

Goularte Bus. 18.02 CRN 00278
Winter 2016
M-W 3:00-5:15 PM

DE ANZA COLLEGE
BUSINESS/COMPUTER SYSTEMS
WINTER QUARTER 2016

I. BUSINESS LAW BUSINESS 18 DR. RONALD GOULARTE
5 Units

Prerequisite/ Advisory: English Writing 1A or English as a Second Language 5, Business 10 Intro to Business.

An introduction to the American legal system and laws applicable to business. Study emphasis on contract law, sales, agency, and the impact of the law and the legal system upon the legal environment. Ethical concerns within legal/business processes. See college catalog/schedule for further description.

II. Course Objectives

This course offers the student an opportunity to learn and understand basic law and the legal system. The student learning objectives for the course are for the student to be able to:

1. Demonstrate a knowledge of basic legal terminology and basic tort, constitutional, criminal, administrative and contract law.
2. Identify ethical issues in a business law context and evaluate business contractual issues using appropriate common law or UCC rules.

III. Text and References

Text:

1. Essentials of Business Law, Fourth or Fifth Editions, Beatty & Samuelson OR Concise Essentials of Business Law, DeAnza College Edition.
2. Student Study Guides/References.
3. Law Dictionary (paperback): Gilbert's or Black's Law Dictionaries.

References:

1. Witkin Summary of California Law, Current edition, Vol. 1 & 2, Contracts and Agency Law, Bancroft Whitney.
2. West's Annotated California Codes, West Publishing Company.

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3. W. Michael Gough
Guide to Business Law
Kendall-Hunt Publishing Company, 2000.

Further references and resources available through instructor.

IV. Course Requirements

- Read assigned chapters before class sessions
- Complete all exams and assignments on time
- Attend all classes on time
- Participate in class discussions
- Bring text to class

V. Student Materials/Resources

Lecture Notebook, "Green" Scantrons, Learning Center Access

Textbook Website:

<http://www.swlearning.com/blaw/beatty/essentials5e/essentials5e.html>

Tutorial and Academic Skills Center: <http://www.deanza.edu/tutorial/>

Student Success Center: www.deanza.edu/studentsuccess

VI. Expanded Description of Content and Materials

- A. Introduction to Law
1. Origins and Sources of Law
 2. Classifications of Law
 3. Jurisprudence
- B. Business Ethics and Social Responsibility
1. Ethical Behavior
 2. Legal Implications
- C. Dispute Resolution
1. Alternative Dispute Resolution
 2. Court Systems
 3. Litigation
 4. Trial and Appeals
- D. Common Law, Statutory Law, and Administrative Law
- E. Constitutional Law
1. Protected Rights
 2. Due Process

Business 18 (continued)

- F. Torts
 - 1. Intentional Torts
 - 2. Damages
 - 3. Business Torts
 - 4. Negligence
 - 5. Strict Liability

- G. Crime
 - 1. Basic Criminal Law
 - 2. Business Implications

- H. Introduction to Contracts
 - 1. Types of Contracts
 - 2. Remedies
 - 3. Sources of Contract Law

- I. Agreement
 - 1. Offer
 - 2. Acceptance
 - 3. Promissory Estoppel

- J. Consideration
 - 1. Bargain and Exchange
 - 2. Mutuality of Obligation
 - 3. Settlement of Debts

- K. Legality
 - 1. Contracts That Violate Statutes
 - 2. Contracts That Violate Public Policy

- L. Capacity and Consent

- M. Written Contracts
 - 1. Contracts in Writing
 - 2. Sale of Goods
 - 3. Parole Evidence

- N. Third Parties
 - 1. Assignment and Delegation
 - 2. Third Party Beneficiary

- O. Performance and Discharge
 - 1. Conditions
 - 2. Performance
 - 3. Breach
 - 4. Impossibility

Business 18 (continued)

- P. Remedies
 - 1. Expectation Interest
 - 2. Reliance Interest
 - 3. Restitution Interest
 - 4. Special Issues of Damages

- Q. Introduction to Sales
 - 1. Basic UCC

- R. Agency Law
 - 1. Creating Agency
 - 2. Duties of Principal to Agent
 - 3. Duties of Agents to Principal
 - 4. Terminating Agency
 - 5. Liability

See attached Class Schedule for specific chapters and assignments.

VII. Method of Evaluation

Your grade for the course will be determined from several examinations and projects as follows:

- a. Three (3) essay examinations (50 points each)
- b. Three (3) objective examinations (multiple choice, T/F, 50 points each)
- c. Several legal analysis problems as assigned by the instructor (totaling 100 points)
- d. Vocabulary lists will provide added points as determined by instructor.

Total points for course: **400**

In-class participation and discussion is expected from each student.

VIII. Attendance/Student Responsibilities

On time attendance at all classes is required and excessive absence may result in student being dropped. Each student will be responsible for materials and assignments given in class. It is a responsibility of each student to be present when classes and tests are scheduled. In addition, students are responsible for their own registration, withdrawals, or other registration matters pursuant to the registrars rules and policies.

Any student dropping this course must submit the drop and process through Office of Admissions & Records. Failure to do so will result in a failing grade for the course.

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All students attending this class, or any part of it, must be registered through the Office of Admissions and Records. No audio, video or other recording of classes. No "auditing" or visitors allowed.

For academic integrity, see Student Handbook.

The instructor will reasonably accommodate any special needs of students. Please discuss with instructor accordingly.

IX. Optional Study and Readings

Check with the instructor regarding optional research, reading assignments, and reference sources; such optional study and assignments do not affect grade.

X. Other Information

No personal legal advice is given by instructor in this course. Mr. Goularte is available for personal legal counsel on campus through the Student Activities Office by appointment. For legal counseling appointment, call (408) 864-8756. For class matters, Mr. Goularte may be reached at ronaldgoularte@FHDA.edu or through the De Anza message center at (408) 864-8999, x3238.
Office Hour: Monday and Wednesday 1:00 pm-1:30 pm; contact at email above

PLAGIARISM AND CHEATING

ACADEMIC DISHONESTY AND CHEATING IN ANY WAY WILL NOT BE TOLERATED.

- Cheating is the act of obtaining or attempting to obtain credit for academic work through the use of dishonest, deceptive or fraudulent means.
- Plagiarism is representing the work of someone else as your own and submitting it for any purpose.

Academic consequences may include receiving a failing grade on the test, paper or exam, or receiving a grade of F in the course at instructor's discretion.

Administrative consequences may include disciplinary probation, suspension or expulsion from the college. The college maintains records of all incidents.

Students should be prepared to show identification including photo I.D. to instructor before each examination.

(Check student handbook and/or Student Affairs Office for further information.)

**BUSINESS LAW 1
CLASS SCHEDULE**

WINTER 2016

				<u>Assignments</u>
Week	1.	1/4	Class Introduction/Course Overview	
		1/6	Introduction to Law	Chapter 1
	2.	1/11	Business Ethics/Social Responsibility	Chapters 2 & 3
		1/13	Dispute Resolution	Analysis Paper #1
	3.	1/18	Dispute Resolution Holiday –	Chapter 4
		1/20	Common, Statutory & Administrative Law	Essay Exam #1
	4.	1/25	Constitutional Law	Chapters 5 & 6
		1/27	Torts	Vocabulary List
	5.	2/1	Torts	Chapter 7
		2/3	Crime	M/C Exam #1
	6.	2/8	Introduction to Contracts	Chapters 9 & 10
		2/10	Agreement	Analysis Paper #2
	7.	2/15	Consideration Holiday –	Chapters 11 & 12
		2/17	Legality	Essay Exam #2
	8.	2/22	Capacity and Consent [Holiday]	Chapters 13 & 14
		2/24	Written Contracts	M/C Exam #2
	9.	2/29	Third Parties	Chapter 15
		3/2	Third Parties	Vocabulary List
	10.	3/7	Performance and Discharge	Chapters 16 & 17
		3/9	Remedies [end of Contracts]	Essay Exam #3
	11.	3/14	Sales	Chapter 18
		3/16	Agency	Chapter 25
	12.	3/21	Final Exam	

* Schedule Subject to Change *

**ADDENDUM TO GREEN SHEET
BUSINESS LAW 1
WINTER QUARTER, 2016**

Business Law 1 Students are hereby advised of the dates below for purposes of add/drop/withdraw requirements.

These dates are not flexible and will be strictly adhered to by DeAnza College.

The following dates are not negotiable
(<http://www.deanza.edu/calendar/fall2015.html>):

First day of Winter Quarter 2016	Mon. January 4
Last day to add quarter-length classes (<i>Add date is enforced</i>)	Sat. January 16
Last day to drop for a full REFUND or credit (quarter-length classes)	Sun. January 17
Last day to drop a class with no record of grade – (<i>drop date is enforced</i>)	Mon. January 18
Last day to request pass/ no pass grade	Fri. January 29
Last day to drop with a “W” (<i>withdraw date is enforced</i>)	Fri. February 26
Last Day of Winter Quarter 2016	Fri. March 25
First Day of Spring Quarter 2016	Mon. April 4
Holiday – Observance of Martin Luther King Birthday	Mon. January 18
Holiday – Observance of George Washington Birthday	Mon. February 15

See De Anza Winter 2016 Academic Calendar for further information.

Note: Different dates may apply for out of state or foreign students. Check with Admissions and Records for further information.

Know Your Professor



Mr. Goularte has been a Civil Litigation Attorney for over 30 years. He currently is an arbitrator for the Santa Clara County Superior Court. Mr. Goularte has served for over 30 years as a professor on the Faculty at De Anza College, teaching Business Law and Law related courses. He has provided legal counsel to students and staff for over 20 years.

Mr. Goularte was in one of the first graduating classes of Foothill College (1961) and earned an Associates of Arts degree in Accounting. He has a Bachelor of Science degree from San Jose State University in Industrial Relations and a Doctorate of Jurisprudence from Golden Gate University School of Law. He also holds a Certificate in Mediation from the University of California and a Lifetime Community College Teaching Certificate from the State of California. He is a member of the California State and Federal Bars.