

**BOSTON COLLEGE
CARROLL SCHOOL OF MANAGEMENT
BUSINESS LAW DEPARTMENT**

Summer 2016

Course: **Law I: Introduction to Law and the Legal Process (BSLW1021)**
Instructor: Richard Powers
Dates: May 30-June 24, 2016 (approximate; exact dates TBD)
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TEXTBOOK

Business Law: Principles for Today's Commercial Environment, 4th ed., Thomson South-Western West Publishing Co. 2014, David P. Twomey & Marianne Moody Jennings. A study guide is available but is in no way required. The text is available at the bookstore or from on-line sellers. You can also purchase or rent an electronic version of the text. Reading assignments, including cases, will be drawn from the chapters outlined below. A list of assigned cases can be found at the end of this syllabus. Additional chapters might be assigned or substituted for those referenced on the List of Assigned Cases.

COURSE OBJECTIVES AND METHOD

This course introduces the student to the legal system and the social, legal and regulatory environment of business, as well as to ethical decision-making relating to law and business. Using a modified case method, students analyze court decisions and other course materials that illustrate the role of law in society and the impact of law on the business community. Active student participation is expected to assist students in the development of orderly thought processes, critical judgment, and articulate expression. Current events that impact the legal environment of business are integrated into class discussion.

The course begins with information on the legal system and the sources of law. Important provisions of the United States Constitution are examined. After learning how the court system works and how to analyze court opinions, students study topics such as antitrust law, employment discrimination, tort law, securities law, and intellectual property. The administrative agency as a regulatory mechanism that impacts business, the environment, and the individual is studied. Since contracts are the basis of the business relationship, a substantial portion of the course is devoted to contract law. Contract formation, principles of contract interpretation, assignment, breach and remedies are all addressed.

International law will also be introduced, including sources of international law and agencies that play a role in the regulation of international business. Risks of doing business in the global arena are considered and legal strategies for minimizing risk are discussed. We will also take advantage of the fact that this course is being conducted in Venice by focusing on a comparison of the Italian and U.S. legal systems and discussing current events in the Italian legal and business worlds.

To support student access to information regarding developments in the business and legal worlds of Italy, Senior Research Librarian Sonia Ensins has created a special web site for the class that provides links to various journals and periodicals devoted to these subjects. In addition, arrangements have been made to place substantial materials related to Italian Law on reserve in

the O'Neill Library that can be accessed electronically while we are in Italy. These materials include, but are not limited to, portions of the following texts: City of Fortune: How Venice Ruled the Seas by Roger Crowley (2012); Witchcraft and Inquisition in Early Modern Venice by J. Seitz (2011); Venice: Pure City by Peter Ackroyd (2009); The Age of Rebuilding: Sketches of the New Italian Private Law by G. Alpa (2007); Introduction to Italian Law by Jeffrey Lena (ed.) (2002); The Italian Legal Tradition by Thomas Watkin (1997); Italian Studies in Law, Volumes I and II by A. Pizzorusso (ed.) (1992); and The Italian Legal System by G. L. Certoma (1985).

In addition, we will engage in extracurricular activities designed to supplement the in-class learning experience regarding U.S. and Italian law, and to more generally enhance students' appreciation and understanding of the Italian legal, business, and cultural environment. It is expected that excursions will include visits to the Doge's Palace (the former site of the legislative, judicial, and executive branches of the Venetian government), La Fenice (the site of a major fire that gave rise to numerous legal disputes, which will be examined in class and in a writing assignment); San Marco Basilica; the island of Murano and its world famous glass manufacturing facilities; the Institute of Arts, Sciences, and Letters, which is in a building constructed for was a Venetian Doge government leader and later served as the seat of government during Napoleon's occupation of Venice; and a trip to Vicenza and/or other cultural centers outside of Venice. Arrangements will be made for us to meet with an Italian lawyer, law professor, judge and/or visit to an Italian courthouse.]

REQUESTS FOR ACCOMMODATIONS

If you have a disability and will be requesting accommodations for this course, please register with Kathy Duggan [kathleen.duggan@bc.edu], Associate Director, Academic Support Services, The Connors Family Learning Center (learning disabilities and AHDH) or Paulette Durette [paulette.durette@bc.edu], Assistant Dean for Students with Disabilities (for all other disabilities). Please note that advance notice and appropriate documentation are required for accommodations. I am committed to working with students to assure that they have a meaningful learning experience.

COURSE REQUIREMENTS AND GRADING

Attendance and preparation for class are essential to meaningful class discussion. The final course grade will be based on class attendance/participation, exams, and research and/or reflection papers on topics to be determined by the instructor. In light of the special circumstances under which this course is being taught, the paper will not be due until approximately three weeks after the class in Madrid ends. Papers must represent the independent, reasonable, and original research and analysis of each student in the area of legal inquiry assigned by the instructor. Dates for exams will be announced well in advance. Exam #1 will cover the first half of the material and Exam #2 will cover the second half.

QUESTIONS, COMMENTS, CONCERNS

I strongly encourage you to let me know if you have any questions, comments or concerns regarding any aspect of the course, or if there are any issues that affect your ability to fulfill any of the course requirements. If there is a problem, please do not hesitate or wait until the last minute to discuss it with me. Please remember that open communication is essential to a successful learning experience.

COURSE OUTLINE

I. The Legal & Social Environment of Business

Chapter 1: The Nature and Sources of Law

Individual Rights; the Right of Privacy; Privacy and Technology;
Sources of Law; Uniform State Laws; Classifications of Law

Chapter 2: The Court System and Dispute Resolution

The Federal and State Court Systems; Jurisdiction; Weight of Authority; Steps in a
Lawsuit; Alternative Forms of Dispute Resolution

Chapter 3: Business Ethics, Social Forces, and the Law

The Law as the Standard; Universal Standards; Moral Relativism; Stakeholder
Standard; Categories of Ethical Behavior; Recognizing and Resolving Ethical
Dilemmas

Chapter 4: The Constitution as the Foundation of the Legal Environment

Federal Supremacy; Interpreting and Amending the Constitution;
Federal Powers and Constitutional Limitations on Government;
Supreme Court Decisions on the Commerce Power

Chapter 5: Government Regulation of Competition and Prices

Regulation of Unfair Competition, Price Fixing;
Sherman Antitrust Act; the Clayton Act; Remedies for
Anticompetitive Behavior

Chapter 6: Administrative Agencies

Purpose and Uniqueness of Administrative Agencies;
Legislative, Executive, and Judicial Powers;
Constitutional Limitations

Chapter 7: The Legal Environment of International Trade

GATT and the WTO; Forms of Doing International Business and Risks;
Barriers to Trade; Export Regulations; Protection of Intellectual Property Rights;
Expropriation; the Foreign Corrupt Practices Act

Chapter 8: Crimes

Corporate Liability; White Collar Crimes;
Federal Sentencing Guidelines;
Criminal Procedure Rights for Businesses

Chapter 9: Torts

Negligence and Defenses; Strict Liability;
Tort Reform; Punitive Damages

Chapter 10: Intellectual Property Rights and the Internet

Trademarks and Service Marks; the Federal Trademark Anti-Dilution Act;
Copyrights; Patents; Trade Secrets

Chapter 11: Cyberlaw

Introduction to Cyberlaw; Tort, Contract, Intellectual property, Criminal, Constitutional, and Securities Law Issues in Cyberspace

II. Contract Law

Chapter 12: Contracts

Nature and Classes of Contract;
Contracting on the Internet

Chapter 13: Formation of Contracts

Offer and Acceptance; Requirements, Termination, and Acceptance

Chapter 16: Legality and Public Policy

Illegality; Good Faith; Unconscionable Clauses;
Agreements Contrary to Public Policy; Gambling;
Agreements Not to Compete; Usury

Chapter 20: Breach of Contract and Remedies

Waiver of Breach; Anticipatory Repudiation; Measure of Damages; Rescission;
Specific Performance; Injunction; Reformation; Limitation
of Remedies; Liquidated Damages

III. Employment Law

Chapter 39: Regulation of Employment

The Employment Relationship; Labor Relations Laws; Pension Plans and Federal
Regulation; Compensation for Injuries; Employee Privacy;
Employer-Related Immigration Laws

Chapter 40: Equal Employment Opportunity Law

Theories of Discrimination; Title VII;
Age Discrimination; Americans with Disabilities Act

V. Real Property, Environmental Law and Land Use Controls

Chapter 49: Real Property

Nature of Real Property; Liability to Third Persons; Eminent Domain

Chapter 50: Environmental Law and Land Use Controls

Statutory Environmental Laws and Regulations; Private Remedies

PLEASE SEE NEXT PAGE FOR A LIST OF SPECIFIC CHAPTERS AND CASES ASSIGNED

List of Assigned Cases

The following cases are those that I expect will be assigned. Please note that it is possible that some cases will be deleted from this list and others might be added. Aside from the cases, we will cover the assigned material in the text but we will not spend class time reviewing all of the readings in detail. Instead, we will follow the philosophy underlying the following statement made by Francis Low, a theoretical physicist and provost of the Massachusetts Institute of Technology, as quoted in the *Boston Globe* on March 6, 2007: “I am afraid that the neat, clean lecture is not mine; rather the digression within the digression. I don’t worry about finishing a prescribed amount of material, but go on whatever pace seems normal.” In other words, while we will proceed through the syllabus in an orderly fashion, our progress will not be at the expense of exploring questions and issues sufficiently.

Chapters and specific cases (with the page that the case begins on is in parentheses) to be covered are as follows:

Ch./Cases

1. Grant (5)
2. Yates (15)
3. Read text; no cases assigned
4. Wyeth (56); National Federation of Independent Businesses (60); Granholm (62); Quill (64); Citizens United (69)
5. Utah Pie Co. (80); Leegin (82); State Oil (83)
6. Massachusetts v. EPA (94); Motor Vehicle Manufacturers Association (97); FCC v. Fox Television Stations, Inc. (104)
7. DaimlerChrysler Corp. (115); Sabritas (127)
8. Erickson (138); U.S. v. Park (140); Dow Chemical (155); Dickerson (159)

9. Orthopedic Services, Inc. (168); Hardesty (175)
10. Harley-Davidson, Inc. (186); American Geophysical Union (194); Bilski (200); Ebay, Inc. (208)
11. King (214); City of Ontario v. Quon (216); Holmes (218)
13. McCarthy (250); In re Delphi Corp. (253)
16. Home Paramount Pest Control Companies, Inc. (307)
20. Tips (369); Hamill (378)
39. Adams (794); Semple (796)
40. Griggs (825); Fragante (835); UAW (837); Rhodes (840)
46. Edwards (957); Dirks (969); U.S. v. O'Hagan (971)
49. Kohn (1036); Kelo (1047)
50. Burlington Northern Railway/Shell Oil Co. (1061); Babbitt (1065)