

Syllabus Commercial Law General Business (GENB) 7305, 5305, and 4320

Summer 2018 (July 9 – August 8, 2017)

Instructor: Troy Hopkins, JD, PHR

Textbook: West's Business Law, 13th Edition, Clarkson, Miller, and Cross, Cengage Learning

Class Meetings: Tuesdays and Thursdays, 6-10PM

Contact the Instructor

- By email: tdhopkins@uh.edu
- By Phone at 832-842-6131
- Office Hours by appointment

About This Syllabus

The instructor reserves the right to change this syllabus during the semester as the need arises without prior notice. **This is NOT a contract.** The instructor will email and announce to class members notice of the changes as soon as possible if they need to be made.

Course Description

Application of basic legal principles to contracts, sales, insurance, commercial paper, agency, business organizations, real property, personal property, trade regulation, secured transactions, and bankruptcy.

Course Objectives

1. Survey the legal environment as it relates to commerce, focusing on the laws and legal system of the United States.
2. Enable each student to establish a sustainable working knowledge base of the core legal terms and concepts necessary for making informed business judgments throughout their subsequent career.
3. Enable each student to develop an appreciation of the wide range of legal constraints which affect decision-making in business.
4. Enable each student to appreciate the implications of the increasing use of criminal sanctions to oversee business activities.

Course Objectives (Cont'd)

This course includes assignments related to the Texas Board of Public Accountancy's CPA eligibility standards as they relate to business law, including study of the Uniform Commercial Code. This course also incorporates the Goals of a Master of Science in Accountancy to provide graduates with

- a) oral communication skills (through classroom interaction),
- b) written communication skills in the form of short answer or essay questions on some exams,
- c) research skills (through learning how to integrate commercial law concepts into a functional personal knowledge base),
- d) ethics awareness (through consideration of the relationship between ethics and law),
- e) global awareness (by examination of, and tests covering, materials addressing international law),
- f) technological skills (by examination of and tests covering, materials addressing the commercial law interface with changing technology),
- g) analytical problem solving skills (through heavily analytical problem solving focused exams covering commercial law topics), and
- h) financial risk assessment skills (through focus on evolving compliance requirements in commercial law).

This course incorporates the following Accounting Program Learning Goals:

- a) capacity to record, analyze, and interpret financial and other information (mechanics/journal entry) through a broader understanding of the underlying legal framework for various transaction types;
- b) capacity to identify and diagnose accounting problems through a wider understanding of the legal context of transactions;
- c) capacity to recognize ethical and regulatory dilemmas through readings and discussions focused on the role of law in such dilemmas; and
- d) basic understanding of accounting and financial concepts (theoretical) through their relationship to the legal environment.

Class Attendance, Participation and Demeanor

1. Attendance and participation are expected. Attending and participating means being present for the entire class session and having completed the reading assignments for that class meeting. **Class participation is 5% of your grade – these points are gained (and lost) in the classroom as I call on you for questions (see the Socratic Method section below).** Do not expect to perform well in this course if you choose to be elsewhere during class times (physically or mentally).

2. A respectful, civil, professional treatment of everyone in the course is required of all students before, during and after the class.

3. Do not bring guests to class without express prior permission from the instructor. For the benefit of the other students in the course, the instructor will never grant permission to bring a child (minor) to the class.

Organization of the Course

1. The scope of the material covered by the course is **extremely broad**.
2. Consequently, this course will stress breadth of exposure to the legal environment.
3. The assigned readings are not for show and are not a topics list to be scanned from some canned outline.
4. You are expected to carefully read the assigned materials (**especially the cases**) before each class meeting and come to class prepared to explore them with the group.
5. At my discretion, some **Socratic Method of Instruction** will take place – i.e. the professor calls on a student (who may or may not have volunteered) and asks them question. The student answers and the professor either continues to ask that student questions or moves on to another student. In other words, **be prepared as you may get called on at random**. This is where your participation grade will come in which is 5% of your final grade.

Grading Policies

The final grade in the class will be based on a total of 100 points, graded as follows

A=93 and up, A- =90 through 92,
B+ =87 through 89, B 83 through 86, B- =80 through 82,
C+ =77 through 79, C =73 through 76, C- =70 through 72,
D+ =67 through 69, D =63 through 67, D- =60 through 62,
F = less than 60.

1. The grade will be based on FIVE exams and class participation. Each exam counts for 19% of the course grade. The final 5% of your grade comes from class participation. **There is never any "extra credit" under any circumstances.**
2. Exams will be a combination of True/False, multiple choice, short answer, or essay.
3. All exams will be ONLINE through Blackboard outside of class.
4. Exams will focus very heavily on the assigned readings and accompanying class discussions that add color to the book.
5. If more than 50% of the class misses an exam question, that question will be thrown out (not counted on the exam). That question constitutes a failure on my part, not yours.
6. **All make-up exams will be essay.** There will be no curve added to any make-up. The make-up for the exams will be at a time arranged between the student and the instructor. **In no instance will an early exam be approved.** All make-up exams must occur after the exam as there are no early exams.
7. As stated previously, there is never any “extra credit” for this course.
8. There is NO Comprehensive Final Exam in this course.

Cell Phones, Laptops, Recorders, and all Electronics Devices Imaginable

1. Out of respect for class mates, cell phones should not be used in class. No texting during class, please. Out of respect for me I would ask that while in class, laptops be used for classwork, not leisure.
2. Recording devices of any kind, and broadcasting devices of any kind may only be brought into the classroom or used in the classroom with prior explicit written permission from the instructor.
3. Any recording in any form or broadcasting in any form of class sessions and out of class discussions with the instructor are strictly prohibited. Any recording or broadcasting of any type will be treated as the highest level of violation of university academic honesty policies.

Academic Honesty

1. All applicable university policies apply. It is the duty of the student to be aware of these policies.
2. The instructor will aggressively pursue academic dishonesty to the maximum extent allowed by the university.
3. The University of Houston Academic Honesty Policy is strictly enforced by the C. T. Bauer College of Business. No violations of this policy will be tolerated in this course. A discussion of the policy is included in the University of Houston Student Handbook. Students are expected to be familiar with this policy.

Accommodations for Students with Disabilities

1. The C. T. Bauer College of Business would like to help students who have disabilities achieve their highest potential. To this end, in order to receive academic accommodations, students must register with the Center for Students with Disabilities (CSD) (telephone 713-743-5400), and present approved accommodation documentation to their instructors in a timely manner.
2. Students are urged to let me know early in the semester so that any needed accommodations can be arranged in a timely manner. Note: Exams are already built to accommodate for extra time.

DISCLAIMER

1. NOTHING THAT IS SAID OR PROVIDED IN THIS COURSE CONSTITUTES LEGAL ADVICE.
2. This course provides general legal information so that you can better understand the legal context of business.
3. Determining the exact applicable law for a specific legal problem is very complex and requires careful professional review of all relevant facts.
4. I cannot and will not be your attorney under any circumstances.
5. Nothing that I say to you should be interpreted as a legal answer to a specific legal problem.
6. Our discussions (both in and out of class) are too superficial for you to rely on for your personal or business legal problems.
7. Please DO NOT ask for specific legal advice about a situation confronting you or someone you know.
8. If you need legal advice, please consult a licensed attorney. I recommend <http://www.findlaw.com/>

Date (Mon/Wed 6-10 PM)	Topics	Chapter	Exam Focus
Pre-Class Videos (Blackboard)	Law and Legal Reasoning	1	None-Review
Pre-Class Videos (Blackboard)	Courts and Alternative Dispute Resolution	2	None-Review
Pre-Class Videos (Blackboard)	Court Procedures	3	None-Review
Pre-Class Videos (Blackboard)	Business and the Constitution	4	None-Review
Pre-Class Videos (Blackboard)	Business Ethics	5	None-Review
7/10/2017	Torts	6	Exam 1
7/10/2017	Strict Liability and Product Liability	7	Exam 1
7/10/2017	Criminal Law and Cyber Crime	10	Exam 1
7/12/2017	Contracts: Nature and Terminology	11	Exam 1
7/12/2017	Contracts: Agreement	12	Exam 1
7/12/2017	Contracts: Consideration	13	Exam 1
7/13-15/2017	Exam 1 on Blackboard		
7/17/2017	Contracts: Capacity and Legality	14	Exam 2
7/17/2017	Contracts: Mistakes, Fraud, Voluntary Consent	15	Exam 2
7/17/2017	Contracts: Writing Requirement, Electronic Records	16	Exam 2
7/19/2017	Contracts: Third Party Rights	17	Exam 2
7/19/2017	Contracts: Performance and Discharge	18	Exam 2
7/19/2017	Contracts: Breach of K and Remedies	19	Exam 2
7/20-22/17	Exam 2 on Blackboard		
7/24/2017	Bankruptcy Law	31	Exam 3
7/24/2017	Agency Formation and Duties	32	Exam 3
7/24/2017	Agency Liability to Third Parties and Termination	33	Exam 3
7/24/2017	Warranties	23	Exam 3
7/26/2017	Function and Creation of Negotiable Instruments	25	Exam 3
7/26/2017	Transferability and Holder in Due Course	26	Exam 3
7/26/2017	Liability, Defenses, and Discharge	27	Exam 3
7/27-29/17	Exam 3 on Blackboard		
7/31/2017	Banking in the Digital Age	28	Exam 4
7/31/2017	Creditors' Rights and Remedies	29	Exam 4
7/31/2017	Secured Transactions	30	Exam 4
7/31/2017	Professional Liability and Accountability	47	Exam 4
8/2/2017	Sole Proprietorships and Franchises	36	Exam 4
8/2/2017	Partnerships and Limited Liability Partnerships	37	Exam 4
8/2/2017	Other Organizational Forms for Small Business	38	Exam 4
8/2/2017	Corporate Formation and Financing	39	Exam 4
8/3-5/2017	Exam 4 on Blackboard		
8/7/2017	Corporate Directors, Officers, and Shareholders	40	Exam 5
8/7/2017	Securities Law and Corporate Governance	42	Exam 5
8/7/2017	Real Property and Landlord-Tenant Law	49	Exam 5
8/7/2017	Personal Property and Bailments	48	Exam 5
8/8-10/2016	Exam 5 on Blackboard		