

FLORIDA GULF COAST UNIVERSITY

BUL 5831 – BUSINESS LAW II

FALL 2004

- Instructor** : Carl Pacini, Ph.D., J.D., C.P.A., C.F.S.A.
- Office** : Academic Building 3 – Room 163
- Phone** : (239) 590-7344 (Office)
- E-mail** : cpacini@fgcu.edu
- Office Hours:** Mondays & Wednesdays: 10:00am-12 noon
Tuesdays & Thursdays: 10—11 am
- Classroom** : Griffin Hall – Room 215
- Class Times** : Wednesday 6:30—9:15 pm
- Last Day to Withdraw** : October 29, 2002
- Final Exam Date** : To be announced
- Required Materials** : Smith & Roberson's Business Law, 12th edition, by Mann and Roberts
- Suggested Materials** : CPA Exam Review Manual For Business Law
(Accounting majors only)

YOU ARE EXPECTED TO READ AND UNDERSTAND THE CONTENTS OF THIS SYLLABUS. IT IS VERY POSSIBLE THAT I COULD ASK YOU AN EXAM QUESTION THAT IS BASED ON MATERIAL IN THIS SYLLABUS.

**COURSE
DESCRIPTION:**

This course is designed to further the student's knowledge of the contemporary legal and ethical environment of business. Topics covered include constitutional law, torts, negligence, principal and agent, UCC—sales, negotiable instruments, bank deposits and collections, business organizations, secured transactions, bailments, bankruptcy, intellectual property, international business law, and real estate. A principal feature of the course is to develop critical thinking abilities for application to various contemporary legal problems.

**COURSE
OBJECTIVES :**

This course is designed to achieve the following objectives:

1. To give students an appreciation of the scope, extent and importance of the law as well as the basic concepts, principles and rules of law that apply to business transactions
2. To gain an understanding of the significance of the legal system in making decisions and solving business problems
3. To gain an appreciation of the Internet and other databases, such as Lexis-Nexis
4. To develop the ability to recognize the potential legal problems which may arise in a doubtful or complicated situation, and the necessity of consulting a lawyer
5. To develop research abilities, analytical skills and reasoning power

**PROGRAM
OUTCOMES :**

This course is designed to help the student achieve the following outcomes:

1. To encourage and promote critical thinking, a skill necessary to succeed today as a professional. This means each student should be able to comprehend an unfocused set of facts, identify, and if possible, anticipate problems, and find acceptable solutions.
2. To improve the student's communication skills. Each student should be able to locate, obtain, and organize information from both human and electronic sources. Each student will also learn to defend his or her views through written work.
3. To enhance the student's interpersonal skills. Cooperative learning or working in teams is one key way of promoting achievement of this outcome.

**CORE
COMPETENCIES:**

In addition to the program outcomes noted above, this course promotes the following core competencies:

1. Acquisition of a global perspective by each student to help their future employers (or their own businesses) better compete in international and domestic markets;
2. Development of an ability to formulate decisions that integrate practical, economic and ethical considerations; and
3. Appreciation of the vagaries and uncertainties of real life business situations and the importance of life-long learning.

ATTENDANCE AND PARTICIPATION

Attendance and completion of assignments are considered minimum requirements for all students. Penalties may be assessed in the final determination of your course grade for unreasonable deficiencies in either or both of these requirements. The penalty may take the form of a reduction in letter grade, the assignment of a failing grade or a grade of incomplete. This penalty assessment policy applies regardless of performance on written examinations and the form of the penalty is at the discretion of the instructor.

Also, please note that 80 points toward your final grade involves attendance. Each student starts the semester with 80 points for attendance. Each time you miss class after one absence you lose 8 points from your attendance grade. The instructor retains the discretion to approve excuses on a case-by-case basis. If you miss class for a medical reason, do not ask the instructor to be excused without written documentation from a medical doctor or nurse practitioner. Participation in FGCU team athletic events is also a reasonable excuse for missing class.

The instructor's approach in this class is to spend a considerable amount of class time on problems and cases. Thus, it is expected that each student will have read the assigned chapters before class. The instructor reserves the right to give unannounced quizzes in class.

GRADING : Each student starts this class with an A. It is your job to keep it.

Two exams will be given in this course. Each exam will contain objective questions and possibly short-answer essays.

The second exam may be comprehensive (cover all material from the entire semester).

Each student's grade will be based on the following:

Exam 1	125 points
Exam 2	125 points
Course Term Paper	100 points
Homework	70 points
Attendance/Participation	<u>80 points</u>
Total Points	500 points

The grading scale for final grades is:

<u>Grade</u>	<u>Total Points</u>
A	460-500
A-	445-459
B+	435-444
B	415-434
B-	395-414
C+	385-394
C	350-384
D	300-349
F	Below 300

Any grade challenge to a test, quiz, homework assignment, project or assignment of any kind must be in writing to be considered. An oral or verbal grade challenge will not even receive consideration. It will be dismissed out of hand even if it is correct. A written grade challenge (even for 1 point) must clearly describe what is being challenged and provide a rational basis for the challenge.

Make-up exams will not be given without the instructor's approval. If you miss an exam without a reason approved by the instructor, you may receive a "0". The instructor's discretion is final. If you hand in a homework assignment late, you may have points deducted from your grade.

Please bear in mind that you are responsible for all material assigned even if it is not covered in a class lecture. You are also responsible for material presented in class that is not covered in the textbook. You are also responsible for any outside reading material assigned by the instructor. Questions on outside reading material may show up on an exam.

HOMEWORK

ASSIGNMENTS:

Each student is responsible for writing answers to the assigned problems at the end of the assigned chapters. You also are expected to brief the assigned cases at the end of each chapter. Answers will be collected by the instructor. The maximum number of points for any given assignment is 10. You may receive up to 70 points from homework assignments. Points are awarded based on a reasonable effort put forth by the student not on the correctness of answers. **Each student must be prepared to discuss problems and cases in class. ALL HOMEWORK ASSIGNMENTS ARE TO**

**BE WORD-PROCESSED. HANDWRITTEN ASSIGNMENTS
WILL NOT BE ACCEPTED.**

SEMESTER

TERM PROJECT: Students, either individually or in groups (2-4), must complete a research paper. The project should be on some facet of the legal aspects of money laundering, terrorist financing, or cyberlaw. The paper must contain at least 10 different references (including court cases, statutes, treaties, etc.) no more than 5 of which may be Internet websites. The research paper should be at least 12 pages of text (double spaced using no more than 12-point font). The due date is December 1, 2003. You may earn 5 bonus points if you turn the completed project in on or before November 24, 2003. Any paper turned in late may lead to the assessment of a penalty in the grade received.

**SCHEDULE OF
ASSIGNMENTS:**

PROBLEMS

Ch. 4—Constitutional Law (pp.50-58) Read Cases 4-1, 4-3	2, 3, 9, 12
Ch. 8—Negligence and Strict Liability (pp.120-129) Read Cases 8-3, 8-4	3, 5, 7, 11
Ch. 19—Relationship of Principal and Agent (pp.306-315) Read Cases 19-3, 19-4	2, 4, 11, 15
Ch. 20 – Relationship with Third Parties (pp.327-338) Read Cases 20-1, 20-3	3, 6, 10, 15
Ch. 23 – Transfer of Title and Risk of Loss (pp.391-400) Read Cases 23-1, 23-4	1, 4, 7, 15
Ch. 26—Form and Content (pp.458-466) Read Cases 26-1, 26-3	1 (a)-(g), 6, 8, 12
Ch. 27—Transfer (pp.473-478) Read Cases 27-1, 27-2	3, 4, 6, 11
Ch. 28—Holder in Due Course (pp.489-499) Read Cases 28-1, 28-3	1, 5, 8,14

Ch. 30—Bank Deposits, Collections, and Funds Transfers (pp.526-536) Read Cases 30-2, 30-3	1, 2, 7, 11
Ch. 31—Formation and Dissolution of General Partnerships (pp.548-565) Read Cases 31-2	2, 5, 8, 11
EXAM 1—Chs. 4,8,19,20,23,26,27,28,30,31	
Ch. 32—Operation of General Partnerships (pp. 577-584) Read Cases 32-2, 32-3	1, 4, 8,11
Ch. 34—Corporations—Nature, Formation and Powers (pp.616-627) Read Cases 34-2, 34-4	2, 4, 8, 10
Ch. 36—Management Structure (pp.660-674) Read Cases 36-1, 36-4	4, 6, 9, 14
Ch. 38—Secured Transactions and Suretyship (pp.706-725) Read Cases 38-2, 38-3	3, 6, 9, 14, 18
Ch. 39---Bankruptcy (pp.737-751) Read Cases 39-1, 39-2	2,4,7,11
Ch. 40---Protection of Intellectual Property (pp. 760-767) Read Cases 40-1, 40-2	1,2,10,11
Ch. 50—Bailments and Documents of Title (pp. 969-976) Read Cases 50-1	1,5,8,12
Ch. 51—Interests in Real Property (pp. 984-993) Read Cases 51-2, 51-4	2, 6, 8, 10
Ch. 52—Transfer and Control of Real Property (pp. 1003-1010) Read Cases 52-2, 52-3	4, 8, 9, 13
Ch. 53—Trusts and Decedents' Estates (pp. 1020-1028) Read Case 53-3	3,6,9

EXAM 2 – Chs. 32, 34, 36, 38, 39, 40, 50, 51, 52, 53 and possibly the material covered in the first half of the course

The instructor retains the discretion to change the syllabus as circumstances warrant.

ETHICS : Ethics have become an extremely important topic in today's environment. An accountant's only product is his/her service which is measured by his/her integrity and professionalism. It is expected that no academic dishonesty will occur. Cheating on any assignment will be pursued according to the appropriate procedures outlined in the Student Conduct Code. Cheating includes plagiarism on any of the assigned projects.

All students are expected to demonstrate honesty in their academic pursuits. The university policies regarding issues of honesty can be found under the Student Code of Conduct on page 11, and under Policies and Procedures on pages 18-24 of the Student Guidebook. All students are expected to study this document which outlines their responsibilities and consequences for violations of the policy.

DISABILITY ACCOMMODATION SERVICES

Florida Gulf Coast University, in accordance with the Americans with Disabilities Act and the university's guiding principles, will provide classroom and academic accommodation to students with documented disabilities. If you need to request accommodations in this class due to a disability, or you suspect that your academic performance is affected by a disability, please see me or contact the Office of Multi-Access Services. The Office of Multi-Access Services is located in the Student Services Building, Room 214. The phone number is (941) 590-7925.