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BGEN 235.01: Business Law

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University of Montana - Business Law 235 Spring Semester – 2015
Tuesday - Thursday GBB 106

1. School of Business Mission Statement: The University of Montana's School of Business Administration is a collegial learning community dedicated to the teaching, exploration, and application of the knowledge and skills necessary to succeed in a competitive marketplace.

As part of our assessment process and assurance-of-learning standards, the School of Business Administration has adopted five learning goals for our undergraduate students: This course should assist in achieving the goals underlined below:

- possess fundamental business knowledge/integrated business knowledge.
- demonstrate communication skills.
- possess problem solving skills/creative thinking skills.
- have an ethical awareness and demonstrate ethical decision making.
- demonstrate the use of technological skills for communication and problem solving.

2. Professor: Prof. Jack Morton, GBB

Office – GBB 324 – every day 11-12. However, I am usually in by 7 a.m. every morning and “around the office” 7 – 5 nearly every day. Please contact me after class to make office appointments, or stop by my office at your convenience. I prefer that you see me in person, before class, after class, or in my office rather than corresponding via email. **Please don't contact me via email – I do not have voice mail on my office phone.**

3. How can one do well in this course? Come to class, take notes, assume that everything I say will be on the exams (even the small stuff), read any assigned materials, go back and study the assigned materials after you read them, participate in class discussion, memorize the terminology, do a Google search for topics that are confusing, and discuss any questions you have with Prof. Morton during office hours or any other time by appointment. Develop a buddy system with someone to share notes if you miss a class. Also, with a buddy system, you will have someone to discuss issues that you may want to clarify. After the first exam, ask those who get better scores why they did to get the better scores. I try to structure my exams so that really bright people who don't come to class will fail the course.

4. Are students welcomed in my office to discuss - - -

- course materials and information? yes, yes, yes, please yes!
- current events as they relate to law and or business? Yes, yes, yes!
- how to do well in this class? No, my best advice is #3 above.
- your projected semester grade (e.g., how much harder should one study for a particular exam or to get a particular grade)? No, please read #11 below.
- questions on the exams? No, let's do that in class when I hand back the exams.
- life and careers (including grad school, law school, internships, etc.) Yes, yes, yes!

5. Free Online Text: I will post “The Legal Environment of Business” by Harrington free online on Moodle, which is UM's Learning Management Software System (LMS). Moodle may be accessed through the “Students” button near the top on the UM Business School home page at <http://www.business.umt.edu>. Chapters will be posted on Moodle “just in time” basis.

6. Wall Street Journal Required: Subscribe to the Wall Street Journal by purchasing the 15 week subscription available at the Bookstore (on the shelf in the textbook area) for \$15. I will have exam questions designed to determine whether you made a good faith attempt to read the Journal to gain a better perspective of business, law, and the world.

I will post assigned WSJ readings daily on Moodle. I will often refer to the article in only a general way so that you are forced to actually page through the paper version of the Journal. I will ask my Grad Assistant to write a fairly general potential test question on each of the assigned articles.

Then, at the time each scheduled exam, bring your old Journals to class to be recycled – mandatory!!!! Name and 790 I.D. number written on the top, bundled with twine that I will provide prior to each exam. For delivery issues, contact the Customer Center on the top of the WSJ home page or call 1-800-journal.

7. Exams: Students generally regard this as an easy course with difficult exams. The three exams dates (dates subject to change) are:

Exam 1 – Thursday, September 25th – I am not available the day prior to the exam because I will be writing the exam.

Exam 2 – Thursday, October 30th – I am not available the day prior to the exam because I will be writing the exam.

Final Exam – Date will be announced in class. Again, I will be unavailable the day prior to the exam.

Expect the exams to cover anything assigned, referred to, or discussed in the course – including the broad perspectives I hope you gain by reading the Journal. The exams will be cumulative except WSJ article questions won't be cumulative. The regularly scheduled exams will be multiple-choice. Do not bring a Scantron card to the exams – Scantron cards will be provided on exam days.

Watch out – I like to write multiple choice questions that intelligent and reasonable people will get wrong every time if they haven't been to class and studied the material.

8. May I have extra time for exams? Yes, you may have as much time as you need.

9. May I choose to take an essay exam? Yes, I will have essay exams available. You can't switch between the two exam formats. I strongly encourage foreign students who do not speak English as a first language to take the essay exams. Multiple-choice law exams tend to be too technical for those who do not have a strong command of the English language. I strongly encourage English speaking students to take the multiple choice exams.

10. Automatic "missed exam" schedule: If you are unable to or choose not to take the two mid-term regularly scheduled exams (do not inform me in advance), you may take a predominantly essay make-up exam during Finals Week on Monday, December 15th at 7 a.m. in GBB 106. However, there will be no make-ups for any pop quizzes that I may use primarily to encourage

11. Course Grade: I will provide a numerical score distribution on Moodle after each exam – this will enable you to see how well you have scored in relation to your peers. However, I will not assign a letter grade for each exam. After Finals Week, when all students are gone and I am under no pressure, I will assign grades by applying the University Catalog Grading Standard Curve (A for excellent performance, B for above-average performance, etc.). In determining your course grade, I will consider how well you did on each exam, whether one exam score was significantly lower than the others, whether your score trend line goes up or down, class participation, attendance, WSJ assignments and any extra credit reading. Note that Business majors are required to achieve a score of C or better in this class to be permitted to take upper level business courses.

12. Drops: I will sign drop slips until the last day of classes.

13. Is there any way to get extra credit? Sure, you may read "The King of Torts" by John Grisham. The book is not available in the bookstore but may be ordered online for 99 cents plus shipping at alibris.com. To get extra credit, you must answer 9 of 10 "King of Torts" optional questions on Exam 3 plus donate the used book to the School of Business library at the end of the semester. The trivia questions are designed to determine whether you have actually read the book rather than watched the movie. An example of a typical trivia question from the "King of Torts" is:

The hero's dog was:

- | | |
|--|--------------------|
| a. a St. Bernard | b. a Heinz 57 mutt |
| c. a chocolate Labrador retriever | d. a golden poodle |
| e. None of the above, he didn't own a dog. | |

My goal in assigning the extra credit reading is simply to show you that reading can give you a new perspective. The book is a light, easy, fun read that informs you about part of the legal system.

Warning: If you don't read the "king of Torts," don't take the extra credit exam – it will lower your grade.

14. Course Objectives: To develop a familiarization with the basic legal issues encountered by anyone starting and/or operating a business. I recognize that you may not ever be involved in starting a business, but understanding the start-up process provides a logical platform for covering the business legal environment in this introductory course. We will cover the following topics, although not necessarily in this order:

- **Legal System:** US compared to other legal systems, sources of law, judicial process, the role of the US Constitution in the regulation of business, alternative dispute resolution.
- **Business Organization Issues:** Partnerships, Limited Partnerships, LLPs, LLCs, S Corp, C Corp, going public, operating a corporation (structure, dealing with shareholders, board members), choosing between various business entities, recognizing antitrust issues.
- **Contract Issues:** elements of a contract, common law contracts, UCC contracts, international contract issues, impact of government regulation on consumer contracts (Federal Trade Commission, state consumer protection laws).
- **Employment Issues:** Hiring issues (affirmative action, discrimination, ADA), unionization, sexual harassment, affirmative action, employment at will, wrongful discharge, worker compensation insurance.
- **Tort Liability:** Distinctions between negligent, intentional and strict torts, insuring liability through auto, homeowner, CGL, D&O, E&O and umbrella liability policies, strict liability under environmental laws.
- **Money Issues:** Secured transactions under UCC Article 9, Bankruptcy, Foreign Corrupt Practices Act.
- **Property Issues:** Intellectual property law (trademarks, patents, copyrights, trade secrets, real property (listings, contracts of sale, title insurance, real estate financing, encumbrances, environmental liability), landlord-tenant issues in a commercial setting).
- **Current Events:** Such as how do President Obama and the Democrat party plan fundamentally restructure our economic system and how does that differ from what Republicans want – and, why can't they ever agree?
- **Ethics:** Particularly, the distinction between legal and ethical issues.
- **Business Regulation:** Society's endless pursuit of the appropriate amount of government regulation of business – the Goldilocks Principle.