

UNIVERSITY OF DENVER

DANIELS COLLEGE OF BUSINESS

LAW AND PUBLIC POLICY (MBA 4610)

SUMMER 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 STATEMENT ICON



FACULTY

Professor Corey Ciocchetti – Department of Business Ethics & Legal Studies /Daniels College of Business / University of Denver / <http://portfolio.du.edu/cciocche>

OFFICE

Daniels College of Business 693 (located on the 6th Floor of DCB)

PHONE

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E-MAIL

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OFFICE HOURS

Mon. & Wed. 4:30 – 5:20 pm (please call or e-mail first) / also by appointment / Professor C's remaining office hours are reserved for previously scheduled student meetings

COURSE LOGISTICS

Title → Law & Public Policy

Section → MBA 4610 (Section 7) / CRN 1257 / Monday & Wednesday / 5:30-7:40pm
MBA 4610 (Section 1) / CRN 1848 / Monday & Wednesday / 7:50-10:00pm

Room → DCB 300

**REQUIRED
COURSE
MATERIALS AND
RESOURCES**

1. TEXTBOOK # 1 – Constance E. Bagley and Diane W. Savage, *Managers and the Legal Environment: Strategies for the 21st Century*, THOMSON WEST (Sixth Edition)
2. BLACKBOARD ASSIGNMENTS – Particular class sessions may contain reading assignments / cases from Blackboard. These assignments will be detailed in the course schedule below. I post these assignments on the Blackboard course container for Law and Public Policy (Blackboard) (<http://www.du.edu/blackboard>) under the “Assignments & Cases” link.

Law and Public Policy is a cornerstone graduate course delivering a comprehensive introduction to major topics, theories and issues relevant to the legal and ethical elements of the 21st century business environment. This course is designed as a survey course to cover a broad scope of basic concepts, along with their application to three major policy areas. The course contains an exploration of the role of public policy in the business environment. The also examines the legal environment of business, including key elements of private law (contracts, torts, and business organization law) and public law (employment law, administrative law, securities regulations, environmental law, and intellectual property law).

**PURPOSES AND
GOALS OF
MBA 4610**

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, the Law and Public Policy will encourage students to:

- To provide a background and foundation in the fundamental concepts of law and public policy to apply throughout the MBA program.
- To introduce students to concepts of law and public policy essential to the Compass courses created in the MBA program.
- To elevate the ability of students to analyze important legal questions and problems facing business.
- To elevate the ability of students to analyze trends and forces in public policy that affect business.

**INSTRUCTIONAL
PHILOSOPHY
AND PEDAGOGY**

The course will include elements of lecture, interactive student to student and student to professor discussion as well as several student debates. Class sessions will emphasize topic introductions, theoretical foundations as well as case and current issue analysis. Besides taking one comprehensive examination, students will also be required to take a series of quizzes, engage in two written and verbal issue debates and actively participate in class discussions. Students have one class period 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 all quizzes and examinations. Professor Ciochetti will determine specific dates for these reviews and each review session is voluntary. It is also beneficial to discuss what I consider to be high quality examination answers and, accordingly, we may dedicate time for a brief answer-review period subsequent to each quiz and examination. Finally, I reserve the right to revise this syllabus and grade schematic, if necessary, in order to accomplish more effectively the learning objectives of the course. In other words, if I’ve made a mistake, I get to fix it.

GRADING SCALE

PERCENTAGE RANK	LETTER GRADE	GRADE POINT
93.0 – 100.0%	A	4.0
90.0 – 92.99%	A-	3.7
87.0 – 89.99%	B+	3.3
83.0 – 86.99%	B	3.0
80.0 – 82.99%	B-	2.7
77.0 – 79.99%	C+	2.3
73.0 – 76.99%	C	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 will be based on the following distribution and weighting:

GRADING AND EVALUATION

ENDEAVOR	DATE	WEIGHT
1. EXAMINATION		20%
Final	Comprehensive Exam → August 15 (in class)	
2. QUIZZES		30%
Quiz One	Classes I-VI → July 11	
Quiz Two	Classes VII-XI → July 30	
Quiz Three	Classes XII-XIV → August 8	
3. ISSUE DEBATES		40%
Debate One	Selling Arguments → July 2	
Debate Two	Public Policy: TBD → August 13	
4. PARTICIPATION & QUESTIONS		10%

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 is a course designed to be flexible, I will readily utilize your feedback to enhance the class format, materials and dynamics if necessary.

MEET WITH PROFESSOR C!

Students enrolled in each of my courses are encouraged to meet with me at least once over the course of the quarter. These meetings are designed to allow students one-on-one time with their professor to discuss the course, the law, or their future in general. These meetings are fifteen minutes long and must be scheduled via Google Calendar.

Please see the document entitled PARTICIPATION for a detailed explanation of the participation system for this course.

PARTICIPATION

NO LAPTOPS: Let's face it: if you're surfing the web or checking your email during class, participation will be less than stellar. If you have lost the ability to take notes using pen and paper, you are welcome to bring an audio recording device to class. You will need your laptop to take quizzes, take the final examination and participate in the debates.

Students are also required to submit one examination question on Blackboard prior to the beginning of each class. Questions can be true/false or multiple choice and must be difficult. Grading will be rigorous. The best questions may end up on the examinations.

The Daniels College of Business (the "College") operates as a learning community whereby true success and achievement demand academic integrity. The College's community values and standards take written form through the Code of Academic Integrity (located at http://www.daniels.du.edu/pdf/code_of_academic_integrity.pdf). Please read the entire Code of Academic Integrity before attending your first lecture this quarter and pay special attention to the academic standards reproduced below.

ACADEMIC INTEGRITY

Section II – Fundamental Purpose of the Code * * * 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 which 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. * * *

In addition to the College, the University's of Denver's Office of Citizenship and Community Standards developed an Honor Code (<http://www.du.edu/honorcode>). All University of Denver students also are required to abide by the standards of academic integrity detailed in the University Honor Code.

OFFICIAL COMMUNICATIONS

The standard method of communicating official information from the Daniels College of Business to its students is the University's electronic mail (e-mail) system. Private e-mail accounts will not be accepted as appropriate e-mail addresses. Students may set up their University e-mail account so that messages are forwarded to another account automatically. Instructions about forwarding messages are available on the University website at <http://www.du.edu/uts/policies/index.html>.

STUDENTS WITH DISABILITIES

If you have a disability protected under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act and need to request accommodations, please speak with Professor C. privately and schedule an appointment with the Disability Services Program (DSP). DSP is located in The Center below the bookstore in Driscoll South – phone 303-871-2455.

**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.

**LEARNING
OBJECTIVES**

1. Students will be able to describe and explain the elements of the public policy environment of business.
2. Students will be able to describe and explain the basic elements of the legal environment of business, including concepts of both private and public law.
3. Students will be able to evaluate key aspects of regulatory policy, competition policy, and natural resource policy.
4. Students will be able to apply basic concepts of law and public policy to broader issues in today's legal environment.

COURSE SCHEDULE: LEGAL EMPHASIS

CIVIL PROCEDURE

CLASS I JUNE 18, 2012

- | | | |
|---------------------------------|----------------|-------------------|
| 1. <i>ZIVOTOFSKY V. CLINTON</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 2. HOW TO BRIEF A CASE | DISCUSSION | IN-CLASS |
| 3. CIVIL PROCEDURE | DISCUSSION | IN-CLASS |
| 4. COMMON LAW PRECEDENT | DISCUSSION | IN-CLASS |

THE CONSTITUTION & BUSINESS

CLASS II JUNE 20, 2012

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|--|----------------|-------------------|
| 1. CONSTITUTIONAL REGULATION | BAGLEY | CHAPTER 4 |
| 2. <i>HOSANNA-TABOR CHURCH V. EEOC</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. CONSTITUTIONAL STRUCTURE | DISCUSSION | IN-CLASS |
| 4. FEDERALISM COMMERCE CLAUSE | DISCUSSION | IN-CLASS |

DISPUTE RESOLUTION

CLASS III JUNE 25, 2012

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|------------------------------------|----------------|-------------------|
| 1. COURTS DISPUTE RESOLUTION | BAGLEY | CHAPTER 3 |
| 2. <i>FREEMAN V. QUICKEN LOANS</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. ARBITRATION V. GOING TO TRIAL | DISCUSSION | IN-CLASS |

TORTS | E-COMMERCE & INFORMATION PRIVACY

CLASS IV JUNE 27, 2012

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|---------------------------------|----------------|-------------------|
| 1. TORTS AND PRIVACY PROTECTION | BAGLEY | CHAPTER 9 |
| 2. <i>U.S. V. JONES</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. ELEMENTS OF TORTS | DISCUSSION | IN-CLASS |
| 4. E-COMMERCE INFO. PRIVACY | DISCUSSION | IN-CLASS |

INTELLECTUAL PROPERTY

CLASS V JULY 2, 2012

1. **DEBATE ONE: SELL IT!**
2. INTELLECTUAL PROPERTY
3. *GOLAN V. HOLDER*
4. PATENTS | COPYRIGHTS | MARKS
5. TRADE DRESS | TRADE SECRETS

MEMORANDUM DUE
BAGLEY
SCOTUSBLOG.COM
DISCUSSION
DISCUSSION

IN-CLASS
CHAPTER 11
READ | TAKE NOTES
IN-CLASS
IN-CLASS

CONTRACT LAW

CLASS VI JULY 9, 2012

1. CONTRACTS
2. *ARMOUR V. INDIANAPOLIS*
3. CONTRACTUAL ELEMENTS
4. NON-COMPETE | NON-DISCLOSURE

BAGLEY
SCOTUSBLOG.COM
DISCUSSION
DISCUSSION

CHAPTER 7
READ | TAKE NOTES
IN-CLASS
IN-CLASS

EMPLOYMENT LAW

CLASS VII JULY 11, 2012

1. **QUIZ ONE: CLASSES I-VI**
2. EMPLOYMENT AGREEMENTS
3. *CHRISTOPHER V. SMITHKLINE*
4. EMPLOYEE V. IND. CONTRACTOR

COMPUTER REQUIRED
BAGLEY
SCOTUSBLOG.COM
DISCUSSION

IN-CLASS
CHAPTER 12
READ | TAKE NOTES
IN-CLASS

DISCRIMINATION IN EMPLOYMENT

CLASS VIII JULY 16, 2012

1. CIVIL RIGHTS | DISCRIMINATION
2. *COLEMAN V. COURT OF APPEALS*
3. THE CIVIL RIGHTS ACT OF 1964
4. IMMIGRATION | SEX. ORIENTATION

BAGLEY
SCOTUSBLOG.COM
DISCUSSION
DISCUSSION

CHAPTER 13
READ | TAKE NOTES
IN-CLASS
IN-CLASS

EXECUTIVE COMPENSATION | EMPLOYEE BENEFITS

CLASS IX JULY 18, 2012

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|-------------------------------------|----------------|-------------------|
| 1. EXEC. COMPENSATION BENEFITS | BAGLEY | CHAPTER 14 |
| 2. <i>CREDIT SUISSE V. SIMMONDS</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. REGULATION OF COMPENSATION | DISCUSSION | IN-CLASS |

CRIMINAL LAW | CORPORATE CRIMES

CLASS X JULY 23, 2012

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|--------------------------------|----------------|-------------------|
| 1. CRIMINAL LAW | BAGLEY | CHAPTER 15 |
| 2. <i>MAPLES V. THOMAS</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. ELEMENTS OF BUSINESS CRIMES | DISCUSSION | IN-CLASS |
| 4. WHITE COLLAR CRIME | DISCUSSION | IN-CLASS |

BUSINESS ORGANIZATIONS

CLASS XI JULY 25, 2012

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|--------------------------------|----------------|-------------------|
| 1. FORMS OF BUS. ORGANIZATIONS | BAGLEY | CHAPTER 20 |
| 2. <i>KNOX V. SEIU</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. BUSINESS JUDGMENT RULE | DISCUSSION | IN-CLASS |
| 4. ORGANIZED LABOR | DISCUSSION | IN-CLASS |

SECURITIES LAW

CLASS XII JULY 30, 2012

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|--|--------------------------|-------------------|
| 1. QUIZ TWO: CLASSES VII-XI | COMPUTER REQUIRED | IN-CLASS |
| 2. SECURITIES TRANSACTIONS | BAGLEY | CHAPTER 22 |
| 3. <i>U.S. V. HOME CONCRETE & SUPPLY</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 4. FEDERAL SECURITIES LAW | DISCUSSION | IN-CLASS |
| 5. PENALTIES INSIDER TRADING | DISCUSSION | IN-CLASS |

COURSE SCHEDULE: PUBLIC POLICY EMPHASIS

PUBLIC POLICY: REGULATORY POLICY MAKING

CLASS XIII AUGUST 1, 2012

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|-------------------------|----------------|-------------------|
| 1. ADMINISTRATIVE LAW | BAGLEY | CHAPTER 6 |
| 2. <i>FAA v. COOPER</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. EXECUTIVE AGENCIES | DISCUSSION | IN-CLASS |
| 4. BAILOUT NATION | DISCUSSION | IN-CLASS |

PUBLIC POLICY: THE ENVIRONMENT

CLASS XIV AUGUST 6, 2012

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|----------------------------|----------------|-------------------|
| 1. ENVIRONMENTAL LAW | BAGLEY | CHAPTER 15 |
| 2. <i>SACKETT v. EPA</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. GLOBAL "CLIMATE CHANGE" | DISCUSSION | IN-CLASS |
| 4. CAP AND TRADE | DISCUSSION | IN-CLASS |

PUBLIC POLICY: HEALTH CARE

CLASS XV AUGUST 8, 2012

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|--|--------------------------|-------------------|
| 1. QUIZ THREE: CLASSES –XII-XIV | COMPUTER REQUIRED | IN-CLASS |
| 2. <i>H.H.S. v. FLORIDA</i> | SCOTUSBLOG.COM | READ TAKE NOTES |
| 3. ROLES: MEDIA OPINION OTHER | DISCUSSION | IN-CLASS |

CORPORATE POLITICAL STRATEGY

CLASS XVI AUGUST 13, 2012

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|---------------------------------------|-----------------------|-----------------|
| 1. DEBATE TWO: TOPIC _____ | MEMORANDUM DUE | IN-CLASS |
| 2. <i>AMERICAN TRADITION v. A.G.</i> | DISCUSSION | IN-CLASS |
| 3. CAMPAIGN FIN. \$\$\$ IN POLITICS | DISCUSSION | IN-CLASS |
| 4. FINAL EXAMINATION REVIEW | REVIEW | IN-CLASS |

CHASING AN AUTHENTIC LIFE | FINAL EXAMINATION

CLASS XVII AUGUST 15, 2012

1. REAL RABBITS: AN AUTHENTIC LIFE
2. **FINAL EXAMINATION**

DISCUSSION
COMPUTER REQUIRED

IN-CLASS
IN-CLASS