Blackstone Career Institute™
SINCE 1890

BUSINESS & CORPORATE LAW PROGRAM OUTLINE

FOR INDIVIDUALS WHO ARE INCARCERATED



PROGRAM OVERVIEW

This Business and Corporate Law course prepares students for entry-level employment as a paralegal in a business law firm. The accompanying textbook, Fundamental of Business Law, presents important topics related to business law, including traditional and online dispute resolution, sales and leases, warranties, product liability, consumer law, e-contracts, negotiable instruments, corporations, financing, investor protection, online securities offerings, real and personal property, agency and employment, and international law in a global economy.

PROGRAM OUTLINE

LESSON 1 | Foundations of Law and the U.S. Legal System Part I

LESSON 2 | Foundations of Law and the U.S. Legal System Part II

LESSON 3 | Contracts Part I

LESSON 4 | Estate Contracts Part II

LESSON 5 | Agency

LESSON 6 | Employment and Intellectual Property

Foundations of Law and the U.S. Legal System Part I

LESSON 1

This lesson provides a brief introduction to the law; describes the relationship among law, order and justice; presents the origins of business law and the reasons for studying this area of law, as well as the different needs and purposes of a legal system; introduces several legal philosophies, the sources of law, and the classifications of law; explores the role of the attorney. Provides an overview of business ethics; explores the difference between ethics and morality; presents various ethical theories; introduces the "game theory" of business, the historical view of business as an amoral institution, and the social contract theory; discusses multinational ethics and considerations for businesses developing a model of ethical behavior. Presents international law and doing business in a global market; introduces antitrust law,

Foundations of Law and the U.S. Legal System Part I

LESSON 1 CONTINUED

the Foreign Corrupt Practices Act, and the employment considerations for U.S. companies operating in other countries; covers free trade zones such as the EU; discusses the World Trade Organization, Uncitral, and the International Organization for Standardization presents issues with exporting and importing goods, letters of credit, and nationalization; discusses the act of state doctrine and sovereign immunity; describes methods for handling international business disputes, including arbitration and online dispute resolution. Covers the U.S. legal system and court jurisdiction; discusses the allocation of power set out in the U.S. Constitution; explains the four aspects of jurisdiction; explores the two specific grounds for federal jurisdiction, specialized courts, and the state judicial system; presents information on finding the law.

Foundations of Law and the U.S. Legal System Part II

LESSON 2

This lesson introduces the constitutional regulation of business, starting with an historical perspective; discusses the Commerce Clause of the Constitution, when the federal government has exclusive power over commerce, when states have concurrent power, and when states have exclusive power to regulate commerce; discusses the Equal Protection Clause and the tests used to determine the legality of economic regulations; presents the Due Process Clause and the "takings" clause; also covers the First Amendment and the authority and regulation of administrative agencies. Provides an overview of dispute resolution; presents a hypothetical problem and introduces the steps involved in litigation from the first meeting with a lawyer to filing the suit to trial and post-trial proceedings; explores other techniques to reduce

Foundations of Law and the U.S. Legal System Part II

LESSON 2 CONTINUED

legal expenses, such as small claims court and ADR. Covers torts, starting with the objectives of tort law and the theories of tort liability; discusses the different intentional torts and potential defenses to intentional torts; explores negligence, presents the four conditions that must be met for negligence to exist, and describes the defenses to negligence; also explains strict liability, nuisance and product liability. Explains crimes and their legal ramifications; discusses the objectives of criminal law and the difference between crimes and torts; describes the components of criminal responsibilities and the categories of criminal offenses; presents select crimes, as well as the four classic defenses to criminal liability; covers the law of criminal procedure and the common stages of criminal procedure.

Contracts Part I

LESSON 3

This lesson provides an introduction to contract law and contract theory; discusses the development of contract law, the definition of a “contract,” and the elements of a contract; explains the classifications of contracts, including formal and informal, express and implied, and quasi contracts. Provides an overview of offer, acceptance and consideration; presents acceptance as a mode of “terminating” an offer, discusses consideration as an act or as a promise to act, as well as consideration in special contexts such as bankruptcy; addresses the circumstances where courts will find an absence of consideration that renders an agreement unenforceable, and also the situations where a lack of consideration will not make an agreement unenforceable. Covers the capacity to contract, reality of consent and

Contracts Part I

LESSON 3 CONTINUED

legality; explores capacity with respect to minors, insane persons, intoxicated persons, aliens, convicts, and married women; explains situations when the parties may lack genuine assent, including fraud and mistake, and why a contract must have a legal subject matter and purpose. Covers contract writings and interpretations; discusses the importance of form when creating a contract, including when a contract must be in writing to be enforceable; presents the Statute of Frauds, as well as the writing and signature requirement; presents alternative approaches to the Statute of Frauds brought about by e-commerce; discusses judicial interpretation; explores when parole evidence is admitted and when a contract may not be supplemented by any additional evidence.

Contracts Part II

LESSON 4

This lesson discusses the addition of third parties to the contract and the different types of beneficiaries, who are person or corporations who receive rights in a contract to which they are not parties; explains assignments, the transfer of a contractual right to someone else, and delegations, when a promisor finds a new promisor to perform the duties under the contract. Covers discharge, breach and remedies; discusses the methods of discharging contracts and the general rules associated with each methods; introduces remedies, which are available to an injured party when the other party is in breach of contract; presents the definitions of the different subcategories of legal and equitable remedies; explores the limitations on remedies, how an injured party may give up the right to receive the performance set out in the contract, and the rights

Contracts Part II

LESSON 4 CONTINUED

and obligations of the injured party. Describes the performance of sales and leasing contracts, as well as the available remedies; presents the duties of the seller and the buyer in a contract for the sale of goods; explores the remedies available to both the buyer and the seller when the other party breaches; covers remedies in leasing contracts under Article 2A and the CISG. Presents warranties and product liability; explains both express and implied warranties, how a seller may modify or exclude warranties, who is protected by a warranty under the UCC, and statutory warranty provisions; discusses buyers' remedies from other sources, such as negligence and strict liability; the protections to lessees under Article 2A, and the implied warranties protections provided under the CISG; also covers ISO 9000, the international quality-control standard.

Agency

LESSON 5

This lesson introduces agency law and agency relationships; discusses who has the capacity to be an agent or principal, and the different categories of agency relationships; covers the duties that agents owe to principals and the obligations principals have to agents; discusses the different ways that an agency relationship may be terminated. Covers liability for contracts under agency law; presents the different types of authority that an agent may have and the categories that a principal may fall into: disclosed, undisclosed or unidentified; describes the liability of the principal, agent and third party in contract situations; also addresses contracts between the principal and agent and covenants not to compete. Focuses on the liability for torts and crimes regarding agency relationships; describes a servant's liability and a master's liability under respondeat superior; discusses indemnification, which is the right of the master to be repaid by the servant; concludes with an overview of workers' compensation and how it differs from common law doctrines dealing with injury to the servant on the job.

Employment and Intellectual Property

LESSON 6

This lesson presents labor and fair employment practices; covers several significant labor statutes and discusses when state legislature and courts may govern labor-related activities; discusses fair employment practices laws and important acts such as the Americans with Disabilities Act and the Family and Medical Leave Act; explores other benefits for the working population, including group health insurance, social security, unemployment compensation, and workers' compensation. Focuses on intellectual property, computers and the law; discusses patents, copyrights, trademarks, service marks, trade dress, and trade secrets, including the protections provided under the law and remedies for infringement; explains how intellectual property is treated in the international arena; discusses unfair competition and recent antidilution statutes.

PROGRAM OUTCOMES

- Describe historical and constitutional foundations related to business law
- Describe the relationship between business ethics and the law
- Identify the basic elements and classifications of contracts
- Describe the obligation of the parties involved in sales and lease contracts
- Explain how the Uniform Computer Information Transactions Act (UCITA) affects e-contracts
- Identify the requirements that must be met for an instrument to be negotiable
- Define and explain a security interest
- Outline and describe some major forms of business organization used by entrepreneurs in the United States
- Identify and describe the express and implied powers of corporations
- Describe the duties agents and principles owe to each other



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