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Office Hours:

First, read this web page.
<http://cba.unomaha.edu/faculty/mohara/web/ToOfficeHours.htm>
Second, Monday & Wednesday 1:30 PM until 2:30 PM.
Third, after reading the web page above, by private appointment.

Business Law Fundamentals

With an Honors Contract, this section of this course may be taken for Honors credit.

Fall 2010

LAWS 3930-001 #20516 Monday & Wednesday 10:30 AM - 11:45 AM MH 113
 (i.e., Schmid Auditorium)

<http://cba.unomaha.edu/faculty/mohara/web/BLFf10-Syllabus.pdf>

**Hereby INCORPORATED BY REFERENCE¹ in this syllabus
 the following three documents:**

[A] **Reasonable Expectations**

<http://cba.unomaha.edu/faculty/mohara/web/BLFf10-Reasonable-Expectations.pdf>

[B] **Critical Thinking**

<http://cba.unomaha.edu/faculty/mohara/web/BLFf10-Critical-Thinking.pdf>

[C] **Memorization Techniques**

<http://cba.unomaha.edu/faculty/mohara/web/BLFf10-Memorization-Techniques.pdf>

COURSE DESCRIPTION:

3 credit hours. "LAWS 3930 introduces students to the legal system governing business transactions. This course emphasizes constitutional law, the Common Law, and relevant statutory law. The legal topics covered include litigation and ADR, torts, contracts, Sale of Goods, insurance, international law, and regulation of business.

Prereq.: ENGL 1160; SPCH 1110 or higher; ECON 2200 all with C (2.0) or better; 2.5 GPA."

[NOTE: by implication, also need MATH 1310 with "C" (2.0) or better as well as 12 hours earned.]

NOTE: WARNING from UPC on **TWO STRIKE RULE:**

*only **enroll** twice (audit = enroll) AND all prerequisites **before** enroll.*

¹ Do you know what "incorporate by reference" means? If not, then go find out.

http://en.wikipedia.org/wiki/Incorporation_by_reference

If you know you do not know, and yet you do not remove your self identified ignorance, especially if both you and a Reasonable Person would suspect the unknown knowledge was material to the transaction at hand, that that is a sure path to legal liability.

This syllabus has how many pages?

GRADED EVENTS:

The course letter grade of "A" is earned with total course points of 900; "A-" is earned with total course points of 870; "B+" with 830; "B" with 800; "B-" with 770; "C+" with 730; "C" with 700; "D" with 600; and an "F" is earned with 599 or fewer total course points.

In upper level undergraduate classes,

your professor does **not use** the course letter grades of "C-", "D+", or "D-".

POINTS GRADED EVENT

extra credit (if any) these opportunities solely will be announced in class

250 Exam #1: chapters 1 - 4, 6, 7, 9, and 52

300 Exam #2: all covered chapters, especially 10 - 19

250 Exam #3: all covered chapters, especially 20 - 23

200 Exam #4: all covered chapters, especially econ & 43, 44, 46, 49, and 50

OPTIONAL FINAL EXAM: A student must earn the right to make an election to take the optional final exam. A student who has earned 800 points as of the 15th minute of class on December 8th has earned the right to elect to take the optional final and thereby replace the lowest two exam grades. All other students have completed all grading opportunities at that moment and have earned their course letter grade.

??? Exam #5: Comprehensive Final Exam

chapters 1 - 4; 6, 7, 9 - 23; 43, 44, 46, 49, 50, and 52, & economics

TEXTS:

1. Clarkson *et al.*,
Business Law: Text and Cases: Legal, Ethical, Global, and E-Commerce Environments.
11th (RED) Edition. USA: South-western Cengage Learning, 2009.
ISBN-13: 978-0-324-65522-3.
2. Economics Slides
<http://cba.unomaha.edu/faculty/mohara/web/BLFf10-Econ-Slides.pdf>
3. *Recommended:*
BarChart's four-page plastic copy of the USA *Constitution*.
See also, http://cba.unomaha.edu/faculty/mohara/web/USA_Constitution.htm

EXAMS:

There are four required exams and one optional exam. As described above, each of Exams #1 through #4 is worth between 200 and 300 course points and each is a required exam. The Comprehensive Final Exam is worth (depending upon the exam grades it replaces) either 450, or 500, or 550 course points and is an optional exam.

All required exams are in the objective format (e.g., true versus false). All required exams are closed book and closed notes. All exams will seek to objectively measure your subjective knowledge.

The optional final exam is a comprehensive exam. The time of the final exam is scheduled by the Regents on Wednesday, December 15th from 10:30 AM until 12:30 PM.

The Comprehensive Final Exam is an optional exam. A student **must earn the right** to make an election to take the optional final exam. A student who has earned 800 points as of the 15th minute of class on December 8th has earned the right to elect to take the optional final and thereby replace the lowest two exam grades. To make the election to take this optional exam the student **must hand deliver** to the instructor in the classroom a **signed written election**.

That hand delivered written election must state: "*I elect to take the final exam. I elect to replace my two lowest exam grades with my optional final exam grade. That replacement could reduce my course letter grade or could increase my course letter grade depending upon my performance on the Comprehensive Final Exam relative to my performance on the replaced exam grades.*"

That signature must be in three forms: [1] legibly printed first and last name, [2] NU ID number, and [3] script signature. That election must be hand delivered in the classroom no later than the 15th minute of the **December 8th** class meeting: **time is of the essence**².

CLASSROOM DECORUM:

All students shall turn off all announcement mechanisms on all communication devices of any kind (e.g., turn off your cell phone): except for those students with *prior express authorization* from the instructor (e.g., nuclear plant emergency response personnel).

No student shall use any electronic device of any kind during class (e.g., no laptops): except for those students with *prior express authorization* from the instructor.

In the Mammel Hall auditorium (i.e., MH 113, the Schmid Auditorium) no student shall sit in the rear five rows of seats of that room if there is any seat available in the forward four rows.

During exams students shall, starting from the front of the room, spread out across the room so that each student has an empty seat on both sides of that student. If crowding is required during exams, then crowded students shall sit at the front row(s) of the classroom.

A classroom is not your living room. Routine biological functions of adult humans are sufficiently predictable and controllable that it is **very rude** for an adult human to exit and return to a scheduled, large assembly. That said, some adult humans labor under medical challenges. Prior notice from the student to the professor is required if a student is going to claim a relevant medical challenge; and, in reply the professor will require that student to sit appropriately adjacent to an exit door so as to minimize disruptions. *In short, go to the bathroom prior to class, not during the class.* Based on over two decades of teaching the reasonably expected number of students who would need to use the restroom during class over the course of a semester is no more than one student.

² Hmmm.

No human is perfect. Less perfect is a group of humans. Accordingly, the first student to have a cell phone ring or to exit the room mid-class will be greeted by the professor with the sympathy that all adult humans extend to all other adult humans who manifest a publicly visible failure to be perfect. However (since the reasonably expected failure rate is one per semester), each subsequent student whose communication device "rings" and each subsequent student who departs the classroom prior to the end of class shall **earn MINUS 10 COURSE POINTS** for each such announced incoming call and each such departure.

COURSE COMMUNICATIONS:

Students are encouraged to ask questions during class and/or during office hours. Strongly encouraged. Education is an active process.

Every class meeting will start with the professor asking the assembled students **"Any questions?"**. **If you are silent in reply** to such repeated questioning by your professor, then your silence creates the binding on you reasonable expectation of both your professor and of UNO that you did not then and you do not now have any unanswered material question(s). That is, **your knowing and voluntary action of silence thereby ESTOPPEES YOURSELF TO DENY³ that you had all reasonable questions answered and/or that all material question(s) had been answered fully and to your personal satisfaction.** Following that Q&A period, your professor will move on to other course related tasks, such as announcing Syllabus revisions, repeating by the professor of all reasonable and/or material questions raised by students during office hours that are of interest to all students.

Any revision of this Syllabus **solely** shall be announced [a] once, [b] in the classroom, and that classroom oral announcement will be accompanied by [c] a writing on a classroom's writing surface.

If you miss a class (i.e., you breached your contract with your professor and with UNO) and thus you missed an announced revision of the Syllabus, then it is your duty to remedy your breach of contract in some manner other than seeking repeat performance from your professor.

Grades earned by individual students will be distributed in-person, either in the classroom or during office hours. Individual grades will not be distributed in any other manner nor in any other location.

The following topics for questions must be asked during class meetings or office hours:

- [i] about any Syllabus provision(s);
- [ii] about any Syllabus revision(s);
- [iii] grades earned; or
- [iv] about course content.

Reasonable and/or material questions raised by an individual student(s) during office hours will be repeated by the professor to the assembled class near the beginning of the next class meeting. Communication about topics related to items [i] through [iv] must

³ HmMMM.

be face-to-face. Any question about [ii] that is global in nature (e.g., "Are there any Syllabus revisions?") solely will be answered in an equally global manner: a "Yes." or a "No."). Detailed questions about Syllabus revisions will be answered in detail.

In short, come to class.

In short, there will be zero technologically mediated communications (whether asynchronous or synchronous).

All communications shall be face-to-face in-person.

If a student sends an email or a voice mail in violation of the above, then that student already is in possession of the sole answer that student will receive in reply (i.e., this Syllabus section). That is, come to class and ask the question or come to office hours and ask the question.

It only is appropriate to send an email, a voice mail, or leaving a hand written note: when [1] a student is providing timely written notice of a *Force Majeure*; or [2] to set up a private appointment. See,

<http://cba.unomaha.edu/faculty/mohara/web/ToOfficeHours.htm> .

Occasionally, a classroom announcement is not feasible (e.g., a *Force Majeure* prevents performance by UNO [e.g., flu pandemic] and/or by your professor [e.g., illness]), then your professor will send a simultaneous email to all enrollees to each enrollee's BlackBoard defined email address (i.e., the Regent defined location external to the classroom for delivery of notice).

MAKE UP WORK:

Except to the extent of federal preemption or other preemption, there is **NO MAKE UP WORK for extra credit opportunities.**

If a student's timely performance of an exam is prevented by a *Force Majeure* (the existence of that *Force Majeure* demonstrated to the professor's personal satisfaction), **then** the professor shall make a reasonable accommodation for that student to complete substantially equivalent make up work.

As a **condition precedent** for make up work, the student **must provide timely notice** (e.g., an email sent *prior* to the due date for the student's performance) of the *Force Majeure* **as well as** provide **seasonable written verification** signed by an **impartial third party** in the format **specified by the professor** (e.g., mortician's letterhead communication).

ACADEMIC HONESTY:

All students are bound to an obligation of academic honesty. Any form of academic dishonesty by a student, solely in the discretion of your professor, shall cause that student to earn a letter grade of "F" either on the assignment (e.g., extra credit opportunity) or for the entire course.

<u>Date</u>	<u>Chapters</u>	
Aug 23	intro to class & chapter 1	legal reasoning
Aug 25	2 & 3	courts & procedure
Aug 30	4	constitution
Sep 1	4 & 52	constitution & international
<i>Sep 6</i>	<i>no class, Labor Day</i>	
Sep 8	6 & 7	torts: intentional and negligence & strict liability
Sep 13	6 & 7	torts: intentional and negligence & strict liability
Sep 15	9	crime
Sep 20	Exam #1: chapters 1 - 4, 6, 7, 9, and 52	
Sep 22	10 & 11	contracts: terminology & agreement
Sep 27	12	contracts: consideration
Sep 29	13	contracts: capacity & legality
Oct 4	14 & 15	contracts: genuineness & Statute of Frauds
Oct 6	16	3rd party
Oct 11	17	contracts: performance & discharge
Oct 13	18 & 19	contracts: breach & remedies & e-contracts
<i>Oct 18</i>	<i>no class, Fall Break on October 18 and October 19</i>	
Oct 20	Exam #2: especially chapters 10 - 19	
Oct 25	20	UCC: formation
Oct 27	21	UCC: title & risk of loss & insurable interest
Nov 1	22	UCC: performance
Nov 3	23	UCC: warranties
Nov 8	Exam #3: especially chapters 20 - 23	
Nov 10	review of ECON 2200, http://cba.unomaha.edu/faculty/mohara/web/BLFf10-Econ-Slides.pdf	
Nov 15	43	administrative agencies
Nov 17	46	antitrust
Nov 22	44	consumer
<i>Nov 24</i>	<i>no class, Thanksgiving Break on November 24, 25, and 26</i>	
Nov 29	50	wills
Dec 1	49	insurance
Dec 6	Exam #4: especially economics & chapters 43, 44, 46, 49, and 50	
Dec 8	elections for optional final exam and review of whole course	
<i>Dec 13</i>	<i>no class, finals week</i>	
Dec 15	10:30 AM until 12:30 PM Comprehensive Final Exam	