

# ACCT 352-052: LAW AND SOCIAL ISSUES IN BUSINESS

Fall 2014

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## CLASS SYLLABUS

This course is designed to acquaint students with the U.S. legal system, especially how it relates to the regulation of business. The goal is to understand the nature and function of law, as well as to learn a bit of substantive law in some select areas. This means studying the basics of tort law, contracts, environmental law, antitrust, securities law, and a few other areas as time permits. Of course, we cannot comprehensively cover all or even one field of law in a course such as this. This is an introductory course that serves as the foundation for your further legal studies.

You are expected to read *all* assigned chapters and cases from the text *before* class! Please feel free to raise questions as discussion is always welcome. In fact, some classroom participation is *required* of all students. You will be asked to “present” one case during the semester. This involves reading your assigned case extra carefully and presenting to the class a brief description (about 5 minutes) of the facts and legal issues. Here is a summary of the recommended format for your class presentations: [http://www.buec.udel.edu/pollacks/Acct350/Handouts/briefing\\_court\\_case.pdf](http://www.buec.udel.edu/pollacks/Acct350/Handouts/briefing_court_case.pdf)

**Attendance:** Students *must* attend at least 70% of classes to receive credit! Attendance will be taken at each class.

**Electronic Devices:** Use of a laptop in class without my permission is *forbidden*. Texting during class is *forbidden*. Texting during an exam is grounds for *suspension* from the University. Please turn off cell phones before class!

**Text:** Henry R. Cheeseman, *Business Law: Legal Environment* (Prentice Hall, 8th edition). This is a one-volume hardback edition. There also is an optional study guide that may be useful to some students. **Note:** The text is used in ACCT 351, so keep it for next semester and reviewing for the CPA exam! The publisher has posted online study material that you may find useful: [http://wps.prenhall.com/bp\\_cheeseman\\_blaw\\_8/225/57726/14777958.cw/index.html](http://wps.prenhall.com/bp_cheeseman_blaw_8/225/57726/14777958.cw/index.html)

**Casebook:** This is an online collection of cases from which we will read selections during the semester. Do not print out the whole document! Instead, print out the assigned cases as we go along. This is posted online (with the syllabus and other course materials) on the homepage for Accounting 350: <http://udel.edu/~pollack/Acct352.htm>

**Legal Research:** Cases and other legal materials can be found by using the online research service “Lexis/Nexis.” Lawyers and researchers use this research tool, which is available for free through our library. Lexis (the law database) can be reached at the library homepage: <http://www.lib.udel.edu/> Under “Databases” plug in “Lexis/Nexis Academic.” Go into this database and click on the library “US Legal” (on left-hand margin). Here you will find libraries for “Federal and State Cases,” “Federal and State Statutes, Code, and Regulations), “Tax Law,” and “Law Reviews.”

**Exams & Grading:** There will be two exams in class during the semester and a non-cumulative final exam. Each of the three exams is worth 30% of your grade. Class participation will count for the remaining 10% of your grade. (Warning: Failure to show up to class to present your case will result in a failing grade in participation! Likewise, if you are not prepared to discuss the readings in class, I will lower your grade.) Grading will use the plus/minus system. Make-up exams will be permitted *only* under compelling of circumstances and *only* with my prior permission. Otherwise, make-up exams will be given during finals week. The grading scale is:

A	93 – 100%	C+	77 – 79.9%	D-	60 – 62.9%
A-	90 – 92.9%	C	73 – 76.9%	F	< 60%
B+	87 – 89.9%	C-	70 – 72.9%	I	Incomplete
B	83 – 86.9%	D+	67 – 69.9%		
B-	80 – 82.9%	D	63 – 66.9%		

**Office Hours:** My office is either Purnell 030A (in the basement) or Room 216. Office hours are Mondays & Wednesdays from 1:00 p.m. to 3:00 p.m. Feel free to set up a meeting at another time as I am flexible. I will usually be around on Tuesdays as well. To set up an appointment, contact me via email: [pollack@udel.edu](mailto:pollack@udel.edu)

## ACCT 352 ASSIGNMENTS

(revised 11/18/14)

<u>Class:</u>	<u>Date:</u>	<u>Topic:</u>	<u>Assignment:</u>
1	Aug 27	Intro to Law & Legal Research	Chapter 1, pp. 3–16; legal research & briefing a case
	Sept 1	Labor Day	no class
2	Sept 3	U.S. Judicial System	Chap 2, pp. 20–28; Casebook: Sierra Club v. Morton; W-W Volkswagen
3	Sept 8	U.S. Judicial System	Chap 2, pp. 29–35; Casebook: Carnival Cruise v. Shute
4	Sept 10	U.S. Judicial System	Casebook: Erie RR v. Tompkins; Wendelken v. Sherrill
5	Sept 15	Litigation & ADR	Chapter 3: Casebook: Ferolito v. Johnson & Johnson
6	Sept 17	Constitutional law	Chapter 4: U.S. Constitution, Article I, Section 8, 3rd sentence Casebook: U.S. v. Darby; U.S. v. Lopez
7	Sept 22	Constitutional law	Chapter 4: 1st Amendment of U.S. Constitution; Case 4.3 (p. 73) Casebook: Cohen v. California
8	Sept 24	Intentional Torts	Chapter 5: pp. 85–90; Case 5.1 (p. 86), Casebook: Perna v. Pirozzi; Roach v. Stern
9	Sept 29	Unintentional Torts	Chapter 5: pp. 91–101; Case 5.2 (p. 92), Case 5.3 (p. 95), Case 5.4 (p. 99); Casebook: Fischer v. Pepsi; Schick v. Ferolito
10	Oct 1	finish & review	
11	Oct 6	Exam #1	
12	Oct 8	Product Liability	Chapter 6: pp. 106–116; Cases 6.1 (p. 110), 6.2 (p. 112) Casebook: Nowak v. Faberge; Elsroth v. J & J
13	Oct 13	Intellectual Property: torts	Chapter 5: p. 87 (bottom); Chapter 7, pp. 120–23 Casebook: White v. Samsung; Saderup v. Comedy III
14	Oct 15	Intellectual Property: © and ™	Chapter 7: pp. 121–139; Case 7.1 (p. 126), Case 7.3 (p. 139); Casebook: Campbell v. Aucuff-Rose; Two Pesos v. Taco Cabana
15	Oct 20	Contracts: Introduction	Chapter 9: pp. 169–177; Case 9.1 (p. 175) Casebook: Dynes v. Liberty Mutual Insurance Co.; Lucy v. Zehmer
16	Oct 22	Contracts: Agreement	Chapter 10: pp. 182–193; Casebook: Everett City v. Mitchell; Lefkowitz v. Great Minneapolis; Mesaros v. US; Soldau v. Organon
17	Oct 27	Contracts: Consideration	Chapter 11: pp. 197–203; Case 11.1 (p. 198), Case 11.2 (p. 192) Casebook: Hammer v. Sidway; Alden v. Presley
18	Oct 29	Contracts: Capacity & Legality	Chapter 12: pp. 207–218; Casebook: Flood v. Fidelity & Guaranty; Jones v. Free Flight; Ryno v. Tyra; Zivich v. Mentor
19	Nov 3	Contracts: Assent	Chapter 13: pp. 222–229; Cases 13.1 (p. 223), Case 13.2 (p. 227); Crit. Leg. Cases 13.1 and 13.3 (p. 229)
20	Nov 5	Exam #2	
21	Nov 10	Contracts: Assent	Chapter 13: pp. 222–229; Cases 13.1 (p. 223), Case 13.2 (p. 227); Crit. Leg. Cases 13.1 and 13.3 (p. 229)
22	Nov 12	Contracts: Form	Chap 14: pp. 233–42; Case 14.1 (237); Casebook: Sutton v. Warner; Doherty v. Doherty; Critical Legal Cases 14.1 and 14.7 (pp. 243–44)
23	Nov 17	Contracts: Remedies	Chapter 16: pp. 265–273; Casebook: Parker v. 20th Century; Hadley v. Baxendale; Super Valu v. Peterson; Sharick v. SE Univ.
		UCC Sales and Lease Contracts	Chapter 18: pp. 299–302 and pp. 304–308
24	Nov 19	Securities Law: 1933 Act	Chapter 41 (pp. 690–699); Casebook: SEC v. Howey; Escott v. ChrisBar; Crit. L. Cases 41.3 (p. 707)
	Nov 24	darkness	no class
	Nov 26	Thanksgiving	no class
25	Dec 1	Securities Law: 1934 Act	Chap. 41 (pp. 699–705); Case 41.1 (p. 702) Casebook: SEC. v. Texas Gulf; Chiarella v. U.S.; U.S. v. Carpenter
26	Dec 3	Securities Law:	review; watch film on securities fraud?
	Dec 8 @ 7:00 p.m.		Final Exam in KRB 204