

FOR 485/685: BUSINESS AND MANAGERIAL LAW

SYLLABUS – SPRING 2011

INSTRUCTOR: Dr. Robert W. Malmshemer

Office: 305 Bray Hall

Email: rwmalmsh@esf.edu

Mailbox: 320 Bray Hall

Phone: 470-6909

TEACHING ASSISTANT: Ms. Kiyana Edwards

Office: 411 Bray Hall

Email: kmedwa01@syr.edu

Mailbox: 303 Bray Hall

Office Hours: To Be Announced

CLASS TIME AND LOCATION: 11:00 to 12:20 Tuesdays and Thursdays in 321 Bray Hall.

OFFICE HOURS: 12:30 to 2:00 Tuesdays and Thursdays and by appointment.

INTRODUCTION: This course provides an understanding of how the American legal system affects business and management. The course explores the global, political, ethical, social, environmental, technological, and cultural contexts of business and managerial law. Since today's business leaders and managers are often required to think "outside-the-box" when making decisions, the course emphasizes student's critical thinking and legal reasoning skills. Law provides an excellent mechanism for developing and enhancing such skills since the essence of law is problem solving: understanding factual scenarios, applying legal principles to those facts, and then determining the rights and duties of the parties involved. The course fosters these skills by teaching students the law (through class lectures, lecture notes, and studying for in-class examinations) and then having students solve legal problems (through class discussions and take-home examinations).

COURSE STRUCTURE: The Course is structured into three units:

- *Introduction to Law:* Sources of law, the legal system, court jurisdiction, and civil court cases.
- *Constitution and Criminal Law:* Constitution and criminal law, and criminal court cases.
- *Business and Managerial Law:* torts, agency, business organizations, personal and real property, and wills and estates.

COURSE OBJECTIVES: Upon completion, students will be able to:

- Describe the structure of the court system;
- Distinguish and describe the differences between substantive and procedural legal issues, and criminal and civil law;
- Describe legal concepts in the categories of law covered in class; and
- Apply legal concepts to factual sequences to determine the likely outcome in a court of law.

PREREQUISITES: This course has no prerequisites. If students have questions about their ability to successfully complete the course, they should see Dr. Malmshemer.

E-MAIL REQUIREMENT: All students are required to have a **.syr.edu** e-mail account and to check that e-mail account *regularly* for class announcements.

BOOKS AND COURSE RESOURCES:

Textbook: This course uses a course textbook that is available for approximately \$15.00) from the ESF Copy Center. During the first week of school readers are available at a table in middle section of Bray Hall's basement; thereafter, students must visit the ESF Copy Center in the Bray Hall's basement.

Grades:

Undergraduate Student Grades will be calculated based upon on the following:

1. Three examinations (worth fifty (50), one hundred (100), and one hundred (100) points, respectively).
There is no final examination during Examination Week; the last examination is non-cumulative.
2. One Trial Observation Paper (50 points).
3. Attendance (25 points).

Graduate Student Grades will be calculated based upon:

1. Three examinations (worth fifty (50), one hundred (100), and one hundred (100) points, respectively).
There is no final examination during Examination Week; the last examination is non-cumulative.
2. One Trial Observation Paper (50 points).
3. A graduate research paper (50 points).

Grading Formula: Undergraduate and Graduate students will receive a letter grade based on their percentage of the total possible points:

A = 93% or greater	B+ = 89.9% – 87.0%	C+ = 79.9% – 77.0%	D = 69.9% – 65.0%
A- = 92.9% – 90.0%	B = 86.9% – 83.0%	C = 76.9% – 73.0%	F = 64.9% or less
	B- = 82.9% – 80.0%	C- = 72.9% – 70.0%	

I will not adjust grades; students will receive the grade they earn based on the course requirements set out above. I also will not provide students with “additional” assignments (so that they can raise their grades).

The Examinations (250 total points): There are three (3) examinations during the course of the semester. Each examination consists of two parts:

1. An “*In-class Examination*” worth one half (½) of the examination grade tests students’ objective knowledge via short answer, multiple choice, and types of questions.
 - a. In-class examinations consist of 25 questions.
 - b. Graduate students must answer *all* 25 questions.
 - c. Undergraduate students answer 20 (of the 25) questions.
2. A “*Take-home Examination*” worth one half (½) of the examination grade that tests students’ ability to apply knowledge to a factual situation.
 - a. Undergraduate students may work in groups of up to three (3) students on this part of the examination. Graduate students must work individually.
 - b. Inter-group/individual communication (communication between groups or individuals not in the same group) is prohibited.
 - c. These examinations **must be double-spaced** (for more information on examination answer formats, see additional course assignment requirements below).

Trial Observation Paper: Most of what students know about law is based upon television and movies. This is a dramatic, stylized version of the practice of law. The reality is much different. Observing the practice of law is critical to truly understanding how the legal system functions in the real world, therefore:

1. Each student is required to attend a N.Y.S. Supreme Court or N.Y.S. County Court trial or arraignment.
2. Students must submit a three (3) page (12 point, 1" margins, **single-spaced**) paper on this experience.
3. This paper should contain:
 - a. A one (1) page summary of the court room proceedings, and
 - b. A two (2) page subjective analysis of the student’s impressions of what they have observed.
4. Papers will be graded based on the following criteria:
 - a. Ten (10) points for concision, including spelling, grammar, typographic errors, and following directions (note: papers exceeding page limitations will automatically lose all ten (10) of these points);
 - b. Fifteen (15) points for summarizing the court room proceedings, using the legal concepts and terms from the course;

- c. Twenty (2) points for insightful, reflective subjective impressions of their experience; and
- d. Five (5) points for originality.

Attendance (Undergraduate Students ONLY – 25 points): Undergraduate students who miss class because of illness, conference attendance, or family death are excused from class and **must** email Ms. Edwards (kmedwa01@syr.edu) the reason for their excused absence within two (2) days of missing class. Attendance will be evaluated as follows:

- Undergraduate students begin the semester with twenty-seven (27) attendance points.
- Students who miss a class lose two (2) points.
- The maximum attendance grade for undergraduate students is twenty-five (25) points.

Graduate Student Research Paper (Graduate Students ONLY – 50 points): This assignment allows graduate students to propose and complete an independent research project. The project *must* address an issue dealing with business or managerial law, such as: 1) examining an existing business law, 2) analyzing a proposed law, or 3) exploring a business law-based controversy.

Students must prepare a ¼ page proposal. After professor approves the proposal, students must submit a four (4) or five (5) page (**single-spaced**) paper.* MPS and LAW students are encouraged to complete an assignment related to their employment goals. MS and PhD students are encouraged to complete an assignment related to their research.

** Students using the “in text” citation style should submit a four (4) page paper **PLUS** an addition Literature Cited section. Students using the “blue book” citation style should submit a five (5) page paper that uses 10 point, single-spaced footnotes. The text for all papers must use 12 point Times New Roman font with 1 inch margins.*

Research Paper Grading: The Graduate Student Research Paper will be evaluated based on four criteria:

- Grammar, spelling and following directions (i.e., correct format) (3 points),
- Clarity and concision of paper (10 points),
- Critical Analysis of law (25 points),
- Extensiveness, quality, and critical use of literature (10 points),** and
- Originality of thoughts and ideas (2 points).

*** Given the nature of the assignment, papers should include an analysis of original sources (such as statutes, regulations, proposed bills, etc.) and a significant number of legal analysis (law reviews, legislative memorandums, etc.) references.*

Standards for ALL Assignments.

Assignment Due Dates: All assignments must be handed in on time.

- We will **not** accept late assignments for any reason.
- Note: Students must turn assignments in on time **even if they miss the class** the assignment is due – students missing class should give their assignment to Ms. Edwards **before** class or have another student turn in the assignment in class. We will make no exceptions to this policy.

Assignment Format Requirements:

- All assignment must be handed in as hard (paper) copies. We will not accept email submissions.
- The Graduate Papers **must be single-spaced with one (1) inch margins and use twelve (12) point Times or Times New Roman fonts.**
- The Take-Home Examinations **must be double-spaced with one (1) inch margins and use twelve (12) point Times or Times New Roman fonts.**
- All assignments **must** meet minimum standards for advanced undergraduate and graduate student assignments (see *The Chicago Manual of Style or Uniform Blue Book*).

- Assignments must: 1) be clear, concise and appropriate for an advanced undergraduate or graduate course, 2) use headings and subheadings, 3) use standardized citations for **all** cited literature, and 4) include page numbers.
- Students may use either “in text” or “blue book” citations styles.
- Student’s names should appear on the first page of all assignments; do **not** put cover sheets on assignments.

Page Maximum Page Lengths: Ms. Edwards will **not** read any material in excess of the noted maximum page lengths, and she will grade assignments based on material within the maximum page length.

ACADEMIC MISCONDUCT: We assume that as juniors, seniors, graduate, and law students, class members understand what plagiarism is and that it will not be an issue. Plagiarism will **not** be tolerated. All papers **must** contain original thoughts **or** contain complete **and** correct citations to other’s work. Note: If you quote someone’s work, you **must** provide the page number for the quotation.

Unless specifically authorized in the syllabus or by Dr. Malmsheimer, students **must** complete graded assignments without any assistance from classmates or others. In other words, students are **strictly prohibited** from substantively discussing graded assignments with classmates. Students **may** discuss the assignment’s procedural aspects (e.g., due dates, assignment requirements, etc.) with classmates. Any students found to be interacting with classmates on assignments or plagiarizing will **automatically receive an “F”** for the final course grade and be reported to the appropriate ESF or SU Office for disciplinary action. If you have questions please ask, but be aware that the student code of conduct will be **strictly** enforced.

CLASSROOM LEARNING ENVIRONMENT: To maintain the best possible environment for learning, all students in this class **will**:

- Be on time for class and not leave early,
- Not have conversations among themselves during class that distract other students or the instructor,
- Not read the newspaper or other non-classroom materials during class,
- Turn off all cell phones and pagers before entering the class, and
- Not taunt or belittle other students or use vulgarity or profanity in class.

Students who violate these standards will be given one warning. Another violation of these rules will result in the student being dropped from the class *and* being reported to the ESF or SU Office for disciplinary action.

CLASS TAPE RECORDING POLICY: Students are prohibited from recording classes.

INTERNET USE IN THE CLASSROOM POLICY: Students using personal computers during class are prohibited from accessing the internet during class.

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES: If you have an identified disability and will need accommodations, you should first contact either: 1) the ESF Office of Student Life in 110 Bray Hall, 2) the College of Law Senior Assistant Dean for Student Life in Suite 444, or 3) the appropriate administrator in your home college. They will discuss their disability policy with you and work with you to access supportive services. If you have a learning disability, they will require you to provide supportive documentation and will develop an approved accommodation sheet for you. I cannot provide accommodations until you provide me with the accommodation sheet **and** we meet to discuss its applicability to this course. I will not provide accommodations retroactively. If you have any questions about disabilities, please contact me and/or your appropriate administrator as soon as possible. All conversations will be confidential.