

INTERSECTIONS OF LAW & BUSINESS

Summer Quarter 2015 – 4 credits

Room: PACCAR 394 Wednesday nights 6:00 – 9:30 PM June 24 through August 19 (No class August 5)

Instructor: Dan Poston

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Course Objectives

I would not be a lawyer if I did not include a disclaimer in this syllabus. Disclaimer: At the end of this course, you will NOT be able to practice law nor will you be able to conduct business without the services of good legal counsel. This course is not about mastering “content.” The content is ever-changing and content information is always accessible. My goal is to give people in the class a sense of the legal landscape in several key areas of law you are likely to encounter as a business person. I want to help you be more sensitive to areas with legal risks and common pitfalls so you can avoid major problems. Finally, I want to help you better understand what drives law and the legal system and to work more effectively with lawyers.

One of the most effective elements of an MBA education is the process of collaborative learning in the MBA classroom. Business education is richest when we tap the experience of the talented and diverse people in the classroom. As with other discussion-oriented courses, being prepared to engage in an informed way and contribute to the discussion is important. The purpose of all the readings is to enhance the quality of your engagement in class sessions. Because of my approach to the material, I don't expect you to absorb and master everything you read. Instead, I ask you to look for the big picture and consider underlying business and human issues. Give a little more intense time here and there on self-directed exploration of information in the areas of a topic most relevant to you. That way, what you take away from this course is more likely to stick with you.

I strongly encourage students to customize their education as much as possible to fit personal career objectives. To this end I have structured this course to prompt student initiative in areas of high personal interest and to foster team learning through deeper study of areas where students share interests. The assignments and format of this course are structured to leverage these elements. The listed readings are just a starting point to provide some basic orientation and useful checklists and frameworks for topics covered. I encourage you to utilize the extensive resources available on the internet and many other easily accessible resources on topics in business law more broadly, especially when preparing to discuss topics of deepest interest or clearest value to your future.

Approach to Instruction

While you will have the opportunity to learn some basic elements of several areas of law related to business, the heart of this course will be class discussion of situations where business goals may be facilitated or constrained by law.

Each of the 8 class nights will be composed of two sessions each lasting about 1 hour and 40 minutes. Most of these 16 sessions will address a different topic, some linked to other sessions, some not. I will approach

topics in a variety of different ways in the class sessions. Two class sessions will involve group presentations as described below.

Broad format for most of the sessions:

1. Short class discussion of the business issues
2. Class discussion of the legal issues
3. Insights on the business and legal interface and pitfalls
4. Case discussion and/or In-class exercise
5. Where is the law in this area going in the future?

You will participate in the selection of topics and formation of groups for the program projects. You will also select the topics for other individual papers/case preps.

Class Etiquette

Please turn off all cell phones, avoid side conversations while class is in session, and do not use your laptop, iPad or other device to check email or surf during class. Please avoid arriving late as this is a disruption for your classmates. If you must arrive late, please come in and be seated in a way that minimizes the disruption.

Let me know if you are going to miss a class, and let me know the reason. Missing a significant amount of class because you arrive late, leave early, or don't attend at all will have an impact on your participation grade. The extent of the impact on your grade may depend in part on the specific session or sessions missed. Your participation in the group presentation and the session for which you committed to prepare or present a case will be imperative. **Note: If you miss a class, you must complete an additional Session Topic Paper over and above the two required addressing one of the topics of the class session you missed. If you miss a session for which you had already prepared a Session Topic Paper you must do Session Topic Paper for an additional future class session.** (See more about this below.)

Reading Assignments and Case Preparation

This class does not use a textbook or course packet. In the past, I gave people the option to use a textbook and no one chose to do so. Therefore I returned to only online resources. Extensive information about every topics covered in this course is readily available online starting with links provided in the syllabus and far beyond to many other publicly available online materials. You will need to access these materials online in preparing for various class sessions. Some, but not all the readings focus on the law of the State of Washington. I chose some cases and readings because the material is interesting subject matter or because it effectively illustrates key concepts in a clear way, even if the case is not recent.

Honor Code Compliance

The Honor Code of the Foster School of Business expressly prohibits cheating, attempted cheating, plagiarism, and lying to administration or faculty as it pertains to academic work. Suspected violations of the Honor Code will be handled by referral of the matter to the Foster MBA Honor Council. Note: All assignments for this class except the group projects are individual efforts. I expect the work that each student submits to be his or her own.

Useful General References

U.S. Small Business Administration Website

<http://www.sba.gov/category/navigation-structure/starting-managing-business/starting-business/business-law-regulations> (Links to an external site.)

Foster Business Library – especially Lexis/Nexis and other online research resources

UW Gallagher Law Library

Sources of Free Legal Information on Washington State Law

<http://lib.law.washington.edu/ref/legalinfo.html> (Links to an external site.)

Class 1: Wednesday, June 24, 2015

Session A (6:00 – 7:50 pm)

Course Introduction/Process

Foundations of Law & Legal Reasoning

The Rule of Law & Intersections of Law & Business

Research, Readings and Cases to Prepare for Session 1A:

Issues: The underlying social foundations that drive law

Law as an essential foundation for conducting business

Facilitation of commerce is a key factor at the heart of the U.S. Constitution

Egypt's Economic Apartheid

<http://online.wsj.com/article/SB10001424052748704358704576118683913032882.html> (Links to an external site.)

(Note: If you have a subscription to WSJ you can read the original article by Hernando De Soto. If not, this other article provides a useful summary of the points. <http://www.freedomworks.org/blog/teda/egypts-economic-apartheid> (Links to an external site.)

China Legal Reform at the Crossroads

<http://www.cfr.org/china/chinas-legal-reform-crossroads/p10063> (Links to an external site.)

The *Constitution of the United States of America* and its amendments in particular read the following sections: Article I, Section 8, Article IV, Section 2, Article VI, Section 1, and Amendments Article X, Article XIV, Section 1, Article XXI, Section 2

<http://constitutionus.com/> (Links to an external site.)

Deep Dive Topic Resources for Those Seeking More Specifics:

“Capacity development”: The broadest context for the need for a supporting framework for business to develop and work. (Dan’s Note: an issue at the country level, but also an issue at the level of a new enterprise or group of people starting a business.)

http://pdf.usaid.gov/pdf_docs/PNACE021.pdf (Links to an external site.)

Need for low cost contract enforcement mechanisms to facilitate business transactions

Session B (8:00 – 9:30 pm)

Pre-Formation Issues

Case Analysis: Jurisdiction and Sales Tax

Business Issues

Is there a profitable concept here? Who is on board?

Who and what do we need to make this work? Money?

Business Barriers to Entry (Michael Porter)

The Business Plan

Legal Issues

Where? The Business Venue and Jurisdiction – National, State, Regional, Local Legal Barriers to entry – Is it legal? Does it require a permit? Is it controlled by the government? Incorporation – Why bother? Employees, land use, taxes. Business Analysis of One Legal Issue: Jurisdiction

Course Process: Forms of Business Selections for First Assignment

Student Information Sheets

Class Survey #1

Research, Readings and Cases to Prepare for Session 1B:

Skim through the references below to answer the following questions: *What are key factors in setting up and running a business? What are the commensurate legal considerations? What business and legal factors should be considered in determining if the State of Washington is a good or bad place to set up a particular business?*

Read and Prepare *International Shoe, Quill Corp. and the articles on Amazon and sales taxes for class discussion. These cases and articles offer a great example of the establishment and evolution of law in one fundamental area that may profoundly impact a business: jurisdiction.*

Start-up Considerations and Financing Options

<http://smallbusiness.findlaw.com/starting-business/starting-business-resources/> (Links to an external site.)

<http://smallbusiness.findlaw.com/starting-business/starting-business-financing/> (Links to an external site.)

Starting a business in Seattle

http://www.seattle.gov/economicdevelopment/pdf_files/10-steps-biz-startup.pdf (Links to an external site.)

Starting a business in Washington

<http://access.wa.gov/business/index.aspx> (Links to an external site.)

<http://www.sba.gov/about-offices-content/2/3157> (Links to an external site.)

<http://bls.dor.wa.gov/startbusiness.aspx> (Links to an external site.)

Case: INTERNATIONAL SHOE CO. v. STATE OF WASHINGTON ET AL. No. 107

SUPREME COURT OF THE UNITED STATES 326 U.S. 310; 66 S. Ct. 154; 90 L. Ed. 95; **1945 U.S. LEXIS 1447**; 161 A.L.R. 1057 November 14, 1945, Argued December 3, 1945, Decided

Actual case report can be found in **Lexis/Nexis at citation: 1945 U.S. Lexis 1447**

Abbreviated summary of the case can be found at

http://en.wikipedia.org/wiki/International_Shoe_v._Washington (Links to an external site.)

Case: QUILL CORP. v. NORTH DAKOTA (91-0194), 504 U.S. 298 (1992)

Actual case report can be found at <http://www.law.cornell.edu/supct/html/91-0194.ZO.html> (Links to an external site.)

Abbreviated summary of the case can be found at

http://en.wikipedia.org/wiki/Quill_Corp._v._North_Dakota (Links to an external site.)

Case: Amazon.com and Sales Tax

Background articles on Amazon's sales tax situation

http://www.slate.com/articles/business/moneybox/2010/11/every_days_a_tax_holiday.html (Links to an external site.)

<http://www.forbes.com/sites/robertwood/2012/04/26/for-amazon-taxes-what-happens-in-vegas-doesnt-stay-in-vegas/> (Links to an external site.)

http://seattletimes.com/html/localnews/2020932508_amazontaxxml.html (Links to an external site.)

Dec 2, 2013 – U.S. Supreme Court declines sales tax case involving Amazon.com

http://www.washingtonpost.com/politics/supreme-court-declines-case-on-making-online-retailers-collect-sales-taxes/2013/12/02/e430ec8c-55f5-11e3-835d-e7173847c7cc_story.html (Links to an external site.)

Solution: Origin-based Tax?

<http://www.nationalreview.com/corner/280712/two-problems-amazon-tax-veronique-de-rugy> (Links to an external site.)

Optional Deep Dive Topic Resources for Those Seeking More Specifics:

Washington Business Regulations (Title 19)

<http://law.onecle.com/washington/business-regulations-miscellaneous/index.html> (Links to an external site.)

Oregon State laws

<http://law.onecle.com/oregon/> (Links to an external site.)

Class 2: Wednesday, July 1, 2015

Session A (6:00 – 8:50 pm)

Course Process – Session Topic Selection

Business Venue Selection

Discuss Group Topic Options

Forms of Business

Business Issues

Legal Issues

Essentials of the Topic

Business Analysis of a Law Case

Where is this aspect of law going?

Forms of Business Discussion

Business Analysis of a Law Case

Research, Readings and Cases to Prepare for Session 2A:

Research and get a basic sense of the common forms of business?

Be prepared to discuss at least some of the relative advantages and disadvantages of each.

What makes the corporate form so useful? Why does a society or government take an interest in managing this form of business?

Get an understanding of some key terms like "piercing the corporate veil."

Read and Prepare to discuss the *Guth v. The Grace Company, Inc.* on the issue of business opportunity. What are the implications of this case today for employees of tech companies?

Research resources:

Simple matrix on Washington State forms of business

http://www.sos.wa.gov/corps/registration_structures.aspx (Links to an external site.)

Piercing the Corp Veil and Loss of Protection from Liability

<http://www.bizfilings.com/toolkit/sbg/run-a-business/assets/limited-liability-results-in-personal-exposure.aspx> (Links to an external site.)

Piercing the Corp Veil pdf recommendations

<http://www.nala.org/Upload/file/PDF-Files/FactsFindings/thomason.pdf> (Links to an external site.)

LLC lawsuit initially thrown out because of failure to pay \$125 annual fee to State of Nevada

<http://www.llclawmonitor.com/2011/02/articles/dissolution-1/llcs-nevada-lawsuit-almost-ended-by-failure-to-pay-its-125-annual-franchise-fee/> (Links to an external site.)

[PREP OF THIS CASE IS OPTIONAL – The instructor will present the facts for discussion.]

Case: EASTERN PRODUCTS CORPORATIONS et al. v. TENNESSEE COAL, IRON & R. CO.

On liability of directors of corporation for permitting business before capital stock is all subscribed

SUPREME COURT OF TENNESSEE, NASHVILLE 151 Tenn. 239; 269 S.W. 4; 1924 Tenn. LEXIS 64; 40 A.L.R. 1483; 24 Thompson 239 December, 1924, Decided

Case: CHARLES G. GUTH and THE GRACE COMPANY, INC., OF DELAWARE, a corporation of the State of Delaware, Defendants Below, Appellants, vs. LOFT, INCORPORATED, Complainant Below, Appellee, and Pepsi-Cola Company, a corporation of the State of Delaware, Defendant Below, Appellee.

SUPREME COURT OF DELAWARE, 5 A.2d 503; 1939 Del. LEXIS 13; 23 Del. Ch. 255

April 11, 1939, Decided

Actual case report can be found in **Lexis/Nexis at citation: 1939 Del. LEXIS 13**

Abbridged, but still clear version: <http://h2o.law.harvard.edu/collages/4308> (Links to an external site.)

Summary version:

http://highered.mcgraw-hill.com/sites/dl/free/0072933992/336418/ch43_Guth_vs_Loft.html (Links to an external site.)

The full story of Coke, Pepsi and Business Opportunity (download pdf)

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1414478 (Links to an external site.)

Deep Dive Topic Resources for Those Seeking More Specifics:

WA state Uniform Partnership statute

<http://apps.leg.wa.gov/rcw/default.aspx?Cite=25> (Links to an external site.)

Session B (8:00 – 9:30 pm)

Agreements Between the Parties to the Business (Internal)

Partnership and Shareholder Agreements

Business Issues

Legal Issues

Essentials of the Topic

Business Analysis of a Law Case

Where is this aspect of law going?

In Class Cases Distributed for Discussion

GROUP EXERCISE: Shareholder Agreement

Research, Readings and Cases to Prepare for Session 2B:

Read the article and sample shareholder agreement to get familiar with issues involved. Read through enough of the Silverscreen Partners I agreement to talk about some of the points in class. Choose one of the three agreements below and be prepared to talk about particular issues addressed in the agreements that interested you.

Key elements and “dos and don’t’s” of a Shareholder Agreement

<http://www.sfu.ca/~mvolker/biz/agree.htm> (Links to an external site.)

Silverscreen Partners IV

<http://sec.edgar-online.com/silver-screen-partners-iv-l-p/10-k-annual-report/1998/03/31/section2.aspx> (Links to an external site.)

Select ONE (1) of the following 3 agreements to read and discuss: Silverscreen Partners I (original LP) Form 10-K SEC filing

<http://www.secdatabase.com/dUK18.77.htm> (Links to an external site.)

Shareholder Agreement (Amazon.com)

<http://contracts.onecle.com/amazon/ayre.shareholder.1997.03.18.shtml> (Links to an external site.)

Limited Partnership Agreement (Blackstone)

<http://contracts.onecle.com/blackstone/limited-partnership-2007.shtml> (Links to an external site.)

Class 3: Wednesday, July 8, 2015

Session A (6:00 – 7:50 pm)

Contracts (External)

Business Issues

Legal Issues

Essentials of the Topic

Business Analysis of a Law Case

Where is this aspect of law going?

Research, Readings and Cases to Prepare for Session 3A:

Research answers to the following question in the references below: Why aren't contracts written so ordinary people can read them? What are the essential elements of a contract? When has a contract been made, or not? What makes a contract enforceable or not enforceable? What role does the UCC play in commercial contracts?

Read and prepare to discuss *Fry v. Foster*, *Robert Wagner v. Columbia Pictures*, and *Peggy Lee* case article.

Research answers in the following materials:

Why aren't contracts written so ordinary people can read them?

<http://stonebusinesslawblog.com/resource/general-business-law/why-aren%E2%80%99t-contracts-written-so-ordinary-people-can-read-them> (Links to an external site.)

Structures to make contracts possible http://pdf.usaid.gov/pdf_docs/PNACE021.pdf (Links to an external site.)

Fundamentals of Contracts:

<http://www.nolo.com/legal-encyclopedia/contracts-basics-33367.html> (Links to an external site.)

Is the contract enforceable?

<http://smallbusiness.findlaw.com/business-contracts-forms/will-your-contract-be-enforced-under-the-law.html> (Links to an external site.)

Contract Law and the Uniform Commercial Code (UCC)

<http://www.bankinglawg.com/contract-law/why-business-owners-need-to-know-about-contract-law/> (Links to an external site.)

Prepare for Class Discussion:

Case: FRY v. FOSTER

No. 27569. SUPREME COURT OF OKLAHOMA

179 Okla. 398; 65 P.2d 1224; **1937 Okla. LEXIS 284**

March 16, 1937, Decided

Full actual case can be found in Lexis/Nexus at **1937 Okla. LEXIS 284**

Online shorter, cleaner version

<http://law.justia.com/cases/oklahoma/supreme-court/1937/18206.html> (Links to an external site.)

Case: ROBERT WAGNER, Individually and as Trustee, etc., Plaintiff and Appellant, v. **COLUMBIA PICTURES INDUSTRIES, INC.**, Defendant and Respondent.

B184523

COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION SEVEN

146 Cal. App. 4th 586; 52 Cal. Rptr. 3d 898; 2007 Cal. App. LEXIS 15; 2007 Cal. Daily Op. Service 235; 2007 Daily Journal DAR 343 January 8, 2007, Filed

Also, case can be found at <http://www.lawlink.com/research/caselevel3/84024> (Links to an external site.)

Peggy Lee sues The Walt Disney Company

<http://www.ew.com/ew/article/0,,313939,00.html> (Links to an external site.)

Session B (8:00 – 9:30 pm)

Sales and Distribution Agreements

Business Issues

Legal Issues

Essentials of the Topic

Business Analysis of a Law Case

Where is this aspect of law going?

Course Feedback: Quick Survey No. 2

Research, Readings and Cases to Prepare for Session 3B:

Read quickly through the sample distribution agreement and the Redhook distribution agreement below. What are essential elements to include in a Sales and Distribution Agreement? How does the issue of jurisdiction play into distribution agreements?

Read and prepare The William Vigal and Mary Simon case and at least one of the three agreements: China, Danforth, or Microsoft Sagent.

Wine Sales and Distribution Agreement – Univ of Oregon law

https://law.uoregon.edu/assets/facultydocs/chermann/Distribution_Agreement.pdf (Links to an external site.)

Redhook distribution agreement

<http://agreements.realdealdocs.com/Distribution-Agreement/MASTER-DISTRIBUTOR-AGREEMENT-567306/> (Links to an external site.)

Case: WILLIAM VIGAL and MARY SIMON, d/b/a EUROPEAN NORTHWEST IMPORTS, Plaintiffs - Appellants, v. MONIN, INC., a Florida corporation, LARS-ERIK PERSSON; CATHERINE PERSSON, Defendants - Appellees. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT 1999 U.S. App. LEXIS 738 November 6, 1998, Submitted **, Seattle, Washington

Case can be found in Lexis/Nexis at: **1999 U.S.App. LEXIS 738**

Select ONE (1) of the following agreements to review and be prepared to discuss:

International Distribution Agreement – China

http://www.xinda.com/samples/distribution_agreement_enu.pdf (Links to an external site.)

Microsoft and Sagent License and Distribution Agreement

<http://contracts.corporate.findlaw.com/operations/ip/3543.html> (Links to an external site.)

Class 4: Wednesday, July 15, 2015

Employees and Employment Issues Night

Session A (6:00 – 7:30 pm)

Liability for Acts of Employees

Business Issues

Legal Issues

Pitfalls and Common Missteps

Business Analysis of a Law Case

Where is this aspect of law going?

Research, Readings and Cases to Prepare for Session 4A:

What is "vicarious liability" and how does this impact the employer-employee relationship?

How do you define acts within the "scope of employment?"

Readings for Class Discussion on Employee Liability:

[http://smallbusiness.findlaw.com/business-operations/insurance/liability-employee-acts\(1\).html](http://smallbusiness.findlaw.com/business-operations/insurance/liability-employee-acts(1).html) (Links to an external site.)

Select ONE (1) of the three readings below (the topic that most interests you) to prep.

1. Employee acts that injure co-workers, customers or strangers

<http://www.nolo.com/legal-encyclopedia/employer-liability-employees-bad-acts-29638.html> (Links to an external site.)

2. Problems with computer use and email

http://www.klgates.com/files/tempFiles/a5916779-782e-4169-97b6-2781ebc33777/274_HKT_CCH.pdf (Links to an external site.)

3. Employee criminal acts, auto accidents away from worksite

http://www.ffalaw.com/portfolio/news/breaking_news/Safety%20Council%20Presentation%20Outline.pdf (Links to an external site.)

OPTIONAL Deep Dive Topic Resources for Those Seeking More Specifics: Tort Law in General

<http://www.britannica.com/EBchecked/topic/600206/tort/16478/Vicarious-liability> (Links to an external site.)

Session B (7:40 – 9:30 pm)

Employment Law & Regulations

Business Issues

Legal Issues

Pitfalls and Common Missteps

Business Analysis of a Law Case

Where is this aspect of law going?

Short Cases Distributed in class for discussion

Research, Readings and Cases to Prepare for Session 4B:

***Research** employment and anti-discrimination law in Washington state at the sites below. Familiarize yourself with the scope of laws that impact an employer's obligations toward employees? Consider: How has this changed over time? What factors drive change? How do laws impacting the employer/employee relationship vary across jurisdictions? Why?*

Read and prepare for class discussion Telnav agreement, employment contract primer, Julissa Aponte-Rivera case.

Research Employment Law in Washington State

<http://www.lni.wa.gov/workplacerrights/> (Links to an external site.)

Washington State Anti-Discrimination laws

<http://www.hum.wa.gov/Employment/Index.html> (Links to an external site.)

Prepare for Class Discussion:

Employment Agreement (Telnav)

<http://contracts.onecle.com/telenav/jin-emp-2009-10-28.shtml> (Links to an external site.)

Employment Contract Primer

<http://library.findlaw.com/1999/Jun/1/127588.html> (Links to an external site.)

Case: JULISSA APONTE-RIVERA, Plaintiff, Appellee v. DHL SOLUTIONS (USA), INC., Defendant, Appellant. No. 10-1655

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

2011 U.S. App. LEXIS 10507, May 25, 2011, Decided

Aponte-Rivera v. DHL Solutions – full case summary (two versions if one not accessible)

<http://www.leagle.com/decision/In%20FCO%2020110525100> (Links to an external site.)

<http://caselaw.findlaw.com/us-1st-circuit/1568728.html> (Links to an external site.)

Aponte-Rivera v. DHL Solutions – brief statement of damages

<http://www.hrworks-inc.com/topics-in-hr/industry-updates/10-eeoaffirmative-action-/377-whats-the-damage-dhl> (Links to an external site.)

OPTIONAL Deep Dive Resources:

<http://www.lni.wa.gov/> (Links to an external site.)

<http://www.lni.wa.gov/workplacerrights/> (Links to an external site.)

Class 5: Wednesday, July 22, 2015

Session A: (6:00 – 8:00 pm)

IP Protection Trade Secrets, Copyright, Trademark and Servicemark, Patent

Business Issues

Legal Issues

Pitfalls and Common Missteps

Case Analysis

Research, Readings and Cases to Prepare for Session 5A:

Research and Familiarize yourself with basic categories of IP protection. What IP does each protect? Why do the laws vary for each type of IP? Why do societies address IP protection? Why does the commitment to IP protection vary across jurisdictions?

Read and prepare to discussion the transcript of When Patents Attack! Atleast one of the following 3 cases: Dastar, Aronson, Timothy Vernor v. Autodesk.

Intellectual Property: The Basics

<http://www.csoonline.com/article/204600/intellectual-property-protection-the-basics> (Links to an external site.)

Article: Why Protecting Intellectual Property Rights Matters <http://www.america.gov/st/econ-english/2008/April/20080429213909myleeno.2809259.html> (Links to an external site.)

Read Transcript or Listen to Podcast of at least the Prologue and Part 1:

When Patents Attack!

<http://www.thisamericanlife.org/radio-archives/episode/441/when-patents-attack> (Links to an external site.)

Cyber Law and IP

Read and prepare to discuss the following articles:

<http://www.techrepublic.com/blog/security/what-makes-cybercrime-laws-so-difficult-to-enforce/4997> (Links to an external site.)

Read pages 771-775 of the following article. (Reading more if the article is optional.)

Texas Law Review: Technology, domain names and the issue of contract or property

<http://innovation.ucdavis.edu/people/publications/SSRN-id418853.pdf> (Links to an external site.)

I will likely ask you to read and prep one of the following three cases:

Dastar Corporation v. Twentieth Century Fox Film Corp. et. al.

Supreme Court 539 U.S. 23; 123 S.Ct. 2041, 2003 U.S. Lexis 4276

Aronson v. Quick Point Pencil Co.

Supreme Court 440 U.S. 257; 99 S.Ct. 1096; 1979 U.S. Lexis 64

TIMOTHY S. VERNOR, Plaintiff-Appellee, v. AUTODESK, INC., Defendant-Appellant.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

621 F.3d 1102; 2010 U.S. App. LEXIS 18957; 96 U.S.P.Q.2D (BNA) 1201; Copy. L. Rep. (CCH) P29,982, June 7, 2010, Argued and Submitted, Seattle, Washington

September 10, 2010, Filed

Session B (8:00 – 9:30 pm)

IP Protection and Global Issues

Business Issues

Legal Issues

Pitfalls and Common Missteps

Case Analysis

Where is IP protection going in the future?

Research, Readings and Cases to Prepare for Session 5B:

*Research challenges in IP protection across cultures and national boundaries in article below and possibly other sources. **Read and prepare to discuss** at least one of the 3 cases below.*

Protecting Intellectual Property Rights in a Global Economy: Current Trends and Future Challenges

<http://www.uspto.gov/news/speeches/2009/2009Dec9.jsp> (Links to an external site.)

I will likely ask you to read and prep one of the following three cases:

Aboriginal Carpets case (artistic design)

<http://ab-ed.boardofstudies.nsw.edu.au/go/aboriginal-art/protecting-australian-indigenous-art/case-studies-of-copying-and-appropriation/case-study-4-the-carpets-case> (Links to an external site.)

Golden Rice Case (agricultural IP)

[http://lsr.nellco.org/cgi/viewcontent.cgi?article=1006&context=piercelaw_facseries&sei-redir=1#search="case+study+in+intellectual+property](http://lsr.nellco.org/cgi/viewcontent.cgi?article=1006&context=piercelaw_facseries&sei-redir=1#search=) (Links to an external site.)

Apple loses iPad case in China

<http://www.ft.com/intl/cms/s/2/6bc5ba86-20b7-11e1-8133-00144feabdco.html#axzz2WENE4Tb5> (Links to an external site.)

Class 6: Wednesday, July 29, 2015

Session A (6:00 – 7:40 pm)

Consumer Law, Product Liability, Fraud and Cyber Law

Business Issues

Legal Issues – Criminal, Statutory Protection, Negligence

Pitfalls and Common Missteps

Business Analysis of a Law Case

Where is this aspect of law going?

Research, Readings and Cases to Prepare for Session 6A:

Read and prepare to discuss the articles and cases below.

Product liability defined

http://en.wikipedia.org/wiki/Product_liability (Links to an external site.)

Made in China, but Sued in

America http://www.azmilaw.com/archives/Article_9_Made_in_China,_Sued_in_America_00099133_.pdf (Links to an external site.)

Johnson & Johnson - Risperdal

<http://www.bloomberg.com/news/2011-03-22/j-j-s-risperdal-letter-violated-law-south-carolina-jury-finds.html> (Links to an external site.)

Johnson & Johnson's response (Where are the damages?)

<http://www.policymed.com/2013/05/states-becoming-more-aggressive-prosecuting-off-label-promotion.html> (Links to an external site.)

Case: Petitioner: Savannah Boles, v. Respondent: Sun Ergoline, Inc., a Delaware corporation.

Case No. 08SC970 SUPREME COURT OF COLORADO; 223 P.3d 724; 2010 Colo. LEXIS 73

February 8, 2010, Decided (Find in Lexis/Nexis at legal cases **2010 Colo. LEXIS 73**)

OPTIONAL Deep dive reading, especially if interested in the impact of potential tort claims on Mergers & Acquisitions: <http://www.klgates.com/files/Publication/b90a56d9-fofd-4cde-9706->

[3a54ba2bd730/Presentation/PublicationAttachment/8ca2b44c-dod9-4e3c-817a-42a14399176a/article_MAJ706.pdf](https://www.fda.gov/oc/3a54ba2bd730/Presentation/PublicationAttachment/8ca2b44c-dod9-4e3c-817a-42a14399176a/article_MAJ706.pdf) (Links to an external site.)

Cyber Law

PapaJohn's Text Message Promotions without consumer consent

<http://www.mobilemarketer.com/cms/news/legal-privacy/14234.html> (Links to an external site.)

Phishing in India

<http://cyber-law-web.blogspot.com/2009/07/case-study-cyber-law-nasscom-vs-ajay.html> (Links to an external site.)

Cyber Law and Cyber Harrassment: United States v. Drew

http://en.wikipedia.org/wiki/United_States_v._Drew (Links to an external site.)

Biggest Cyber Law cases of 2014

<http://www.forbes.com/sites/ericgoldman/2015/01/23/top-10-internet-law-developments-of-2014/> (Links to an external site.)

OPTIONAL Deep dive resource for access to various cyber laws

<http://www.ipl.org/div/pfarch/entry/81372> (Links to an external site.)

<http://www.cybercrimelaw.org/> (Links to an external site.)

Session B (7:50 – 9:30 pm)

International Business and Doing Business in Other Countries

Business Issues

Legal Issues

Essentials of the Topic

Business Analysis of a Law Case

Where will law figure in the future of global business?

Research, Readings and Cases to Prepare for Session 7B:

Research key legal issues that arise doing business in other countries. What underlies conflicting perspectives on establishing and enforcing laws that impact business transactions across borders?

The irony of international business law

<http://moritzlaw.osu.edu/events/mslsc/spalding.pdf> (Links to an external site.)

Problems and Challenges in Working in International Settings

<http://cqx.sagepub.com/content/46/2/116.full.pdf+html> (Links to an external site.)

http://www.crimradius.com/International_Business_Ethics (Links to an external site.)

ACCESS only to TIME Subscribers

Case: The Not So Magic Kingdom: Why Disneyland Paris Has Yet to Pay Off for Disney

<http://content.time.com/time/magazine/article/0,9171,2122686,00.html> (Links to an external site.)

Case: ESTHER KIOBEL, individually and on behalf of her late husband, DR. BARINEM KIOBEL, et al., Petitioners v. ROYAL DUTCH PETROLEUM CO. et al. No. 10-1491

SUPREME COURT OF THE UNITED STATES 133 S. Ct. 1659; 185 L. Ed. 2d 671; 2013 U.S. LEXIS 3159; 81 U.S.L.W. 4241; 43 ELR 20083; 24 Fla. L. Weekly Fed. S 142 February 28, 2012, Argued; October 1, 2012, Reargued April 17, 2013, Decided

Summarized at http://en.wikipedia.org/wiki/Kiobel_v._Royal_Dutch_Petroleum_Co (Links to an external site.).

OPTIONAL Deep dive resources:

Country Profiles – Global Guide to Culture, Customs and Business Etiquette

<http://www.kwintessential.co.uk/resources/country-profiles.html> (Links to an external site.)

Doing Business – guides by country and topic

<http://www.doingbusiness.org/> (Links to an external site.)

LexisNexis – Zimmerman’s Research Guides

<http://law.lexisnexis.com/infopro/zimmermans/disp.aspx?z=1401> (Links to an external site.)

(NO CLASS on Wednesday, August 5)

Class 7: Wednesday August 12, 2015

Session A (6:00 – 7:40 pm)

Group Presentations and Discussions

Session B (7:50 – 9:30 pm)

Legal Issues in Community and Government Relations, Dealing with the Legal Process & “Trial in the Court of Public Opinion”

Business Issues

Legal Issues

Pitfalls and Common Missteps

Case Analysis

What does the future hold in this area?

Research, Readings and Cases to Prepare for Session 8B:

Read and prepare to discuss the following articles and cases:

Dealing with the media in crisis

<http://www.gym.net/eduserve/speaking.pdf> (Links to an external site.)

Social media speech protected even if it enrages the boss

http://www.nytimes.com/2013/01/22/technology/employers-social-media-policies-come-under-regulatory-scrutiny.html?pagewanted=all&_r=0 (Links to an external site.)

5 Lessons from Social Media Disasters

<http://www.theatlantic.com/business/archive/2010/03/5-lessons-from-social-media-pr-disasters/37977/> (Links to an external site.)

Case: Dominion Power

<http://www.swordandthescript.com/2010/11/powerful-ideas-for-dealing-with-social-media-crisis/> (Links to an external site.)

Case: Paula Deen

Transcript of Deposition

http://www.cnn.com/interactive/2013/06/entertainment/deen-deposition/?hpt=hp_t1 (Links to an external site.)

Media quotes

<http://www.businessinsider.com/the-craziest-quotes-from-the-paula-deen-deposition-2013-6> (Links to an external site.)

Media issues

<http://abcnews.go.com/Entertainment/apologetic-paula-deen-food-network-racial-slurs-controversy/story?id=19459030> (Links to an external site.)

Class 8: Wednesday, August 19, 2015

Session A (6:00 – 7:40 pm)

Group Presentations and Discussions

Session B (7:50 – 9:20 pm)

Closing Session

How to Use Lawyers Effectively and Economically

Understand the Basics of the Legal Process

Checklist of Missteps to Avoid

The Future of Lawyers and Business Law Practice

Feedback: Course Evaluations

Research, Readings and Cases to Prepare for Session 9B:

Read and prepare to discuss the following articles:

Top 10 Mistakes That Lead to Lawsuits

http://www.lawyersagainstlawsuitabuse.com/images/031218_Top_10_mistakes_which_lead_to_lawsuits.pdf (Links to an external site.)

The Legal Checklist

<http://www.powelltrachtman.com/CM/Publications/The-Legal-Tuneup.asp> (Links to an external site.)