

**Michael J. O'Hara, J.D., Ph.D. Office Hours:**

Roskens Hall 502  
UNO Omaha NE 68182

First, read this web page.

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

Second, Mon. & Wed. 9:00 - 9:50 AM in RH 502;

Wednesdays in RH 112 classroom, 5:30 PM.

(402) 554 - 2823 (with voice mail)

fax (402) 554 - 2680 (group fax: not private)

Third, after reading the web page above, by private appointment.

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

**Legal and Ethical Applications**

*With an Honors Contract, may be taken for Honors credit.*

**Fall 2009**

**LAWS 3940-001 # 11881 Monday & Wednesday 11:30 AM - 12:45 PM RH 212**

<http://cba.unomaha.edu/faculty/mohara/web/LEAf9Syllabus.pdf>

**COURSE DESCRIPTION:**

3 credit hours. "LAWS 3940 exposes students to business organization law and ethics. Emphasis is on business organizations (e.g., agency, partnerships, corporations), financial transactions (e.g., checks, liens, securities), and property (e.g., environment, intellectual). Ethics is a discrete subject area studied and its analytical tools are applied to all of these areas of law.

**Prereq:** LAWS 3930 and ACCT 2020 both with C+ (2.3) or better; 2.5 GPA."

[NOTE: implies ENGL 1160, SPCH 1110, ACCT 2010, ECON 2200, and MATH 1310 all with "C" or higher.]

**GRADED EVENTS:**

Each student shall have a written contract with the professor detailing graded events. Each student individually shall negotiate with your professor, and each student shall draft for the professor's signature that contract. That contract shall include but not be limited to the Comprehensive Final Exam, Class Participation, and a third graded event (which shall not be an exam).

The total course points shall be 1,000. For the Comprehensive Final Exam and for the Class Participation the negotiated minimum course points shall be 200 and the maximum course points shall be 400. In upper level undergraduate classes, the instructor refuses to use the course letter grades of "C+", "C-", "D+", or "D-".

Such negotiations and such drafting must be completed (as measured by the obtaining your professor's signature) no later than the start of class on **Monday, September 14**. A student's failure to do so will cause two automatic events: [i] the earning of a grade of zero points on a 100 point assignment; and [ii] activation of a currently undisclosed form contract.

Solely at your professor's option, and solely announced in the classroom during that class meeting, added to those contracts may be extra credit opportunities. These extra credit opportunities shall focus on the objective detection of actual knowledge for which receipt of knowledge exists.

**INDUSTRY FOR ETHICAL FOCUS:**

By majority vote, during the first class meeting (i.e., **Monday, August 24**) the assembled parties shall select an industry. This industry shall be used as a focal point

for our discussions of ethics. In some material way a negotiated graded event of each student shall address that industry. Your professor will vote to select the food industry.

### 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. **Hereby incorporate by reference these four documents:**
  - [A] **Reasonable Expectations;**  
<http://cba.unomaha.edu/faculty/mohara/web/ReasonableExpectations08.pdf>
  - [B] **Critical Thinking,**  
<http://cba.unomaha.edu/faculty/mohara/web/CriticalThinking06a.pdf>
  - [C] **Memorization Techniques,**  
<http://cba.unomaha.edu/faculty/mohara/web/MemorizationTechniques06a.pdf>

and

  - [D] **USA Constitution**  
[http://cba.unomaha.edu/faculty/mohara/web/USA\\_Constitution.htm](http://cba.unomaha.edu/faculty/mohara/web/USA_Constitution.htm).

### COURSE COMMUNICATIONS:

**Students are encouraged to ask questions during class and/or during office hours. Strongly encouraged.**

Every class meeting will start with the professor asking the assembled students **"Any questions?"**. **If you are silent in reply** (*including silence by absence*) to such questions 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 ESTOPPE YOURSELF TO DENY 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.

Each revision of this Syllabus, if any, **solely** shall be announced [a] once, [b] in the classroom, and that will be [c] via a writing on a classroom's writing surface.

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

### ACADEMIC DISHONESTY:

**Any form of academic dishonesty, solely in the discretion of the instructor, the student shall cause the student to earn a letter grade of "F" either on the assignment or the course.**

| <u>Date</u>   | <u>Chapters and/or Focus on Ethics (FoE)</u>  |  |
|---------------|---|--|
| <b>Aug 24</b> | review of LAWS 3930 Business Law Fundamentals<br><b>SELECT INDUSTRY FOR ETHICAL FOCUS</b> |  |
| Aug 26        | review of LAWS 3930 Business Law Fundamentals   |  |
| Aug 31        | review microeconomics and capitalism: especially <b>ethics</b>                            |  |
| Sep 2         | 5   | <b>ethics</b>  |
| Sep 7         | <b>FoE</b> Units 1 & 2  |  |
| Sep 9         | <b>FoE</b> Units 3, 4, 9, & 11  |  |
| <b>Sep 14</b> | 47 & 48   | property: real & personal<br><b>SIGNED CONTRACTS DUE 11:30 AM TIME IS OF THE ESSENCE</b> |
| Sep 16        | 8   | intellectual property  |
| Sep 21        | 45  | environmental law  |
| Sep 23        | 24  | negotiable instruments   |
| Sep 28        | 25  | transferability and HDC  |
| Sep 30        | 26  | liability, defenses, and discharge   |
| Oct 5         | 27  | checks and the banking system  |
| Oct 7         | 28  | creditors' rights and remedies   |
| Oct 12        | 29  | secured transactions   |
| Oct 14        | 30  | bankruptcy   |
| Oct 19        | <i>no class: Fall Break</i>   |  |
| Oct 21        | <b>ethics</b> of debtor and creditor relationships  |  |
| Oct 26        | 31 & 32   | agency: form & liability   |
| Oct 28        | 33 & 34   | employment law & discrimination law  |
| Nov 2         | 35 & 36   | sole and franchise & partnerships  |
| Nov 4         | 37 & 38   | LLC & corporations   |
| Nov 9         | 39  | corporations: directors, officers, and shareholders                                      |
| Nov 11        | 40  | corporations: merger, consolidation, and termination                                     |
| Nov 16        | <b>ethics:</b> " <i>The Corporation</i> "   |  |
| Nov 18        | 41  | securities law and governance  |
| Nov 23        | 42  | small business   |
| Nov 25        | <i>no class: Thanksgiving Break</i>   |  |
| Nov 30        | <b>FoE</b> Units 1, 2, 3, 4, 9, & 11  |  |
| Dec 2         | <b>FoE</b> Units 5 & 6  |  |
| Dec 7         | <b>FoE</b> Unit 7   |  |
| Dec 9         | <b>FoE</b> Unit 8   |  |
| <b>Monday</b> | <b>11:30 AM until 1:30 PM</b>   | <b>Dec 14 Comprehensive Final Exam</b>   |