

**CYPRESS COMMUNITY COLLEGE DEPARTMENT OF BUSINESS  
MANAGEMENT 241-C. LEGAL ASPECTS OF BUSINESS TRANSACTIONS  
COURSE SYLLABUS - SPRING 2009      INSTRUCTOR: MIKE VARISCO, J.D., B.A., A.A.**

**Office Hours.** Generally 15 to 20 minutes prior to class in B-306 or by appointment or at my office by appointment.

**Office Phone & Fax.** Office: (714) 619-9339; Fax: (714) 619-9336

**E-mail Address.** [mjv@mjvlaw.com](mailto:mjv@mjvlaw.com) <mailto:mjv@mjvlaw.com> (*Note: no exams will be accepted via email for downloading*).

**Website.** [www.mjvlaw.com](http://www.mjvlaw.com)

**Class Hours.** 7:00 p.m. to 9:50 p.m. Tuesday evenings only, starting January 13, 2009.

**Textbook.** *West's Business Law*; 11<sup>TH</sup> Edition (burgundy-colored book); the supplement is not required.

**About the Instructor.** Michael J. Varisco received his Juris Doctorate Degree (JD) from Western State University College of Law, his Bachelors Degree in Business Administration (and Business Economics) from Cal State University San Bernardino, and his Associates Degree in Business from Riverside Community College. Michael is currently an adjunct faculty professor at Cypress Community College where he has taught *Legal Aspects - Business Transactions 241(c)* since 2003. Michael is also a new faculty adjunct professor at Argosy University where he teaches an online *Business Law 211* course. Michael has taught *Business Law 101* and *Business 100 Fundamentals* at Santiago Canyon College (SCC) from 1997 to 2007 as a Faculty Adjunct Professor where he was awarded the *2002 Faculty Adjunct Teacher of the Year Award*. Michael also taught *Contracts, Torts, and Products Liability* law at American College of Law for one year. Michael additionally has extensive teaching experience as a former paralegal instructor and high school teacher. Michael currently is a full-time sole practitioner attorney and has been practicing law since 1997, presently operating MJV LAW, APC, in the city of Santa Ana. His practice covers the areas of family law, general civil litigation, estate planning, bankruptcy, and probate. Michael has operated several businesses in the past and he often guest speaks for corporations, businesses, and colleges in the areas of estate planning and sexual harassment.

**Course Description.** Legal fundamentals important in commerce and personal business transactions. Includes a study of types of law, the courts, contracts, sales, and commercial paper.

**Instructor Objectives.** Upon completion of this course, each student should be able to (1) have a better understanding of how the court system works; (2) understand ethical concerns in business law; (3) understand tort law; (4) understand consumer contract law; (5) understand and resolve legal problems; (6) debate and discuss current political, ethical, social and environmental issues related to business law.

**Course Content.** The course will cover the following topics:

- I. **Introduction.** Legal environment of business; nature and sources of law; court systems, jurisdiction, and functions; common law; statutory law; constitutional law; lawmaking by administrative agencies; torts and crimes; review (optional); supplemental material; testing;
- II. **Contracts.** Nature and classification of contracts; the agreement (offer and acceptance); consideration; contractual capacity; illegality; reality of consent; contracts in writing; rights of third parties; discharge of contracts; review (optional) and supplementary; material; testing; and
- III. **Commercial Paper.** Types; parties; and basic concepts; negotiability; transfer and negotiation; holders and holders in due course; defenses; liability of parties; checks; review (optional) and supplementary material; testing.

**Homework.** Students will be given reading weekly assignments and two (2) take-home exams. The students will be

given random in-class and take home assignments throughout the semester totaling 100 points. The instructor reserves the right to add further assignments and homework to the homework schedule throughout the semester. If a student is absent, it is that student's responsibility to obtain any homework assignments, prior class handouts, or any instructions due for the next class session, no exceptions. See below rules for obtaining Take-Home tests if absent for that day.

**Grading Points.** There are a total of 600 points in the class as follows: 200 for the midterm, 200 for the final, 100 for participation, and 100 for take home and in-class assignments.

**Participation.** Students are strongly encouraged to participate in classroom discussion. Because there are a variety of approaches to business law, the course is heavily dependent upon your participation. Your ideas and your work situation are just as important as those we read about. It is important that you contribute to class discussions. This can best be accomplished by coming to class prepared. Credit is given to every student who contributes to the classroom discussion. Remember to be respectful to the students and the instructor if you have a question during class instruction, or if another student has a question that he or she wants to ask.

**Time & Location.** Class is scheduled to start at 7:00 p.m. on Tuesday night, January 13, 2009. Class will meet at room B-306, unless otherwise scheduled at a later date. **All students are expected to be on time for class.**

**Breaks.** Students will be given one fifteen (15) minute break, unless otherwise instructed.

**Absences.** Students should report absences due to illness, etc., to the instructor at least one week before the next class session by personally telling the instructor, telephoning, faxing, or e-mailing. Each student is expected to remain during the entire class session. Regular class session will not be dismissed early per any student request. Students are normally dropped when they do not appear for the first class meeting. The professor reserves the right to drop any student for missing more than 1 (one) class, or for more than four tardies. Any student who does not attend any particular class will not be given any attendance points for that class and will be counted as absent. Any student who leaves class at the break or at any time prior to the end of class and either is absent throughout the class and returns at the end of class or does not return at all shall be marked absent for that class. Any student who arrives at the class during the break shall also be marked absent for that class. This is only fair to those students who arrived at the start of the class and stayed until close of class. All students are advised to take this rule very seriously.

**Bonus Points/Extra Credit.** Any student who attends every full class session (including the first day of class) shall receive an additional fifteen (15) points of extra credit. Every extra point does make a positive difference in the final grade. Take-home extra credit assignments are not accepted nor are rarely given out. However, students sometimes shall receive in-class extra credit assignments, to be determined by the instructor for any particular semester.

**Tardiness & Distractions Re: Attendance Points.** Students are expected to attend all sessions of the classes in which they are enrolled. Any student who is late (past 7:00 p.m.) for class will receive only one-half of the attendance points for that night. Any student who leaves class early (prior to the roll being called at end of class) will receive no attendance points (even if the student was present for the majority of the class time). That student will be counted as absent. Tardiness is simply not tolerated. Every tardy will negatively affect a student's total participation/attendance points (approximately 100 points total). Excessive tardiness will jeopardize a student's good standing in class and may be grounds to drop a student. Any student who is distracting in class may receive zero attendance points (at the instructor's discretion) for that class (see below under Miscellaneous Rules).

**Take-Home Exams.** Students will be given two (2) originally drafted take-home exams, one midterm and one final. No prior semester questions are ever reused for testing. Each student shall receive a grade that he or she deserves.

**Points.** The total exam points carry a weight of 400 points (200 for midterm exam, 200 for final exam). The final exam is not comprehensive. The midterm is only multiple choice. The final is comprised of both simple essay (100 pts.) and 50 multiple choice questions (100 pts.).

**Early/Late Tests.** Early test turn-ins are discouraged, and will only be accepted under emergency circumstances. No early papers shall receive an early score. Exam total points will be penalized by 25% for each week the exam is late. The exam qualifies for being late if it is not turned in to the instructor at class on the night that it is due, at **7:00 p.m.** If the late exam is then not turned in by the end of the next class session, it will again be deducted by another 25% for each week it is late. The final exam will not be accepted after the close of the scheduled class session on the last day when the final is due because the instructor has a deadline to submit all final scores to the college. All exams must be handed to the professor on the day due, and not any earlier than that, or later than that. **No exams will be accepted via e-mail to the professor for downloading.**

**Disclosure of Test Answers and Internet Posting of Grades.** Test answers shall not be disclosed in any subsequent classes until all exams are in. Exam scores shall be posted on the Internet only. No student grades will be physically posted due to privacy issues. Students can acquire their grades by requesting the same via e-mail, or by going online at the college's website, or by verification by telephone.

**Essay Test Format.** All take-home essay papers must be typewritten or **legibly** handwritten on white or cream, 8.5 by 11 inch paper with black or blue ink only, *single-spaced*, one side only. Any handwritten paper that is not legible must be redone or typed and will be deducted by 25% for being turned in late. An illegible paper that has not been redone legibly and submitted will receive a zero score. ***Any student who does not turn in the final essay will receive a failing grade for the class because the lack of the essay points most likely will not be enough for the student to obtain the minimal score needed to pass the class.***

**Scantron Form 882.** Students shall use the green ScanTron 882 form with the take-home multiple choice questions. Students must print their names, time and day class meets, etc., on the forms. Reused, stapled or wrinkled ScanTrons or ScanTrons filled in by a medium other than a no. 2 pencil will not be accepted because the ScanTron machine may not read and/or accept the form, and that ScanTron shall receive a zero (0) score. All students must use a number 2 pencil when filling in the bubbles in their ScanTron forms. Do not staple your ScanTron to your essay answer (for the final); only paperclip it together.

**3<sup>rd</sup> Person Assistance/Computer Lab.** Because the tests are take-home, students are expected to proof-read their papers for spelling and grammatical errors. All word processors are equipped with SpellCheck capabilities. The college has a computer lab with accessible word processing capabilities. This class is not an English/Literature instruction class. As such, students are permitted to seek the help of a 3<sup>rd</sup> person to assist them with their spelling and grammar **only**. At no time must any student seek the help of a 3<sup>rd</sup> person to answer their essay or multiple choice questions. This is unethical and grounds for failing the student. Students are welcome to work in groups with other business students for their take-home exams, but each paper must be individually answered by the student, and not copied from another student's papers. Any student caught cheating will receive an automatic failing grade for that paper. The professor reserves the right to fail both students' papers.

**Accommodations for Disabilities.** Students with verifiable disabilities who want to request academic accommodations are responsible for notifying their instructor and Disabled Students Programs and Service (DSPS) as early as possible in the semester.

**Withdrawal From Class.** It is the student's responsibility to officially drop the class. Please refer to the College Catalog for more information. Failure to properly drop this class will result in a failing (F) grade for this class. Do not expect the instructor to drop you from class for either poor attendance or for not showing up at all.

**Teaching Methods.** The teaching method used in this class will consist of lecture, guest speakers, group discussion, visual, voluntary student participation, in-class group and individual practice questions, student hand-outs, and miscellaneous group activities.

**Instructor Absence.** If the instructor is absent, sign the attendance sheet posted on the classroom door and read any instructions regarding assignments. Do not expect the professor or his staff to call you if the instructor will be absent.

**Food & Drink In Class.** Students should not bring food and drink (except for bottled water) to class in order to maintain a clean classroom environment and to avoid unnecessary distractions. Students eating in class will be asked to leave and will receive an absence for that class session.

**Guest Speakers.** There may be occasional guest speakers this semester such as prominent business leaders/owners, presiding judges, retired judges, or police officers. The dates and times for the guest speakers are to be arranged.

**Miscellaneous and General Classroom Rules.** Besides what is otherwise covered in this syllabus, the following are additional and general rules that all of the students must observe. Any student that fails to follow the below rules may have grades negatively affected, may lose all participation points for that class, and/or may be asked to leave the classroom session:

**Questions.** All students should raise their hands in class if they have questions. Students will be reminded to raise their hands. Asking questions while the professor is talking could cause an unnecessary classroom discussion.

**Distractions.** Unnecessary classroom distractions will not be tolerated; the professor reserves the right to have any student removed from class for distractions that interfere with other student's learning and education. Students causing unnecessary distractions could receive zero points for participation for that class. Unnecessary distractions includes any conduct which causes an unreasonable and unnecessary distraction to any students learning during the classroom period.

**Tardiness.** Students must avoid tardiness; it is always an unnecessary distraction. Students arriving late are sometimes being disrespectful. See above rules.

**Cellular Phones.** Cell phone, pagers, blue tooth, etc., must be shut off or placed on quiet mode during the entire class session. If a student's phone rings during class, the student should quietly leave class to answer the call, not during class. All phone calls must end by the time class starts. Improper use of cellular phones may cause unnecessary distractions.

**No Analog, Digital Audio, or DVR Recording.** Recording of classroom lecture/discussions is prohibited due to privacy and distraction issues. Students should not use laptops during the class.

**Disrespect.** Students must not show disrespect toward the professor or other students; disrespect will NOT be tolerated; any student who blatantly disrespects the instructor or fellow student will be asked to leave that class period. Students should remember to raise their hand if she/he has a question.

**Children/Friends.** Students should not bring any minor children or friends to class for the class sessions due to liability and to avoid classroom distractions. Non-enrolled students attending class may be considered trespassing on school property and will be asked to leave. Any student bringing children or friends to class will not be allowed to attend that class session. If a student wishes to bring a friend, the student must first seek permission of the instructor, and/or the school.

**Alcohol/Drugs/Pornography/Indecent Material.** It is against school policy and the law to bring alcoholic beverages to school (except prescribed medicine/over-the-counter drugs). Non-alcoholic beer contains low percentages of alcohol are thus prohibited. Pornography and indecent material are not permissible because it may offend any individual student.

**Academic Honesty.** Please refer to the college's Academic Honesty Policy. Any student caught in violation of the academic policy can be dismissed from the class and can receive a failing grade.

**Freedom of Expression vs. Right to Education.** A student's right to express themselves freely in class may be superceded by a fellow student's right to learn and to become educated. Certain prohibited conduct (e.g.,

smoking, drugs, alcohol, improper behavior, unnecessary distractions, etc.) can be suppressed by the college if it unreasonably interferes with another student's right to learning and to become educated and/or if such conduct on campus is prohibited by law (Penal Code, Education Code, school policy, etc).

**NOTE: THIS CLASS SCHEDULE IS TENTATIVE & SUBJECT TO CHANGE**  
**SPRING 2009 MGMT 241c CLASS SCHEDULE**

Week	Date	Class #	Scheduled Topics for Classroom Discussion	Work/Reading Assignment
1	01-13	1	Overview of course; hand-out course syllabus and outline; complete student forms and name placards.	None required for first day.
2	01-20	2	Introduction to law; courts; alternative dispute resolution; court procedures; consulting with an attorney; progression of a lawsuit; business ethics.	Chapters 1, 2, 3 & 4
3	01-27	3	Intentional Torts	Chapter 6
4	02-03	4	Unintentional Torts (Negligence)	Chapter 7
5	02-10	5	Strict Products Liability; Dog Bite Law.	Chapter 7
6	02-17	6	Business Crimes, Defenses and Procedures	Chapter 9
7	02-24	7	Contract Law: Nature and Terminology; Agreement; Consideration; Capacity & Legality; Genuineness of Assent	Chapters 10 - 14
8	03-03	8	Contract Law: Defenses; Statute of Frauds. <b>HAND OUT TAKE HOME EXAM #1.</b>	Chapter 15
9	03-10	9	Contract Law: Performance & Discharge; Breach of Contract & Contract Remedies. <b>TURN IN EXAM #1.</b>	Chapter 17 & 18
10	03-17	10	Bankruptcy, Debtor and Creditor Laws; Secured Transactions	Chapters 28-30
11	03-24	11	Employment Law and Discrimination	Chapters 33 & 34
12	04-31	12	Business Formations; hand out take home assignment.	Chapters 35 - 42
13	04-07	n/a	SPRING BREAK	No assignments!!!
14	04-14	n/a	<i>No class; instructor on leave for personal necessity</i>	Complete take-home assignment.
15	04-21	13	Personal Property Law; Real Property Law	Chapters 47 & 48
16	04-28	14	Wills and Trust Law	Chapter 50
17	05-05	15	Insurance Law / Other miscellaneous law discussion	Chapter 49
18	05-12	16	Miscellaneous law discussion; review for final. <b>HAND OUT TAKE HOME EXAM #2 (Final).</b>	Review Only

19	05-19	17	<b><i>Last Class; TURN IN TAKE HOME EXAM #2.</i></b> Say final goodbyes. 📞 📧 📧 📧	Turn-in Final Test only.
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