



Saint Martin's  
U N I V E R S I T Y

## BA 225 – Business Law

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**Session:** Summer Session 05 30 MAY 17 - 20 JUL 17

**Time:** Tues 1700-1940

**Location:** JBLM - Stone Education Center – Room 203

**Instructor:** Edward J. Barton, JD, CFA, CPA

**Email:** [ebarton@stmartin.edu](mailto:ebarton@stmartin.edu)

**Phone:** 360-438-4534 (office)

**Office:** 206 Old Main, Lacey Campus

**Texts:** Feinman, J.M., Law 101 – Everything You Need to Know About American Law, 4<sup>th</sup> Edition, Oxford University Press, 2014. (Required)  
**ISBN:** 978-0-19-934169-6

American Bar Association, Legal Guide for Small Business, 2<sup>nd</sup> Edition, Random House, 2010. (Required)  
**ISBN:** 978-0-375-72303-2

Abela, A.V. and Capizzi, J.E. ed., A Catechism for Business, 2<sup>nd</sup> Edition, Catholic University Press of America, 2016. (Optional)  
**ISBN:** 978-0-8132-2884-6

**Course Descriptor:** Introduction to the American legal system (sources of law and legal process); forms of business (sole proprietorships, partnerships, LLCs and corporations); contract law; agency; employment law; torts; products liability; property law; wills & trusts; business ethics. Prerequisite: None

**Learning Objectives:** Students will develop an understanding and basic proficiency in the impacts that the U.S. legal system have on business decisions and the business lifecycle.

**Course Expectation:** Much of the information will be covered in class or the text. Class attendance and participation is expected. I intend to record each class and post it to Moodle and YouTube in the event you are unable to attend or wish to review a concept. As this is a hybrid class, there is a lot of “on your own” reading, study and time management. It is important to keep up with the assignments and the reading, as it can quickly overwhelm you. There are no tests in this class, but there are weekly writing assignments that must be completed and posted to Moodle. The assignments will culminate in a final 15-20 minute presentation on the last class meeting date and a capstone paper.

<b>Evaluation:</b>	Class Attendance and Participation	10%
	Weekly Assignments (7)	50%
	Capstone Presentation	20%
	Capstone Paper	20%

<b>Grades:</b>	Letter	Percent	Grade Point
	A	100-94%	4.00
	A-	93 - 90%	3.67
	B+	89 - 87%	3.33
	B	86 - 84%	3.00
	B-	83 - 80%	2.67
	C+	79 - 77%	2.33
	C	76 - 74%	2.00
	C-	73 - 70%	1.67
	D	60 - 70%	1.00
	F	59 - 0%	0.00

**Schedule:** **SUBJECT TO CHANGE**

<b>CLASS DATE</b>	<b>LEARNING OBJECTIVES (OBJ) AND LEARNING ACTIVITIES (ACT)</b>
Class 1 (30 May 17)	Introductions Review Syllabus <u>ACT:</u> Feinman Chapter 1 - 3 <u>OBJ:</u> Understand Key Elements of the Legal System and Constitutional Law
Class 2 (Online)	<u>ACT:</u> ABA Part 1 (Ch 1-7) <u>OBJ:</u> Understand the Legal Elements of the Pre-Start Up Phase.

**ASSIGNMENT:** Submit a 1-2 page typewritten paper on the type of business you will look to “operate” for the course. Will you buy, start up from scratch, franchise? Why? Where will you use a lawyer to help? Where will you do it yourself? Explain why.

Class 3 (6 Jun 17)

ACT: Feinman Chapter 3, 4 & 7

OBJ: Understand Key Elements of the Legal System and Constitutional Law. Understand property law, including the differences between personal and real property.

Class 4 (Online)

ACT: ABA Part II (Ch 8-10)

OBJ: Develop a basic understanding of leases, insurance, risk management and home based businesses.

**ASSIGNMENT:** Submit a 1-2 page typewritten paper. Based on the type of business you will look to “operate” for the course from Class 2, identify where you will operate from? What personal and real property do you need to acquire? Will you lease or buy? What issues will help make that decision? What key elements (from a legal, risk management and ethical perspective) do you need to consider in your location decision? What types of risks do you think you will need insurance for? Why? Where will you use a lawyer to help? Where will you do it yourself? Explain why.

Class 5 (13 Jun 17)

ACT: ABA Part III (Ch 11-15)

OBJ: Understand the pros and cons of the various legal business forms

Class 6 (Online)

ACT: ABA Part III (Ch 11-15)

OBJ: Understand the pros and cons of the various legal business forms

**ASSIGNMENT:** Submit a 1-2 page typewritten paper. Based on the type of business you will look to “operate” for the course from Class 2, identify what type of legal entity will you operate under? Why did you make that choice? What places do you need to file to create your entity? To conduct business? What issues will help make that decision? What key elements

**(from a legal, risk management, tax and ethical perspective) do you need to consider in your entity and licensing decisions? Where will you use a lawyer to help? Where will you do it yourself? Explain why.**

Class 7 (20 Jun 17)

ACT: Feinman Ch 5

OBJ: Develop Understanding of Risks in dealing with customers from a tort perspective including an intro to employment law

Class 8 (Online)

ACT: ABA Part IV (Ch 16-22)

OBJ: Develop Understanding of Risks in dealing with customers and employees from a tort perspective

**ASSIGNMENT: Submit a 1-2 page typewritten paper. Based on the type of business you will look to "operate" for the course from Class 2, will you hire employees? Assuming you will hire employees, what steps do you need to take to do this legally? What risks exist with your business location and product that may expose you to liability? What key elements (from a legal, risk management, tax and ethical perspective) do you need to consider in reducing those risks? Where will you use a lawyer to help? Where will you do it yourself? Explain why.**

Class 9 (27 Jun 17)

ACT: Feinman Ch 6

OBJ: Understand key elements of a contract and limitations of contract law.

Class 10 (Online)

ACT: ABA Part V

OBJ: Understand key elements of a contract and limitations of contract law.

**ASSIGNMENT: Submit a 1-2 page typewritten paper. Based on the type of business you will look to "operate" for the course from Class 2, what contracts will you need to use or enter into? Will you have IP (intellectual property)? If so, how will you protect it? What key elements (from a legal, risk management, tax and ethical perspective) do you need to consider in**

**protecting your IP and developing or reviewing your contracts? Where will you use a lawyer to help? Where will you do it yourself? Explain why.**

#### **NO CLASS AT JBLM ON TUESDAY 4 JULY**

Class 11 (Online)

ACT: Feinman Ch 8-9

OBJ: Understand key elements of criminal law, particularly as it pertains to business (white collar and risks)

**ASSIGNMENT: Submit a 1-2 page typewritten paper. Based on the type of business you will look to “operate” for the course from Class 2, what areas are you most likely to experience criminal activity? How will you prevent it? What key elements (from a legal, risk management, tax and ethical perspective) do you need to consider in protecting assets or business from criminal activity? Where will you use a lawyer to help? Where will you do it yourself? Explain why.**

Class 12 (Online)

ACT: ABA Part VI

OBJ: Understand Tax exposure and liability as it pertains to the legal environment.

**ASSIGNMENT: Submit a 1-2 page typewritten paper. Based on the type of business you will look to “operate” for the course from Class 2, what areas do you have tax exposure? How will you manage your tax filings and payments? What key elements (from a legal, risk management, tax and ethical perspective) do you need to consider in managing your tax exposure? Where will you use a lawyer to help? Where will you do it yourself? Explain why.**

Class 13 (11 Jul 17)

ACT: Catechism Ch 3,4 & 8 (Optional)

OBJ: Understand the importance of business ethics and how the ethical environment is developed and nurtured.

Class 14 (Online)

ACT: ABA Part VII (Ch 31-34)

OBJ: Develop a Code of Ethics and an Exit Strategy and understand the importance of each

**ASSIGNMENT:** Submit a 1-2 page typewritten paper. Based on the type of business you will look to “operate” for the course from Class 2, what will be your exit strategy? Will you sell the business? Go public? Create a family empire? What key elements (from a legal, risk management, tax and ethical perspective) do you need to consider in determining your exit strategy? Where will you use a lawyer to help? Where will you do it yourself? Explain why.

**ASSIGNMENT:** Submit a Code of Ethics for your business. Explain how you developed it, what inspired you, and what served as the “touchstone” or “vision” for your ethical environment.

Class 15 (18 July 17)

**ACT:** **IN CLASS PRESENTATIONS**

**OBJ:** Assessment of Knowledge and Proficiency of Materials Covered during the semester.

**The presentation should be 15-20 minutes in length. You will present to the class:**

- Your business
- What legal form your business took and why
- Your Code of Ethics
- The major risks your business faces
- How you manage those risks from a legal and insurance perspective
- What types of agreements and contracts you expect to need
- Your exit strategy
- Where you will bring in a lawyer and where you will do it yourself

**Capstone Paper:**

Write an in-depth paper discussing the legal environment for your business. You will need to cover everything in the presentation, with references to the resources you will need to use to make your decisions.

**\*\*\*DUE 20 JUL AT 1700!!\*\*\***

**Extra Credit:**

There is one option for extra credit.

1. Write a 3-4 page paper (double spaced) on the research you conducted to develop your Code of Ethics. Discuss why ethics may be more important than the law, and how the two interact (5 extra points on

final average). You should use proper business writing style and APA references.

**Important Info:** To succeed in this class, you **MUST** complete the assigned readings and problems. Additionally, class attendance is critical to learning the material. The exams will be based on what is covered in class.

Any Academic Dishonesty violation (See the SMU Student Handbook at <https://www.stmartin.edu/sites/default/files/smufiles/student-affairs/student-handbook-2016-2017.pdf>) may result in a failing grade and disciplinary action by the University. While many of the assignments and the Mid-Term exam are “take home” and “open book”, **they are to be completed individually and independently.**

### **How to Get Started with Moodle**

1. Visit:

<http://moodle.stmartin.edu>

2. See “Getting Started with Moodle 2.9,” and “Frequently Asked Questions” in the pane entitled “NAVIGATION” in the left margin.
3. LOGIN with your Saint Martin’s username and password when ready. For username and password help, see:

<https://www.stmartin.edu/directory/integrated-technology-services/technology-help>

### **Helpful Links**

- Link to Saint Martin’s undergraduate Academic Catalog **2016-2017**
  - <https://www.stmartin.edu/sites/default/files/smufiles/registrar/undergrad-catalog-16-17.pdf>
- Link to **2016-2017** Student Handbook:
  - <https://www.stmartin.edu/sites/default/files/smufiles/student-affairs/student-handbook-2016-2017.pdf>
- Link to “student resources” for Extended Learning Division students  
<https://www.stmartin.edu/directory/extended-learning-division/student-resources>
- Link to emergency/weather information:
  - <https://www.stmartin.edu/directory/office-public-safety>
- Link to sign up for e2campus emergency alert text messaging:
  - <https://www.e2campus.net/my/stmartin/signup.htm>
- Link to Office of Registrar forms:
  - <https://www.stmartin.edu/forms?topic=Registrar>

### **Saint Martin’s University and the O’Grady Library**

The O’Grady Library collections and services are available to all Saint Martin’s University students, regardless of physical location. To explore the collections, services and research tools available, visit the O’Grady Library homepage:

<https://www.stmartin.edu/academics/academic-resources/ogrady-library>

### **Research assistance**

- Appointments
  - Librarians are available to make either in-person or phone appointments with individuals and/or groups working on research projects. The librarians can do a

general tour of the library, orient you to the services and collections available or provide in-depth instruction on using the research tools available for your class. To request a consultation, please use the form:

<https://www.stmartin.edu/academics/academic-resources/ogrady-library/research/consultations>

- Chat service
  - The library also partners with a nationwide group of librarians to offer a chat service 24 hours a day, 7 days a week. Working late on a paper and not sure where to start? The chat service librarians can access almost all of the library's resources and can often help you get started on a project or help you figure out if something is available. To start a chat, go to:

<http://tinyurl.com/dyaew23>

- Research guides
  - The library also has a series of research guides that pull together key databases, reference sources and websites that are particularly useful in a subject area. To explore the research guides, go to:

<http://stmartin.libguides.com/>

- How do I...? tutorials
  - The O'Grady Library has a collection of "how to" tutorials designed to help you get started on research at the library. To explore the tutorials, go to:

<http://stmartin.libguides.com/tutorials>

## **Administrative Requirements**

### ➤ **Academic Integrity**

**Because of their importance, the academic policies and procedures related to academic dishonesty are copied here from pages 45-47 of the 2016-2017 academic catalog.**

#### **What is Academic Integrity?**

Saint Martin's University is a community of faculty, students and staff engaged in the exchange of ideas in the ongoing pursuit of academic excellence. Essential to our mission is a focused commitment to scholarly values, intellectual integrity, and a respect for the ideas, beliefs and work of others. This commitment extends to all aspects of academic performance. All members are expected to abide by ethical standards both in their conduct and their exercise of responsibility to themselves and toward other members of the community. As an expression of our shared belief in the Catholic Benedictine tradition, we support the intellectual, social, emotional, physical, and spiritual nurturing of students.

#### **What is Academic Dishonesty?**

Saint Martin's University defines Academic Dishonesty as violating the academic integrity of an assignment, test, or coursework. This occurs when students seek to gain for themselves or another, an academic advantage by deception or other dishonest means. All students have a responsibility to understand the requirements that apply to

**particular assessments and to be aware of acceptable academic practice regarding the use of material prepared by others. Therefore, it is the student's responsibility to be familiar with the University's policies surrounding Academic Dishonesty.**

**What are the Most Common Forms of Academic Dishonesty?**

Academic dishonesty includes but is not limited to:

- 1. Submitting material that is not yours as part of your course performance, such as submitting a downloaded paper off the Internet.**
- 2. Using information or devices not allowed by the instructor (such as digital devices, formulas or a computer program or data).**
- 3. Using unauthorized materials (such as a copy of an examination before it is given).**
- 4. Fabricating information, such as data for a lab report.**
- 5. Falsifying the results of your research; presenting as true or accurate material that you know to be false or inaccurate.**
- 6. Collaborating with others on assignments without the instructor's consent; when the assessment is a task designed for individuals and in which individual answers are required such as on-line assessments.**
- 7. Misrepresenting one's own work, which includes: submitting the same paper or computer program, or parts thereof, for credit in more than one course without prior permission of each the instructor.**
- 8. Misrepresenting one's attendance in classes or at events required of students enrolled in the course (e.g., viewing films, attending concerts, or visiting museums).**
- 9. Other forms of dishonest behavior, such as having another person take an exam for you, altering exam answers and requesting the exam be re-graded, communicating with anyone other than a proctor or instructor during the exam or grade tampering.**
- 10. Assisting others to commit dishonest practice including impersonating another student in a test or examination, writing an assignment for another student, giving answers to another student in a test or examination by any direct or indirect means, and allowing another student to copy answers in a test, examination or any other assignment.**

Plagiarism includes but is not limited to:

- 1. Unintended Plagiarism: Level One.** Although it is not intended, unintentional plagiarism is treated as dishonest practice. It is usually due to lack of care, naivety, and/or to a lack of understanding of acceptable academic behavior. This kind of plagiarism is easily avoided and is dealt with by the instructor and the Chair. The Provost is notified.
- 2. Intentional Plagiarism: Level Two** Intentional plagiarism is gaining academic advantage by copying or paraphrasing someone else's work and representing it as your own, or helping someone else copy your work and represent it as their own. It also includes self-plagiarism which is when you use your own work in a different paper or program without indicating the source. As with other dishonest practices, intentional plagiarism is treated very seriously by the University.

**ACADEMIC DISHONESTY AND THE APPEALS PROCESS**

The following steps are followed for incidents of cheating and plagiarism and their appeal:

- a) The professor encounters an incident that he or she judges to be cheating or plagiarism. The professor prescribes a penalty in keeping with the seriousness of the offense. The professor files an incident report with the Dean, with a copy to his/her Department Chair and Provost within seven days of notifying the student of the penalty. A copy of the incident report is provided to the student.
  - b) The student either accepts the penalty or files a written appeal with the Chair of the professor's department. The appeal must specify the grounds or reasons for the appeal, whether the student is appealing the charge of cheating/plagiarism, and/or the severity of the penalty prescribed.
  - c) The Chair renders a decision on the appeal within five business days and informs the student in writing with a copy to the Dean and the Provost. The student accepts the decision of the Chair or writes to the Dean within five business days seeking further review of the appeal. The student may not submit additional documentation at this stage.
  - d) The Dean reviews the appeal and informs the student of his/her decision within five business days, with a copy to the Chair and Provost. The Chair informs the Professor. The student may accept the decision of the Dean or within five business days, ask the Provost to additionally review his/her appeal.
  - e) The Provost's decision on the appeal, made within five business days of receiving a written request for review of the appeal by the student, is final.
  - f) The Department Chair, Dean, or Provost may constitute ad hoc Appeals Committee(s) to hear the case. This committee, if constituted, must include two faculty members and may also include the ASSMU President or his or her designee. The ad hoc Appeals Committee hears the case, investigates the circumstances surrounding it, and based on the facts of the case, advises the Chair, Dean, or Provost, as appropriate. The Provost's decision on the appeal is final.
  - g) In serious cases, the appeals committee or the Provost may recommend suspension or expulsion of the student from the University.
  - h) Multiple cases of proven cheating or plagiarism by a student will result in expulsion from Saint Martin's.
  - i) In seeking to suspend or expel the student, the Provost may seek the recommendation of the Academic Standards Committee. The Provost's decision constitutes the final appeal in these cases.
- What are the components of an "Incident Report?"**
- 1. The above policy should accompany the "Incident Report."
  - 2. The "Incident Report" should specifically remind the student of the right of appeal and how to appeal.
  - 3. The "Incident Report" includes the following:
    - a. The date of the incident.
    - b. The name and student ID of the student involved.
    - c. The course number and description.
    - d. A description of the assignment.
    - e. A description of the act or acts of academic dishonesty.
    - f. Evidence and/or documentation supporting the conclusion that academic dishonesty occurred.

**g. A detailed description of the penalty.**

➤ [Disabilities Support Service Explanation](#)

Access/Disability Services: Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 (ADA) mandates colleges and universities to provide "reasonable accommodation" to any enrolled student with a disability. The law protects the student's rights to have an equalized opportunity for learning and for participating in campus programs and activities. Students have the right to services and reasonable accommodations providing they meet the basic requirements to perform activities of the program. Saint Martin's University Student Services includes a Disability Support Services office which works with students and potential students. We arrange those accommodations that allow our students to participate in classes and activities and have equal access to a full education here at the university alongside their fellow students, in whatever format the class is offered.

*Students with medically recognized and documented (permanent or temporary) disabilities and who are in need of accommodation have an obligation to notify the University of their needs. Students who are in need of accommodation should first contact Disability Support Services, Lower Level O'Grady Library, 360-438-4580. If you need accommodations because of a disability, if you have emergency medical information that would be helpful for me to know, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible.*

➤ [Procedures for Requesting and Receiving an Incomplete Grade \("I"\)](#)

- Prior to the last week of the semester, the student must discuss with his/her faculty member the reason for the request of an "I" grade, and submit to the faculty an "Incomplete Form" which details the work yet to be completed. (See the "Helpful Links" section above for a link to the Registrar's "forms" webpage.)
- The faculty member must indicate on the form the letter grade the student will earn if she/he fails to complete the required coursework by the specified deadline (typically to be completed by the end of the following regular semester). Extension requests for up to an additional semester can be approved by the faculty member, who must notify the Registrar's Office of the extended time. Appeals for time beyond one year must be submitted by the student directly to the Provost.
- The faculty member may add additional comments relating to the reasons for the Incomplete grade, and must include the specific work required to remove the Incomplete grade before approving the request with his/her signature.
- The student must submit the approved "Incomplete Form" to the Office of the Registrar prior to the final week of the semester. • The faculty member has sole responsibility for assigning/ approving an Incomplete grade via the Incomplete Form.
- The Registrar's Office is responsible for recording the Incomplete, and for converting the "I" grade to either: 1) a faculty assigned grade at the end of the

**specified timeframe for completion or 2) to a default grade of “F” for those who fail to complete the requirements in the specified timeframe. The Registrar’s Office will also notify both the faculty and the student when a revision to an Incomplete grade has been processed.**

***Note: The removal of an “I” grade is the student’s responsibility. All coursework must typically be completed by the end of the next regular (fall or spring) semester after the Incomplete was granted. An Incomplete will remain on the student’s transcript for one (1) regular semester (fall or spring), or until the instructor submits a grade change (whichever occurs first). Requests for an extended additional semester must be discussed with the instructor, and if approved, the instructor must notify the Registrar’s Office prior to conversion of the Incomplete grade to an F.***

**If a grade change has not been submitted within the allotted time frame, the “I” grade will convert to an F or designated letter grade indicated by the faculty on the Incomplete Form, and will remain part of the studen**