

Course Syllabus
Business Law Ethics Fall 2014
Mondays: 5:00 p.m.-6:00 p.m.
Western State College of Law

Course Overview and Learning Objectives:

This course is an introduction to various concepts that relate to business law ethics.

The course presents an exploration of a number of ethical issues faced by the business law practitioner in particular. The course attempts to meet the objective that all students will be able to develop and demonstrate subject matter mastery and enduring understandings (in both theory and praxis) of the following topics relative to business law ethics:

1. Source of Ethical Standards and Principles
2. Lessons from Corporate Scandals
3. The Legal Profession
4. Personal Ethical Situations
5. Pre-Employment and General Employment
6. Law Firm Situations
7. Code of Business Conduct
8. Compliance with Laws
9. Stakeholder Interests
10. Understanding the analytic Framework and Ethics Landscape

Course Materials:

Required Texts:

- (1) SUPPLEMENTAL MATERIALS DISTRIBUTED PRIOR TO OR DURING CLASS
- (2) ADDITIONAL READINGS, LINKS, AND DISCUSSIONS PLACED ON THE COURSE WEB PLATFORM.

Course Format:

This course will utilize the supplements, web links, and other readings as the primary reference materials. The course will require: (1) a considerable amount of reading; and (2) significant involvement and participation of all students in discussions, whether on-line or in-class.

Class readings must be completed PRIOR TO the class in which those readings will be discussed.

If you are unprepared for a class, please *e-mail* the instructor prior to class so that the instructor does not call on you and embarrass both.

Law school courses naturally touch on opinion; sometimes class discussion may be tense and may make class members feel uncomfortable. Use this discomfort to challenge your existing beliefs, regardless of whether you continue to maintain those beliefs after completion of the class. By challenging your beliefs, you may modify or strengthen them.

Because the instructor relies on students to help me advance the class discussion and learning, the success of the course depends on the preparation and active participation of all class members.

A goal of this course is to blend theory and praxis, and the instructor will bring examples from professional experience into class to enhance the practicality of the theoretical material in the book. Your active participation and discussion of your experiences outside the classroom relative to business enterprises and business law will assist all of us in obtaining as much as possible from this course.

Expectations:

Students are responsible for materials covered in class (*including any guest speakers*), readings, material posted online, and class discussions. Course material will, naturally, extend beyond the assigned readings, particularly as it relates to current events that are discussed in class or posted online.

Students who are absent from class remain solely responsible for all material covered or distributed during that missed class.

Furthermore, it is **your** obligation to stop me during class at any time should you have a question or questions as we move through the materials. the instructor is **neither a mind reader nor a perfect instructor and has yet to meet either one. As a result, it is expected that you will ask questions when the material is unclear to you. The instructor is happy to return to a prior subject or review the existing material until the class generally understands the concepts covered.**

If you still fail to understand the material after such an in-class review, please see ask after class or during office hours for a further explanation of the material. Furthermore, at the beginning of each class, the instructor will attempt to ask if anyone has questions from the prior class meeting. If the instructor fail to ask for student questions at the beginning of a new class session, please affirmatively ask on your own any questions that you may have from the prior class session.

IF YOU ARE CONCERNED ABOUT YOUR UNDERSTANDING OF THE SUBJECT MATTER OF THE COURSE AT ANY TIME DURING THE SEMESTER IT IS **YOUR** RESPONSIBILITY TO SPEAK WITH ME ABOUT IT, AND THE INSTRUCTOR WILL BE HAPPY TO HELP AS MUCH AS REASONABLY POSSIBLE. IT WILL, HOWEVER, BE INEFFECTIVE TO WAIT UNTIL THE FINAL DAYS, WEEK, OR WEEKS OF THE SEMESTER TO TAKE STEPS TO REMEDIATE AN OTHERWISE CONFUSING SEMESTER.

See also infra regarding Office Hours.

Student Rights and Responsibilities:

You agree that your continued registration in this course after the final drop date shall indicate your acceptance of the terms and conditions of this Syllabus.

The maintenance of academic standards and integrity includes the obligation not to cheat, plagiarize, intentionally provide false or misleading information, or to withhold material information. A student who uses dishonest or deceitful means to obtain a grade is guilty of cheating; a student who submits another's work or idea as one's own without adequate attribution is guilty of plagiarism. An offense will be referred to the proper college personnel for appropriate review and potential disciplinary action. Students are fully responsible for learning the course content and material disseminated in the classroom and electronically. Absences do not release you from this responsibility.

Using Electronic Resources:

You will find extensive supplemental course material online, using the Lexis/Nexis/Blackboard course platform.

Office Hours:

Sign-up sheet with faculty Administrative staff on 3rd floor:

Communicating with me outside of class:

Best Method: Via e-mail to the address listed at the wsulaw.edu website. **Please type "BLEthics" in the subject line of any e-mail you send.**

Last Resort: Office Telephone Number: 714.459.1127

Grades:

Your course grade will be based on:

(1) Final Exam or Paper (as detailed later):

55% of final grade.

(2) Participation

45% total of final grade:

Participation includes, but is not limited to:

- (a) In-class participation (as set forth at *, *infra*);**
- (b) Teamwork and peer evaluations (peer evaluation sheets to be distributed prior to forming teams and commencing work on any team project);**
- (c) Attendance;**
- (d) Any site visits and associated reports.**

***Participation:**

Do not simply talk to have yourself be heard or to have me become so familiar with your raised hand that the instructor can recognize it from across campus.

The quality of your comments is assessed as follows:

Satisfactory/Acceptable Response: Answering the question posed to you by me, or asking a question related to the subject we are studying.

Good Response: Answering the question posed by your classmates' questions, and asking a question relevant to that moment.

Outstanding Response: Answering my or your classmates' questions and then using that answer to transition the class discussion into a related but new direction with a comment or a question that we as a class can build upon based on our readings and conversation.

The key is to recognize that the QUALITY of what you say is far more important than the QUANTITY of times you say something.

Other factors considered in participation include, but are not limited to: absences, interrupting the class by arriving after the class instruction time has begun, having your hand raised when someone else is speaking (this action indicates to me that you are more concerned with your own statement or question than the ongoing dialogue in class),

speaking when someone else is asked to respond, texting, Skyping, IMing, or *otherwise failing to appear engaged or conducting oneself in a professional manner* (e.g., yawning, talking or whispering while others have the floor, rolling your eyes, falling asleep, putting your head down, and similar facsimiles thereof).

Attendance and Lateness Policies:

Your attendance is mandated per the general WSCL attendance policy. Material covered in class outside of the assigned readings (including *Wall Street Journal* articles or video clips, current events, or other links that the instructor may discuss or post online), as well as material from any guest speakers “fair game” for examinations.

PLEASE ARRIVE ON TIME. FAILURE TO DO SO IS A DISTRACTION TO THE LEARNING OF OTHER STUDENTS AND WILL REFLECT NEGATIVELY ON YOUR PARTICIPATION GRADE. IF YOU ANTICIPATE ARRIVING LATE, PLEASE E-MAIL THE INSTRUCTOR IN ADVANCE, AND PLEASE ENTER QUIETLY AND SIT DOWN AS QUICKLY AS POSSIBLE.

Use of Audio/Visual Equipment:

Mobile technology and other personal communications devices **must be disabled or placed in a silent (non-vibrating) mode in this course.** The first time these prohibitions are violated, the instructor will warn you (third person plural) verbally. **Each additional violation may result in a 5 percentage point reduction of the FINAL course grade FOR EVERY STUDENT IN YOUR CLASS because of your inconsiderate behavior or lack of attention to detail.**

No text messaging or IMing (whether on a phone, other mobile device, or laptop on applications such as facebook, etc.) is permitted while a class session is in progress.

Disability Services:

The instructor will work with the appropriate personnel within the College of Law and any students who have documented disabilities to ensure that those students have appropriate educational opportunities that reasonably address students’ specific needs.

Changes to Syllabus:

Dates and assignments documented in this syllabus are subject to change at my sole and absolute discretion. The instructor will make every reasonable effort to communicate any changes to the class in advance. Verbal notification at a class meeting constitutes sufficient notice of a syllabus change.

The course schedule is tentative, and this syllabus is subject to change at my sole and absolute discretion as verbally announced in class or through electronic or print media.

Pacing of the class will naturally ebb and flow during the semester.

PLEASE REFER TO THE COLLEGE OF LAW CATALOG AND/OR STUDENT HANDBOOK FOR ADDITIONAL CLASSROOM POLICIES.

ANTICIPATED TOPICS, AND DATES COVERED

I PREFER TO SHIFT READINGS BASED ON CURRENT EVENTS RELATED TO BUSINESS LAW ETHICS, AND THE INSTRUCTOR WILL DO SO.

WEEK 1:

Introductions.

Morality vs. Ethics Part 1:

Letter to Wal Mart Board of Directors from Interfaith Center for Corporate Responsibility re: alleged bribery AND ALL EXHIBITS online).

Defining Moral Compass and Relationship to Ethics (in-class).

WEEK 2:

Morality vs. Ethics Part 2:

(A) Quick Decisions and Moral Character, *Social Psychological and Personality Science* published online 28 August 2012

(B) Clayton R. Critcher, Yoel Inbar & David A. Pizarro, *Social Psychological and Personality Science*, available at <http://spp.sagepub.com/content/early/2012/08/26/1948550612457688>

(C) FDA/Administrative Agencies – Daniel Engber, *Against Nature: Why the Government Doesn't—And Shouldn't—Regulate Which Foods Are “Natural,”* Slate.com, Nov. 16, 2012

WEEK 3:

HBS Working Paper 19 – Business Ethics – The Law of Rules (March 2006).

(A) *Here's a Tip: Prosocial Gratuities Are Linked to Corruption* (Torfason, Magnus Thor, Francis J. Flynn, and Daniella Kupor, *Social Psychological & Personality Science* available at <http://nrs.harvard.edu/urn-3:HUL.InstRepos:9491448>);

(B) *The Big Corruption in Small Gifts* (Jason Zweig, WALL ST. J., Dec. 21, 2012)

WEEK 4 (Debate #1):

“Inside the Law School Scam”

Gladwell Open Secrets – Enron/BinLaden

WEEK 5:

In-Class Debate #2: Corporate Stakeholders vs. Corporate Stockholders

WEEK 6:

Ford Pinto Case Study + Milton Friedman

American Excess – A Wall Street Trader Tells All

WEEK 7:

Comparative Domestic Perspectives (1):

(A) Race - Denny’s & Texaco Case Studies.

(B) How (Un)Ethical Are You – Harvard Business Review; December 2003.

WEEK 8:

Comparative Domestic Perspectives (2):

Sex – Center for Work-Life Policy: “*Lack of Sponsorship Keeps Women from Breaking Through the Glass Ceiling Finds New Study*”

Joining Corporate Boards: It’s Not Just Who You Know that Matters

WEEK 9:

Debate #3 (Topics TBA).

WEEK 10:

Comparative International Perspectives (1) China –

(A) Kirk O. Hanson & Stephan Rothlin, *Taking Your Code to China*, 3 J. INT’L. BUS. ETHICS 69 (2010);

(B) □□ (Guan Xi); Guest Speaker.

WEEK 11:

Comparative International Perspectives (2) – South Africa

Materials to be distributed in class.

WEEK 12:

Comparative International Perspectives (3) – Indonesia – Aceh Exxon.

Materials to be distributed in class.

WEEK 13:

Integrative Domestic and International Perspectives

(1) Modern Day Slavery.

(2) Supply Chains & Corporate Counsel Role Revisited

WEEK 14:

Resume Embellishment & Debate #4.