

Course name: BUSINESS LAW II Number: BUSI 2302

COURSE MASTER SYLLABUS

MANAGEMENT DEPARTMENT

CIP CODE AREA: 2201015225

COURSE LEVEL: Intermediate (Sophomore Level)

COURSE NUMBER: BUSI 2302

COURSE TITLE: Business Law II

CREDIT HOURS: 3; **LECTURE HOURS:** 3; **LAB HOURS:** 0

PREREQUISITE: None

COURSE DISCRIPTION: Additional studies in business law including commercial paper; secured transactions; creditor's rights; insurance; agency; employment; business organizations; real property; and, estates. Skills: R

I. OPEN CAMPUS COURSE

METHOD OF PRESENTATION: Open campus – Televised lectures.

REQUIRED TEXTBOOKS/ MATERIALS:

Title: Business Law, Business; and the Law Telecourse Study Guide

Author: Davidson, Knowles; Hiscox

Publisher: 7th ed. West; 5th ed. West

ISBN:

II. CLASSROOM COURSE

METHOD OF PRESENTATION: Lecture In Class.

REQUIRED TEXTBOOKS/ MATERIALS:

Title: Business Law & Legal Environment

Author:

Publisher: 18th ed., West

ISBN:

SCANS (SECRETARY'S COMMISSION ON ACHIEVING NECESSARY SKILLS):

Course SCANS Competencies for

Course name: **BUSINESS LAW II** Course number: **BUSI 2302**

Please go to <http://phred.dccd.edu/~ttg/syllabi/scans.htm> for a complete definition and explanation of SCANS. This list summarizes the SCANS competencies addressed in this particular course.

| RESOURCES | INTERPERSONAL | INFORMATION | SYSTEMS |
|------------------------|---|--|---|
| 1.1 Allocates Time | | 3.1 Acquires and Evaluates Information 3.2 Organizes and Maintains Information 3.3 Interprets and Communicates Information | 4.1 Understands Systems 4.2 Monitors and Corrects Performance |
| TECHNOLOGY | BASIC SKILLS | THINKING SKILLS | PERSONAL QUALITIES |
| 5.1 Selects Technology | 6.1 Reading 6.2 Writing 6.3 Arithmetic 6.5 Listening 6.6 Speaking | 7.1 Creative Thinking 7.2 Decision Making 7.3 Problem Solving 7.5 Knowing How to Learn 7.6 Reasoning | 8.1. Responsibility 8.2. Self-Esteem 8.4. Self-Management 8.5. Integrity/Honesty |

INSTRUCTIONAL METHODOLOGY:

See specific instructor's syllabus

COURSE RATIONALE:

COMMON COURSE LEARNING OBJECTIVES

TORTS

- Explain "disparagement"
- Compare and contrast "slander" and "libel"
- Explain "foreseeability"
- Explain "intentional tort"
- Explain "assault"
- Explain "battery"
- Explain "false imprisonment"
- Explain "mental distress"
- Explain "invasion of privacy"
- Explain "trespass"
- Explain "conversion"
- Explain "misappropriation of trade secrets"
- Explain "fraud"

- Explain "civil RICO violations"
- Explain the defenses to intentional torts
- Explain each of the elements of "negligence"
- Explain the defenses to negligence
- Explain "strict liability"
- Explain "product liability"
- Explain "respondeat superior"
- Explain "slander and libel per se/per quod"
- Explain "negligence per se"
- Explain "comparative and contributory negligence"
- Apply each of the foregoing to hypothetical situations

ANATOMY OF A CIVIL SUIT

- Compare and contrast flat fee and contingent fee arrangements
- Explain "default judgment"
- Explain the various forms of discovery
- Explain how the various forms of discovery may be used
- Explain "demurrer"
- Explain "voire dire"
- Explain "res judicata"
- Explain "motion to dismiss"
- Compare and contrast "challenges for cause" and "peremptory challenges"
- Explain "motion for a new trial"
- Explain "motion for summary judgment"
- Explain "pretrial conference"
- Explain the situations in which a judge may not preside over a particular case
- Explain "motion for a directed verdict"
- Explain "judgment notwithstanding the verdict"
- Explain the sequence of events at trial
- Compare and contrast "complaint" and "answer"
- Explain the use of an "expert witness"
- Explain "impeaching a witness"
- Explain "subpoena duces tecum"
- Explain "finder of fact"
- Compare and contrast "general" and "special" verdicts
- Explain what kind of errors may be appealed
- Explain the licensing process for attorneys
- Apply each of the foregoing to hypothetical situations

ALTERNATE DISPUTE RESOLUTION

- Explain ADR and the advantages of ADR
- Explain "mediation"
- Explain "shuttle mediation"
- Explain who can be a mediator
- Explain "arbitration"
- Explain "advisory arbitration"
- Explain "mini-trial"
- Explain "negotiation"
- Explain the effect of a final decision of an arbitrator
- Explain "binding arbitration"
- Explain the CISG approach to arbitration clauses
- Explain the purpose and effect of the Federal Arbitration Act
- Explain "default judgment"

- Explain "caucusing"
- Explain "small claims court"
- Explain "rent-a-judge"
- Explain the skills necessary for an arbitrator
- Apply each of the foregoing to hypothetical situations

CRIMES AND BUSINESS

- Explain "embezzlement"
- Explain defenses in a criminal case
- Explain "nolo contendere"
- Explain "mental state"
- Explain "strict criminal liability"
- Explain "robbery"
- Explain the "criminal burden of proof"
- Explain "deadlocked jury"
- Explain "sequestered jury"
- Explain "duress"
- Explain "change of venue"
- Explain "burglary"
- Explain "larceny"
- Explain "arraignment"
- Explain "illegal search"
- Explain "RICO"
- Explain "misdemeanor"
- Explain "felony"
- Compare and contrast "murder" and "manslaughter"
- Explain "arson"
- Explain "forgery"
- Explain corporate liability for crimes
- Explain the states of a criminal proceeding
- Apply each of the foregoing to hypothetical situations

WARRANTIES AND PRODUCT LIABILITY

- Compare and contrast "express" and "implied warranties"
- Explain "warranty of title"
- Explain "warranty against infringement"
- Explain "warranty of merchantability"
- Explain "warranty of fitness for a particular purpose"
- Explain "fungible"
- Explain the "Magnuson-Moss Consumer Product Warranty Act"
- Explain warranty exclusions and disclaimers
- Explain the scope of warranty protection
- Compare and contrast negligence and strict liability
- Explain warranties in leases
- Compare and contrast "express warranty" and "opinion"
- Explain "as is"
- Apply each of the foregoing to hypothetical situations

INTRO TO NEGOTIABLES

- Explain the scope of Article 3 of the UCC
- Explain "holder"
- Explain the uses/functions of negotiable instruments
- Explain "checks"
- Explain "drafts"
- Explain "promissory notes"
- Explain "presentment"
- Explain "acceptance"
- Explain "certificate of deposit"
- Explain "drawer", "drawee" and "payee"
- Compare and contrast "three party" and "two party paper"
- Explain "maker"
- Explain the scope of Article 7 of the UCC
- Explain the uses/functions of documents of title
- Explain "warehouse receipt"
- Explain "bill of lading"
- Explain "consignor", "consignee" and "issuer"
- Explain the rights and liabilities of the parties to a negotiable instrument
- Explain "teller's check"
- Explain "time instrument"
- Explain "pre-accepted check"
- Explain "traveler's check"
- Explain the requirements for negotiability
- Explain "trade acceptance"
- Explain "holder"
- Explain "cashier's check"
- Apply each of the foregoing to hypothetical situations

NEGOTIABILITY

- Explain the "writing requirement" for negotiability under Article 3 of the UCC
- Explain the "signature requirement" for negotiability under Article 3 of the UCC
- Explain the "promise/order requirement" for negotiability under Article 3 of the UCC
- Explain the "fixed sum requirement" for negotiability under Article 3 of the UCC
- Explain the "determinable time requirement" for negotiability under Article 3 of the UCC
- Explain the "words of negotiability requirement" for negotiability under Article 3 of the UCC
- Explain the "rules of construction and interpretation" under Article 3 of the UCC
- Explain each of the two requirements for negotiability under Article 7 of the UCC
- Apply each of the foregoing to hypothetical situations

NEGOTIATION AND HOLDERS

- Explain "transfer of a negotiable instrument"
- Explain "negotiation of a negotiable instrument"
- Explain each of the types of "endorsement of negotiable instruments"
- Explain "holder"
- Explain "holder in due course"
- Explain the "value requirement" for a holder in due course
- Explain the "good faith requirement" for a holder in due course
- Explain the "without notice requirement" for a holder in due course
- Explain the effect of "holder in due course status"
- Explain the rights of a "holder by due negotiation"
- Apply each of the foregoing to hypothetical situations

LIABILITY AND DISCHARGE

- Compare and contrast "primary liability" and "secondary liability"
- Explain "presentment"
- Explain "acceptance"
- Explain "dishonor"
- Explain the "notice requirement" upon dishonor
- Explain "endorsement liability"
- Explain "warranty liability"
- Explain the special rules for "impostors"
- Explain the special rules for "fictitious payees"
- Explain "discharge by payment"
- Explain "discharge by tender of payment"
- Explain "discharge by cancellation"
- Explain "discharge by renunciation"
- Explain "discharge by impairment"
- Explain "discharge by fraudulent alteration"
- Explain "discharge by undue delay"
- Apply each of the foregoing to hypothetical situations

BANK-CUSTOMER RELATIONS

- Explain the effect of a bank signature card
- Explain "overdraft"
- Explain a bank's liability for damages to a customer
- Explain the duties of a bank customer
- Explain the rights of a bank customer
- Explain a bank's duties
- Explain a bank's rights
- Explain "stale check"
- Explain a bank's right of "subrogation"
- Explain "certified check"
- Explain the effect of an "unauthorized signature"
- Explain the four methods of "electronic funds transfer"
- Explain Art 4A of the UCC
- Apply each of the foregoing to hypothetical situations

CREATION OF AGENCY

- Compare and contrast "principal" and "agent"
- Compare and contrast the capacity required to be a principal vs. that required to be an agent
- Compare and contrast "general" and "special" agents
- Explain "servant"
- Explain "independent contractor"
- Explain when a servant is an agent
- Explain when an independent contractor is an agent
- Explain a principal's tort/contract liability for acts of an independent contractor/agent
- Explain the "duties of principal to agent"
- Explain the "duties of agent to principal"
- Explain the events that will serve to terminate an agency relationship
- Compare and contrast "agency coupled with an obligation" and "power coupled with an interest"
- Apply each of the foregoing to hypothetical situations

AGENCY LIABILITY FOR CONTRACTS

- Explain "express authority"
- Explain "ratification authority"
- Explain "incidental authority"
- Explain "implied authority"
- Explain "emergency authority"
- Explain "apparent authority"
- Explain "authority by estoppel"
- Explain "imputed knowledge"
- Explain "disclosed; undisclosed; and, partially disclosed principal"
- Explain the liability of the principal; the agent; and a third party in a disclosed agency
- Explain the liability of the principal; the agent; and a third party in an undisclosed agency
- Explain the liability of the principal; the agent; and a third party in a partially disclosed agency
- Explain the application of the "equal dignity rule" to agency contracts
- Explain the enforceability of a "covenant not to compete" as signed by an agent
- Apply each of the foregoing to hypothetical situations

AGENCY LIABILITY FOR TORTS

- Explain "vicarious liability"
- Explain "respondeat superior"
- Explain "joint and several liability"
- Explain "scope of employment"
- Explain when a master can be held liable for a servant's intentional tort
- Explain the master's "right of indemnification"
- Explain the agent's "right of indemnification"
- Explain "worker's compensation statutes"
- Apply each of the foregoing to hypothetical situations

CONSTITUTIONAL REGULATION OF BUSINESS

- Explain the origin and effect of the "Commerce Clause"
- Explain the evolution of the court application of the Commerce Clause to business
- Explain the "concurrent state power" to regulate business
- Explain the "exclusive state power" to regulate business
- Explain the origin and effect of the "Equal Protection Clause"
- Explain the "rational basis test"
- Explain the "compelling state interest test"
- Explain the "substantially important state interest test"
- Explain the origin and effect of the "Due Process Clause"
- Explain "procedural due process"
- Explain "substantive due process"
- Explain the "Takings Clause"
- Explain the extent of First Amendment protection for commercial speech
- Explain the origin and authority of administrative agencies
- Apply each of the foregoing to hypothetical situations

ANTITRUST LAW

- Explain the purpose and application of the "Sherman Act"
- Explain the "rule of reason"
- Explain "per se violation" of the Sherman Act
- Compare and contrast "horizontal" and "vertical" price fixing
- Explain "horizontal market divisions"
- Explain "group boycotts"

- Explain "monopolizing" and "attempts to monopolize"
- Explain the remedies under the Sherman Act
- Explain the purpose and application of the "Clayton Act"
- Explain "price discrimination"
- Explain "exclusive dealing contract"
- Explain "tying arrangement"
- Explain the "Anti-merger Provision" of the Clayton Act
- Explain the "Interlocking Directorates Provision" of the Clayton Act
- Explain the effect of the "Federal Trade Commission Act"
- Explain "Unfair Trade Practices"
- Explain exemptions from anti-trust laws
- Apply each of the foregoing to hypothetical situations

CONSUMER PROTECTION

- Explain the purpose and effect of the "Truth in Lending Act 1968"
- Explain the purpose and effect of the "Fair Credit Reporting Act of 1970"
- Explain the purpose and effect of the "Equal Credit Opportunity Act of 1974" as amended
- Explain the purpose and effect of the "Fair Debt Collection Practices Act of 1977"
- Explain the purpose and effect of the "Consumer Product Safety Act of 1972"
- Apply each of the foregoing to hypothetical situations

ENVIRONMENTAL PROTECTION

- Explain the purpose and effect of an "Environmental Impact Statement"
- Explain the nature and authority of the "Council on Environmental Quality"
- Explain the purpose and effect of the "Clean Air Act of 1963" as amended
- Explain the purpose and effect of the "Clean Water Act of 1977" as amended
- Explain "Effluent Limitations"
- Explain "Water Quality Standard"
- Explain the purpose and effect of the "National Pollutant Discharge Elimination System"
- Explain the purpose and effect of the "Safe Drinking Water Act of 1974" as amended
- Explain the purpose and effect of the "Noise Control Act of 1972" as amended
- Explain the purpose and effect of the "Toxic Substances Control Act of 1976"
- Explain the purpose and effect of the "Federal Environmental Pesticide Control Act of 1972" as amended
- Explain the purpose and effect of the Resource Conservation and Recovery Act of 1976"
- Explain the purpose and effect of the "Comprehensive Environmental Response, Compensation and Liability Act"
- Explain the purpose and effect of the "Endangered Species Act of 1973"
- Apply each of the foregoing to hypothetical situations

LABOR AND EMPLOYMENT PRACTICES

- Explain the purpose and effect of the "Norris-La Guardia Act of 1932"
- Explain the purpose and effect of the "Wagner Act of 1935"
- Explain the purpose and effect of the "Taft-Hartley Act of 1947"
- Explain "Secondary Boycott"
- Explain "Recognitional Picketing"
- Explain "Informational Picketing"
- Explain the purpose and effect of the "Landrum-Griffin Act of 1959"
- Explain "good faith bargaining"
- Explain the purpose and effect of "Title VII of the Civil Rights Act of 1964"
- Explain the purpose and effect of the "Pregnancy Discrimination Act of 1978"
- Explain the purpose and effect of the "Equal Pay Act of 1963"
- Explain the purpose and effect of the "Age Discrimination Act of 1967"

- Explain the purpose and effect of the "Americans with Disabilities Act of 1990"
- Explain the purpose and effect of the "Civil Rights Act of 1991"
- Explain the purpose and effect of the "Family and Medical Leave Act of 1993"
- Explain the purpose and effect of the "Occupational Safety and Health Act of 1970"
- Explain "fully insured worker" under the Social Security Act
- Explain "unemployment insurance"
- Explain "worker's Compensation"
- Apply each of the foregoing to hypothetical situations

REAL PROPERTY

- Explain "real property"
- Explain "fixture"
- Explain when the sale of plants is a sale of real property
- Explain "original occupancy"
- Explain "easement"
- Compare and contrast "Warranty, Grant, and Quitclaim" deeds
- Explain "recording a deed"
- Explain "eminent domain"
- Explain "restrictive covenant"
- Explain "adverse possession"
- Explain "easement by prescription"
- Explain "tenancy for a fixed term"
- Explain "periodic tenancy"
- Explain "tenancy at will"
- Explain "tenancy at sufferance"
- Explain "warranty of habitability"
- Explain "constructive eviction"
- Explain a landlord's duty to his tenants and their guests
- Explain "tenancy in common"
- Explain "joint tenancy"
- Explain "tenancy by the entirety"
- Explain "community property"
- Apply each of the foregoing to hypothetical situations

PERSONAL PROPERTY

- Explain "tangible personal property"
- Explain "intangible personal property"
- Explain the requirements for a completed gift
- Explain "gift causa mortis"
- Explain "accession"
- Explain "confusion"
- Explain "lost property"
- Explain "mislaid property"
- Explain "abandoned property"
- Explain "conversion"
- Explain "escheat"
- Explain "judicial sale"
- Explain "bailment"
- Explain the "bailee's duty of care"
- Explain "bailor benefit bailment"
- Explain "mutual benefit bailment"
- Explain "bailee benefit bailment"

Apply each of the foregoing to hypothetical situations

COMMON COURSE LEARNING OUTCOMES: The student will understand and explain fundamental legal concepts regarding torts; crimes; dispute resolution; banking; agency, creditor's rights, anti-trust law; environmental law; commercial paper; and real and personal property; will differentiate between business ethics and legal issues; and, explain the application of the foregoing to hypothetical situations.

GRADING SYSTEM: Your instructor will provide specific information about how you will be graded in this course.

COURSE POLICIES: Departmental policies for Incompletes, Attendance, and Withdrawal are as follows:

Incomplete Policy: An incomplete (I) will be granted to a student in rare circumstances. Generally, to receive a grade of I, a student must have completed all examinations and assignments to date, be passing, and have personal circumstances that prevent course completion that occur after the deadline to withdraw with a grade of W.

Attendance Policy: All students are expected to attend classes. Non-attendance will have an impact on the student's grade.

Withdrawal Policy: It is the student's responsibility to withdraw from a course. Instructors are allowed to withdraw students but students must not rely on their instructor to withdraw them if they wish to withdraw.

Austin Community College policies for Academic Freedom, Scholastic Dishonesty, Student Discipline, and Students with Disabilities are as follows:

Academic Freedom Statement: Each student is strongly encouraged to participate in class. In any classroom situation that includes discussion and critical thinking, there are bound to be many differing viewpoints. These differences enhance the learning experience and create an atmosphere where students and instructors alike will be encouraged to think and learn. On sensitive and volatile topics, students may sometimes disagree not only with each other but also with the instructor. It is expected that faculty and students will respect the views of others when expressed in classroom discussions.

Scholastic Dishonesty Statement: Acts prohibited by the College for which discipline may be administered include scholastic dishonesty, including but not limited to cheating on an exam or quiz, plagiarizing, and unauthorized collaboration with another in preparing outside work. Academic work submitted by students shall be the result of their thought, research or self-expression. Academic work is defined as, but not limited to tests, quizzes, whether taken electronically or on paper; projects, either individual or group; classroom presentations, and homework" (Student Handbook, 2002-2003, p. 32). Penalties for scholastic dishonesty will depend upon the nature of the violation and may range from lowering a grade on one assignment to an F in the course and/or expulsion from this institution.

Student Discipline Statement: Classroom behavior should support and enhance learning. Behavior that disrupts the learning process will be dealt with appropriately, which may include having the student leave class for the rest of that day. In serious cases, disruptive behavior may lead to a student being withdrawn from the class. ACC's policy on student discipline can be found in the Student Handbook, 2002-2003, p. 32.

Students with Disabilities Statement: Each ACC campus offers support services for students with documented physical or psychological disabilities. Students with disabilities must request reasonable accommodations through the Office for Students with Disabilities on the campus where they expect to take the majority of their classes. Students are encouraged to do this three weeks before the start of the semester” (Student Handbook, 2002-2003, p. 14).