflect the values of respect for oneself, respect for others, respect for authority, respect for property, and honesty and integrity.”)**

7. Application Assignment Grade: Each assignment listed on the Reading List as an “**Application Assignment**” should be prepared as follows: a one page analysis of the case or handout should be prepared so that you are ready for a detailed discussion of the facts, the significant legal issue or issues, and the reasoning supporting the court’s decision and/or the legal topic contained in the case or handout. Appendix I of the Text provides instructions on case briefing which is comparable to the requirements of an Application Assignment. Application Assignments are found in the Text (if the assignment is a case) or on Canvas under Modules “Course Documents” (if the assignment is an article). Application Assignments may be handwritten or typed. Application Assignment 6, the “Business Ethics Hypothetical,” will be in hypothetical form with specific instructions provided in class.

Each assignment is due and will be collected in class on the day indicated below. No assignment will be collected after that date, with the following exception: You may submit late assignments for that component of the course on the day of the first or second test for partial credit. Late assignments for the last component of the course are due on the last day of class, April 28th. **No assignment may be submitted via email.** Assignments may be submitted in advance of the due date.

8. Cumulative Test Grade: This grade is comprised of three tests. A total of 100 testing points are available on these tests. Tests will be reviewed in class and retained by the professor. Please make an appointment to review your test individually. **The University Policies on Academic Integrity will be strictly enforced.**

9. Extra Credit of up to three additional test points will be awarded for a five minute in-class oral presentation of a current event (i.e. a current legal issue, dispute or case, preferably which impacts business) which has been reported in a media source. A sign-up sheet for Extra Credit is available during class periods.

10. Research Paper Grade: This grade is based on a research paper which **objectively** presents research and analysis of a legal topic while demonstrating through at least one source how the legal topic impacts an industry or business. Additional information regarding the research paper is provided in the Supplemental Syllabus attached to this Syllabus.
11. Reading Assignments (Subject to Revision): Please note that cases in each chapter which are not specifically assigned as an Application Assignment may be skipped over. These cases will not be discussed in class and they will not be the subject of testing. Key Terms and Review Questions and Problems at the end of each chapter should be reviewed. Answers to these are on Canvas under Modules. The Text contains an excellent Glossary which is a useful and valuable review tool for the Terms and Concepts. A good online legal dictionary can be found at: http://dictionary.lp.findlaw.com/.

12. Please refer to Canvas under “Modules” (not “Files”) for all information pertinent to this course. Answers to the chapter review questions are posted on Canvas under Modules “Course Documents” and power points for each chapter are posted on this site under Modules “Course Information”. Please notify me if you are not able to access Canvas for this course.

Timetable for the semester
(Subject to revision)

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<thead>
<tr>
<th>Date</th>
<th>Assignment</th>
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<tr>
<td>1/9</td>
<td>Course Introduction. Review of Syllabus and Discussion of Course Objectives.</td>
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<tr>
<td>1/11 and 1/13</td>
<td>CEO Exercise and Bistro 24 Exercise</td>
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<td>University Holiday/No Class: Monday, 1/16.</td>
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<tr>
<td>1/18 &amp; 1/20</td>
<td>Chapter 1: Law as the Foundation for Business; Application Assignment 1: Handout “GM is Set to Face Criminal Charges Over Ignition Switches” due on 1/20.</td>
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<tr>
<td>1/23, 1/25 &amp; 1/27</td>
<td>Chapter 3: The Court System; Application Assignment 2: Handout “U.S. Top Court Declines to Hear Google Appeal in Oracle Java Fight” due on 1/27.</td>
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<tr>
<td>1/30, 2/1 &amp; 2/3</td>
<td>Chapter 4: Litigation; Application Assignment 3: Case 4.1 Mayer v. Belichick due on 2/1.</td>
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<tr>
<td>2/6, 2/8 &amp; 2/10</td>
<td>Chapter 5: Alternative Dispute Resolution; Application Assignment 4 Handout “Judge Approves Deal in NFL Concussion Case” due on 2/8.</td>
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<tr>
<td>2/13</td>
<td>Examination on Chapters 1, 3, 4 &amp; 5</td>
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<tr>
<td>2/15</td>
<td>Research Paper Overview/Library Instruction</td>
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*No Class on Friday, 3/3 (London/Paris MBA Trip); Review sample contract on Canvas.*  
*Proposed Research Paper Topics submitted in Class on or before 3/20.* |
| 3/27 | Examination on Chapters 2, 8, 9, & 10. |
| 4/3, 4/5 & 4/7 | Chapter 14: Corporate Governance and Business Organizations. |
*Easter Break/University Holiday/No Class: 4/14 & 4/17.* |
| 4/19 & 4/21 | Chapter 17: Financial and Securities Regulation  
*Research Papers must be submitted into Turnitin.com and delivered in class on or before Friday, April 21st. No paper will be graded without its submission into Turnitin. Papers will be returned on the day of the final examination.* |
Examination on Chapters 11, 14, 17, & 20 is on Monday, May 1st from 12 p.m. to 1:50 p.m.

Supplemental Syllabus Research Paper Requirements

I. The research paper should provide an objective presentation, based on objective sources, of a legal topic and its impact on an industry or business. The paper must be original to this course i.e. it has not been submitted in a previous course. The paper should be 6 to 10 pages in length, typed and double-spaced, not including the bibliography. Each page should be numbered. The bibliography, in Harvard Blue Book citation style format, should provide complete references to sources and should contain, at a minimum, five sources. All information in the paper, whether quoted or not, should be sourced i.e. an in-text citation should be provided for all information presented. Possible sources include: articles from news journals and newspapers, law cases, treatises, law reviews, books and interviews. Internet websites may constitute a source but a website’s value will be weighted according to the website’s objectivity and credibility. Wikipedia is not an acceptable source. The Text and cases in the Text may not be used as sources for the paper. Examples of excellent papers submitted by students are uploaded on Canvas under Modules “Course Documents” for your review. The bibliographies for these papers have been removed and in-text citations to the sources may not be visible. Databases which may be helpful in your research are on Canvas under Modules “Library Links”. Contact XU Librarian, Patty Greco, for assistance with research: greco@xavier.edu; 513-745-2330.

II. The University Policies on academic integrity will be strictly enforced. Each paper must be submitted to TURNITIN.COM to verify that it represents the student’s work. The link for this will be added to Canvas under the Modules Tab. Additional information will be provided in class regarding the mechanics of this. Please review the article on Plagiarism posted on Canvas under Modules “Course Documents” and consult the professor with any questions as to what constitutes Plagiarism in a research paper. Note: using exact words from a source requires quotation marks. In-text citations alone are not sufficient to avoid plagiarism where exact words are used. Correct paraphrasing requires student’s own words as well as an in-text citation to the source of the information.

III. Research papers are due on or before Friday, April 21st, during the class period. A paper is deemed “late” if it is handed in after the class period on April 21st. A ten point deduction off the grade of the paper will be taken for each day a paper is “late”. Papers must be submitted to Turitin.com before papers are handed in during the class period. No papers may be emailed to the professor.

IV. Sample topics for the research paper are listed below. Please note that students may propose other topics not listed. All paper topics are subject to the professor’s approval. Bibliographic citations in the research paper should follow the Harvard Blue Book Style Sheet format also detailed below.

Sample Topics:
Fraud; product liability; Trade Secrets; Patent Law; Trademark Law; Copyright Law; The Sarbanes Oxley Act of 2002; The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010; White-collar crime; The Securities Act of 1933; The Securities Exchange Act of 1934; Insider trading; Antitrust; Environmental laws; Products and Service Liability; Whistleblowers; Employee Privacy; Title VII of the Civil Rights Act of 1964; Religious accommodation; Sex discrimination; Equal Pay Act; Pregnancy Discrimination Act; sexual harassment; affirmative action and reverse discrimination in employment; seniority systems; Civil Rights Act of 1866; Age Discrimination; Americans With Disabilities Act; Limitations to"At Will" employment; Workplace privacy; Family Medical Leave Act; Foreign Corrupt Practices Act; Piracy and Counterfeit Goods

Blue Book Style Sheet
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 of 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.
.e.g. 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, column numbers.
.e.g. Ted Nugent, Still Rock and Roll to Me, Rolling Stone, February 29, 1992, at 61.
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 (circum circuit number [if a federal case] year).

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.


14 Stricharchuk, supra note 12, at 25, col. 4.

IX. Lexis - When printing a case from Lexis, note the fact that you are citing from Lexis, parenthetically. You will not be able to cite to actual page numbers, unless the star paging feature is available.

X. Internet – Author, the title or top level heading of the material cited, and the URL, the most recent modification date or the date you visited the cite.

XI. Miscellaneous style rules A. When quoting more than fifty (50) words from one source, skip a line, indent the entire quote five (5) spaces, and single space (also, do not use quotation marks "" at the beginning or end of the quote).

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 consummation 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.1

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 sentence which must end with a punctuation mark (usually a period).