

Dillard College of Business Administration

Syllabus: Commercial Law

LSBA 3243 201

Spring Semester 2020

Monday and Wednesday 8:00 am to 9:50 am

Dillard Building 336

Contact Information

Instructor: Kristopher R. Tilker, Professor of Legal Studies

Office: DB 294

Office hours: As posted on office door and MSU website.

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Course Materials

Business Law by Clarkson, Miller, and Cross, 14th edition, Cengage Learning, ISBN 978-305-96725-0. Handouts are provided by professor. (Do not use previous editions.)

Course Description

Agency; property; environmental; and Uniform Commercial Code Article 2 (sales), Article 3 (commercial Paper), and Article 4 (banking)

Course Prerequisites

POLS 1333 and POLS 1433 plus junior standing

Learning Goals

Social order is essential to successful commerce. As one of the primary means for maintaining social order, legal principles and processes facilitate the creation and operation of markets by providing necessary assurance to investors, sellers, buyers, employees, and others that their reasonable commercial expectations will be realized. While serving this positive function, however, law simultaneously operates as the most pervasive external constraint on business decision-making. Students should study commercial law for the same reasons that they study other core subjects in which they do not intend to specialize. They must be able to identify issues pertaining to the particular discipline; recognize potential problems before they become actualized and costly; know when to consult an expert; understand the language, practices, and methods of reasoning and problem-solving in the discipline so that the expert can be used effectively and efficiently; and have sufficient insight into the discipline so that the service and advice of the expert can be knowledgeably evaluated and incorporated into the firm's decision-making processes.

In educating business students about specific laws affecting commercial transactions, the following are course objectives:

- To improve student's ability to find and apply law to commercial business disputes.
- To understand the processes of business dispute resolution in the American judicial system and application of law to commercial transactions.
- To be equipped as a business person or manager to recognize legal issues and manage legal risks in business decision-making by having a general understanding of the substantive areas of law that affect commercial transactions on a daily basis: agency, sales, commercial paper, environmental, and property.
- To have improved skills in analyzing problems and arriving at well-reasoned explanations.
- To have improved oral communication skills.

Course Policies

Attendance Policy:

Students are expected to attend all class meetings for this course, following the university attendance policy. See Midwestern State University Undergraduate Catalog 2019-2020. This catalog is electronic only. It may be found on the MSU website using the Registrar button, then the University Catalogs button. University attendance policy is then found under Registrar. Attendance is deemed essential for this class. Each student is allowed nine (9) absences for the entire semester. Notwithstanding anything herein contained to the contrary, any student who has ten (10) or more absences will receive a final grade of F. Excused absences are only allowed for official university activities documented ahead of time by the proper university official. Roll is taken during the first three (3) minutes of class, and the classroom doors are locked eight (8) minutes after the time class is scheduled to begin. If you have been counted absent and you notify the instructor at the end of class that you came to class late, your absence will be changed to late. Being late twice is equal to one (1) absence. Additionally, in order to not disturb the class, each student is expected to stay seated throughout the entire class period except in case of an emergency. Notwithstanding anything herein contained to the contrary, any student who misses three (3) consecutive classes or two consecutive quizzes will receive a final grade of F. If this happens before March 30, 2020 (the official drop date for a "W"), the student will be dropped by the instructor and receive a grade of F. Class periods during which graded quizzes are returned are important because feedback is a vital part of the learning process. If you are absent, at any time, during a class period in which a quiz is returned, it will count as two (2) absences. Many important announcements are made in class. You should always contact one of your classmates when you are absent. If you miss the concert, don't expect the band to give you a private performance.

Other Related Policies

Class Participation:

Each student is expected to be able to participate at all times in class. When called upon, students are expected to give lively dialogue with relevant and intelligent discussions. I will not utilize classroom time reiterating basic material that is in the text. You must read the text and brief the assigned cases before class. Classroom time will be spent reinforcing, clarifying and analyzing the basic material, and applying material to different fact situations. Knowing rules of law has little value if you cannot apply them to solving problems.

Assignments: Will be made at the end of every class. There will be a significant amount of reading. I optimistically expect that all assignments will be read on time by all students. I have ways of

determining whether this is actually the case during the class participation portion of our festivities. I cannot emphasize enough how important it is to come to class well-prepared. I strongly recommend that you apply this standard rule-of-thumb: expect to spend a minimum of two hours out-of-class study hours for each hour of class time. Business and industry expect to hire college graduates who are self-reliant, have good communication and time management skills, and display good critical-thinking skills. Being prepared for class teaches you self-reliance. Preparing case briefs and explaining cases help your communication skills. My use of the Socratic Method enhances your critical-thinking skills.

Testing Policy:

Each student is responsible on every quiz and exam for material covered in class and for reading that is assigned outside of class. This includes all textbook material and all lecture material unless the instructor specifically excludes particular items. Subject matter on previous quizzes may be tested on all scheduled quizzes. You must take both the midterm exam and the final exam at the date and time announced in class. Failure to do so will result in zero credit for the missed exam. Any deviation from this policy because of illness or emergency should be approved in advance and properly documented. Also, any information in this syllabus is considered as part of classroom notes and may be tested. Students who are absent on a quiz day will not be able to take the quiz at another time. The point value of the missed quiz will be added to the value of the comprehensive exam.

Midwestern State University Student Handbook: Questions not specifically addressed by this syllabus are governed by the most current student handbook and the MSU Catalog. Make sure you know how to access these on the MSU website and are familiar with all the procedures therein. Pay close attention to the Code of Student Conduct section in the handbook and the Student Honor Creed. The MSU catalog is found using the Registrar button on the main page of the MSU website. The Student Handbook and the Student Honor Creed are found using the Student Life button on the main page of the MSU website. Do not hesitate to ask if you need help accessing the Student Handbook, Student Honor Creed, or University Catalogs.

Medical or Other Serious Problems:

Please take time and make the effort to advise your instructor if you have difficulties that require his attention to properly evaluate your classroom participation and activities.

Senate Bill 11:

Passed by the Texas Legislature allowing licensed handgun holders to carry concealed handguns on campus, effective August 1, 2016. Areas excluded from concealed carry are appropriately marked, in accordance with state law. For more information regarding campus carry, please refer to the University's webpage at [Campus Carry Rules and Policies - http://mwsu.edu/campus-carry/rules-policies](http://mwsu.edu/campus-carry/rules-policies).

Students with Disabilities:

When notified by a student who has documented a disability with the MSU Counseling and Disability Services Office, I will comply with all federal, state, and university regulations to accommodate the student. See Midwestern State University Undergraduate Catalog 2019-2020.

Food and Drink Policy:

Food and drinks, other than bottled water with a secure lid, are NOT permitted in the classrooms.

Use of Electronic Devices:

You may not electronically or manually record any information or class discussion when a quiz is being taken or reviewed. When reviewing a quiz or exam you may only have a pen and paper to take notes on key concepts. Use of any electronic recording device is prohibited.

Use of cell phones is prohibited with one exception. You may review cell phone texts in class if required by your employer or if you are responsible for a minor who is in child care or elementary school. **This exemption does not apply when tests or quizzes are being administered or when reviewing a graded quiz. Sending texts or emails in the classroom is prohibited. Sending texts or emails in the classroom is prohibited.** See Lower Grade (F) below. If you need to send a text or make a cell phone call, you may leave the class to do the same. You are also expected not to return to the class for the remainder of the period. "You cannot truly listen to anyone and do anything else at the same time" – M. Scott Peck.

Return of Exams:

Never take an exam, quiz, or graded answer sheet out of the classroom. This will result in an automatic zero (0) on the quiz or exam.

Final Grade Postings:

Your quiz, midterm, and final grades will be posted on D2L. You are expected to keep permanent records of all your grades and to audit weekly posted grades on D2L. You should advise me immediately of any discrepancies between your records and grades posted on D2L.

Exam Policy:

It is agreed and understood by you that the policy for **ALL** quizzes and exams in this class is as follows: (1) you will comply with the MSU Student Honor Creed, and (2) the questions and answers on **ALL** quizzes and exams are deemed confidential and will **NOT** be copied, disseminated, spread, circulated, shared, or publicized. Exam policy violations are grounds for being dropped from this class with an F and referral to the Dean of Students for disciplinary action, which may result in expulsion from Midwestern State University.

Lower Grade:

I reserve the right to lower any student's final grade two letter grades (i.e., A to C, C to F) for:

- A. Unpreparedness in class when called upon, or,
- B. A negative, rude, unreasonably argumentative or inattentive attitude in class, or,
- C. Repeatedly disrupting the class for any reason, or
- D. Leaving and returning to your class seat during class, or
- E. Not showing respect for fellow classmates' questions, opinions, or class presentations, or
- F. Violation of use of electronic devices or food and drink policies listed above, or,
- G. Repeated tardiness to class (in addition to consequences in the attendance policy),
- H. Violation of quiz or exam rules and procedures.

Grading Scale:

Grades will be determined on the following percentage scale, with no rounding up or down:

87-100 = A

80-86 = B

70-79 = C

60-69 = D

59 and Below = F

Academic Integrity: With regard to academic honesty, students are referred to the Student Honor Creed of the Midwestern State University Undergraduate Catalog 2019-2020. This catalog is electronic only. It may be found on the MSU website using the Registrar button, then the University Catalogs button, then the Student Life button. Violation of any of the guidelines in the MSU Student Honor Creed is an academic integrity violation. In short, cheating, collusion, and plagiarism will not be tolerated. The term “cheating” generally means representing someone else’s work as your own and includes, but is not limited to:

1. Failing to report to your professor any suspicion of cheating.
2. Acting with intent to promote or assist cheating, including soliciting, encouraging, directing, or aiding attempts of fellow students to cheat before, during, or after an exam.
3. Soliciting information about exam questions from students who have taken a test in another section.
4. Intentionally or negligently aiding someone taking an exam or quiz.
5. Looking or glancing at another student’s paper or answer sheet during an exam or quiz.
6. Soliciting answers from a fellow student during an exam or quiz.
7. Removing a page or pages from an exam or quiz at any time.
8. Using a cell phone or any electronic device (including eyeglasses, watches and calculators) during an exam.
9. Acquiring an exam or quiz or other academic testing material without the express permission of the professor who authored the exam.
10. Copying, disseminating, spreading, circulating, sharing, or publicizing, any questions on an exam or quiz given for credit.

Violation of exam rules and procedures.

Academic integrity violations are grounds for being dropped from this class with an F and referral to the Dean of Students for disciplinary action, which may result in expulsion from the University.

Syllabus Change Policy:

This syllabus is a guide for the course and subject to change.

Additional Assignment

Law Case Presentation:

Each student will be assigned one or more cases to brief and present during the semester. A total of one-hundred (100) points may be earned for this assignment. If you are unprepared, absent, or do a poor presentation, you will not receive any points. If you make an excellent presentation, you will earn up to one-hundred (100) points. This presentation of your brief must follow exactly the format in the handouts titled “How To Do A Written Brief.” To receive all 100 points, your case brief presentation must be an excellent delivery that communicates the case information clearly. This involves doing

more than reading your brief to the class. It should be obvious that there was a significant amount of time spent on practice and preparation. This will be evidenced by very limited use of notes while making the presentation. A grading rubric for this presentation is provided with this syllabus.

Course Content and Outline:

This is a general outline of material expected to be covered. Material covered, dates of quizzes and tests, and percent of total grade will vary as necessitated by the pace at which material is covered. There will be a quiz at the end of each chapter. At midterm, there will be an exam covering all material studied. The total points on the midterm will be equal to the cumulative points of all quizzes taken. The chapter quiz process will begin again after the midterm. Upon completion of the semester, a final exam will be given. The total points on the final exam will be equal to the cumulative points of all quizzes taken since midterm. Subjects covered on the midterm exam will be agency and sales. Law subjects covered on the final exam will be commercial paper, environmental, and property.

Chapter	Dates	Point Value	Quiz or Test Date
Sales Law			
20	January 22 and 27	25	Monday, January 27
21	January 29 and February 3	25	Monday, February 3
22	February 5 and 10	25	Monday, February 10
23	February 12 and 17	25	Monday, February 17
Agency Law			
32	February 19 and 24	25	Monday, February 24
33	February 26 and March 2	25	Monday, March 2
Midterm Exam	March 4 and March 9	150	Monday, March 9
Commercial Paper Law			
25	March 23 and 25	25	Wednesday, March 29
26	March 30 and April 1	25	Wednesday, April 1
28	April 6 and 8	25	Wednesday, April 8
Environmental and Property Law			
45	April 13 and 15	25	Wednesday, April 15
48	April 20 and 22	25	Wednesday, April 22
49	April 27 and 29	25	Wednesday, April 29
Final Exam	8:00am, May 13	150	Wednesday, May 13

Students who are absent on a quiz day will not be able to take the quiz at another time. The point value of the missed quiz will be added to the comprehensive exam.