



# BAD18 Legal Environment of Business

## Spring 2018

Instructor: Laura Pedicini  
PC 692 Call Building, Petaluma Campus  
Tuesdays – 7pm-10pm  
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**Text:** Business Law Today, by Miller & Jentz, 9<sup>th</sup> Edition, 2011, ISBN:  
9780324786521

**Course Description:** The environmental, social, ethical and political factors which influence the development and operation of the American legal system; law of contracts and sales emphasizing California law.

### Course Content

#### Student Learning Outcomes:

Students will be able to:

1. Analyze case law and statutory precedent to identify the necessary correlation between given fact patterns and causes of action within the federal, state, and international legal systems.
2. Determine effects of precedent, documentation, and standards of proof and distinguish between tort and contractual causes of action and their judicial processes.
3. Analyze business operations and the influences and restrictions applicable to the operations.

## **Objectives:**

Upon completion of this course, the student will be able to:

- 1) Compare and contrast the federal, state, and international legal systems.
- 2) Summarize the legal principles of common law and statutory law applicable to a working understanding of administrative, civil, and criminal law.
- 3) Distinguish the primary legal causes of action that affect the business environment including administrative, tort, contract, constitutional, and criminal law.
- 4) Assess the environment for business in employment law, securities law, anti-trust law, consumer protection and environmental protection.
- 5) Understand obligations imposed on businesses.

## **Topics and Scope**

I. Federal, state, and administrative common law systems of the U.S. vs. international law systems

A. U.S. common law cases and statutes and their relationship to administrative, civil, and criminal law

B. Civil law systems, common law systems, and hybrid systems

C. Legal opinion and precedent; case brief format.

D. Remedies at law and equity; specific cases of action and their parameters

II. Constitutional law on federal and state level, as it relates to administrative, civil, tort, criminal and contract law

A. Bill of Rights and its application to business and commerce

B. Limitations of constitutional protections

1) Equal Protection Clause

2) Due Process Clause

3) Three-prong scrutiny tests

C. First Amendment impact on commercial and non-commercial speech in the business environment

III. Business and the Regulatory Environment

A. Constitutional provisions and protections

B. Employment, immigration and labor law and discrimination

C. Securities laws and protections

D. Maintaining competition in the marketplace

E. Social Purposes of Law

F. Consumer protection laws

G. Environmental protection laws

H. Ethical and political influences

IV. Survey of common law torts, elements and remedies in the business environment

- A. Principles, elements, and case law of negligent, intentional, and strict liability torts
- B. Specific torts and issues associated with business environments
- C. Principles of tort law and inherent liabilities and duties
  - 1) Personal torts
  - 2) Business torts
- D. Intellectual property
  - 1) Protections
  - 2) Liability
  - 3) Internet transactions
- V. Criminal Law
  - A. Primary felonies and misdemeanors
  - B. Crimes vs. torts
  - C. Civil vs. criminal liability
- VI. Contract Law
  - A. Common Law Contracts vs. Sales Law from historical and consumer perspectives
  - B. Essential elements of a contract (common law vs. sales)
  - C. Statute of Frauds and its defenses
  - D. Additional defenses to contract formation and limitations
  - E. Traditional vs. internet contracts
  - F. Duty to mitigate and variables
- VII. Domestic and international business entity forms
  - A. Forms of business entities
    - 1) C-Corporations
    - 2) S-Corporations
    - 3) Partnerships
    - 4) Limited Liability Company (LLC)
    - 5) Sole Proprietorship
  - B. Appropriate form for the specific business

### **Contact Me**

Feel free to contact me by email as needed. In addition to teaching, I am also a practicing attorney, and am typically in court all day from Wednesday-Friday. As a result, I am not available during the day from Wed-Fri, but will check my email every evening. If you do not hear from me within a reasonable time after sending me an email, I would prefer that you email me again. I expect that all students will be on time for all classes. Attendance is, of course, mandatory and I reserve the right to require a compulsory meeting for any student who has missed more than three classes (for any reason). My office hours will be after class, as needed. Please email me if you would like to set up a confirmed appointment. I am also happy to hold meetings as needed via Skype or by phone.

## **GRADING POLICY**

<b>Exercise</b>	<b>Percentage of Grade</b>
Exams	80% Miller & Jentz is necessary
Courtroom Visit	10% Paper due on 5/15
Class Participation	10%

A = 90-100%  
B = 80-89%  
C = 70-79%  
D = 60-69%  
F = 59% or below.

Be aware that your exams will consist of short essay, true/false and multiple choice questions. Sharing of materials on any test will be considered cheating and you will get a failing grade and be referred to the appropriate disciplinary authorities. See the **Statement of Academic Integrity** below.

### **Statement on Academic Integrity**

Santa Rosa Junior College holds that its primary function is the development of intellectual curiosity, and accomplishment in an atmosphere that upholds the principles of academic freedom. All members of the academic community, students, faculty, staff and administrators must assume responsibility for providing an environment of the highest standards, characterized by a spirit of academic honesty and mutual respect. Because personal accountability is inherent in an academic community of integrity, this institution will not tolerate or ignore any form of academic dishonesty. The full SRJC policy on Academic Integrity is posted on the SRJC website.

**Tentative course calendar including exam dates and date of Final exam:**

**(Please note that the course calendar is “subject to change with fair notice”)**

<b>Week</b>	<b>Due Date</b>	<b>Subject</b>	<b>Assignment</b>
<b>1</b>	1/30	Introduction to course. Court Systems & Jurisdiction; Litigation & Alternative Dispute Resolution;	Chapters 1 & 3
<b>2</b>	2/6	Torts & Criminal Law	Chapters 4 & 6
<b>3</b>	2/13	Torts & Criminal Law	Chapters 4 & 6
<b>4</b>	2/20	Criminal Law & Intellectual Property Intellectual Property & Review	Chapter 5 <b>Homework #1</b>
<b>5</b>	2/27	<b>EXAM I</b>	<b>Chapters 1,3,4, 5, 6</b>
<b>6</b>	3/6	Contracts <b>Courtroom Assignment</b>	Chapters 9, 10 & 11
<b>7</b>	3/13	Contracts & Review	Chapters 12, 13 & 14
<b>8</b>	3/20	Contracts & Review (vacation week)	Chapters 9 – 14 <b>Homework #2</b>
<b>9</b>	3/27	<b>EXAM II</b>	<b>Chap. 9-14</b>
<b>10</b>	4/3	Agency & Sole Proprietorships	Chapter 23 & 26
<b>11</b>	4/10	Partnerships & LLC	Chapters 27 & 28
<b>12</b>	4/17	LLC, Corporations & Review	Chapter 28 & 29 <b>Homework #3</b>
<b>13</b>	4/24	<b>EXAM III</b>	<b>Chap 23, 26, 27, 28, 29</b>
<b>14</b>	5/1	Personal Prop & Real Property & Landlord Tenant	Chapters 35, 36
<b>15</b>	5/8	Real Property & Landlord-Tenant Law; Employment & Labor Law	Chapters 36 & 24
<b>16</b>	5/15	Employment Discrimination & Accountant’s Liability <b>Courtroom Paper Due</b> & Final Review	Chapters 25 & 34 <b>Homework #4</b>
<b>17</b>	5/22	<b>FINAL EXAM</b>	<b>Chap 24, 25, 34, 35, 36</b>