

Bus 2008-08 LEGAL ENVIRONMENT OF BUSINESS

Spring Term 2 2010 Wednesday 6-10:15

Instructor: Dyanne Ladine J.D, M.S., M.B.A., M.A. (t) (650) 327-7894

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Dyanne Ladine was in the private practice of law for eight years, specializing in small business. She has been on the faculty of Notre Dame de Namur University for 20 years. She is the organizer and Vice President of Operations of Herban Health, a non profit organization located in East Palo Alto that provides holistic health care for underserved communities.

Campus office hours/location: One hour before class, or by arrangement.

Course Description

Bus 2008 A consideration of how the law is used to resolve potential and actual conflicts of interest in society, including those between and among business, government, individuals, and private institutions. Evaluate the effectiveness of specific laws, including securities, consumer, employment and environmental.

This course is an introduction to those institutions that influence doing business in our society. The legal system is one such institution. All other institutions, such as business, education, medical, religious, governmental, non profit organizations influence and are influenced by the legal system. We shall consider critically what problems are behind the laws that we pass, and whether or not these laws, some other laws, or no laws at all are the best solution to the problem at hand.

Course Objectives:

1. To introduce the student to using legal reasoning, a form of critical thinking applied to the law.
2. To introduce the student to the various kinds of law, such as administrative law, environmental law, employment law, consumer law, securities law.
3. To stimulate the student to consider how philosophy impacts the making of laws, and to develop the ability to distinguish a good law from a bad one.

Text: Law, Business and Society, 9th edition, by Tony McAdams (Chicago: McGraw-Hill Irwin) 2009

Method: Class discussion on assigned reading material, lecture, group work, videos, guest speakers, weekly papers and a final paper. Emphasis will be on critical thinking rather than on rote memorization. Students will be expected not only to read the material, but be able to discuss the implications, assumptions, purpose, and facts behind the material. Cases will be briefed, as explained in class. One group presentation will involve analyzing an assigned case.

Grading:

<p>Class preparation and participation which includes participation in class discussion and a showing of having prepared cases for class as well as one group presentation.</p>	<p>Class participation is evaluated by instructor on a class by class basis, and will be assisted by occasional student evaluation of his/her preparation and participation. Preparation will be evaluated by student's ability to engage in discussion about the assigned cases. 180 points maximum (30 points per week for 6 classes) Group presentation is evaluated by instructor and specific guidelines will be distributed in class. Students will receive a group grade as well as an individual grade. Students will have the opportunity to evaluate her/himself and others in the group. 50 points Total points 250 33 1/3%</p>
<p>Weekly papers (5 assignments including first night of class) Written instructions will be given in class for each assignment except first night of class which will be in the syllabus)</p>	<p>Papers will be evaluated as follows: 50 points for answering the questions asked completely and thoroughly. 50 points for thinking critically about the questions, including looking at all sides of the question, giving the pros and cons of each side, and after giving student's opinion, supporting the position taken. Total points 250 33 1/3%</p>
<p>The final paper will be an application of the case analysis which students will be developing through their homework assignments and class discussion. More thorough instructions will be distributed in class, however the basis of the paper will be to take a law in which the student has an interest and applying the case analysis to evaluate whether or not the law is a good solution to the societal problem that the law is presumed to solve.</p>	<p>The paper will be graded as follows: 50 points for background information on the societal problem, 100 points for applying correctly the case analysis format and 100 points for student's personal opinion on whether or not the law is a good solution to the problem, how the student might or might not change the law, and if she/he finds it is not a good solution how the student proposes to solve the problem and what the pros and cons are for student's position. Total points 250 33 1/3%</p>

Grading Scale:

Final Grade	Total Points
A+	>=740
A	710-739
A-	680-709
B+	660-679
B	630-659
B-	600-629
C+	570-599
C	540-569
C-	510-539
D	450-509
F	<449

Attendance and late papers: Any missed class will impact student's grade. If a student misses more than four hours (the equivalent of one class session) the student will be withdrawn from the class by the program director. There are no exceptions and the student will need to work with the program director to submit necessary paperwork immediately to the Business and Registrar's office. Late papers will be graded down one grade for each week.

Learning and Other Disabilities

- **If you have a learning disability or other condition or circumstance that requires accommodations in this class, you must bring it to the instructor's attention as soon as possible. Appropriate accommodations (evidence of a disability must be in writing) can be written through the office of PASS.**
- **The student will bring letters to each instructor specifying the accommodations.**

FIRST CLASS March 17

Assignment due the first night of class:

Read Chapters 1 and 3 for the first night and prepare a paper answering the following questions: 1. For the study of the law, what difference does it make whether we have a socialist or capitalist form of government? 2. What is the role of government in a purely free market system? 3. What is the role of government in a socialist form of government? 4. What do you see is the role of government in society and why? 5. What are the arguments against your perspective? 6 Give an example of one law that you think is a good law and explain why and give one example of a bad law and explain why.

Class discussion: discussion will cover how philosophy enters into the making of laws. Students will be assigned to a group and given a case or code section of which to obtain a copy, with enough copies for each member of the group. Further explanation will be given in class, and a more detailed description of the assignment will be given in the second class.

SECOND CLASS March 24

Read Chapters 4 and 5. Be prepared to discuss the cases from the reading in class.

Paper will be due, as assigned in class, on analyzing what the free market and communitarian approaches would be in solving a particular societal problem. Students will have been assigned a case or code section on the first night of class for which the student will be responsible for obtaining a copy from either the internet or a local law

library to be brought to the second class. An explanation of the group assignment will be given at that class.

Class discussion: will cover how cases are introduced to the court system, what it means to have the burden of proof, how precedent cases are used, and the Bill of Rights. A close reading of the cases is expected.

THIRD CLASS March 31

Read Chapters 6 and 7. Be prepared to discuss the cases in class. As explained in class, students will be expected to know what the issue is in each case of the reading.

Paper will be due as assigned in class.

Class discussion will be on how the law of contracts and business torts and product liability affect business law, with an emphasis on the major issues and the trends in the law.

FOURTH CLASS April 7

Read Chapters 8 and 9. Be prepared to discuss the cases in class.

Paper will be due, as assigned in class.

Discussion will be on the legal basis for government regulation of business, including federal and states, and an introduction to securities law.

FIFTH CLASS April 14

Read Chapters 10 and 11. Be prepared to discuss the cases in class.

Paper will be due as assigned in class.

Discussion will be on restraints of trade and monopolies and mergers.

SIXTH CLASS April 21

Read Chapters 12 and 13.

No paper will be due this class.

Discussion will cover the law related to employee rights and discrimination in the workplace.

SEVENTH CLASS April 28

Student presentations of final paper

Final paper will be due. **On the third night, specific instructions for the final paper will be handed out.**