BL 3335 – Business Law  
SMU-in-TAOS

May, 2019 (Class 31)  
Edwin L. Cox School of Business  
Southern Methodist University  
Dallas, Texas U.S.A.

Syllabus  
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Professor  
Barbara W. Kincaid, B.A., J.D., LL.M.  
Senior Lecturer in Business Law

Text  

Course Handouts  
Distributed in the required meeting on the main campus.

Office Hours  
Evenings before Exams (Professor’s Residence)

Contact Information  
bkincaid@smu.edu  
(214) 537-3741

Course Mission  
This is a course in legal survival. Students will be trained 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 based on character, competency, and communication.

Specific Learning Outcomes include being able to:  
1) Understand the basis of the American legal system, including the sources of laws and the roles of the legislature and the court system. (Assignment 1)  
2) Understand the definition of tort negligence and the associated remedies. (Assignment 6)  
3) Understand fundamental contract concepts and contract language. (Assignments 10-13)  
4) Understand the basics of employment law. (Assignment 18)  
5) Understand fiduciary duty and the basics of corporate governance. (Assignments 12 and 17)  
6) Understand the concepts of intellectual property, including trade secrets. (Assignment 9)  
7) Demonstrate the ability to critically reflect on or apply the theoretical methods of philosophy or religious studies via a focus on a specific area or set of issues. (All Assignments)

This course offers the following University Curriculum credit: Depth: Humanities and Fine Arts.

Disclaimer  
Students should seek legal counsel before attempting to apply course information to any specific situation. Policy considerations prevent the Professor from providing legal advice to current students, former students, their families, or their acquaintances. Students are encouraged to contact their family attorneys, friends, or local bar associations for referral to counsel.
**Honor Code**
The University Honor Code shall be adhered to in letter and spirit. Any academic dishonesty will be addressed by faculty disposition or referral to the Honor Council. Faculty disposition may take the form of grade or other sanctions including but not limited to receiving a “zero” on the affected course work, Professionalism component of the course grade, or entire course.

**Preparation**
This Syllabus, Slides, Discussion Questions (DQ’s), and other materials will be posted in Canvas under Files. Monitor Canvas Announcements before the term starts and between classes for changes and clarifications.

Before starting your trip to Taos, prepare Assignments 1-5 because we will address all five Assignments during our first two class days (Thursday and Friday). Allow 7-10 hours for this preparation. If you are taking PRW or otherwise plan to explore the area both week-end days, then prepare additional Assignments. Prepare the Text, Course Handouts (CH’s), and any posted readings before the relevant class and make handwritten or keyboarded DQ answer notes for class discussion. Each evening, review your notes from the day’s class and be prepared to answer questions concerning these topics the next day. See also Study Tips. p. 4.

Students who wish the privilege of using **Laptops or Tablets** for note-taking purposes during class must print, sign and turn in the posted Laptop Agreement before in-class use.

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

<table>
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<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Professionalism</td>
<td>20%</td>
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<tr>
<td>Midterm Examination</td>
<td>40%</td>
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<tr>
<td>Final Examination</td>
<td>40%</td>
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</table>

Letter grades will be assigned according to the following scale:

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

**Professionalism**
Professionalism will be measured by the Professor’s subjective assessment of your business approach to the course preparation including careful application of this Syllabus and other instructions, preparation for and constructive oral participation during class, leadership in presenting cases, punctual attendance, consistent use of name card, compliance with the Laptop Agreement, performance on the SLO Assessment, participation in the required April meeting on the main campus, and overall engagement in the SMU-in-Taos Experience. Absence from all or part of any class is not permitted because of the intensity of the Taos course. Students will be called upon individually to lead discussion of assigned cases and answer DQ’s. Professionalism Extra Credit may be earned by participating in the Extra Credit Opportunity described below and others which may be announced.

The SLO Assessment will be administered on the date listed in the Calendar below unless otherwise announced. A brief assigned reading will be provided in advance. During the assessment, students will be required to apply the reading to a case problem and five related multiple-choice questions.

**Professionalism Extra Credit Opportunity:** Participation in PRW and other SMU-in-Taos activities. Extra Credit may be earned by participating in a voluntary PRW, Taos Program, or appropriate local activity and writing a brief typed commentary of the activity. You may earn one point for an activity before the Midterm and one for an activity after the Midterm and before the last class meeting for a total of two points. A PRW activity is “voluntary” if participation in it exceeds PRW course requirements or the student is not a PRW
course participant. The summary is due in typed form at the beginning of 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**

Exams may not be taken early, made-up, or turned in late. These will be distributed and due as provided below unless otherwise announced. Students are required to prepare and submit typed Answers and to work in groups of up to three students to prepare a joint submission. Students may consult all course resources in preparing their Answers, including current classmates outside their own groups. Successful Answers will reflect cooperative, integrated, group preparation and discussion of each question. The most common errors are studying the Text to the exclusion of class notes and Course Handouts, taking a "divide and conquer" approach to preparing responses to examination questions, failing to follow all instructions, and not applying the Study Tips (below) in preparation for these Exams. Partners may be required to evaluate each other's contributions.

You will be required to provide narrative answers. For case problems, you will be asked to clearly identify key facts and issues, specific applicable rules of law, and authority for this applicable law (see below). You will be asked to analyze how the law applies to the facts and to state a likely court holding or other conclusion based on your analysis. You will be expected to consult and reference all applicable course resources (see above paragraph) and identify these in text or footnotes. Endnotes and lists of works cited will not be permitted. Examples of acceptable references to authority include:

- Comment by the Professor, 5/17/19
- Assignment 6, Slide 4
- Text narrative, p. 33
- *Bad Frog Brewery*, Text p. 78
- Texas Long-Arm Statute, CH p. 21
- *Otis Engineering v. Clark*, CH p. 239
- "Taking Down Dancing Babies", CH p. 101
- *Corbin v. Safeway* as cited in *Otis Engineering v. Clark*, CH p. 41

In taking the Exams, you may only consult resources from this term's offering of this course. You may not consult anyone other than current students and the Professor in preparing your answers. Seeking tutoring or other unauthorized assistance constitutes academic dishonesty.

**Accommodations**

**Disability Accommodations:** Students needing academic accommodations for a disability must first register with Disability Accommodations & Success Strategies (DASS). Students can call 214-768-1470 or visit [http://www.smu.edu/Provost/ALEC/DASS](http://www.smu.edu/Provost/ALEC/DASS) to begin the process. Once registered, students should then schedule an appointment as early in the semester as possible, present a DASS Accommodation Letter, and make appropriate arrangements. Accommodations are not retroactive and require advance notice to implement.

**Religiously observant students** wishing to be absent on holidays that conflict with class should notify the Professor before arriving in Taos and should discuss whether it is feasible to make up any absence given the intensity of the Taos course. University Policy No. 1.9)

Accommodations that may be reasonable during a full semester course may not be necessary or feasible given the intensity of the Taos course and Examination format (above).
Study Tips

The following study tips may be helpful if followed before and during your Taos experience.

1. **Prepare at least Assignments 1-5 before travel as directed.**
   See page 2 above.

2. **Come to class ready to hit it.**
   Multiple Assignments and substantial amounts of information are addressed during most classes. The pace will be intense but doable. Be prepared and focused. During class, take detailed notes while staying totally engaged in the discussion.

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. This will really pay off in your Group’s Exam performance.

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 required in this one.

5. **Monitor the Syllabus, postings, and e-mails from the Professor**
   See Preparation and Professionalism, above.

6. **Re-process your materials before the Exams are distributed.**
   Reprocess your notes on Slides and Discussion Problems into an outline or summary. This really works.

7. **Be confident and consistent.**
   Do not let this stuff overwhelm you and do not start out or become behind!
**Calendar and Assignments**

Assignment, Event, and Exam dates are subject to change at the Professor's discretion. Classes will meet from 8:30 a.m. until noon and in the afternoons as noted.

Please prepare the following Text and Course Handouts readings along with any related Discussion Questions for discussion during class as instructed above. Note that multiple Assignments may be covered in a single day. 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 and statutes found in Course Handouts are marked (CH).

<table>
<thead>
<tr>
<th>Due Date</th>
<th>Assign. No.</th>
<th>Topics Exams and Tests</th>
<th>Text Chapter(s)</th>
<th>Text Sections and Pages</th>
<th>Cases, Statutes, and Features</th>
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<td><strong>Wed. May 15</strong></td>
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<td>Arrival Class Meeting after dinner (Mandatory)</td>
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<td><strong>Thursday May 16</strong></td>
<td>1</td>
<td>Introduction</td>
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<td>1-3, pp. 2-12 5, pp. 13-14 7, pp. 19-20 1b, pp. 212-213</td>
<td>Feature, p. 9</td>
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<td>2</td>
<td>Business Ethics Introduction</td>
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<td>1, pp. 89-93</td>
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<td>2</td>
<td>Administrative Regulation</td>
<td>23, 5</td>
<td>1-3a, pp 496-504 5, p. 510-511</td>
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| **Friday May 17** | 3           | Courts Systems Jurisdiction, Venue, and Standing    | 2, 3           | 1-3, pp. 26-40 | Chart, p. 31  Chart, p. 39  
Yellow Freight v. Donnelly, (CH)  
Statutes (Texas): Long-Arm and Venue (CH)                                                                 |
|                  | 4           | Litigation Management                               | 3, 9           | 1-6, pp. 48-66 | Brothers v. Winstead, p. 58  
Scott v. Carpanzano, p. 91  
Nucci v. Target, p. 182                                                                 |
<p>|                  | 5           | Alternative Dispute Resolution (ADR)                | 2, 4-5         | 4-5, pp. 40-45 | Feature, p. 107  Feature, p. 267                                                                 |</p>
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<td>Thursday</td>
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<td><strong>Midterm</strong>  <a href="#">Exams due electronically</a> <strong>Time to be announced</strong></td>
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<td><strong>SLO Assessment</strong>  <a href="#">Time to be announced</a></td>
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<td>May 23</td>
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<td><strong>Field Trip (tentative, to be announced)</strong></td>
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<td>Friday</td>
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<td>Contract Formation:  <a href="#">Offer and Acceptance</a></td>
<td>12</td>
<td>1-3, pp. 234-248</td>
<td>Lucy v. Zehmer, p. 238</td>
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<td>May 24</td>
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<td>Wrongful Interference  <a href="#">Consideration</a></td>
<td>12</td>
<td>1-2a-b, pp. 284-289</td>
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<td>2i, p. 123</td>
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<td>May 27</td>
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<td>Non-competition agreements  <a href="#">Voluntary Consent</a></td>
<td>12</td>
<td>2e, pp 290-291</td>
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<td>Contract Performance and Discharge:  <a href="#">Breach</a></td>
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<td>2-6, pp. 267-281</td>
<td>Molnari v. Palmer (CH)</td>
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<td>Rich &amp; Whillock v. Ashton (CH)</td>
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<td>P. M.</td>
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<td>Law Class Movie – A Civil Action</td>
<td></td>
<td>5, pp. 573-575</td>
<td>Kent State University v. Ford, p. 277</td>
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<td>Merry Homes v. Lui (CH)</td>
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<td>3d-5, pp. 559-565</td>
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<td>Saturday June 2</td>
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<td>Departure</td>
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Name___________________________________

Taos May Term 2019

Student Information
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Name:_____________________________________

Preferred first/middle name:__________________

Cell phone: _________________________________

SMU E-mail: _________________________________

Casita: ______________________________________

Targeted Graduation Date: ____________________

Major(s) ___________________________________

Concentration _______________________________

Home Town & Country _________________________

Taking PRW? _________________________________

Work experience: ______________________________

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 would appear on an attendance sheet:______________________________

Please tape or staple a picture of yourself in this area. (No paper clips or dog ears.)

Due in printed form at class
Beginning
Friday, May 17

Due in printed form at class
Beginning
Friday, May 17