BL 3335 – Business Law
SMU-in-TAOS

May, 2018 (Class 28)

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	Cross, *The Legal Environment of Business*, 10th Edition, (Cengage Learning, 2018, 2015) ISBN-13: 978-1-305-96370-4
Course Handouts	Distributed in the required May 2 meeting on the main campus.
Office Hours	To be announced
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 is approved for PREI Level 2 IHFA depth credit.

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, all Assignment Slides and Discussion Questions (DQ's), and other materials will be posted in Canvas under *Files*.

Before traveling to Taos, prepare Assignments 1-5 because we will address all five Assignments during our 7 hour first day of class (Thursday, May 17). Allow 7-10 hours for this preparation. Prepare the Text, Course Handouts (CH) and any posted readings before class as directed in the Calendar and Assignments below. Also, prepare handwritten or typed answers to the DQ's before class and bring these with you for class discussion along with your Text and Course Handouts (CH's). Review your notes from the previous class and be prepared to answer questions concerning topics previously discussed. Monitor Canvas *Announcements* before the term starts and between classes for changes and clarifications.

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

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 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. Please note that accommodations are not retroactive and require advance notice to implement. Accommodations that may be reasonable during a full semester course may not be feasible given the intensity of the Taos course.

Students requesting **reasonable accommodation** for learning differences or bonafide religious observance must contact the Professor outside of class, at least 48 hours before the accommodation is needed. Only requests accompanied by the appropriate documentation will be considered.

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)

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 Questions, punctual attendance, consistent use of name card, compliance with the Laptop Agreement, performance on the SLO Assessment, attendance at the required May 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 make informal individual oral presentations of assigned cases. 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. An 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 a 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

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

The Exams will be distributed and due as provided below unless otherwise announced. 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 Answers, including 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, and taking a "divide and conquer" approach to preparing responses to examination questions. 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 and identify these in text or footnotes. Endnotes and lists of works cited will not be permitted. Acceptable references to authority are adequate for the reader readily to access the exact source of your authority. Examples of such citations include:

Comment by the Professor, 1/23/18
Assignment 6, Slide 4
Text narrative, p. 33
Bad Frog Brewery, Text p. 110
Texas Long-Arm Statute, CH p. ___
Otis Engineering v. Clark, CH p. ___
"Pitfalls of Incorporating On-Line Terms", CH p. ___
Kmart v. Trotti as cited in *McLaren v. Microsoft*, CH p. ___

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.

Study Tips

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. **Prepare Assignments 1-5 before travel with retention and class participation in mind.**
Read all Text. CH, and any posted materials with pen or highlighter in hand. Make brief notes on each case, statute, feature and Discussion Question so that you can lead class discussion on any of these when called upon to do so.

2. **Come to class ready to hit it.**
Multiple Assignments and substantial amounts of information are addressed during most classes. The pace will be fast 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 during the intense Exam preparation in terms of time and 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 essential in this one. Working with Partners is also required for the two Exams.

5. **Monitor the Syllabus, postings, 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 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 get 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).

Due Date	**Assign. No.**	**Topics Exams and Tests**	**Text Chapter(s)**	**Text Sections and Pages**	**Cases, Statutes, and Features**	**Course Handout Pages**
Wed. May 16		Arrival Class Meeting after dinner (Outside the dining Hall)				
Thursday May17 A.M.		Introduction				
	1	Overview-American Legal System	1	1-3, pp. 2-12 5, pp. 13-14 7, pp. 19-20	Feature, p. 9	3-7
			11	1b, pp. 212-213		
		Business Ethics Introduction	5	1, pp. 89-93		
		Administrative Regulation	23	1-3a, pp 496-504 5, p. 510-511		
	2	Constitutional Powers and Limitations	4	1-2b, pp. 70 - 80 3a, p. 83	Feature, p. 72 *Heart of Atlanta Motel*, p. 73 *Bad Frog Brewery*, p. 110	8-10 (omit 11-15)
Thursday May 17 P.M. 1:30-4:30	3	Courts Systems Jurisdiction, Venue, and Standing	2	1-3, pp. 26-40	*Mala v. Crown Bay Marina*, p.29 Chart, p. 31 *Gucci America v. Wang Huoqing*, p. 32 Chart, p. 39 *Yellow Freight v. Donnelly*, (CH) Statutes (Texas): Long-Arm and Venue (CH)	16-23
	4	Litigation Management	3	1-6, pp. 48-66	*Brothers v. Winstead*, p. 58 *Scott v. Carpanzano*, p. 91	24-26
			9		*Nucci v. Target*, p. 182	
	5	Alternative Dispute Resolution (ADR)	2	4-5, pp. 40-45	Feature, p. 107 Feature, p. 267	27-30
Friday May 18	4	Law Class Movie – *A Civil Action* Time to be Announced				161-164
	15	Environmental Law (CERCLA)	25	5, pp. 573-575		
		Optional Bonus Activity				

Due Date	Assign. No.	Topics Exams and Tests	Text Chapter(s)	Text Sections and Pages	Case, Statutes, and Features	Course Handout Pages
Sunday 4:30 P.M. May 20	Sunday Night Cookout Duties Unless otherwise announced Mandatory					
Monday May 21	6	Negligence: Tort Reform Premises Liability Defenses	6	1, pp. 112-113 4, pp. 125-129 5, p. 129-131	*Otis Engineering v. Clark* (CH) *Read v. Scott Fetzer* (CH) Statute: Exemplary Damages (CH) *Taylor v. Seattle (Mariners)* p. 129 *Hinkal v. Pardoe*, p. 243 Volcanic Gardens v. Beck (CH) Statutes: Proportion, Responsibility, Alcoholic Bev. (CH)	31-53
Tuesday May 22 A.M.	7	Intentional Torts: Assault, Battery, False Imprisonment, Defamation of Character Intentional Infliction of Emotional Distress	6 9	2a-e, pp. 113-118 2h, p.122 4-5, pp. 178-182	*Blake v. Giustibelli*, p 115 *David v. Textor*, p. 180 *Dillard v. Silva* (CH) *Randall's Food Market v. Johnson* (CH)	53-62
		Invasion of Privacy Data Breach	4 6 9 20	4, pp. 84-86 2f, pp. 118-120 3b, pp. 177 6, pp 182-184 5, pp. 449-450	Feature, p. 179 Feature, p. 230 *McLaren v. Microsoft* (CH)	63-76
		Fraudulent Misrepresentation Deceptive Trade Practices	6 26	2g, pp. 120-122	*Revell v. Guido*, p. 120 *Stambovsky v. Ackley*, p. 556 Statute: Deceptive Trade Practices (CH)	
Tuesday May 22 P.M. 1:00-5:00		Field Trip [tentative] to be announced				
Wednesday May 23	8	Product Liability Strict Product Liability U.C.C. Warranties	7 14	1-3a, pp. 134-139 3c, pp. 140-143 4, pp. 144-146 6, pp.307-309	Bruesewitz v. Wyeth, p. 138 Texas Pattern Jury Charges: Products Liability (CH) Brown Forman v. Brune (CH)	77-92
	9	Intellectual Property: Contracts, Patents, and Copyrights	8 9	2-3, pp. 157-165 2, pp. 174-175	Feature, p. 9 (review) Feature, p. 159 Winstead v. Jackson, p. 161	93-104

Due Date	Assign. No.	Topics Exams and Tests	Text Chapter(s)	Text Sections and Pages	Case, Statutes, and Features	Course Handout Pages
Thursday May 24	9 Cont.	Trademarks and Trade Secrets	8 9 19	1, pp. 150-156 1b-f, pp. 171-174 1, p. 419	*LFP IP v. Hustler Cincinnati*, p. 153 *Hasbro v. Internet Entertainment Group*, p. 173	105-113
	14	Real Property – Land Use Marital Property Land Use	26	2e, pp. 553-555 3d-5, pp. 559-565	*Montgomery County v. Bhatt*, p. 559 Feature, p. 562 *Dengler v. City of Groves* (CH) *City of Dallas v. Vanesko* (CH)	159-160
	15 Cont.	Environmental Law CERCLA **Take Home Midterm Questions Distributed in printed form at end of class**	25	1-2, pp. 563-565	*Friends of Animals v. Clay*, p. 533 Chart p. 535 Feature p. 610	165-167
Friday May 25 A. M. P.M.		**Midterm Exams due electronically Time to be announced** **SLO Assessment Time to be announced**				
Sunday May 27		**Sunday Night Cookout Duties**				
Monday May 28	10	Offer and Acceptance	12 14	1-3, pp. 234-248 1-2a-b, pp. 284-289	*Lucy v. Zehmer*, p. 238 Chart, p. 285	114-118
	11	Wrongful Interference Consideration Statute of Frauds Promissory Estoppel	12 6	4, pp. 248-253 7, p. 256 2i, p. 123	*Kohel v. Bergen Auto*, p. 270 *Kent State University v. Ford*, p. 277 *Merry Homes v. Lui* (CH) *Fontana v. Agosta* (CH)	119-123
Tuesday May 29 A.M.	12	Legality Public Policy Non-competition agreements Voluntary Consent Capacity	12 14 3 12 13	6, pp. 254-256 2e, pp 290-291 5, pp. 253-254 1, 00. 262-267	Feature, p. 257 *Jones v. Star Credit*, p. 291 *Expresso Disposition v, Santana, p. 54* *Molnari v. Palmer (CH)* *Rich & Whillock v. Ashton (CH)*	124-141
P.M. 1:00-3:00	13	Contract Performance and Discharge Breach Remedies	13	2-6, pp. 267-281	*Kohel v. Bergen Auto*, p. 270 *Kent State University v. Ford*, p. 277 *Merry Homes v. Lui (CH)* *Fontana v. Agosta (CH)*	142-148

Due Date	Assign. No.	Topics Exams and Tests	Text Chapter(s)	Text Sections and Pages	Cases, Statutes, and Features	Course Handout Pages
Wednesday May 30	16	White Collar Crime Foreign Corrupt Practices Cybercrime Antitrust Mail Fraud Wire Fraud Money Laundering RICO Insider Trading Cover up Crime	5 10 27 28	5b, pp. 102-103 1-3, pp. 187-198 6, pp. 204-208 1-3, pp. 569-577 2, pp. 595-599	Feature, p. 191 *People v. Sisuphan*, p. 195 *McWare v. FTC*, p. 574 *Weyerhaeuser v. Ross-Simmons Hardwood*, p. 576 Chart, p 582 *U.S. v. Hilton* (CH) *SEC v. Texas Gulf Sulphur*, p. 596	168-187
	17	Corporate Governance: Whistle blower Protection	18 28	4c, pp. 402-405 4, pp. 603-606	*Guth v. Loft*, p. 404 Chart, p. 606	188-197
Thursday May 31	18	Employment Regulation Labor Law Retaliation	5 19 20	2b, pp. 93-94 1, pp. 416-419 1-3, pp. 438-446	*Moseley v. Pepco Energy*, p. 100 *Nguyen v. Technical & Scientific* (CH) Feature, p. 418 Feature, p. 442 *Bailey v. TitleMax of Georgia*, p. 443 *Ballard v. Chicago Park District*, p. 445	198-207
		Employment Regulation Discrimination **Final Examination distributed at close of class**	21	1-5, 453-473	*Lewis v. Twenty-First Century Bean Processing*, p. 56 Feature, p. 457 *Bauer v. Lynch*, p. 458 *Young v. United Parcel Service*, p. 459 *Roberts v. Mike's Trucking*, p. 462	208-210
Friday June 1		Final Examination due Time to be Announced				
Saturday June 2		Departure				

Name_____

Taos May Term 2018

Due in printed form at class
Beginning
Friday, May 18

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 _____

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

Taking PRW? If yes, which one? _____

Work experience (current position):_____

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:_____