

Syllabus Spring 2015 Evening

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

Instructor: Russell Usnick, J.D., D. Env. Des.,

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

Class Meetings: Tuesday, 6-9PM. Schedule of topics and readings posted separately.

Contact the Instructor:

1. Using the course Blackboard Learn site "Message" site
2. By arranging a time to meet before or after class.
3. Alternatively, by email at: usnick@sbcglobal.net

About This Syllabus:

1. This syllabus will be the basis upon which this course will be conducted and it spells out how students will be evaluated in this course.
2. The instructor reserves the right to change this syllabus during the semester as the need arises with out prior notice. The instructor will email class members notice of the changes.
3. After the first class meeting, every student will certify, through a specific process, that they have carefully read and understand the entire contents of the syllabus and schedule and agree to the terms therein.

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.

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 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 BBA 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 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 required and expected. Attending and participating means being present for the entire class session and having completed the reading assignments for that classmeeting.
2. For the purpose of calculating attendance, each scheduled class meeting from 6PM to 9PM will be considered to be three one hour sessions. This means that a typical meeting will have one

session from 6PM to 7PM, one session from 7PM to 8PM, and one from 8PM to 9PM. A sign in sheet will be sent around for the for each of these sessions. That is, on a typical meeting day, you will sign four sign-in sheets. There are a total of 42 hour long sessions, each with a sign-in sheet. A student may miss up to 15 sessions with no penalty. The 15th session absence will result in a 2% reduction of the final course grade, and all additional session absences will result in an additional 1% reduction of the final course grade. You are responsible for keeping track of you absences status as the instructor will not tally the absences until after the final exam.

3. An attendance sheet will be circulated each class session. It is the students responsibility to see that they have signed in for each session. In no case will a student be allowed to later sign-in due to forgetting to sign-in during the session. If you do not sign the sheet, you are counted absent for that session.
4. Any falsification of an attendance sheet will be dealt with as a matter of serious academic misconduct.
5. Be on time and plan ahead...no speeding on the way...you owe it to your classmates and to the community.
6. A respectful, civil, professional treatment of everyone in the course is required of all students before, during and after the class.
7. 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 to the class.

Organization of the Course:

1. The scope of the material covered by the course is extremely broad. Recent developments have demonstrated the extent to which individual professionals can be seriously effect by the wide array of regulatory schemes effecting modern commerce.
2. Consequently, this course will stress breadth of exposure to the legal environment. This necessitates a heavy reading schedule.
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 before each class meeting and come to class prepared to explore them with the group.

Grading Policies:

1. 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.
2. The grade will be based on two exams and a final exam. Exam 1 and Exam 2 each count 30% of the course grade and the Final Exam (which is comprehensive) accounts for 40% of the course grade. There is never any "extra credit" under any circumstances.
3. Exams will be a combination of multiple choice, short answer or essay.
4. Before each exam the instructor will provide guidance as to the nature of the upcoming exam.
5. All exams will be closed book, closed notes.
6. Exams will focus very heavily on the assigned readings.
7. All electronic devices are banned from being viewed, touched, or otherwise accessed during exams, and the mere presence of any such device will require that the student immediately turn in their exam regardless its' completeness.
8. The exams are difficult.
9. The purpose of the exams is to demonstrate basic competency, and then to differentiate between the efforts of students in the course. Those who do superior work have earned the right to receive a higher grade.
10. At the discretion of the instructor, exam scores may be curved up leveling and smoothing formulas. No score will never be curved downward. No curving will change any students rank position.
11. All make up exams will be essay. There will be no curve added to any makeup. The make up for the first two exams will be during the next to the last regular class meeting of the semester. The make up for the Final Exam will be at a time specified by the instructor. Any make up will require documentation which clearly warrants the opportunity of a make up. In no instance will an early exam be approved. All make up exams must occur after the exam as there are no early exams.
12. There is never any "extra credit" for this course.

Cooperative Activities Between Classmates:

1. You may organize into a study group if you desire.

2. You may work together to prepare common, shared study materials.
3. Being a part of a study group does not, however, release you from your responsibility in this course to read all of the assigned material.
4. If you are a part of a study group, it is your responsibility to not sit near others in your study group during the exams.

Cell Phones, Laptops, Recorders, and all Electronics Devices imaginable:

1. Out of respect for class mates, cell phones and pagers should not be used in class. No texting during class in any form for any reason.
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 a the highest level of violation of university academic honesty policies.
4. Laptops may be used SOLELY for note-taking. Any incidence of non-class related use will result in immediate, complete suspension of the right to have a laptop in the classroom.

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.

Attorney 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.

9. Resources for locating local legal assistance (including several free sources) will be provided on the course web site.

Schedule Usnick Commercial Law – Spring - Evening

| Date | Meeting # | Topics | Chapter Exam Focus |
|---------------------------|------------------|-------------------------|---------------------------|
| Tuesday, January 20, 2015 | 1 | Course Introduction | |
| | 2 | Law and Legal Reasoning | 1 None-Review |

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| Tuesday, January 27, 2015 | 3 | Courts and Alternative Dispute Resolution | 2 | None-Review |
| | 4 | Court Procedures | 3 | None-Review |
| | 5 | Business and the Constitution | 4 | None-Review |
| | 6 | Business Ethics | 5 | None-Review |
| Tuesday, February 3, 2015 | 7 | Torts, and also Strict Liability and Product Liability | 6 & 7 | None-Review |
| | 8 | Intellectual Property Rights | 8 | None-Review |
| | 9 | Internet Law, Social Media, and Privacy | 9 | None-Review |
| Tuesday, February 10, 2015 | 10 | Criminal Law and Cyber Crime | 10 | None-Review |
| | 11 | Agency Formation and Duties | 32 | Exam 1 & Final |
| Tuesday, February 17, 2015 | 12 | Agency Liability to Third Parties and Termination | 33 | Exam 1 & Final |
| | 13 | Sole Proprietorships and Franchises | 36 | Exam 1 & Final |
| | 14 | Partnerships and Limited Liability Partnerships | 37 | Exam 1 & Final |
| | 15 | Other Organizational Forms for Small Business | 38 | Exam 1 & Final |
| Tuesday, February 24, 2015 | 16 | Corporate Formation and Financing | 39 | Exam 1 & Final |
| | 17 | Corporate Directors, Officers, and Shareholders | 40 | Exam 1 & Final |
| | 18 | Securities Law and Corporate Governance | 42 | Exam 1 & Final |
| Tuesday, March 3, 2015 | 19 | Exam 1 | | |
| | 20 | Real Property and Landlord-Tenant Law | 49 | Exam 2 & Final |
| Tuesday, March 10, 2015 | 21 | Personal Property and Bailments | 48 | Exam 2 & Final |
| | 22 | Contracts: Nature and Terminology | 11 | Exam 2 & Final |
| | 23 | Contracts: Agreement | 12 | Exam 2 & Final |
| | 24 | Contracts: Consideration | 13 | Exam 2 & Final |

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| Tuesday, March 17, 2015 | | Spring Break | | |
| Tuesday, March 24, 2015 | 25 | Contracts: Writing Requirements | 16 | Exam 2 & Final |
| | 26 | Contracts: Third Party Rights | 17 | Exam 2 & Final |
| | 27 | Contracts: Performance and Discharge | 18 | Exam 2 & Final |
| Tuesday, March 31, 2015 | 28 | Exam 2 | | |
| | 29 | The Formation of Sales and Lease Contracts | 20 | Final |
| | 30 | Title, Risk, and Insurable Interest | 21 | Final |
| Tuesday, April 7, 2015 | 31 | Performance/Breach of Sales/Lease Contracts | 22 | Final |
| | 32 | Warranties | 23 | Final |
| | 33 | International Law in a Global Economy | 24 | Final |
| Tuesday, April 14, 2015 | 34 | Function and Creation of Negotiable Instruments | 25 | Final |
| | 35 | Transferability and Holder in Due Course | 26 | Final |
| | 36 | Creditors' Rights and Remedies | 29 | Final |
| Tuesday, April 21, 2015 | 37 | Secured Transactions | 30 | Final |
| | 38 | Bankruptcy Law and Insurance Law | 31 & 50 | Final |
| | 39 | Professional Liability and Accountability | 47 | Final |
| Tuesday, April 28, 2015 | 40 | Review | | |
| | 41 | Review | | |
| | 42 | Review | | |
| Tuesday, May 12, 2015 | | Final Exam | | |