INSTRUCTOR: Milton E. Leblanc, JD

EMAIL: Mleblanc7@atlas.valenciacc.edu

REQUIRED TEXT:
*Essentials of Business Law, 3rd Edition, Beatty & Samuelson*

PREREQUISITES:
ENC 1101 or ENC 1101H, or ENC 1210, or GEB 1011, or IDH 1110, or
OST 1335

OBJECTIVES:
The main goal of this course is to pursue the legal studies regarding the
regulatory and social environment of businesses. The course focuses on the
effect that the American legal system has on business.

REQUIREMENTS:
✓ Critically analyze legal issues presented in business articles and in exam
questions in a clear and concise manner.
✓ Identify key legal terms and apply them appropriately in writings of
assigned projects (articles and exams).
✓ Timely complete weekly assignments and 2 exams.

MAKEUP POLICY:
All assignments must be completed on or before the dates assigned. No
makeup assignments are available without the explicit consent of instructor,
which will only be granted in cases of documented extreme emergency. The
due dates for all assignments are listed below.

EXPECTED STUDENT CONDUCT:
You will find the Student Code of Conduct in the current Valencia Student
Handbook.

ACADEMIC HONESTY:
Students may collaborate on design and project issues. Copying, regardless
of the number of editor changes, renaming, and/or retyping is considered
cheating, and a student's inability to describe the function of a submitted assignment will be considered evidence of cheating. All students involved in incidents of cheating will be given a zero (0) for that assignment/exam/project without regard to who did the original work or who may have benefited.

ASSIGNMENTS:
- Course Exams (Midterm and Final)
- Weekly Case Studies
- Relevant News Articles

CASE STUDIES/ARTICLES:
Each Student will be required to brief a legal case and submit to instructor on a weekly basis. Additionally, students will be assigned current articles relevant to this course which they must research in the internet and submit a synopsis. Your synopsis must include an analysis of the article and a personal opinion about the article.

EXAMS:
Exams might be a combination of Multiple Choice, Short Answer, and/or Essay questions.

GRADING SCALE:
90-100%       A
80-89%        B
70-79%        C
60-69%        D
59% & below   F

BREAKDOWN:
Case Studies/Articles       60%
Exams                        40%

WITHDRAWAL:
You may withdraw from this course in accordance with Valencia Community College's withdrawal policies.

VALENCIA STUDENT CORE COMPETENCIES:
Valencia faculty have defined four interrelated competencies (THINK, VALUE, COMMUNICATE, ACT) that prepare students to succeed in the
world community. These competencies are outlined in the College Catalog. In this course, by completing and timely submitting your assignments you will get guidance from the instructor that will further develop your mastery of those competencies.

DISCLAIMER:
As many factors may affect the development and progress of a class, the instructor reserves the right to alter the schedule as may be required to assure attainment of course objectives.

EXAM SCHEDULE:
Midterm Exam – March 16, 2009 Chapters 1-8
Final Exam - April 27, 2009 Chapters 9-15

Have a great semester!
Mr. Leblanc
Bus Law 1
Course Assignments

Week 1. Read Chapter 1-Introduction to law
See Attachment: How to brief a case
Brief case: Federal Communications Commission V. Pacifica Foundation
438 U.S.726, 98 S.Ct 3026, 57 L.Ed 2d 1073
www.lectlaw.com/files/case22.html
Due: 1/20/09

Week 2. Rd. Chpt 2-Business Ethics and Social Responsibility
Research Newspaper Articles (NY Times, Wall St) about “Bernard Madoff”
Write a 1 page synopsis on Mr. Madoff and include a recommendation of how to prevent future “Ponzi” schemes
Due: 1/27/09

Week 3-Rd Chpt 3- Dispute Resolution
Brief Case: Gnazzo V. G.D. Searle & Co.
973 F2d 136 (1992)
www.atllaw.org/u///cases/sss040
Due: 2/2/09

Week 4-Rd Chpt 4-Common Law, Statutory Law, Administrative Law
Brief Case: Strauss V. Microsoft Corporation
68 Fair Employment Practice Cases (BNA) 1576 SD. NY 1995)
//.Georgetown.edu/FEDERAL/judicial/ped/opinion/07opinions/07-1035.pdf
Due: 2/9/09

Week 5-Rd Chpt 5-Constitutional Law
Read U.S. Constitution—Appendix A
Research recent news articles about Illinois governor Blagojevich
Write a 1 page synopsis about Mr. Blagojevich
Include recommendation about possible “legal” penalties if he is found guilty
Due: 2/16/09

Week 6-Rd Chpt 6-Torts
Visit ABA law Journal for news article entitled: “Florida Family files tort claim over delayed workman’s compensation benefits”
Write a 1 page synopsis of the article
Due 2/23/09

Week 7: Rd Chpt 7-Crime
Brief Case: The State of Florida V. Casey Marie Anthony
News.Findlaw.com/docs/crime/flcma101408ind.html
Due: 3/2/09

Week 8: Midterm Exam
Due 3/16/09

Week 9: Rd Chpt 9-Contracts
Brief Case: Mark Realty Inc. V. Rogness
418 SO. 2D 373
Brainmass.com/homework-help/business-law/544242
Due 3/23/09

Week 10: Rd Chpt 10 Agreements-AND Chpt 11—Consideration
Brief Case: Alden V. Presley
673 S.W. 2d 862 Supreme Court of Tennessee
Due 3/30/09

Week 11: Rd Chpt 12-Legality
Brief Case: Florida Municipal Power Agency V. Florida Power & Light Company
Lectlaw.com/files/ant12.htm
Due: 4/6/09

Week 12: Rd Chpt 13-Capacity and Consent
Brief Case: Wells Fargo Credit Corporation V. Martin
650 So 2d 531 District Court of Appeals
Case law./p.findlaw.com/data2/Floridastatecases/app/app4-6-2008
Due: 4/13/09

Week 13: Rd Chpt14- Written Contracts
Brief Case: Briggs V. Sackett
Due: 4/20/09

Week 14: Rd Chpt 15- Third Parties
Brief Case: Pace Construction Corporation V. OBS Company, Inc.
**Chapter 1**

Critical Legal Thinking and the U.S. Constitution

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<tr>
<th>Part</th>
<th>Maximum Words</th>
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<tbody>
<tr>
<td>1. Case name and citation</td>
<td>25</td>
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<tr>
<td>2. A summary of the key facts in the case</td>
<td>125</td>
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<tr>
<td>3. The issue presented by the case, stated as a one-sentence question answerable only by yes or no</td>
<td>25</td>
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<tr>
<td>4. The court's resolution of the issue (the &quot;holding&quot;)</td>
<td>25</td>
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<td>5. A summary of the court's reasoning justifying the holding</td>
<td>200</td>
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Total words: 400

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Briefing a case consists of making a summary of each of the following items of the case:

1. **Case Name and Citation**

   The name of the case should be placed at the beginning of each briefed case. The case name usually contains the names of the parties to the lawsuit. Where there are multiple plaintiffs or defendants, however, some of the names of the parties may be omitted from the case name. Abbreviations are also often used in case names.

   The case citation, which consists of a number plus the year in which the case was decided, such as "126 L.Ed.2d. 295 (1993)," is set forth below the case name. The case citation identifies the book in the law library in which the case may be found. For example, the case in the above citation may be found in volume 126 of the Supreme Court Reporter Lawyers' Edition (Second), page 295. The name of the court that decided the case should be set forth below the case name for the case.

2. **Summary of the Key Facts in the Case**

   The important facts of a case should be stated briefly. Extraneous facts and facts of minor importance should be omitted from the brief. The facts of the case can usually be found at the beginning of the case, but not necessarily. Important facts may be found throughout the case.

3. **Issue Presented by the Case**

   It is crucial in the briefing of a case to identify the issue presented to the court to decide. The issue on appeal is most often a legal question, although questions of fact are sometimes the subject of an appeal. The issue presented in each case is usually quite specific and should be asked in a one-sentence question that is answerable only by a yes or no. For example, the issue statement, "Is Mary liable?" is too broad. A more proper statement of the issue would be, "Is Mary liable to Joe for breach of the contract made between them based on her refusal to make the payment due on September 30?"

4. **Holding**

   The "holding" is the decision reached by the present court. It should be yes or no. The holding should also state which party won.

5. **Summary of the Court's Reasoning**

   When an appellate court or supreme court issues a decision, which is often called an opinion, the court will normally state the reasoning it used in reaching its decision. The rationale for the decision may be based on the specific facts of the case, public policy, prior law, or other matters. In stating the reasoning, the court should reword the court's language into the student's own language. This summary of the court's reasoning should pick out the meat of the opinions and weed out the nonessentials.

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Following is a United States Supreme Court opinion for briefing. The case is presented in the language of the United States Supreme Court.

**CASE FOR BRIEFING**

**Harris v. Forklift Systems, Inc.** 126 L.Ed.2d. 295 (1993) United States Supreme Court

**Case name, Citation, and Court**

**OPINION, O'CONNOR, JUSTICE.** Teresa Harris worked as a manager at Forklift Systems, Inc., an equipment rental company, from April 1985 until October 1987. Charles Hardy was Forklift's president. Throughout Harris' time at Forklift, Hardy often insulted her because of her gender and often made her the tar-

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get of unwanted sexual innuendos. Hardy told Harris on several occasions, in the presence of other employees, "You're a woman, what do you know" and "We need a man as the rental manager"; at least once, he told her she was "a dumb-ass woman." Again in front of others, he suggested that the two of them "go to the Holiday Inn to negotiate Harris' raise." Hardy occasionally asked Harris and other female employees to get coins from his front pants pocket. He threw objects on the ground in front of Harris and other women, and asked them to pick the objects up. He made sexual innuendos about Harris' and other women's clothing.

In mid-August 1987, Harris complained to Hardy about his conduct. Hardy said he was surprised that Harris was offended, claimed he was only joking, and apologized. He also promised he would stop and based on this assurance Harris stayed on the job. But in early September, Hardy began anew: While Harris was arranging a deal with one of Forklift's customers, he asked her, again in front of other employees, "What did you do, promise the guy some sex Saturday night?" On October 1, Harris collected her paycheck and quit.

Harris then sued Forklift, claiming that Hardy's conduct had created an abusive work environment for her because of her gender. The United States District Court for the Middle District of Tennessee found this to be a "close case," but held that Hardy's conduct did not create an abusive environment. The court found that some of Hardy's comments "offended Harris, and would offend the reasonable woman," but that they were not "so severe as to be expected to seriously affect Harris' psychological well-being." A reasonable woman manager under like circumstances would have been offended by Hardy, but his conduct would not have risen to the level of interfering with that person's work performance. The United States Court of Appeals for the Sixth Circuit affirmed in a brief unpublished decision.

We granted certiorari to resolve a conflict among the Circuits on whether conduct, to be actionable as "abusive work environment" harassment, must "seriously affect an employee's psychological well-being" or lead the plaintiff to "suffer injury."

Title VII of the Civil Rights Act of 1964 makes it "an unlawful employment practice for an employer . . . to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. §2000e-2(a)(1).

When the workplace is permeated with discriminatory intimidation, ridicule, and insults that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, Title VII is violated. This standard takes a middle path between making actionable any conduct that is merely offensive and requiring the conduct to cause a tangible psychological injury. Mere utterance of an epithet which engenders offensive feelings in an employee does not constitute harassment. Mere utterance of an epithet which engenders offensive feelings in an employee does not constitute harassment.

But Title VII comes into play before the harassing conduct leads to a nervous breakdown. A discriminatorily abusive work environment, even one that does not seriously affect employees' psychological well-being, can and often will detract from employees' job performance, discourage employees from remaining on the job, or keep them from advancing in their careers. Moreover, even without regard to these tangible effects, the very fact that the discriminatory conduct was so severe or pervasive that it created a work environment abusive to employees because of their race, gender, religion, or national origin offends Title VII's broad rule of workplace equality.

We therefore believe the district court erred in relying on whether the conduct "seriously affected plaintiff's psychological well-being" or led her to "suffer injury." Such an inquiry may needlessly focus the factfinder's attention on concrete psychological harm, an element Title VII does not require. So long as the environment would reasonably be perceived, and is perceived, as hostile or abusive, there is no need for it also to be psychologically injurious. This is not, and by its nature cannot be, a mathematically precise test. But we can say that whether an environment is "hostile" or "abusive" can be determined only by looking at all the circumstances.

We therefore reverse the judgment of the Court of Appeals, and remand the case for further proceedings consistent with this opinion.

CONCURRING OPINION. GINSBURG, JUSTICE. The critical issue, Title VII's text indicates, is whether members of one sex are exposed to disadvantageous terms or conditions of employment to which members of the other sex are not exposed. The adjudicator's inquiry should center, dominantly, on whether the discriminatory conduct has unreasonably interfered with the plaintiff's work performance. To show such interference, the plaintiff need not prove that his or her tangible productivity has declined as a result of the harassment.
Brief of the Case: Harris v. Forklift Systems, Inc

1) CASE NAME, CITATION AND COURT
Harris v. Forklift Systems, Inc
126 L.Ed.2d.295 (1993)
United States Supreme Court

2) SUMMARY OF THE KEY FACTS
A) Teresa Harris worked as a manager at Forklift Systems, Inc. (Forklift), Charles Hardy was Forklift President.
B) While Harris worked at Forklift, Hardy continually insulted her because of her gender and made her the target of unwanted sexual innuendos.
C) This conduct created an abusive and hostile work environment, causing Harris to terminate her employment.
D) Harris sued Forklift, alleging sexual harassment in violation of Title VII of the Civil Rights Act of 1964, which makes it an unlawful employment practice for an employer to discriminate in employment because of an individual's sex.

3) THE ISSUE
Must an employee prove that she suffered severe psychological injury before she can prove a Title VII claim for sexual harassment against her employer?

4) THE HOLDING
NO. The Supreme Court remanded the case for further proceedings consistent with its opinion.

5) SUMMARY OF THE COURT'S HOLDING
The Supreme Court held that a workplace that is permeated with discriminatory intimidation, ridicule and insult so severe that it alters the conditions of the victim's employment creates an abusive hostile work environment that violates Title VII. The Court held that the victim is not required to prove that she suffered tangible psychological injury to prove her Title VII claim. The Court noted that Title VII comes into play before the harassing conduct leads the victim to have a serious breakdown.