

## Business Law

**Course code:** LBS 201

**Semester and year:** Fall 2021

**Day and time:** Tuesday 8:15-11:00 am

**Instructor:** JUDr. Radka MacGregor Pelikánová, Ph.D., LL.M., MBA

**Instructor contact:** radka.macgregor@aauni.edu

**Consultation hours:** Tuesday 11:00-12:00

<b>Credits US/ECTS</b>	3/6	<b>Level</b>	Introductory
<b>Length</b>	15 weeks	<b>Pre-requisite</b>	
<b>Contact hours</b>	42 hours	<b>Course type</b>	Bachelor Elective

### 1. Course Description

This course gives a general overview of law and legal systems. It covers the nature and sources of law, court systems including substantive and procedural areas of constitutional law, labor law, contracts, torts, criminal law, and property from and within the EU as well as USA perspective. The course is geared towards providing students with a basic knowledge of key aspects of the law, critical legal thinking, and a comparative approach to the civil and common law systems. Emphasis is placed on a good overview and understanding of most practical legal issues related to business conduct, i.e. on the legal framework and its application to domestic, national, and international commerce.

### 2. Student Learning Outcomes

Upon completion of this course, students shall be able to:

- Comprehend and have a clear understanding of the law and its functions, basic legal concepts, legal systems and legal disciplines with a business impact, and this within the Common law tradition as well as Continental (civil law) tradition and distinguish between various approaches based on cultural, economic and political contexts
- Understand and analyze critical challenges and issues related to the law per se as well as legal systems and legal disciplines.
- Place in context and lend perspective to the acquired knowledge and skills, enhance awareness about critical issues, to improve capacity to identify the most important aspects, and to provide basic evaluation skills.
- Exhibit an enhanced awareness and demonstrate a strong foundation to make educated decisions in the business field.
- Identify the risks and solve problems associated with business/commerce, to make educated decisions and to develop strategies for ensuring favorable law regime, jurisdiction and resolution of disputes.

### 3. Reading Material

#### **Required Materials**

- Textbook Barnes, James, Dworkin, Terry Moreahead, Richards, Eric L.. Law for business, 12th ed., New York: McGraw-Hill Education, [2015], 1032 p.: ill. ISBN 9781259254215
- Documents distributed ad hoc during lectures.
- Materials posted at the NEO internet page.

### **Required Cases**

- Carlill v Carbolic Smoke Ball Company [1892] EWCA Civ 1
- Donoghue v Stevenson [1932] UKHL 100
- Enron case

### **Recommended Materials**

- Bar, Christian von, Drobnig, Ulrich. The Interaction of Contract law and Tort and Property Law in Europe – A Comparative Study. München, GE : Sellier, European Law Publishers, 2004. ISBN 3-935808-20-8.
- Cohen, Morris L., Bering, Robert C., Olson, Kent C. Finding the law. 9th edition. St.Paul, USA : West Publishing, 1989. ISBN 0-314-54587-5.
- Foster, Nigel, Sule, Satish. German Legal System and Laws. 3rd edition. Oxford, UK: Oxford University Press, 2002. ISBN 0-19925-483-4.
- Gac, Edward J. and Carlson, Rhonda. Asking the right questions: A student study guide – Business Law. Englewood Cliffs, USA : Prentice Hall, 1995. ISBN 0-13-309774-9.
- Honoré, Tony. About law: a short introduction. Oxford, UK : Oxford University Press. 2005. ISBN 0-19-876387-5. Slorach, J.Scott. Business Law. 15th edition. Oxford, UK: Oxford University Press, 2007, ISBN 978-0-19-92127-0.
- MacGregor Pelikánová, Radka. Introduction to Law for Business. Ostrava, CZ: Key Publishing, 2012, ISBN 978-80-7418-137-5.
- McKendrick, Ewan. Contract Law. 12th Edition. Palgrave Law Masters, 2017, ISBN 978-1-137-60649-5.
- Schaffer, Agusti, Dhooge, Earle. International Business Law and its Environment (International Edition), 8th Edition, 2012, selected pages available on the course website
- van Caenegem, Raoul C. An Historical Introduction to Private Law. Cambridge, UK: Cambridge University Press, UK, 1992, ISBN 0-521-427452.
- Wacks, Raymond. Law - A very short introduction. Oxford, UK : Oxford University press, 2006, ISBN 978-0-19-921496-9.
- Internet Websites, such as <http://www.smallbusinessnotes.com/international.html> or <http://www.smallbusinessnotes.com/starting/startchk1st.html> or <http://www.businessinfo.cz/en/>
- The material is available in hardcopy in the AAU library or online.

### **4. Teaching methodology**

The lectures will be interactive and strongly practically oriented. They will be complemented by case studies and presentations initiated by the students and covered by a class discussion. The basic concepts and rules will be presented in a concise and organized manner, along with practical examples and with expected informal discussions. Considering the large reach of this course, the active participation and home preparation of students is absolutely instrumental. Regular attendance and on time completion of homework is required.

## 5. Course Schedule

Date	Class Agenda
Aug 31 <sup>st</sup> <b>Lesson 1</b>	<p><b>Topic:</b> Introductory Class and the definition of the law and business law.</p> <p><b>Description:</b> Class information, Discussion of class expectations, Introduction to the issue. A brainstorm discussion about the foundation and meaning of the law and business law.</p> <p><b>Reading:</b> Materials posted at NEO page.</p> <p><b>Assignments/deadlines:</b> None.</p>
Sept 7 <sup>th</sup> <b>Lesson 2</b>	<p><b>Topic:</b> Nature, objective and functions of Law, Legal reasoning, Sources of Law, Legal Families.</p> <p><b>Description:</b> Law, Legal system, Legal order v. ethics, moral, Macro and microfunctions of law, Primary and secondary sources. Common law and Continental (Civil) law, history, differences</p> <p><b>Reading:</b> Materials posted at NEO page. Barnes Chap. 1.</p> <p><b>Assignments/deadlines:</b> Find and submit an academic article for your Legal Research Project.</p>
Sep 14 <sup>th</sup> <b>Lesson 3</b>	<p><b>Topic:</b> Three pillars of the Business law v. Public law and Private law; v. Substantive and Procedural law.</p> <p><b>Description:</b> Fundamental concepts, methods and principles applied in/for the Business law. Setting business, corporation and competition - Constitutional law, Administrative law, Criminal law vs. Civil law, Contracts and Torts; Adjudication v. ADR.</p> <p><b>Reading:</b> Materials posted at NEO page. Barnes Chap. 5 and 8. McKendrick.</p> <p><b>Assignments/deadlines:</b> Review and prepare for Quiz 1.</p>
Sep 21 <sup>st</sup> <b>Lesson 4</b>	<p><b>Topic:</b> Launching business. Business forms. Quiz 1.</p> <p><b>Description:</b> Trade Licensing. Sole proprietorship, Partnership, LLC, Shareholder company</p> <p><b>Reading:</b> Chap 14 and materials posted at NEO page</p> <p><b>Assignments/deadlines:</b> Find and submit an academic article for your Legal Research Project.</p>
Sep 28 <sup>th</sup> <b>NO CLASS</b>	<p><b>Public holiday, NO CLASS, no make-up needed</b></p>
Oct 5 <sup>th</sup> <b>Lesson 5</b>	<p><b>Topic:</b> Business governance, corporation structures</p> <p><b>Description:</b> Articles of Associations, Bylaws, Board of Directors, CEO, CFO, Supervisory board. Ethics, CSR and Codes of Ethics. Enron case.</p> <p><b>Reading:</b> Posted at NEO. Barnes Chap. 3.</p> <p><b>Assignments/deadlines:</b> Review and prepare for Quiz 2.</p>
Oct 12 <sup>th</sup> <b>Lesson 6</b>	<p><b>Topic:</b> Introduction of Contracts. Quiz 2.</p> <p><b>Description:</b> Agreement v. contracts, 4 content requirements, form requirements.</p> <p><b>Reading:</b> Materials posted at NEO page. Barnes Chap. 9-13.</p> <p><b>Assignments/deadlines:</b> Review and get ready for Mid-Term Exam.</p>
Oct 19 <sup>th</sup> <b>Lesson 7</b>	<p><b>Topic:</b> Mid-Term Exam.</p> <p><b>Description:</b> Testing – drafting two legal essays.</p> <p><b>Reading:</b> Review.</p> <p><b>Assignments/deadlines:</b> Read Carlill v Carbolic Smoke Ball Company [1892] EWCA Civ 1.</p>
Oct 26 <sup>th</sup> <b>Mid-Term Break</b>	
Nov 2 <sup>nd</sup>	<p><b>Topic:</b> Contract provisions and their interpretation.</p>

<b>Lesson 8</b>	<b>Description:</b> Analysis of real contracts. Carlill v Carbolic Smoke Ball Company [1892] EWCA Civ 1 <b>Reading:</b> Posted at NEO. Barnes Chap. 13-18. <b>Assignments/deadlines:</b> Prepare your Legal Research Project presentation.
Nov 9 <sup>th</sup> <b>Lesson 9</b>	<b>Topic:</b> Legal Research Project presentation. <b>Description:</b> Students individual ppt or prezi or documentary presentations. <b>Reading:</b> Materials posted at NEO. <b>Assignments/deadlines:</b> Read Donoghue v Stevenson [1932] UKHL 100
Nov 16 <sup>th</sup> <b>Lesson 10</b>	<b>Topic:</b> Extracontractual liability, torts and delicts and collection of Legal Research Projects. <b>Description:</b> Reasonable care, causality, damage, responsibility-liability. Donoghue v Stevenson [1932] UKHL 100 <b>Reading:</b> Materials posted at NEO page. Barnes Chap. 6 and 7. <b>Assignments/deadlines:</b> Prepare your team presentation.
Nov 23 <sup>th</sup> <b>Lesson 11</b>	<b>Topic:</b> Competition law. <b>Description:</b> Competition, antimonopoly, antitrust, public aid. Unfair competition. <b>Reading:</b> Materials posted at NEO page. <b>Assignments/deadlines:</b> Prepare your team presentation.
Nov 30 <sup>th</sup> <b>Lesson 12</b>	<b>Topic:</b> Team Presentations – 1 <sup>st</sup> group. <b>Description:</b> Presentations by all students grouped in teams, peer-review <b>Reading:</b> Materials posted at NEO page. <b>Assignments/deadlines:</b> Review all and get ready for the final exam.
Dec 7 <sup>th</sup> <b>Lesson 13</b>	<b>Topic:</b> Team Presentations – 2 <sup>nd</sup> group. <b>Description:</b> Presentations by all students grouped in teams, peer-review <b>Reading:</b> Materials posted at NEO page. <b>Assignments/deadlines:</b> Review all and get ready for the final exam.
Dec 14 <sup>th</sup> <b>Lesson 14</b>	<b>Topic:</b> Final Exam. <b>Description:</b> Testing – drafting two legal essays

## 6. Course Requirements and Assessment (with estimated workloads)

Assignment	Workload (average)	Weight in Final Grade	Evaluated Course Specific Learning Outcomes	Evaluated Institutional Learning Outcomes*
Attendance and Class Participation	42	0%		1
Quiz A	8	10%	Demonstration of the basic understanding of the law and its functions, with a business impact, and this within the Common law tradition as well as Continental (civil law) tradition and distinguish between various approaches based on cultural, economic and political contexts.	1
Quiz B	10	10%	Demonstration of the understanding	1,2
Mid-term test	30	20%	Demonstration of the capacity to analyze critical challenges and issues related to the law per se as	1,2

			well as legal systems and legal disciplines.	
Legal Research	5	10%	Demonstration of research, analytical, and drafting skills. Demonstration of the capacity to analyze critical challenges and issues related to the law per se as well as legal systems and legal disciplines. Demonstration of the capacity to conduct a research about a particular "law and business" topic and the improvement of referencing style.	1
Team presentation	20	20%	Presentation skills, ability to explain the studied topic to peers, identify key issues, subject knowledge, capacity to work as a team, recognize practical potential. Demonstration of the capacity to conduct a research about a particular "law and business" topic, to approach it in an original and attractive manner and to enhance the awareness about it, making related business decisions more informed.	1,2,3
Final Test	35	30%	Essay drafting – 2 of 4 topics. Demonstration of the capacity to place in context and lend perspective to the acquired knowledge and skills, enhance awareness about critical issues, to improve capacity to identify the most important aspects, and to provide basic evaluation skills.	1,2
<b>TOTAL</b>	<b>150</b>	<b>100%</b>		

\*1 = Critical Thinking; 2 = Effective Communication; 3 = Effective and Responsible Action

## 7. Detailed description of the assignments

### 1<sup>st</sup> Quiz (Multi-Choice)

#### Assessment breakdown

Assessed area	Percentage
Quiz A – Nature and functions of law, Common law and Continental law 10 or 20 questions, each with 4 offered answers, only one correct.	10%

### 2<sup>nd</sup> Quiz (Multi-Choice)

#### Assessment breakdown

Assessed area	Percentage
Quiz B – Public v. Private law, Business law concepts and principles – 10 or 20 questions, each with 4 offered answers, only one correct.	10%

## Mid-Term Exam

### Assessment breakdown

Assessed area	Percentage
Mid-Term Exam – 2 Essays on 2 of 4 topics matching areas covered in Quiz A and Quiz B.	20%

## Legal Research Project

### Assessment breakdown

Assessed area	Percentage
Legal Research Project – to search and to send an academic article about selected law issues + its presentation to the class based on ppt, prezi or documentary.	10%

## Team Presentation

### Assessment breakdown

Assessed area	Percentage
Team presentation of a particular Law issue with a peers evaluation, i.e. students will form small teams of 2-3 members and will prepare and give a 10-20 minute long ppt presentation. Thereafter, the teacher and each student will grade all given presentations, and each member of the best graded team will receive 20 points, each member of the 2 <sup>nd</sup> place team will receive 19 points, etc.	20%

## Final Exam

### Assessment breakdown

Assessed area	Percentage
Final Exam – 2 Essays on 2 of 4 topics matching all covered areas	30%

## 8. General Requirements and School Policies

### *General requirements*

All coursework is governed by AAU's academic rules. Students are expected to be familiar with the academic rules available in the Codex and Student Handbook and to maintain the highest standards of honesty and academic integrity in their work.

### *Electronic communication and submission*

The university and instructors shall only use students' university email address for communication. It is strongly recommended that any email communication between students and instructors take place in NEO LMS.

Each e-mail sent to an instructor that is about a new topic (meaning not a reply to an original email) shall have a new and clearly stated subject and shall have the course code in the subject, for example: "COM101-1 Mid-term Exam. Question".

All electronic submissions are carried out through NEO LMS. No substantial pieces of writing (especially take home exams and essays) can be submitted outside of NEO LMS.

### *Attendance*

Attendance is not compulsory, but strongly recommended. Generally, students who are absent 35 percent of classes or more do extremely poorly on exams and projects and generally do not manage to pass the course.

### *Absence excuse and make-up options*

Should a student be absent from classes for relevant reasons (illness, serious family matters), s/he can submit to the Dean of Students an Absence Excuse Request Form supplemented

with documents providing reasons for the absence. These must be submitted within one week of the absence. If possible, it is recommended the instructor be informed of the absence in advance. Should a student be absent during the add/drop period due to a change in registration this will be an excused absence if s/he submits an Absence Excuse Request Form along with the finalized add/drop form.

Students whose absence has been excused by the Dean of Students are entitled to make up assignments and exams provided their nature allows. Assignments missed due to unexcused absences which cannot be made up, may result in a decreased or failing grade as specified in the syllabus.

Students are responsible for contacting their instructor within one week of the date the absence was excused to arrange for make-up options.

**Late work:** No late submissions will be accepted – please follow the deadlines.

### ***Electronic devices***

Electronic devices (phones, tablets, laptops...) may be used only for class-related activities (taking notes, looking up related information, etc.). Any other use will result in the student being marked absent and/or being expelled from the class. No electronic devices may be used during tests or exams.

**Eating** is not allowed during classes.

### ***Cheating and disruptive behavior***

If a student engages in disruptive or other conduct unsuitable for a classroom environment of an institution of learning, the instructor may require the student to withdraw from the room for the duration of the activity or for the day and shall report the behavior to the Dean.

Students engaging in behavior which is suggestive of cheating (e.g. whispering or passing notes) will, at a minimum, be warned. In the case of continued misbehavior the student will be expelled from the exam and the exam will be marked as failed.

### ***Plagiarism and Academic Tutoring Center***

Plagiarism is “the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.” (Random House Unabridged Dictionary, 2nd Edition, Random House, New York, 1993)

Turnitin’s White Paper ‘The Plagiarism Spectrum’ (available at <http://go.turnitin.com/paper/plagiarism-spectrum>) identifies 10 types of plagiarism ordered from most to least severe:

1. CLONE: An act of submitting another’s work, word-for-word, as one’s own.
2. CTRL-C: A written piece that contains significant portions of text from a single source without alterations.
3. FIND-REPLACE: The act of changing key words and phrases but retaining the essential content of the source in a paper.
4. REMIX: An act of paraphrasing from other sources and making the content fit together seamlessly.
5. RECYCLE: The act of borrowing generously from one’s own previous work without citation; To self-plagiarize.
6. HYBRID: The act of combining perfectly cited sources with copied passages—without citation—in one paper.
7. MASHUP: A paper that represents a mix of copied material from several different sources without proper citation.
8. 404 ERROR: A written piece that includes citations to non-existent or inaccurate information about sources
9. AGGREGATOR: The “Aggregator” includes proper citation, but the paper contains almost no original work.

10. RE-TWEET: This paper includes proper citation, but relies too closely on the text's original wording and/or structure.

At minimum, plagiarism from types 1 through 8 will result in a failing grade for the assignment and shall be reported to the Dean. The Dean may initiate a disciplinary procedure pursuant to the Academic Codex. Allegations of bought papers and intentional or consistent plagiarism always entail disciplinary hearing and may result in expulsion from AAU.

If unsure about technical aspects of writing, students are encouraged to consult with the tutors of the AAU Academic Tutoring Center. For more information and/or to book a tutor, please contact the ATC at: <http://atc.simplybook.me/sheduler/manage/event/1/>.

### **Course accessibility and inclusion**

Students with disabilities are asked to contact the Dean of Students as soon as possible to discuss reasonable accommodations. Academic accommodations are not retroactive. Students who will be absent from course activities due to religious holidays may seek reasonable accommodations by contacting the Dean of Students in writing within the first two weeks of the term. All requests must include specific dates for which the student requests accommodations.

## **9. Grading Scale**

<b>Letter Grade</b>	<b>Percentage*</b>	<b>Description</b>
A	95 – 100	<b>Excellent performance.</b> The student has shown originality and displayed an exceptional grasp of the material and a deep analytical understanding of the subject.
A-	90 – 94	
B+	87 – 89	<b>Good performance.</b> The student has mastered the material, understands the subject well and has shown some originality of thought and/or considerable effort.
B	83 – 86	
B-	80 – 82	
C+	77 – 79	<b>Fair performance.</b> The student has acquired an acceptable understanding of the material and essential subject matter of the course, but has not succeeded in translating this understanding into consistently creative or original work.
C	73 – 76	
C-	70 – 72	
D+	65 – 69	<b>Poor.</b> The student has shown some understanding of the material and subject matter covered during the course. The student's work, however, has not shown enough effort or understanding to allow for a passing grade in School Required Courses. It does qualify as a passing mark for the General College Courses and Electives.
D	60 – 64	
F	0 – 59	<b>Fail.</b> The student has not succeeded in mastering the subject matter covered in the course.

\* Decimals should be rounded to the nearest whole number.

**Prepared by and when:** JUDr. Radka MacGregor Pelikánová, Ph.D., LL.M., MBA

**Approved by and when:** Jan Vašenda, Ph.D., Dean, School of Business Administration, August 26, 2021