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Spring 1-2016

LEG 282.01: Contemporary Legal Issues

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**UNIVERSITY OF MONTANA-MISSOULA
COLLEGE OF TECHNOLOGY
BUSINESS TECHNOLOGY DEPARTMENT
COURSE SYLLABUS**

Created by Thomas Stanton

ACADEMIC MISCONDUCT STATEMENT: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or disciplinary sanction by the University.

All students need to be familiar with the Student Conduct Code. The code is available for review online at <http://www.umt.edu/SA/VP/SA/index.cfm/page/1321>.

COURSE NUMBER AND TITLE: LEG 282T CONTEMPORARY LEGAL ISSUES

PREREQUISITES: LEG 270T Civil Litigation or Consent of Instructor

COURSE DESCRIPTION:

Capstone experience designed to investigate topical legal issues of immediate importance. Although the course has delineated structure, the nature of the course will allow both relevant concentrated focus as well as traditional disciplined examination of numerous areas of law practice and theory. The various pedagogical modules will offer students the opportunity to explore statutory structure, analyze case law, and draft legal forms.

CREDITS AWARDED UPON SUCCESSFUL COMPLETION: 2

REQUIRED TEXT: Torts Stories, by Robert L. Rabin and Stephen Sugarman

COURSE OBJECTIVES AND SKILLS DEVELOPMENT:

This course has three primary areas of study: Business Organizations, Torts, and Bankruptcy. For Business Organizations, students will learn the differences between the primary business entities and be able to distinguish their strengths and weaknesses. Students will research how to form business entities through the Secretary of State's office. For Law Office Management, students will identify and explain various concepts of traditional law firms and their operation. For Torts, students will learn to recognize and be able to distinguish specific intentional torts. Students will develop an understanding of Tort legal doctrine on aspects of negligence. For Bankruptcy, students will draft bankruptcy forms taken from local courts. Students will have sufficient knowledge to distinguish between the major chapters of bankruptcy.

INSTRUCTIONAL METHODS:

For Business Organizations, students will learn in a traditional lecture setting with subject mastery quizzes weekly. In Torts, students will participate in class discussion relating to the text. Students will be required to research related cases and present their conclusions

to the class. In Bankruptcy, students will find and draft and/or otherwise complete forms to initiate a bankruptcy proceeding in a local bankruptcy court

METHODS OF VALUATION:

Business Organizations: Secretary of State website project, student group project, Topic Quizzes and comprehensive exam.

Torts: Student/ group case presentation and exam.

Bankruptcy: Bankruptcy form completion and exam.

PRACTICAL ASSIGNMENTS TO DEVELOP PARALEGAL COMPETENCIES:

Business Organizations: Secretary of State website research, group project business plan

Torts: case research and student group class presentation

Bankruptcy: Bankruptcy Court forms research and drafting

COURSE OUTLINE:

Week 1

- Introductions, Brief Review of Course Materials and Sources, Course objectives and expectations. (30 minutes)
- Review of Business Entity Characteristics (50 minutes)
Including Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership/Shareholding, Shareholder Rights, Entity Limitations
- Discussion of Secretary of State functions
- Sole Proprietorships; (30 minutes) **Quiz** (10 minutes)
- Application of Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership, Entity Limitations
- General Partnerships; (30 minutes) **Quiz** (10 minutes)
- Application of Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership/Shareholding, Shareholder Rights, Entity Limitations

Week 2

- Sole Proprietor and General Partnership Quiz review (40 minutes)
- Limited Partnerships (60 minutes)
- Application of Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership/Shareholding, Shareholder Rights, Entity Limitations
- Limited Liability Partnerships (60 minutes)
- Application of Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership/Shareholding, Shareholder Rights, Entity Limitations

Week 3

- Limited Liability Companies; (60 minutes) **Quiz** (20 minutes)
- Application of Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership/Shareholding, Shareholder Rights, Entity Limitations
- Subchapter "S" Corporations (80 minutes)
- Application of Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership/Shareholding, Shareholder Rights, Entity Limitations

Week 4

- Subchapter "C" Corporations; (60 minutes) **Quiz** (20 minutes)
- Application of Formation, Taxation aspects, Continuity, Personal/Entity liability, licensing requirements, Termination, Management, Ownership/Shareholding, Shareholder Rights, Entity Limitations
- Shares of Stock, Shareholders, Business Transactions (40 minutes)
- Corporations Unit Final **Exam** (40 minutes)
- Secretary of State Research Assignment **Due**

Week 5

- Tuesday: Group Presentation of Secretary of State Research Project, Segment 1 (80 minutes)
- Thursday: Group Presentation of Secretary of State Research Project, Segment 2 (80 minutes)

Week 6

- Student Group Business Plan Project presentations, Segment 1 (80 minutes)
- Student Group Business Plan Project presentations, Segment 2 (80 minutes)
Review project content and review project critique form and expectations

Week 7

- Introduction to Torts Vocabulary and history in American Law (40 minutes)
- Introduction to Torts (General with Brief Case Review) (40 minutes)
Definitions, liability, history, third party liability, statutes of limitation, examples of state specific statutes of limitation, current trends in tort law
- Intentional Torts (40 minutes)
Including Assault, Battery, False Imprisonment, Libel and Slander, Invasion of Privacy, Misuse of Legal Procedure, Infliction of Emotional Distress, Nuisance, Interference with Contract
- Case study, analysis and discussion(40 minutes)

Week 8

- Negligence (80 minutes)
Definitions, Duty, When Duty owed, when duty not owed, Breach of Duty, Causation, Foreseeability, Zone of Danger, Harm: Physical, Mental, to property,

Defenses: Assumption of the Risk, Contributory Negligence, Comparative Negligence

- Case study, analysis and discussion (80 minutes)

Week 9

- Strict Liability (40 minutes)
- Product Liability (40 minutes)
- Torts Review (40 minutes)
- Torts Subject Mastery **Exam** (40 minutes)

Week 10

- Introduction to Bankruptcy (80 minutes)
Including history, outline of Chapter 7, outline of Chapter 11, outline of Chapter 12, outline of Chapter 13, civil procedure in Bankruptcy Court, jurisdiction of Bankruptcy Court, Article I vs. Article III courts, 2005 Bankruptcy Code revisions
- Introduction to Bankruptcy Forms (80 minutes)
Access to forms, contents of forms, completion of forms, filing of forms, required filing fees
- ***Spring Break: No Class***

Week 11

- Chapter 7: Liquidation (80 minutes)
Theory, function, process, exemptions, discharge, trustee, section 341 hearing, parties, creditors, proof of claims, etc.
- Chapter 7 Forms drafting (80 minutes)

Week 12

- Chapter 11: Reorganization (80 minutes)
Theory, function, process, debt treatment, plan, creditors committee, debtor in possession, pre-pack plans, cram down provisions, proof of claims, discharge
- Chapter 11 Forms drafting (80 minutes)

Week 13

- Chapter 13: Wage Earner Reorganization (80 minutes)
Theory, function, process, plan, debt treatment, secured property, proof of claims, discharge, lifting stay, debt collection activity, etc.
- Chapter 13 Forms drafting (80 minutes)

Week 14

- Bankruptcy Review (80 minutes)
- Bankruptcy Subject Mastery **Exam** (80 minutes)

Note: This is a general calendar for identifying course topics and content. A calendar of actual class dates will be distributed in the first week of class.

DATE REVISED: January 2016

ATTENDANCE POLICY: All students are expected to attend every class unless excused by the instructor prior to class. Failure to attend will adversely affect a student's grade, possibly to the point of failure.

DISABILITY ACCOMODATION STATEMENT : If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter and mutually craft a resolution prior to any situation that might give rise to the special consideration requested.

MEETING TIME AND PLACE:

Meeting Time: Tuesday and Thursday: 9:40am – 11:00am

Meeting Place: College of Technology, Room HB 13

INSTRUCTOR NAME, E-MAIL ADDRESS, PHONE NUMBER, OFFICE LOCATION, OFFICE

HOURS: Thomas H. Stanton, Tom.Stanton@umontana.edu, (406) 243-7850, Faculty Office, (North-East corner Business Administration Building, East Campus), Office hours by appointment or see schedule on office door.

MISSED/LATE COURSEWORK POLICY: Missed or late course work can be turned in within 24 hours of the assignment due date for 50% credit. Missed or late course work turned in after 24 hours of the assignment due date will be awarded no credit. This policy can be amended at the discretion of the instructor upon proof of adequate justification.

TESTING POLICY: Make up tests or quizzes will not be given unless the instructor is contacted at least one hour prior to the scheduled time for the test or quiz. It is the student's responsibility to contact the instructor either in person or in writing regarding an anticipated missed test or quiz.

CAVEAT: Because of the varied nature of the course, the syllabus may be subject to revision. The instructor shall advise of any revision as soon as possible.

CELL PHONE POLICY: If a cell phone interrupts the class, it shall be destroyed in front of the owner.