

**BL 3335 – Business Law**  
**SMU-in-TAOS**  
**AUGUST Term, 2012**  
**Edwin L. Cox School of Business**  
**Southern Methodist University**  
**Dallas, Texas U.S.A.**

**Course Syllabus**  
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<b>Text</b>	Required: Clarkson, Kenneth W., <i>Business Law</i> , 12th Edition, (Southwestern 2012)
<b>Course Handouts</b>	Distribution to be announced
<b>Office Hours</b>	Evenings before exams and otherwise as needed.

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**Learning Outcome Goals**

This is a course in legal survival. Its primary goals are to provide students with understanding of basic business law issues sufficient to:

- Identify and discuss the legal implications of business decisions.
- Formulate policies and practice procedures designed to minimize risk of liability and litigation.
- Work effectively with counsel.
- Cultivate effective, long-term, business and professional relationships in compliance with applicable laws.

**Policy Statement**

The letter and spirit of the University Honor Code shall be strictly adhered to.

The Professor reserves the right to administratively drop any student for inadequate attendance or other appropriate reason. Nevertheless, individual students remain responsible for dropping the class by the Taos Program deadline if desired.

**Disclaimer**

This course is not intended to be a comprehensive or specific analysis of the legal issues presented. The generality of discussions, evolution of law, and necessity of interpretive guidance make course information inapplicable in many situations. Nothing contained in this course should be relied or acted upon without legal and financial advice sought specifically for the particular circumstances.

The Professor is not licensed to practice law in New Mexico.

Policy of the State Bar of Texas and other considerations prevent the Professor from providing legal advice to students. Students seeking individual such advice are encouraged to contact their respective family attorneys or local bar association.

**Additional Resources**

Slides Discussion Problems to be used in class and other information will be provided by e-mail or in printed form before and throughout the course. Please watch for email announcements concerning these.

**Reasonable Accommodation and ESL**

Students requesting **reasonable accommodation** for learning differences or bonafide religious observance must contact the Professor outside of class, on week before the accommodation is needed. Only requests accompanied by the appropriate documentation will be considered.

Students for whom **English is a second language (ESL)** may find assistance through John Wheeler, Director, English as a Second Language at [jwheeler@mail.smu.edu](mailto:jwheeler@mail.smu.edu) or by visiting the ESL website at [www.smu.edu/esl](http://www.smu.edu/esl). Students who wish to consult a dictionary during tests may do so only upon written recommendation from Mr. Wheeler's office.

### **Grading**

Your course grade will be based on Professionalism and the Examinations as follows:

Professionalism	20%
Midterm Examination	40%
Final Examination	40%

Letter grades will be assigned according to the following scale:

93-100 A	83-87 B	73-77 C	0-59 DON'T
90-92 A-	80-82 B-	70-72 C-	
88-89 B+	78-79 C+	60-69 D	

### **Professionalism**

Professionalism will be measured by the Professor's subjective assessment of your business-like approach to the class meetings and course work, careful reading and application of this Syllabus and other instructions, preparation before class, constructive oral participation during class, individual oral presentation of cases, oral preparation of the Discussion Problems, punctual attendance, consistent use of name card, quality of overall engagement in the SMU-in-Taos Experience. Professionalism Extra Credit may be earned by participating in the Extra Credit Opportunity described below and others which may be announced.

Students will be called upon individually to make informal individual oral presentations of assigned cases.

#### **Professionalism Extra Credit Opportunity: Participation in Wellness and other SMU-in-Taos activities.**

Extra Credit may be earned by participating in a voluntary Wellness, Taos Program, or local activity and writing a brief typed summary of the activity. You may earn one point for an activity before August 8 and one for an activity between August 8-14 for a total of two points. A Wellness activity is "voluntary" if participation in it exceeds Wellness course requirements or the student is not a Wellness course participant. The summary is due in typed form at the beginning of the morning class on the day immediately following the activity. Late, electronic, or handwritten submissions will not receive credit. Additional Extra Credit opportunities may be announced as the Taos experience unfolds.

### **Examinations**

Exam dates are provided in the Calendar below. These may not be taken early, made-up, or turned in late.

The Midterm Examination will be distributed and due as provided below. Students are required to prepare and submit typed responses to the questions, and to work in groups of up to three students to prepare a joint submission. Students may consult all course resources in preparing their Examination including other classmates. Successful exams will reflect cooperative, integrated, group preparation and discussion of each question. The most common errors are studying the textbook to the exclusion of class notes and Course Handouts, and taking a "divide and conquer" approach to preparing responses to examination questions. Partners may be required to evaluate each other's contributions.

Unless announced otherwise, the cumulative and comprehensive Final Examination will be administered on the date provided. Questions may involve short answer, discussion, and/or case problems formats. Each student will be required to work individually. Students will be permitted to use their notes and slide printouts, and will write their Exams on their laptops or in the lab. Students will not be permitted to consult the Text or Course Handouts during the Final.

### **Suggestions for Law Course Success**

A significant portion of the overall learning in any law course involves reading, review, and processing outside of class. The quality and amount of this outside study has a direct effect on your ability to be effective in all graded aspects of this course, and, more importantly, to apply this information “out there” in years to come. The following study tips may be helpful if followed before and during your Taos experience.

1. **Read ahead (before coming to Taos) with retention and class participation in mind.**

Reading assignments are carefully chosen and integral to the course. Not all will be discussed in class. Read assignments with pen or highlighter in hand. Make brief notes summarizing each case, text inset, and article.

2. **Come to class ready to hit it.**

Substantial amounts of information are addressed during every class. The pace will be fast but doable. Be prepared and focused. Take notes on your printed or electronic copies of the Slides and Discussion Problems.

3. **Review class notes ASAP after class.**

There is nothing colder than a cold set of law notes. The difference in retention between reviewing the same day of class and even the next is significant, so help yourself by looking over your notes that same day if feasible. Mark areas where reading needs to be reviewed.

4. **Work with your Class Partners between classes.**

Having Partners you can count for trading questions, clarifying materials, and acquiring missed information is particularly useful in any law course and expected in this one. Working with Partners is also required for the Group Take-Home Exam per the Syllabus.

5. **Monitor the Syllabus and e-mails from the Professor**

Professionalism in business includes consulting available resources before asking your manager. Professionalism in this course requires the same approach. Please be sure you have read the Syllabus and other communications before asking the Professor an administrative question.

6. **Re-process your materials for Exams.**

Reprocess your notes on Slides and Discussion Problems into an outline or summary. Do this several times a week and before Exams.

7. **Be confident and consistent.**

Don't let this stuff overwhelm you and don't get behind. You can succeed if you do all the above from day one!

## Calendar and Assignments

Assignment, Test, and Exam dates are subject to change at the Professor's discretion. Classes will meet from 8:30 a.m. until noon unless otherwise announced.

Please prepare the following Text and corresponding Course Handouts assignments by their respective due dates as well as any posted Discussion Problems. Text Assignments are limited to the Chapters, Sections, Pages, and Cases specifically listed in this document. Text Cases not listed in this Syllabus may be omitted. Cases found in Course Handouts are marked (CH). See the Editor's Note on p. 3 and commentary preceding each Course Handouts Assignment for guidance on reading these.

<b>Due Date</b>	<b>Assign. No.</b>	<b>Topics Exams and Tests</b>	<b>Text Chapter(s)</b>	<b>Text Sections, Pages, and Cases</b>	<b>Course Handout Pages</b>
Tues., July 31		<b>Arrival Class Meeting after dinner (Outside the Dining Hall)</b>			
Wed., Aug. 1	1	Introduction			3
		Overview-American Legal System	1	2-3, pp. 4-12 5, pp. 14-15 7, pp. 21-25	
		Constitutional Powers and Limitations	4	1-3, pp. 74-88 <i>Family Wine Makers</i> , p. 77 <i>Bad Frog Brewery</i> , p. 81	4-16
		Administrative Regulation	44	1-2, pp. 860-864 6, pp. 873-876	
<b>Afternoon 1-3 p.m.</b>		<b>Tour of Taos (tentative)</b>			
Thurs., Aug. 2		<b>Student Information Form Due</b>			
	2	Courts Systems Jurisdiction and Venue	2	1-3, pp. 28-41 <i>Southern Prestige Industries</i> , p. 31 5, p. 46 <i>Yellow Freight v. Donnelly</i> (CH)	17-26
	3	Civil Litigation Management	3	1-6, pp. 50-71 <i>Cruz v. Fagor America</i> , p. 54 <i>Wal-Mart v. Johnson</i> (CH)	27-46
	4	Alternative Dispute Resolution (ADR)	2	4-5, pp. 41-46	47-54

<b>Due Date</b>	<b>Assign. No.</b>	<b>Topics Exams and Tests</b>	<b>Text Chapter(s)</b>	<b>Text Sections, Pages, and Cases</b>	<b>Course Handout Pages</b>
Fri., Aug. 3	5	Introduction to Torts: Tort Reform Negligence Premises Liability Host Liability	6  7	1, pp. 116-117 1-2, pp. 136-145 <i>PFenning</i> , p. 143 <i>Otis Engineering v. Clark</i> (CH) <i>Read v. Scott Fetzer</i> (CH) <i>Volcanic Gardens v. Beck</i> (CH)	55-82
Mon., Aug. 6	6 & 7	International Torts: Assault, Battery, False Imprisonment, Defamation, Intentional Infliction of Emotional Distress, Invasion of Privacy, Fraud	6  4 34	2, pp. 117-124 5, pp. 129-132 <i>Fair Housing Council</i> , p. 130 <i>Dillard v. Silva</i> (CH) <i>Randall's Food Market v. Johnson</i> (CH) <i>GTE Southwest v. Bruce</i> (CH)  4, pp. 88-89 7, pp. 670-672 <i>McCaren v. Microsoft</i> (CH)	83-94  95-108
	8	Products Liability	22	1, pp. 421-426 4-6, pp. 429-438 <i>Brown Forman v. Brune</i> (CH)	109-122
Tues., Aug. 7	9	Introduction to Contract Formation Electronic Contracts Agreement Sales	10 11  19	1-5, pp. 206-217 1-3, pp. 222-239 <i>Lucy v. Zehmer</i> , p. 223 <i>Alexander v. Lafayette Crime</i> , p. 228 1-2, pp. 356-361	123-129 156-157
	10	Consideration  Statute of Frauds Wrongful Interference	12  15 6	1-3, pp. 243-248 <i>Hamar v. Sidway</i> , p. 243 1-2, pp. 289-295 3, pp. 124-126	130-132
	11	Capacity Genuineness of Assent Legality	13  14	1-2, pp. 256-270 <i>Access Organics</i> , p. 246 <i>Comedy Club</i> , p. 264 1-5, pp. 274-284 <i>Inkel v. Pride Chevrolet</i> , p. 275 <i>Sanchez v. Guerrero</i> (CH) <i>Molnari v. Palmer</i> (CH) <i>Rich &amp; Whillock v. Ashton</i> (CH)	133-148

<b>Due Date</b>	<b>Assign. No.</b>	<b>Topics, Exams and Tests</b>	<b>Text Chapter(s)</b>	<b>Text Sections, Pages, and Cases</b>	<b>Course Handout Pages</b>
Wed., Aug. 8	12	Contract Performance and Discharge	17	1-4, pp. 319-330 <i>Jacob &amp; Youngs</i> , p. 321 <i>Merry Homes v. Chi Hung Luu</i> , p. 329	149-154
		Breach of Contract and Remedies	18	1-2, pp. 334-342 <i>Hadley v. Baxendale</i> , p. 336 <i>Fontana v. Agosta</i> (CH)	
		<b>Take Home Midterm Distributed (Time to be announced)</b>			
Thurs., Aug. 9		<b>Take Home Midterm Due (Time to be announced) Class does not meet</b>			
Fri., Aug. 10		<b>Guest Lecturer Lisa Clark, SPHR Human Resource Officer Holy Cross Hospital Employment Law Topic(s) (To be Announced)</b>			
Mon., Aug. 13	13	Intellectual Property	8	1-6, pp. 151-168 <i>KSR v. Teleflex</i> , p. 159	155-188
<b>1-4 p.m.</b>	16	Real Property	50	1-5, pp. 975-993 <i>Kelo v. City of New London</i> , p. 989 <i>Dengler v. City of Groves</i> (CH) <i>City of Dallas v. Vanesko</i> (CH)	227-239
	17	Environmental Law and Climate Change	46	1-2, pp. 897-899 6, pp. 907-909	240-251
Tues., Aug. 14	14	White Collar Crime	5 9	6, pp. 106-7 1-3, pp. 174-185	189-207
		Investor Protection	42	1, pp. 812-814 3, pp. 820-827 <i>SEC v. Texas Gulf Sulphur</i> , p. 821	
		Antitrust	47	1-4, pp. 913-926 <i>American Needle</i> , p. 915 <i>Leegin Creative Leather</i> , p. 919 <i>U.S. v. Hilton</i> (CH) <i>U.S. v. Brown</i> (CH)	
	15	Corporate Governance	40 42	2, pp. 778-782 5, pp. 829-831	208-226

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<b>Due Date</b>	<b>Assign. No.</b>	<b>Topics Exams and Tests</b>	<b>Text Chapter(s)</b>	<b>Text Sections, Pages, and Cases</b>	<b>Course Handout Pages</b>
Wed., Aug. 15	18	Employment Regulation and Discrimination	34  35	1-4, p. 658-666 <i>Smith v. Johnson</i> , p. 662 8-9, p. 672-677 1-5, 681-697 <i>Burlington Northern</i> , p. 686 <i>Mora v. Jackson Memorial</i> , p. 689 <i>Rohr v. Salt River Project</i> , p. 692 <i>Nguyen v. Technical and Scientific</i> (CH) <i>Horelica v. Fiserv Solutions, Inc.</i> (CH)	252-273
		<b>Evening Office Hours</b> <b>Professor's Residence</b>			
Thurs., Aug. 16		<b>Final Examination</b> <b>Classroom and Information Commons</b> <b>Time to be Announced</b>			

## Student Information

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Name: \_\_\_\_\_

Preferred first/middle name: \_\_\_\_\_

Cell phone: \_\_\_\_\_

SMU E-mail: \_\_\_\_\_

Targeted Graduation Date: \_\_\_\_\_

Casita: \_\_\_\_\_



Please place a picture of yourself  
in this area. (It will not be  
returned.)



Taking Wellness? If yes, which one? \_\_\_\_\_

Work experience (current position): \_\_\_\_\_

Main Campus Activities: \_\_\_\_\_

\_\_\_\_\_

Greatest Life Adventure to date: \_\_\_\_\_

Favorite mountain activities: \_\_\_\_\_

Read any good books lately? \_\_\_\_\_

What current movies do I need to see? \_\_\_\_\_

Other good stuff about you: \_\_\_\_\_

\_\_\_\_\_

**Your signature as it will appear on the attendance sheet:** \_\_\_\_\_