

**BL 3335**  
**Business Law**  
**J-Term 2017**  
**Edwin L. Cox School of Business**  
**Southern Methodist University**  
**Dallas, Texas U.S.A.**

**Course Syllabus**

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<b>Professor</b>	Barbara W. Kincaid, B.A., J.D., LL.M. Senior Lecturer in Business Law
<b>Class Days and Time</b>	Week-days, January 9-19, 9:00-4:00 (one hour lunch) No meeting Monday, January 16 (holiday)
<b>Textbook</b>	Cross, <i>The Legal Environment of Business</i> , 9th Edition, (Cengage Learning, 2015) ISBN-13: 978-1-285-42894-9
<b>Course Handouts</b>	Printed copy available December 1 through fall Exams and week of January 9 Bookcase adjacent to the 3 <sup>rd</sup> Floor Fincher elevator
<b>Announcements</b>	Posted on Canvas as the course progresses unless otherwise announced.
<b>Slides</b>	
<b>Discussion Questions</b>	
<b>Office and Hours</b>	By appointment immediately after the afternoon class.
<b>Contact Information:</b>	<a href="mailto:bkinaid@smu.edu">bkinaid@smu.edu</a> Mobile: 214-537-3741
<b>Office:</b>	325 Fincher
<b>Faculty Box:</b>	326 Fincher

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**Specific Course Information**

Learning Goals and Outcomes

Students will gain an 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 based on character, competency, and communication.

Specific Learning Outcomes [SLOs] include 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. (Assignments 1-2)
- 2) Understand the definition of tort negligence and the associated remedies. (Assignment 6)
- 3) Understand fundamental contract concepts and contract language. (Assignments 10-14)
- 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. (Assignments 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)

### **Disclaimer**

Course information should be acted upon only with specific legal advice from counsel. Policy prevents the Professor from providing specific legal advice to current students, former students, their families, or their friends. Students seeking such advice are encouraged to contact their family attorneys or local bar associations for referral to counsel.

### **Course Policy** (see also Professionalism, below)

The University **Honor Code** shall be adhered to in letter and spirit. Any potential 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, the Professionalism component of the course grade, or the entire course.

Subject to mandatory University Policy (below), **absences** are not permitted because of the intensity of J-Term. (Stay well!) Missing a half day would be equivalent to missing a week during a regular semester, and there is no time make up even an hour of class. Repeated tardiness and frequent unscheduled individual breaks can become an absence. Professor may **administratively drop** any student for any absence or partial absence.

Students are required to **Canvas Announcements** each evening. The Professor may post Discussion Questions (“DQ’s”), Slides, and other information needed for the next day’s classes and beyond.

**Laptops and tablets** may be permitted during class for note-taking and access to an e-version of the Textbook only. Students wishing this privilege must print, sign, and turn in the posted Laptop/Tablet Terms of use before using this equipment in class. Other electronics must be silenced and monitored only during breaks.

Appropriate **beverages** are welcomed during class. **Food** is permitted only on movie day. Please complete your breakfast and lunch before class or during breaks. Breaks do not allow time for purchasing food or beverages so bring provisions. See also Suggestions for Success, below (and pack your Yeti whatever.)

**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 (or come by during office hours) 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. See also below\*

Students for whom **English is a second language (ESL)** may find assistance through John Wheeler, Director, English as a Second Language, at [jwheeler@smu.edu](mailto:jwheeler@smu.edu) or by visiting the ESL website at [www.smu.edu/esl](http://www.smu.edu/esl). ESL students who wish to use a dictionary during tests or other ESL accommodations may request to do so only if the Professor receives a written recommendation from Mr. Wheeler. \*See next paragraph.

**\*Students requesting DASS accommodations or ESL accommodations** are strongly encouraged to obtain the necessary documentation before leaving campus for the holidays. You may be unable to obtain this documentation during J-Term as DASS and ESL offices are likely to be open only during class hours.

**Excused Absences for University Extracurricular Activities:** Students participating in an officially sanctioned scheduled University extracurricular activity may be given the opportunity to make up assignments or other graded work missed as a result of their participation. It is the responsibility of the student to make arrangements for making up the work prior to any missed scheduled test, examination, or other missed assignment (University Undergraduate Catalogue). Students should come by during Office

Hours with documentation which has relevant class dates marked, and suggestions for make-up opportunities. \*\*See also, below.

**Religious Observance:** Religiously observant students wishing to be absent on holidays that require missing class should notify the Professor in writing at the beginning of the semester, and should discuss with her, in advance, acceptable ways of making up any work missed because of the absence. (University Policy No. 1.9). \*\*See also next paragraph.

**\*\*Students who anticipate missing any part of any class for University Extracurricular Activities or Religious Observance** will likely find it impractical to take this course during J-Term given its intensity (above). Students in this situation are strongly encouraged to take the course another term.

### Course Grading

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

Professionalism	20%
Midterm Examination	40%
Final Examination	40%

Letter grades will be assigned according to the following scale:

93-100 A	83-86 B	73-76 C	0-59 DON'T
90-92 A-	80-82 B-	70-72 C-	
87-89 B+	77-79 C+	60-69 D	

**Professionalism** will be measured by the Professor's subjective assessment of your compliance with all aspects of Course Policy (above). She will also consider your attention to information in this Syllabus, effective collaboration with Class Partners, consistent oral participation reflecting careful preparation and daily review, use of name card throughout the term, and performance on the SLO Assessment [below]. Punctual arrival for class and return from scheduled breaks will also be considered, as will avoiding taking unscheduled breaks. Overall professional courtesy is also expected and appreciated.

The SLO Assessment will be taken individually on the scheduled date (below) unless otherwise announced. The Assessment will be comprised of multiple choice questions. Additional information will be timely provided.

**Examinations:** Printed Take-Home Exam Questions will be handed out and must be returned as provided below unless otherwise announced. Students are required to work in self-formed Groups of two or three to prepare and electronically submit Group's Answers. Successful Answers will reflect true collaboration on each Answer. Groups which take a "divide and conquer" approach do very poorly.

Exam Answers must be in narrative form. They will address points discussed in your class notes, Course Handouts, and the Textbook. For case problems, Answers must clearly identify key facts, issues, and applicable law. Answers must show analysis of how the law applies to the facts as discussed in class and the readings. Specific course authority for answers must be cited informally. Add source references to your class notes as suggested in the Suggestions for Success, below. Examples of acceptable citations include:

- Comment by the Professor, (date)
- Assignment 6, Slide \_\_\_\_ (number)
- 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. \_\_\_\_

**Suggestions for Success - STRONGLY RECOMMENDED!**

- 1. Read this Syllabus and all Canvas Announcements carefully ASAP.**  
Pay attention to these.
- 2. Prepare at least Assignments 1-9 over the holiday break, Assignments 10-12 Thursday afternoon and evening, January 12, and Assignments 13-18 over the three day MLK holiday week-end.**  
During the course, you will generally not have time to prepare Assignments at night because of daily review and meetings with your (below) daily. Read Text and Course Handouts (CH's) effectively, highlighting or underscoring key points. Make written notes of your Discussion Question (DQ) answers.
- 3. Make this Course your life during the eleven days it spans.**  
Generally, do not do anything other than study, eat, sleep, and tend to your basic work-out and spiritual needs during this course. There is no time for work, interviews, or campus activities (including Greek recruitment, traditional Thursday nights, and Moody Magic). Even consider bringing lunch so that you use this time for review and meeting with your partners (below).
- 4. Bring your readings, written DQ answers, and Slides to class as required.**  
You will need to refer to them during class.
- 5. Take thoughtful and detailed class notes**  
Though preparing the readings and DQ answers are important, the heart of the course is class discussion applying the law to difference scenarios. Take thorough handwritten class notes on paper or electronically on your permitted device, mentally processing as you write. Reference specific readings, Slides, and DQ's for easy access while reviewing, meeting with Class Partners, and preparing Exams (above). You may prefer taking notes directly on printed or in electronic versions of the Slides and DQ's. (If planning to take notes on printed Slides, print two Slides per page, pure black and white.) Think about what you are hearing and writing as you write. If you don't understand something, ask then!
- 6. Review your class notes every afternoon (or evening), and even over lunch.**  
There is nothing colder than cold law notes. Supplement and clarify your notes as you review them, adding additional references to the readings, Slides, DQ's, and other Assignments where appropriate. Make sure you really understand how legal points apply to the case examples discussed in class. You will be expected to do this on the Exams. Do not wait until Exam night to figure out what your notes mean!
- 7. Meet with Class Partners before class, during lunch, after or during the evenings every day.**  
Discuss the readings, Discussion Questions, and your respective class notes on a daily basis, helping each other learn and clarify information. You will have a better course knowledge and great ability to write an effective Exam as a team. (I'm told Facetime works great for evening meetings.)
- 8. Be consistent in your Professionalism.**  
Make this important grade component work for you!

**Calendar and Assignments**

Assignment and Exam dates are subject to change at the Professor's discretion. Please monitor Canvas and e-mail between classes. Prepare the following Text and corresponding Course Handouts (CH) Pages before each class on the listed dates, along with any posted Discussion Questions (DQ's). (See the Study Tips for how to best prepare.) 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. Statutes and Cases found in Course Handouts are marked (CH).

Due Date	Assign. No.	Topics Exams and Tests	Text Chapter(s)	Text Sections and Pages	Cases and Statutes	Course Handout Pages
January						
9 Mon a.m.	1	Overview-American Legal System	1	2-3, pp. 3-11 5, pp. 12-13 7, pp. 15, 20-21		8-11
		Business Ethics Introduction:	4	3, pp. 86-87 [CSR]		
		Administrative Regulation	6	1-3, pp. 121-129 6, p. 136	<i>In re O'Brien</i> , p. 349	2-7
	2	Constitutional Powers and Limitations	5	1-3, pp. 100-116	<i>Family Wine Makers</i> , p. 103 <i>Bad Frog Brewery</i> , p. 110	12-17
p.m.	3-4	Courts Systems Jurisdiction and Venue Litigation Management	2	1-4, pp. 28-56	<i>Yellow Freight v. Donnelly</i> (CH) Statutes: Long-arm and Venue (CH)	18-29

Due Date	Assign. No.	Topics Exams and Tests	Text Chapter(s)	Text Sections and Pages	Cases and Statutes	Course Handout Pages
January						
10 Tues a.m.	5	<b>Student Information Form Due</b> (Attached)  Alternative Dispute Resolution (ADR)	3	1-2, pp. 60-71	<i>NCR. V. Korala</i> , p. 66	30-35  36-57
	6	Negligence: Premises Liability Tort Reform Defenses	12	1, pp. 282-284 5-6, pp. 294-301	<i>Taylor v. Seattle Mariners</i> p. 299 <i>Otis Engineering v. Clark</i> (CH) <i>Read v. Scott Fetzer</i> (CH) <i>Volcanic Gardens v. Beck</i> (CH) Statutes: Exemplary Damages, Proportionate Responsibility, Alcoholic Beverage Service (CH)	
p.m.	7	Intentional Torts: Assault, Battery, False Imprisonment, Intentional Infliction of Emotional Distress Defamation  Invasion of Privacy Cybersecurity Fraudulent Misrepresentation Deceptive Trade Practices	12 15  21 26	2, pp. 284-291 3-5, pp. 348-354  6, pp. 499-500 (Electronic Monitoring)	<i>McKee v. Laurion</i> , p 287 <i>Dillard v. Silva</i> (CH) <i>Randall's Food Market v. Johnson</i> (CH) <i>GTE Southwest v. Bruce</i> (CH)  <i>McLaren v. Microsoft</i> (CH)  <i>Stambovsky v. Ackley</i> , p. 585 Statute: Deceptive Trade Practices (CH)	58-94
11 Wed a.m.	8	Product Liability	11 13	6, pp. 271-273 2-4, pp. 306-316	<i>Wilson Sporting Goods</i> , p. 310 <i>Johnson v. Medtronic</i> , p. 312 Texas Patterned Jury Charges - Product Liability (CH) <i>Brown Forman v. Brune</i> (CH)	95-104
p.m.	9	Intellectual Property  <b>Take Home Midterm Questions handed out at close of p.m. class.</b>	14 15 20	1-5, pp. 320-328 1-2, pp. 341-348 1, pp. 469-470 [Works for Hire]	<i>Winstead v Jackson</i> , p. 329 <i>Maverick Recording v. Harper</i> , p. 347	105-121

Due Date	Assign. No.	Topics Exams and Tests	Text Chapter(s)	Text Sections and Pages	Cases and Statutes	Course Handout Pages
January						
12 Thurs a.m.	1:00 a.m.	<b>Midterm Examination due electronically</b> Time to be announced				
	10:00 a.m.- 1:00 p.m.	Class Meeting <b>Midterm Exam Questions Handout return</b> <b>Movie and lunch</b>				
	15	<i>A Civil Action</i> Environmental Law	25	1-2, pp. 536-565 6, pp. 573-575		173-179
13 Fri a.m.	10	Contract Formation: Offer and Acceptance	9	1-8, pp. 188-214	<i>Pan Handle Realty v. Olins</i> , p. 189 <i>Basis Tech. v. Amazon</i> , p. 197 <i>Leach v. Conoco</i> (CH)	122-135
		Wrongful Interference	11 12	1-2, pp. 248-256 [to consideration] 3, pp. 291-292		
	11	Consideration Statute of Frauds Promissory Estoppel				
p.m.	12	Legality Public Policy Non-competition agreements				136-151
		Voluntary Consent Capacity	4 10	1-6, pp. 219-222	<i>Espresso Disposition v. Santana</i> , p. 47 <i>Lhotka v. Geographic Expeditions</i> , p. 68 <i>Comedy Club v. Improv West</i> (CH) <i>Molnari v. Palmer</i> (CH) <i>Rich &amp; Whillock v. Ashton</i> (CH)	
		<b>Guest Lecturer:</b> <b>Employment Contract Challenges</b> <b>Joseph R. Fowler</b> <b>Attorney at Law</b> B.B.A., Cox School of Business (2009) J.D. Dedman School of Law (2012)				

Due Date	Assign. No.	Topics Exams and Tests	Text Chapter(s)	Text Sections and Pages	Cases and Statutes	Course Handout Pages
January						
17 Tues. a.m.	13	Contract Performance and Discharge: Breach Remedies	10	2-6, pp 223-238	<i>Jacob &amp; Youngs</i> , p. 224 <i>Kohel v. Bergen Auto</i> , p. 226 <i>Hallmark Cards. v. Murley</i> , p. 231 <i>Merry Homes v. Lui</i> (CH) <i>Fontana v. Agosta</i> (CH)	152-158
	14	Real Property – Land Use	26	3, pp. 588-589 (adverse possession) 4-5, pp 590-595	<i>Scarborough v. Rollins</i> , p. 588 <i>Town of Midland v. Morris</i> , p. 590 <i>Dengler v. City of Groves</i> (CH) <i>City of Dallas v. Vanesko</i> (CH) Statute: Marital Property (CH)	159-171
p.m.	16	White Collar Crime Mail and Wire Fraud On-line Securities Fraud Foreign Corrupt Practices Insider Trading Antitrust False Statements, Perjury, Obstruction of Justice	4 7 19 27  28	5, pp. 90-92 (FCPA) 1-3, pp. 140-150  1-3, pp. 599-608  1, pp. 618-619 3, pp. 625-628	Lying as a federal crime, p. 450 <i>Leegin Creative Leather</i> , p. 603 <i>Dupont v. Kolin</i> , p. 605 Chart, p 612 <i>U.S. v. Hilton</i> (CH) <i>U.S. v. Brown</i> (CH)  <i>SEC v. Texas Gulf Sulphur</i> , p. 626	172-206
18 Wed a.m.	17	Corporate Governance Fiduciary Duties	19	5, pp. 446-451 (Duties and Liabilities)	<i>Guth v. Loft</i> , p. 448 Chart, p. 635	207-214
p.m.	18	Whistleblower Protection Employment Regulations Labor Law Retaliation  Discrimination <b>Final Examination distributed at close of p.m. class</b>	28 4 20 21  4 22	5, pp. 632-634 2, pp. 83-84 1, pp. 466-470 1-3, pp. 490-496 5, pp. 497-499  1-5, 505-521	<i>Moseley v. Pepco Energy</i> , p. 88 <i>Ellis v. BlueSky Charter School</i> , p. 491 <i>Nguyen v. Technical &amp; Scientific</i> (CH) <i>Horelica v. Fiserv Solutions</i> (CH) <i>May v. Chrysler</i> , p. 82 <i>Dees v. United Rentals</i> , p. 506 <i>Mora v. Jackson</i> , p. 515 <i>Rohr v. Salt River Project</i> (CH)	215-236
17 Thurs a.m.		<b>Final Examination Due</b> Time to be announced				
p.m.		<b>Specific Learning Outcomes Assessment</b> Time to be announced.				

# Student Information

BL 3335 - Business Law, J-Term 2017

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Due in printed form with picture at the beginning of the morning class January 10

Name \_\_\_\_\_

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

Phone \_\_\_\_\_

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

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

Classification \_\_\_\_\_

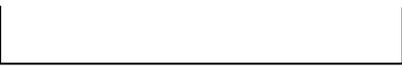
Major(s) \_\_\_\_\_

Concentration or Minor \_\_\_\_\_

\_\_\_\_\_



Staple or tape a picture of yourself in this area to complete this form. (No paper clips or dog ears.)



How you will maximize your **Professionalism** (see above) \_\_\_\_\_

\_\_\_\_\_

Usual Campus Activities \_\_\_\_\_

Work Experience \_\_\_\_\_

Greatest Life Adventure to Date \_\_\_\_\_

Favorite recording artist \_\_\_\_\_

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

What current movies do I need to see after J-Term is over? ? \_\_\_\_\_

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

\_\_\_\_\_

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