

# UNIVERSITY OF DENVER

## DANIELS COLLEGE OF BUSINESS

### THE FOUNDATIONS OF BUSINESS LAW ★ LGST 2000

### AUTUMN QUARTER ★ 2012

The mission of the Daniels College of Business is to foster Enlightened Practice, Professional Achievement and a Commitment to Community among those engaged in management and the business professions.

#### DCB MISSION STATEMENT

As an institution that emphasizes the scholarship of teaching, our mission is achieved through programs that recognize the diversity of a global economy and embrace:

- ★ Knowledge and technical ability
- ★ Interpersonal skills and intercultural understanding
- ★ Ethically based leadership and social responsibility

#### DCB MISSION ICON



#### PROFESSOR C

Professor Corey Ciocchetti ★ Department of Business Ethics & Legal Studies

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**OFFICE** DCB 693 (6th floor east wing)

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**PHONE** o. (303) 871-2391 ★ c. (303) 522-7110

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**CONNECT W/  
PROFESSOR C** [portfolio.du.edu/cciocche](http://portfolio.du.edu/cciocche) ★ [facebook.com/profc](https://facebook.com/profc) ★ [twitter.com/coreyciocchetti](https://twitter.com/coreyciocchetti) ★  
[coreyspeaks.com](http://coreyspeaks.com) ★ [ethicspost.com](http://ethicspost.com) ★ [du.edu/blackboard](http://du.edu/blackboard)

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The Department of Business Ethics and Legal Studies (BELS) in the Daniels College of Business ★ [daniels.du.edu/schoolsdepartments/ethics/index.html](http://daniels.du.edu/schoolsdepartments/ethics/index.html) ★ offers one of the most popular undergraduate minors at DU. Professionally relevant and fun courses represent the essence of the BELS minor. Please contact Professor C if you find such a course of study appealing.

**BELS**

- ★ Alternative Dispute Resolution
- ★ Business Ethics and Social Responsibility
- ★ Constitution and Business | Advanced Constitutional Law
- ★ Contracts
- ★ E-Commerce
- ★ Employment Law
- ★ International Law

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**OFFICE HOURS** Tuesday & Thursday 5:00-6:00 pm ★ also by appointment ★ Professor C's remaining office hours reserved for previously scheduled Google Calendar meetings

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**LOGISTICS**

**TITLE**

LGST 2000 ★ Foundations of Business Law

<b>SECTIONS</b>	Section 10 ★ CRN 2714 ★ Tues./Thurs. ★ 12:00-1:50 pm
	Section 11 ★ CRN 2715 ★ Tues./Thurs. ★ 2:00-3:50 pm
<b>ROOM</b>	DCB 200

**REQUIRED  
COURSE  
MATERIALS**

<b>TEXTBOOK # 1</b>	F. Cross and R. Miller, WEST'S LEGAL ENVIRONMENT OF BUSINESS, 7th Edition (2008 West Publishing)  ★ access via LGST 2000 Blackboard ★
<b>TEXTBOOK # 2</b>	C. Ciocchetti, REAL RABBITS: CHASING AN AUTHENTIC LIFE (2nd Edition) (2007)
<b>COURSE PACK</b>	C. Ciocchetti, THE FOUNDATIONS OF BUSINESS LAW (10th Edition) (2012)
<b>BLACKBOARD ASSIGNMENTS</b>	Assignments are posted via the LGST 2000 Blackboard course container under the "Assignments" link

**PURPOSES &  
GOALS**

The Foundations of Business Law is a cornerstone undergraduate course delivering a rigorous introduction to major topics, theories and issues relevant to the legal and ethical elements of the 21st century business environment. This course also focuses on legal and ethical reasoning and strives to enhance each student's ability to integrate these perspectives into appropriate business decisions. Beyond these overarching goals, this course will encourage students to:

- ★ Acquire the basic analytical tools necessary to engage in legal and ethical analyses of business problems and decisions
- ★ Apply basic legal and ethical concepts to today's business environment
- ★ Appreciate the distinction between an ethical and a legal judgment and deduce useful methods of integrating such perspectives into business decisions
- ★ Attain a knowledge base steeped in major ethical frameworks that will prove invaluable in each individual's course of study, professional career and personal endeavors

**PHILOSOPHY &  
PEDAGOGY**

The course will include elements of lecture, interactive student to student and student to professor discussion as well as several student debates and one student negotiation. Class sessions will emphasize topic introductions, theoretical foundations as well as case and current issue analysis. Besides taking two examinations (the final being non-comprehensive), students

will also be required to take a series of quizzes, draft one issue paper, engage in three issue debates in front of their peers and actively participate in class discussions. Students have two class periods to contest or verify any grade from the date upon which such grade is posted. No exceptions will be made. Throughout the quarter, a series of speakers may be invited to discuss legal and ethical issues arising in their professional environments. Students are encouraged to engage these speakers both during and after each presentation.

If interest exists, review sessions may be held prior to quizzes and examinations. Professor Ciocchetti will determine specific dates for these reviews and each review session is voluntary. It is also beneficial to discuss high-quality answers to examination questions. Therefore Professor C may dedicate time for a brief answer-review period subsequent to quizzes and examinations.

**GRADING  
SCALE**

<u>PERCENTAGE RANK</u>	<u>LETTER GRADE</u>	<u>GRADE POINT</u>
93.0 – 100.0%	A ( <i>excellent</i> )	4.0
90.0 – 92.99%	A-	3.7
87.0 – 89.99%	B+	3.3
83.0 – 86.99%	B ( <i>good</i> )	3.0
80.0 – 82.99%	B-	2.7
77.0 – 79.99%	C+	2.3
73.0 – 76.99%	C ( <i>satisfactory</i> )	2.0
70.0 – 72.99%	C-	1.7
67.0 – 69.99%	D+	1.3
63.0 – 66.99%	D	1.0
60.0 – 62.99%	D-	0.7
00.0 – 59.99%	F	0.0

Grades are based on the following distribution & weighting:

<u>ENDEAVOR</u>	<u>DATE</u>	<u>WEIGHT</u>
<b>1. EXAMINATIONS</b>		<b>40%</b> <b>(20% per exam)</b>
Examination #1	October 11   12:00-1:00 ★ 2:00-3:00	
Examination #2	November 20   12:00-1:00 ★ 2:00-3:00	
<b>2. QUIZZES</b>		<b>25%</b>
Quiz #1	Ethics   September 25	
Quiz #2	Contract Formation   October 9	
Quiz #3	Torts   October 23	
Quiz #4	Employment Law   November 1	
Quiz #5	Intellectual Property   November 6	
<b>3. ISSUE DEBATES</b>		<b>15%</b>
Debate #1	Passion   September 20	
Debate #2	Passion & Knowledge   October 16	
Debate #3	Putting it all Together   October 30	
<b>4. ETHICAL CHECKUPS</b>		<b>10%</b>
10 Assignments	REAL RABBITS Portfolio   due weekly	
<b>5. PARTICIPATION &amp; EBC</b>		<b>10%</b>

**DATES &  
WEIGHTS**

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**ANONYMOUS  
COURSE  
EVALUATIONS**

Course evaluations may be distributed throughout the quarter. These brief surveys will gauge your feelings about the course pace / structure, usefulness of materials and your overall satisfaction level. Because this course is designed to be flexible, I may utilize your feedback to enhance the class format, materials and class dynamics.

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**MEET W/  
PROFESSOR C!**

My students are strongly encouraged to meet with me over the course of the quarter. These meetings allow students one-on-one time with their professor. We can discuss the course, your resume /cover letters, major and future in general. Meetings are ten-minutes long and must be scheduled in advance via Google Calendar. I invite each student to my calendar around the first day of class.

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**PARTICIPATION**

Our participation system is detailed in your CoursePack.

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DCB operates as a learning community whereby true success and achievement demand academic integrity. Our community values and standards take written form through the *Code of Academic Integrity*. Please read the *Code* before your first lecture and pay special attention to the academic standards reproduced below:

**ACADEMIC  
INTEGRITY**

The academic integrity of the Daniels College of Business is violated when any member of the community appropriates the work of another as his/her own without attribution. Whether in testing, research, case studies, written reports or other academic assignments, using that which is the product of another's intellectual effort and representing it as one's own is a violation intolerable to the integrity of the community of the College.

The academic integrity of the College is also violated when any member of the community takes unfair advantage of his / her colleagues or gives assistance to such conduct, whether in testing or in the development of other academic assignments. Such violations that come to the attention of any member of the community require "constructive action" and failure to take such action is itself a violation of the academic integrity of the College.

This is an ethics class! ★ DU also has an Honor Code ★ [du.edu/studentlife/ccs/index.html](http://du.edu/studentlife/ccs/index.html)  
★ all DU students (i.e., you) sign and continuously pledge to abide by the DU Honor Code

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**STUDENTS W/**

If you have a disability protected under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act and need to request accommodations, please speak with Professor C.

**DISABILITIES**

privately and schedule an appointment with the Disability Services Program. DSP is located in The Center below the bookstore in Driscoll South and can be reached via phone at (303) 871-2278.

If you qualify for extended time on quizzes and examinations please note that DSP / LEP require advance notice for accommodation. Professor C is not responsible for your failure to set up extended time testing. If DSP / LEP does not grant your accommodation, you must take the specific quiz / examination in class and will not receive extended time. Finally, all extended time test takers must take all quizzes and examinations in the DSP offices and then come to class that same day after students complete their in-class quizzes / examinations to attend Professor C's lecture.

**PERFORMANCE  
ASSESSMENT**

The Daniels College of Business may use assessment tools in this course and other courses for evaluation. Educational Assessment is defined as the systematic collection, interpretation, and use of information about student characteristics, educational environments, learning outcomes and client satisfaction to improve program effectiveness, student performance and professional success.

# COURSE SCHEDULE: ETHICAL EMPHASIS

## INTRODUCTION TO BUSINESS ETHICS

### CLASS I

SEPTEMBER 11, 2012

- |                              |            |                        |
|------------------------------|------------|------------------------|
| 1. INTRODUCTION              | BLACKBOARD | READ SYLLABUS          |
| 2. ETHICS: LIFE'S GRAY AREAS | IN CLASS   | SURVEY ONE             |
| 3. PROFESSIONALISM           | CIOCCHETTI | PAGES 1-25 & CHAPTER 6 |

## TELEOLOGICAL AND DEONTOLOGICAL THEORIES

### CLASS II

SEPTEMBER 13, 2012

- |                                  |                |                         |
|----------------------------------|----------------|-------------------------|
| 1. CONSEQUENCES                  | BLACKBOARD     | ASSIGNMENT #1           |
| 2. DUTIES                        | BLACKBOARD     | ASSIGNMENT #1           |
| 3. CASE #1   <u>BROWN V. EMA</u> | SCOTUSBLOG.COM | READ OPINION PAGES 1-18 |
| 4. DECISIONS   CHECKUP #1 DUE    | CIOCCHETTI     | CHAPTER 12   PAPER      |

## VIRTUE ETHICS AND ALTERNATIVE ETHICAL THEORIES

### CLASS III

SEPTEMBER 18, 2012

- |                                     |                |                         |
|-------------------------------------|----------------|-------------------------|
| 1. VIRTUES                          | BLACKBOARD     | ASSIGNMENT #1           |
| 2. ALTERNATIVES                     | BLACKBOARD     | ASSIGNMENT #2           |
| 3. CASE #2   <u>U.S. V. ALVAREZ</u> | SCOTUSBLOG.COM | READ OPINION PAGES 1-18 |
| 4. CHARACTER                        | CIOCCHETTI     | CHAPTER 3               |



# BUSINESS | ETHICS | PASSION

## CLASS IV

SEPTEMBER 20, 2012

- |                         |            |            |
|-------------------------|------------|------------|
| 1. DEBATE ONE   PASSION | COURSEPACK | DEBATE ONE |
| 2. CHECKUP #2 DUE       |            | PAPER      |

## COURSE SCHEDULE LEGAL EMPHASIS

### AMERICAN COURT SYSTEM | CONSTITUTIONAL LAW

## CLASS V

SEPTEMBER 25, 2012

- |  |                           |                         |
|--|---------------------------|-------------------------|
| 1. QUIZ ONE   ETHICS                       | 30 MINUTES   END OF CLASS | COMPUTER REQUIRED       |
| 2. AMERICA'S COURT SYSTEM                  | CROSS & MILLER            | CHAPTER 2               |
| 3. CASE #3   <u>AT&amp;T V. CONCEPCION</u> | SCOTUSBLOG.COM            | READ OPINION PAGES 1-18 |
| 4. LEARNING TO THINK                       | CIOCCHETTI                | CHAPTER 7               |

## CLASS VI

SEPTEMBER 27, 2012

- |                                      |                |                     |
|--------------------------------------|----------------|---------------------|
| 1. CONSTITUTIONAL LAW I              | CROSS & MILLER | CHAPTER 5           |
| 2. CASE #4   <u>SNYDER V. PHELPS</u> | SCOTUSBLOG.COM | READ ENTIRE OPINION |
| 3. FAILURE   CHECKUP #3 DUE          | CIOCCHETTI     | CHAPTER 14   PAPER  |

## CLASS VII

OCTOBER 2, 2012

- |                                      |                |                        |
|--------------------------------------|----------------|------------------------|
| 1. CONSTITUTIONAL LAW II             | CROSS & MILLER | CHAPTER 5              |
| 2. CASE #4   <u>SNYDER V. PHELPS</u> | SCOTUSBLOG.COM | RE-READ ENTIRE OPINION |
| 3. YOUR FOUNDATION                   | CIOCCHETTI     | RE-READ PAGES 1 - 25   |

# CONTRACTS

## CLASS VIII

OCTOBER 4, 2012

- |  |                |                     |
|--|----------------|---------------------|
| 1. CONTRACT FORMATION                      | CROSS & MILLER | CHAPTER 9           |
| 2. CASE #5   <u>INDIANAPOLIS V. ARMOUR</u> | SCOTUSBLOG.COM | READ ENTIRE OPINION |
| 3. TIME   CHECKUP #4 DUE                   | CIOCCHETTI     | CHAPTER 10   PAPER  |

## CLASS IX

OCTOBER 9, 2012

- |                                 |                           |                   |
|---------------------------------|---------------------------|-------------------|
| 1. QUIZ TWO   FORMATION         | 30 MINUTES   END OF CLASS | COMPUTER REQUIRED |
| 2. CONTACT PERFORMANCE & BREACH | CROSS & MILLER            | CHAPTER 10        |
| 3. CONSISTENT PERSISTENCE       | CIOCCHETTI                | CHAPTER 8         |

# EXAMINATION ONE

## CLASS X

OCTOBER 11, 2012

12:00 - 1:00 PM → SECTION 11 | CHECKUP #5 DUE

2:00 - 3:00 PM → SECTION 8 | CHECKUP #5 DUE

NOTE | COMPUTER REQUIRED | EXAMINATION = ONE-HOUR

# CONSTITUTIONAL LAW DEBATE

## CLASS XI

OCTOBER 16, 2012

- |                                 |            |            |
|---------------------------------|------------|------------|
| 1. DEBATE TWO   BUSINESS SPEECH | COURSEPACK | DEBATE TWO |
|---------------------------------|------------|------------|

# TORTS

## CLASS XII

OCTOBER 18, 2012

- |   |                |                     |
|---|----------------|---------------------|
| 1. HELP . . . I'M INJURED               | CROSS & MILLER | CHAPTER 12          |
| 2. CASE #6   <u>WILLIAMSON V. MAZDA</u> | SCOTUSBLOG.COM | READ ENTIRE OPINION |
| 3. RELATIONSHIPS   CHECKUP #6 DUE       | CIOCCHETTI     | CHAPTER 11   PAPER  |

# EMPLOYMENT LAW

## CLASS XIII

OCTOBER 23, 2012

- |                             |                           |                   |
|-----------------------------|---------------------------|-------------------|
| 1. QUIZ THREE   TORTS       | 30 MINUTES   END OF CLASS | COMPUTER REQUIRED |
| 2. EMPLOYMENT RELATIONSHIPS | CROSS & MILLER            | CHAPTER 20        |

## CLASS XIV

OCTOBER 25, 2012

- |   |                |                         |
|---|----------------|-------------------------|
| 1. EMPLOYMENT DISCRIMINATION                | CROSS & MILLER | CHAPTER 21              |
| 2. CASE #7   <u>HOSANNA-TABOR V. PERICH</u> | SCOTUSBLOG.COM | READ OPINION PAGES 1-22 |
| 3. LUCK   CHECKUP #7 DUE                    | CIOCCHETTI     | CHAPTER TWO   PAPER     |

## CLASS XV

OCTOBER 30, 2012

- |                                  |            |              |
|----------------------------------|------------|--------------|
| 1. DEBATE THREE   EMPLOYMENT LAW | COURSEPACK | DEBATE THREE |
|----------------------------------|------------|--------------|

# INTELLECTUAL PROPERTY

## CLASS XVI

NOVEMBER 1, 2012

- |                               |                           |                   |
|-------------------------------|---------------------------|-------------------|
| 1. QUIZ FOUR   EMPLOYMENT LAW | 30 MINUTES   END OF CLASS | COMPUTER REQUIRED |
| 2. PROPERTY OF THE MIND       | CROSS & MILLER            | CHAPTER 14        |
| 3. CHECKUP #8 DUE             | CIOCCHETTI                | PAPER             |

# CRIMINAL LAW AND CORPORATE CRIME

## CLASS XVII

NOVEMBER 6, 2012

- |                                       |                           |                     |
|---------------------------------------|---------------------------|---------------------|
| 1. QUIZ FIVE   INTELLECTUAL PROP.     | 30 MINUTES   END OF CLASS | COMPUTER REQUIRED   |
| 2. CRIMES                             | CROSS & MILLER            | CHAPTER 7           |
| 3. CASE #8:   <u>MAPLES V. THOMAS</u> | SCOTUSBLOG.COM            | READ ENTIRE OPINION |

# CORPORATE LAW AND SECURITIES REGULATION

## CLASS XVIII

NOVEMBER 8, 2012

- |   |                |                     |
|---|----------------|---------------------|
| 1. START A BUSINESS                           | CROSS & MILLER | CHAPTER 18          |
| 2. WALL STREET                                | CROSS & MILLER | CHAPTER 28          |
| 3. CASE #9   <u>CREDIT SUISSE V. SIMMONDS</u> | SCOTUSBLOG.COM | READ ENTIRE OPINION |
| 4. CHECKUP #9 DUE                             |                | PAPER               |

# ALTERNATIVE DISPUTE RESOLUTION

## CLASS XIX

NOVEMBER 13, 2012

- |                                       |            |                         |
|---------------------------------------|------------|-------------------------|
| 1. PROFESSIONAL SPORTS                | COURSEPACK | GROUP EXERCISE          |
| 2. CASE #10   <u>TOM BRADY V. NFL</u> | GOOGLE     | READ OPINION PAGES 1-31 |
| 3. LIVE A RECESSION-PROOFED LIFE      | CIOCCHETTI | CHAPTER 9               |

## IN CONCLUSION

## CLASS XX

NOVEMBER 15, 2012

- |                                     |            |                   |
|-------------------------------------|------------|-------------------|
| 1. PROFESSOR C'S PHILOSOPHY ON LIFE | IN-CLASS   | LECTURE           |
| 2. HUSTLE, FIGHT, LISTEN & LAUGH    | CIOCCHETTI | CHAPTER 15        |
| 3. CHECKUP #10 & PORTFOLIO DUE      | CIOCCHETTI | PAPER   PORTFOLIO |
| 4. FINAL EXAMINATION REVIEW         | IN-CLASS   | NO OUTSIDE REVIEW |

## EXAMINATION TWO

YOU MUST TAKE THE EXAM @ THE TIME BELOW

NOVEMBER 20, 2012

12:00 - 1:00 PM → SECTION 10

2:00 - 3:00 PM → SECTION 11

NOTE | COMPUTER REQUIRED | EXAMINATION = ONE-HOUR

## **MODULES AND LEARNING OBJECTIVES**

**THE ETHICAL ENVIRONMENT, TELEOLOGICAL & DEONTOLOGICAL THEORIES:** To evaluate the role ethical theories play in today's business environment. To analyze the components of major teleological theories – focusing on utilitarianism; to apply and evaluate teleological approaches to business issues identifying strengths and weaknesses as analytical frameworks. To evaluate the concepts of duties and rights; to synthesize and evaluate a deontological analysis to business issues identifying strengths and weaknesses as analytical frameworks.

**VIRTUE ETHICS:** To analyze and evaluate the concept of virtue ethics, to synthesize virtue ethics with an examination of a manager's behavior; to synthesize virtue ethics to the major alternative ethical decision frameworks.

**ALTERNATIVE ETHICAL THEORIES:** To evaluate, distinguish and debate different ethical theories from a business perspective and compare and contrast alternative ethical frameworks to teleological, deontological and virtue theories.

**THE LEGAL ENVIRONMENT:** To evaluate various theories of law; to analyze those theories with current business issues and practices; to compare and contrast the various modes of legal reasoning; to distinguish the features of traditional litigation from the features of alternative dispute resolution.

**AMERICA'S COURT SYSTEM & CONSTITUTIONAL LAW:** To analyze the main features of America's court system and to evaluate important features of a legal case. To evaluate constitutional powers and their origins and to evaluate how the commerce clause expands and limits the regulatory power of governments; to apply the ingredients of the commerce clause in determining the constitutionality of a federal or state law. To evaluate legal tests protecting the freedom of expression; to analyze the protection given commercial speech; to explain how the First Amendment both protects and limits corporate political speech; to explain and apply concepts, including the ethical foundations, of due process and equal protection.

**CONTRACTS:** To explain the ethical foundation for the various elements of contract law; to explain the major elements of contracts; to explain various remedies available for breach of contract actions. To recognize the Uniform Commercial Code and to understand the Code's most basic provisions and functions.

**TORTS, STRICT LIABILITY, AND PRODUCT LIABILITY:** To synthesize and distinguish the concepts of negligence and strict liability; to apply those concepts to specific business practices and harmful products; to analyze the legal defenses to negligence or strict liability; to evaluate strict liability according to leading ethical frameworks.

**EMPLOYMENT LAW & AGENCY:** To investigate the breadth of employment law topics; to examine employment relationships; to appraise the various components of Title VII of the Civil Rights Act and to explain employer defenses to an employment discrimination lawsuit; to apply ethical decision frameworks to examples of discrimination. To explain the legal concept of agency; to distinguish between an employee and an independent contractor and explain the legal rights and duties of each; to analyze the concept of vicarious liability and apply it to instances of potential employer liability.

**INTELLECTUAL PROPERTY & E-COMMERCE:** To assess the basic concepts of patent law, copyright law, and trade secret law; to evaluate those concepts to examples of high technology products; to evaluate intellectual property law according to leading ethical frameworks and to place e-commerce in the mix of current intellectual property issues.

**CRIMINAL LAW:** To compare and contrast essential elements of criminal law – focusing on business-related crime.

**BUSINESS ORGANIZATIONS & SECURITIES REGULATION:** To analyze and distinguish between the leading organizational forms; to explain the legal duties of directors and rights of shareholders in a corporation. To integrate the basic structure of regulation and the functioning of the relevant American regulatory bodies charged with regulating securities.