

# MIDDLESEX COMMUNITY COLLEGE

BEDFORD · MASSACHUSETTS · LOWELL

## Strategies for Success COURSE GUIDE

### Business Law (LGL 102)



achievement • persistence • retention • engagement

## **Title III Strengthening Institutions Project**

### **Strategies for Success: Increasing Achievement, Persistence, Retention and Engagement**

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The Strategies for Success Title III initiative is a major, five-year project (2009-2013) funded by a two million dollar grant from the U.S. Department of Education. This initiative is intended to transform Middlesex Community College by improving the academic achievement, persistence, retention, and engagement of its students.

The project focuses on reformed curricula and comprehensive advising. *Reformed Curriculum* involves the design of developmental and college Gateway courses and learning communities embedded with Core Student Success Skills related to critical thinking, communication, collaboration, organization, and self-assessment. Overall, 45 courses will be impacted over the five years of the project. *Comprehensive Advising* involves the design of integrated advising services to include identification of academic and career goals, creation of realistic educational plans, and continuous tracking and intervention with an emphasis on the Core Student Success Skills. Comprehensive Advising Services will be specifically tailored to each program of study. Cross-division curriculum and advising design teams composed of faculty and staff are designing, piloting, and assessing the curriculum and advising initiatives.

The Title III grant provides resources to support faculty professional development related to designing and piloting new curriculum and advising students. The grant also supports the purchase of advising software programs and the hiring of a Pedagogical Instructional Designer, Learning Engagement Specialist, Advising Coordinator, and two academic advisors. The resources provided by the grant offer an exciting opportunity for the college community to work together to develop the strong programs and services that will increase student success.

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## Introduction

This resource guide for LGL 102 Business Law was developed to help faculty who are teaching Business Law adopt assignments which will focus on Student Success Skills throughout the entire course. It is intended for both faculty who are teaching the course for the first time and for experienced faculty who are looking for new and innovative assignments and activities.

The guide includes sample on-line and face-to-face syllabi that meet the Massachusetts Community College requirements.

Business Law provides a comprehensive study of the relationship between business and the law. It begins with a study of the American legal system and will teach students the basic legal concepts related to substantive and procedural law. It introduces the student to cases, statutes, the Constitution, and the court process and conflict resolution using Alternative Dispute Resolution principles. The course includes the topics of business ethics, Constitutional law principles, contractual concepts, the Uniform Commercial Code, the variety of ways in which a business may be legally organized and financed, agency and employment, torts and product liability, consumer protection, and intellectual property .

Business Law is offered as a requirement for the Associate in Science in Business Administration programs and as an elective for the Associate in Science in Paralegal Studies programs. It is also a Social Science general elective for all students.

Business Law was designed to be a one-term, first year college level course for students. It has been redesigned as part of the Title III Grant, Strategies for Success: Increasing Achievement, Persistence, Retention and Engagement. The course materials will focus on incorporating the following key student success skills into the course: Critical Thinking, Collaboration, Communication, Organization, and Self-assessment. We have defined those skills in this course as follows:

### **Critical Thinking**

Critical thinking involves using reasoning powers in order to solve new problems. It requires that students identify and use relevant information, such as an existing legal court decision or a statute, to reach conclusions consistent with the case or statute in a new situation. As students advance, it requires them to analyze and evaluate information logically, as well as to synthesize differing legal views.

### **Collaboration**

Collaboration involves using skills necessary for students to work together in group activities and projects. It requires students to divide assignments into parts, collect and share information with one another, and present the information persuasively in order

to make a group decision. It further involves being able to listen to other members of the group with an open and receptive mind, and appreciate other points of view.

**Communication**

Communication skills involve being able to express one's self in both oral and written formats. In this course, communication skills involve distinguishing between accurate and inaccurate sources of legal and factual information, summarizing information, organizing information, and presenting information using proper English language skills effectively.

**Organization**

Organization involves the ability to take numerous disparate legal concepts and create a coherent whole. Students in this course need to be able to sort through a variety of legal topics to understand which area applies in a given instance, and to be able to discuss those applicable concepts in a coherent manner. Organization also involves the ability to manage one's time effectively, particularly when studying.

**Self-assessment**

Self-assessment involves the ability to assess one's self to gain insight into how one learns, plans, makes decisions and studies. It may also involve determining whether the law is the right program of study for a student.

**Members of the Title III Business Law team:**

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## Sample Syllabus I for LGL 102

**Instructor:** Professor Deborah Walsh

**Offices:** Lowell – Law Center Room, Derby Building 2d floor  
Bedford – Henderson Hall Room 117

**E-mail:** WalshD@middlesex.mass.edu

**Office Phone:** 978-656-3341 (there is an answering machine)

### Course Description

Business Law provides a comprehensive study of the relationship between business and the law. It begins with a study of the American legal system and will teach students the basic legal concepts related to substantive and procedural law. It introduces the student to cases, statutes, the Constitution, and the court process and Alternative Dispute conflict resolution. The course includes the topics of business ethics, Constitutional law principles, contractual concepts, the Uniform Commercial Code, the variety of ways in which a business may be legally organized and financed, agency and employment, torts and product liability, consumer protection, and intellectual property .

This course was redesigned as part of the Title III grant, Strategies for Success: Increasing Achievement, Persistence, Retention and Engagement. The course materials will focus on key skills of Critical Thinking, Communication, Collaboration, Organization, and Self-Assessment.

As a student in the redesigned version of this course, you will have an opportunity to think more explicitly about these skills, to apply them to course concepts and then to demonstrate how you have improved in these skills by the end of the semester.

Definitions for each term are listed below:

**Critical Thinking:** Critical Thinking involves a variety of means for integrating knowledge, using reasoning and solving problems. At its “Developing” Level (Application) it requires that students identify and use relevant information and reach conclusions consistent with evidence presented. At more “Proficient” and “Advanced” Levels it requires that students compare and contrast differing views, analyze and evaluate information logically, and make inferences based on testable hypotheses.

**Communication:** Communication entails the ability of students to explain ideas related to what they are learning in clear oral or written forms. Such information may be presented individually or in groups. Skills may include the ability to break content down into smaller pieces, organizing and summarizing information, and demonstrating informational, technological, and quantitative literacy.

**Collaboration:** Collaboration includes the skills necessary for students to work together in group activities and projects. This includes direct skills such as dividing tasks into parts, collecting and sharing information, and making group decisions. It also includes skills related to the processes for learning in community with others, such as learning to appreciate differences, negotiating, compromising, and reaching consensus.

**Organization:** Organization involves a variety of related abilities. These include the ability to systematically relate areas of content to each other, the ability to take an overarching piece of information and to present concepts in a logical manner, and the ability to come up with an outline to show how concepts relate to one another. It may also include the ability to read and follow the syllabus, time management, and the use of effective study skills.

**Self-assessment:** Self-assessment includes setting academic and career goals, developing and following a plan to achieve those goals, and utilizing college resources to help students achieve their goals. It involves the ability to assess oneself to gain insight into how one learns, plans, makes decisions, and studies. It also involves the ability to examine how relevant theories apply to real life.

#### General Education Electives: Social Science

Note: LGL 102 (BU1103) and LGL 130 (BU1110) are similar in course content, therefore, only one of the two will count toward a degree program.

Pre-requisites: None.

#### Course Goals

By the end of the course, you will:

- understand the function that law serves in modern society
- be able to analyze business situations and recognize the myriad of potential legal and ethical issues involved
- be able to identify legal issues that should be referred to legal counsel
- have developed a basic vocabulary of legal terminology associated with the major areas of the law that affect business
- recognize the various sources of law and know which laws are relevant to a particular business situation

#### Teaching Procedures:

We will study one new chapter each week. Although there are no traditional lectures, there will be discussions held on the Discussion Board to help you understand the material being presented. You will have the opportunity to talk to me and to the other students. There will also be weekly tests as well as the opportunity to take practice quizzes. There will be at least one homework assignment per chapter that will be graded and returned to you.



### Course Materials

*Required textbook:* Legal Environment, 4th edition, Jeffrey F. Beatty and Susan S. Samuelson, Cengage Learning Publishers, ISBN-13: 978-032-4786545

This book is also available from the publisher in custom editions and paperback, which helps to lower the cost to students. The online course will use a custom version that is available from the bookstore.

### Attendance

Students are expected to participate in all phases of the online course; this includes posting to the Discussion Board and completing all course assignments on time. CREDIT WILL NOT BE GIVEN FOR LATE ASSIGNMENTS. Participation is crucial not only for your education but for the education of your peers.

### Withdrawal

If you miss 2 weeks of class work in a row (meaning you do not post or complete assignments) without communicating with me or your peers, I will assume that you have withdrawn from the course; and you will be blocked from entering the website. It is your responsibility to let the college know if you withdraw the course; if you miss two weeks without withdrawing, you will receive an F at the end of the course.

### Topics to be covered weekly

Please go to the ASSIGNMENTS Button and **print out and post** the specific dates for this semester.

The first few days of the course will be dedicated to learning to use the Blackboard site. You must log on to Blackboard during this time period to become a member of our class. If you do not log on by the end of the first week of classes, your name will be removed from the course roster . NO EXCEPTIONS!

Week 1 Introduction to Law (Ch. 1)

Week 2 Dispute Resolution (Ch. 3)

Week 3 Common Law, Statutory Law & Administrative Law (Ch. 4)

Week 4 Introduction to Contracts (Ch. 9)

Week 5 Contracts: Legality, Consent and Writing (Ch. 10)

Week 6 Conclusion to Contracts (Ch. 11)

Week 7 Agency (Ch. 14)

Week 8 Employment Law (Ch. 15)

Week 9 Starting a Business (Ch. 17)

Week 10&11 Corporations (Ch. 18) (We study corporations for 2 weeks)

Week 12 Intellectual Property (Ch. 22)

Week 13 Consumer Protection (Ch. 24)

Week 14 Cyber Law (ch. 21)

Week 15 Final exam preparation week

Monday of the EXAM WEEK AS SET BY THE COLLEGE: FINAL EXAM (all chapters covered this semester)

Your grade for this course will be determined based on a point system.

Chapter Exams - there are 12 chapter exams. Each one is worth 37.5 points.

Examinations are available for one week online. After time has expired you will not be able to take the exam online. No credit or make-ups will be given for missed exams. If an exam is missed due to extended illness, you should discuss the situation with me PRIOR to the exam date. In my sole discretion, I will decide whether you will be allowed to take a make-up or not. If an exam is missed for no reason, or for an unacceptable reason, in the professor's sole discretion, a grade of zero will be given for that exam.

Final Exam - there is a final exam that will be worth 200 points.

Court Structure Powerpoint All students are required to prepare this Powerpoint on the Court System. See the Assignment Button for specific instructions on what must be included in this project.

Corporation Group Project - you and a small group will create the documents needed to start running a new corporation. This is a two week project and is worth 100 points. Your small group will create the documents needed to start running a new corporation. This will require you to download the forms from the Secretary of State's Office and complete those form together with at least one other student. See the Assignments Button of the online course for specific details on this project.

Discussion Board work - every week (except for when your larger projects are due) you will have an assignment for that chapter. It may be to post to the large or the small discussion boards, or to answer homework questions, etc. But each week there will be something! There will be 10 of these assignments and they are worth 15 points each, for

a total of 150 points. These assignments will help you to understand and use the laws we are studying. Your on time completion of weekly homework assignments determines this portion of your grade. Sometimes the assignment will be to discuss a topic with your classmates in either a large or small group discussion forum. You do not need to offer a reply to every topic we cover, but you will be evaluated on both the quality and the frequency of your discussion.

The total for all these assignments is 1000 points. Divide by 10 and you will have your grade for the course.

There will also be opportunities for extra credit work. The point values will vary, but these points will be added in to your final point value at the end of the course (even though they are not figured into the weighted grade that you will see on Blackboard.)

You can view your points earned in the Grade section of Blackboard.

Please note that your grades can be viewed in Blackboard but they will not include any extra credit points.

## Sample Syllabus II for LGL 102

MIDDLESEX COMMUNITY COLLEGE

Course Number & Title: Business Law – LGL 102

Instructor: Professor Ken Dunn

Office: Bedford: Henderson Hall Room 117  
Lowell: Derby Building -2<sup>nd</sup> floor (Law Center)

Office Hours: Bedford: T/R 1:15pm – 2:15pm  
Lowell: W 2:30-3:30pm/ F 2:00-3:00pm or call for  
appointment.

Phone: 978-656-3340

E-mail: dunnk@middlesex.mass.edu

### **COURSE DESCRIPTION/OVERVIEW:**

This course is a general introduction to the American legal system and the business community. Upon completion of this course, you will be able to recognize legal issues as they arise in the business setting and have the knowledge necessary to discuss common legal issues with employers, employees, and legal representatives of the business. We will cover units of study on: the court system in America, how it is organized and how it works; copyrights, trademarks and patents; contract laws; employment laws; and how businesses organize themselves.

**PRE-REQUISITES:** None

### **COURSE GOALS**

- By the end of the course, you will:
  - understand the function that law serves in modern society;
- be able to analyze business situations and recognize the myriad of potential legal and ethical issues involved;
- be able to identify legal issues that should be referred to legal counsel;
- have developed a basic vocabulary of legal terminology associated with the major areas of the law that affect business;
- recognize the various sources of law and know which laws are relevant to a particular business situation.

**TEACHING METHODS:**

Lectures, Socratic method discussion, written examinations, small group project. Each class will include a lecture on a new topic.

**COURSE MATERIALS: Available only at MCC bookstores.**

Required textbook:

*Legal Environment, Custom Edition, Professor K. Dunn*; Jeffrey F. Beatty and Susan S. Samuelson, Cengage Learning, 2011.

Optional :

A paperback legal dictionary is not required, but may be helpful. They are available at bookstores and are relatively inexpensive. For example, Law dictionaries by Gifis or Black.

**ATTENDANCE**

Attendance is mandatory.

Students are expected to attend ALL classes. **More than three unexcused absences will result in a 10% reduction of grade. Each subsequent three days missed will result in additional 10% reduction in grade, etc. Late arrival to class: Each minute you are late for class will be totaled and each 75 minutes will be counted as one unexcused absence.**

**ABSENCES ON TEST DAYS**

No make-ups will be given for missed exams.

**GRADING:**

Weekly Assignments and attendance: 20% \*Certain assignments have been re-designed under U.S. Dept. of Ed. Title III grant: *Strategies for Success*, 2008-2013.

Exam One: 40%

Final Exam – Group Project\* 40%

**\*GROUP PROJECT** - This is a several-week team project involving researching and writing a paper and preparing a presentation on a business that you choose to start in the U.S. with operations in a foreign country. You will emphasize the legal issues involved in such an endeavor as well reporting on the government, economics, natural resources, culture, and legal system of your country. Further requirements will be distributed in class and on Blackboard.

## MIDDLESEX COMMUNITY COLLEGE HONOR CODE

As members of Middlesex Community College, we seek to foster a climate of academic growth and personal achievement for all and strong sense of mutual respect, honesty, fairness and responsibility. To that end, we have set forth the following Code of honor: We, as members of Middlesex Community College, promise to act with honor and integrity in all areas of campus life. As individuals, each of us is responsible for the integrity of our own work and actions, and each of us is accountable for all that we say, write and do. We pledge that we will not misrepresent our work, nor give or receive unauthorized aid. We further promise to behave in a way that shows respect for personal rights and dignity of all members of our community. We will be respectful of college property and the property of others. We will support and promote the safety, integrity and well-being on each member of the college community.

The College's honor code applies in the classroom, on the college campuses and at college sponsored activities off-campus. Additionally, Middlesex Community College abides by a set of *Core Commitments which are representative of the College's goal to embed personal and social responsibility objectives throughout the educational experience.*



The graphic features a vertical logo on the left that reads "Middlesex Community College" in a stylized font. To the right, a dark blue header contains the text "Middlesex Core Commitments" in red, "Choose to..." in white script, and the Middlesex Community College logo. Below the header is a white box with a blue border containing a list of five commitments, each preceded by a gold star.

### Middlesex Core Commitments

Choose to...

- ★ Respect Diversity
- ★ Strive for Excellence
- ★ Contribute to Society
- ★ Develop Strong Ethics
- ★ Act with Integrity

**Student Rights**

- Quality education and support
- Freedom of inquiry and expression
- A civil and respectful learning and campus environment
- Fair and equal treatment, including due process
- Privacy & confidentiality of academic and personal information and concerns

**Student Responsibilities**

- Reporting incidents or situations that threaten or impact the safety and well-being of the college community
- Compliance with federal, state, and local laws
- Knowledge of and compliance with college policies, procedures, and authorities
- Knowledge of and compliance with individual course policies and procedures

**Academic Misconduct**

- Cheating
- Receiving or giving unauthorized aid
- Plagiarizing
- Misrepresenting oneself or one's work
- Lying, fabrication, and falsification
- Aiding or encouraging the academic misconduct of others

**Personal Misconduct Involving the College**

- Disrupting class or campus activities or environments
- Harassing or otherwise interfering with the safety, rights, and freedoms of others
- Stealing from or accessory to theft from others or the college
- Misusing computer and network facilities
- Damaging, or unauthorized or inappropriately accessing records, equipment, and facilities
- Using or being under the influence of alcohol or illegal substances on campus
- Unauthorized solicitation

*College policies, the code of conduct, the disciplinary process, and student grievance procedure can be found in the student handbook located on-line at [www.middlesex.mass.edu](http://www.middlesex.mass.edu) (alternative formats available upon request).*



## WEEKLY TOPICS:

### WEEK ONE-- The Legal Environment

#### Chapter 1. Introduction to Law

##### Three Important Ideas about Law

Power

Importance

Fascination

##### Origins of Our Law

English Roots

THE OCULIST'S CASE (1329)

Law in the United States

##### Sources of the Contemporary Law

Constitutions

Statutes

Common Law

Administrative Law

Other Sources of Law

##### Classifications of Law

Criminal and Civil Law

Substantive and Procedural Law

Public and Private Law

##### Jurisprudence

Law and Morality

Legal Positivism

Natural Law

Legal Realism

##### Working with the Book's Features

Analyzing a Case

KUEHN V. PUB ZONE

You Be the Judge

YOU BE THE JUDGE MCCOLLUM V. CBS, INC

#### Chapter 2. Business Ethics and Social Responsibility

##### Why Bother with Ethics?

Society as a Whole Benefits from Ethical Behavior

People Feel Better When They Behave Ethically

Unethical Behavior Can Be Very Costly

##### What is Ethical Behavior?



Analyzing the Ethics Checklist  
 Applying the Ethics Checklist: Making Decisions  
 Organization's Responsibility to Its Customers  
 Organization's Responsibility to Its Employees  
 Organization's Responsibility to Its Shareholders  
 Organization's Responsibility to Overseas  
 Employee's Responsibility to Their Organization

**WEEK TWO**--Chapter 3. Dispute Resolution

Three Fundamental Areas of Law

Dispute Prevention  
 Litigation versus Alternative Dispute Resolution

Alternative Dispute Resolution

Negotiation  
 Mediation  
 Arbitration

Court Systems

State Courts  
 Federal Courts

Litigation

Pleadings  
 AMERICAN CASH CARD CORP. V. AT&T CORP  
 JONES V. CLITON

Trial

Adversary System  
 Right to Jury Trial  
 Voir Dire  
 Opening Statements  
 Burden of Proof  
 Plaintiff's Case  
 Rules of Evidence  
 Motion for Direct Verdict  
 Defendant's Case  
 Closing Argument  
 Jury Instructions  
 Verdict  
 Motions after the Verdict

Appeals

HERNANHEZ V. MONTVILLE TOWNSHIP BOARD OF  
 EDUCATION  
 Appeals Court Options

**WEEK THREE**--Chapter 4. Common Law, Statutory Law, and Administrative Law

Common Law

Stare Decisis  
 Bystander Cases

## TARASOFF V. REGENTS OF THE UNIVERSITY OF CALIFORNIA

Statutory Law

Bills  
 Discrimination: Congress and the Courts  
 Debate  
 Statutory Interpretation  
 GRIGGS V. DUKE POWER CO  
 Voter's Role  
 Congressional Override  
 The Other Player: Money

Administrative Law

Background  
 Classification of Agencies  
 Power of Agencies  
 DOE V. MARYLAND BOARD OF SOCIAL WORKERS

Limits on Agency Power

Statutory Control  
 Political Control  
 Judicial Review  
 AMADOR-PALOMARES V. ASHCROFT  
 Informational Control and the Public

**WEEK FOUR--Chapter 5. Constitutional Law**Government Power

One in a Million

Overview

Separation of Powers  
 Federalism  
 Individual Rights

Power Granted

Congressional Power  
 GRANHOLM V. HEALD  
 Executive Power  
 Judicial Power  
 YOUNGSTOWN SHEET & TUBE CO. V SAWYER

Protected Rights

Incorporation  
 First Amendment: Free Speech  
 TEXAS V. JOHNSON  
 YOU BE THE JUDGE BARNES V. GLEN THEATRE, INC  
 LORILLARD TOBACCO CO. V REILLY  
 Fifth Amendment: Due Process and the Takings Clause  
 PALAZZOLO V. RHODE ISLAND  
 Fourteenth Amendment: Equal Protection Clause  
 Private Regulations

**WEEK FIVE--Chapter 6. Torts**Intentional TortsDefamations

YOU BE THE JUDGE KNIEVEL V. ESPN

False Imprisonment

Intentional Infliction of Emotional Distress

JANE DOES AND NANCY ROE V. LYNN MILLS

Additional Intentional Torts

Damages

Compensatory Damages

ALLIAMS V PHILIP MORRIS INCORPORATION

Business Torts

Tortious Interference with Business relations

Privacy and Publicity

Negligence

Duty of Due Care

HERNANDEZ V. ARIZONA BOARD OF REGENTS

WEINER V. SOUTHCOAST CHILDCARE CENTER, INC

Breach of Duty

Factual Cause and Foreseeable Harm

Injury

COLE V. QUIRK

Defenses

Strict Liability

Ultrahazardous Activity

**WEEK SIX--Chapter 7. Crime**Crime, Society, and Law

Civil Law/ Criminal Law

Punishment

The Prosecution's Case

Defenses

YOU BE THE JUDGE BIEBER V. PEOPLE

Crimes That Harm Business

Larceny

Fraud

Embezzlement

Computer Crime

UNITED STATES V. AMURE

Crimes Committed by Business

WISCONSIN V. KNUTSON, INC

Punishing a Corporation

Selected Crimes Committed by Business

RICO

UNITED STATES V. BIEGANOWSKI

Constitutional Protections

The Criminal Process  
 The Fourth Amendment  
 The Fifth Amendment  
 The Sixth Amendment  
 The Eighth Amendment  
 ERWING V. CALIFORNIA

**WEEK SEVEN**--Chapter 8. International LawMNEs and PowerTrade Regulation

Export Controls  
 Import Controls  
 RUBIE'S COSTUME COMPANY V. UNITED STATES  
 General Agreement on Tariffs and Trade (GATT)  
 UNITED STATES—IMPORT PROHIBITION ON CERTAIN SHRIMP  
 AND SHRIMP PRODUCTS

Regional Agreements

International Sales Agreements

Direct Sales  
 CENTRIFUGAL CASTING MACHINE CO., INC. V. AMERICAN  
 BANK & TRUST CO  
 Indirect Sales through Distributor  
 YOU BE THE JUDGE HARTFORD FIRE INSURANCE CO. V  
 CALIFORNIA  
 Licensing a Foreign Manufacturer

Investing Abroad

Repatriation of Profits  
 Expropriation  
 Foreign Corrupt Practices Act  
 UNITED STATES V. KING

**EXAMINATION I****WEEK EIGHT**--Chapter 9. Introduction to ContractsThe Purpose of a Contract

Judicial Activism verses Judicial Restraint  
 Issues (and Answers)  
 Contracts Defined

Types of Contracts

Bilateral and Unilateral Contracts  
 Express and Implied Contracts  
 YOU BE THE JUDGE DEMASSE V. ITT CORPORATION  
 Executory and Executed Contracts  
 Valid, Unenforceable, Voidable, and Void Agreements

Remedies Created by Judicial Activism

Promissory Estoppel  
 Quasi-Contract

Sources of Contract Law

Common Law  
 Uniform Commercial Code  
 Restatement (Second) of Contracts

Agreement

Meeting of the Minds  
 Offer  
 BAER V. CHASE  
 Acceptance  
 SPECHT V. NETSCAPE COMMUNICATIONS CORPORATION

Consideration

HAMER V. SIDWAY

**WEEK NINE**--Chapter 10. Legality, Consent, and WritingLegality

Restraint of Trade  
 KING V. HEAD START FAMILY HAIR SALONS, INC  
 Exculpatory Clauses  
 RANSBURG V. RICHARDS  
 Unconscionable Contracts

Capacity and Consent

Capacity  
 Reality of Consent  
 FIMBEL V. DECLARK

Contracts in WritingWritten Contracts

Unenforceable (Sorry, Oliver.)  
 Contracts That Must Be in Writing  
 BAKER V. DAVES  
 What the Writing Must Contain  
 Sale of Goods  
 Parol Evidence

## Chapter 11. Conclusion to Contracts

Third Party Beneficiary

SCHAUER V. MANDARIN GEMS OF CALIFORNIA, INC

Assignment and Delegation

Assignment  
 Delegation of Duties  
 YOU BE THE JUDGE ROSENBERG V. SON, INC

Performance and Discharge

Performance  
 BRUNSWICK HILLS RACQUET CLUB INC. V ROUTE SHOPPING

CENTER ASSOCIATES

Breach  
Impossibility

Remedies

Expectation Interest  
HADLEY V. BAXENDALE  
Reliance Interest  
Restitution Interest  
Other Equitable Interests  
MILICIC V. BASKETBALL MARKETING COMPANY, INC  
Special Issues of Damages

**WEEK TEN**--Chapter 16. Employment Law

Introduction

Employment Security

National Labor Relations Act  
Family and Medical Leave Act  
COBRA  
Wrongful Discharge  
WELLS V. ORMENT CORP

Safety and Privacy in the Workplace

Workplace Safety  
Employment Privacy

Financial Protection

Fair Labor Standards Act  
Workers' Compensation  
Social Security  
Pension Benefits  
Employment Discriminations  
Equal Pay Act of 1963  
Title VII  
YOU BE THE JUDGE JESPERSEN V. HARRAH'S  
TERESA HARRIS V. FORKLIFT SYSTEMS, INC  
Age Discrimination  
SMITH V. CITY OF JACKSON  
Americans with Disabilities Act  
TOYOTA V. WILLIAMS

**WEEK ELEVEN**--Chapter 18. Starting a Business

Sole Proprietorships

General Partnerships

Formations  
Taxes  
Liability  
Management

MARSH V. GENTRY  
 Terminating a Partnership  
 Dissociation

Limited Liability Partnerships

APACAR V. GAUS

Professional Corporations

Limited Partnerships and Limited Liability Limited Partnerships

Structure  
 Liability  
 Taxes  
 Formation  
 Management  
 Transfer of Ownership  
 Duration

Corporations

Corporations in General  
 Close Corporations

S Corporations

Limited Liability Companies

Formations  
 Limited Liability  
 YOU BE THE JUDGE RIDGAWAY V. SILK  
 Tax Status  
 Flexibility  
 Standard Forms  
 Transferability of Interests  
 Duration  
 Going Public  
 Changing Forms

Joint Ventures

Other Forms of Organization

Business Trusts  
 Cooperatives  
 Franchises  
 BIXBY'S FOOD SYSTEMS, INC. V MCKAY

**WEEK TWELVE--Chapter 19. Corporations**

Promoter's Liability

HARDY V. SOUTHWESTERN BELL YELLOW PAGES, INC

Incorporation Process

Where to Incorporate?  
 The Charter

After Incorporation

Directors and Officers

Bylaws  
 Issuing Debt  
Death of the Corporation  
 Piercing the Corporate Veil  
 BROOKS V. BECKER  
 Termination  
The Role of Corporate Management  
The Business Judgment Rule  
 Duty of Loyalty  
 Duty of Care  
 YOU BE THE JUDGE SMITH V. VAN GORKOM  
Takeovers  
 Federal Regulation of Tender Offers: The Williams Act  
 State Regulation of Takeovers  
The Role of Shareholders  
 Rights of Shareholders  
 Right to Information  
 Right to Vote  
 IN RE THE WALT DISNEY COMPANY DERIVATION LITIGATION  
 Right to Dissent  
 Right to Protection from Other Shareholders  
 Corporation Governance in Publicly Traded Companies: Sarbanes-Oxley  
 and Stock Exchange Rules  
Enforcing Shareholders Rights  
 Derivation Lawsuits  
 Direct Lawsuits  
 Class Action Lawsuit

### **WEEK THIRTEEN—Chapter 24. Property**

Nature of Real Property  
 FREEMAN v. BARRIS  
 Estates in Real Property  
 WALTON V. CITY OF RED BLUFF  
 Nonpossessory Interests  
 Easements  
 Sale of Real Property  
 Land Use Regulation  
Landlord-Tenant Law  
 Types of Tenancy  
Landlord's Duties  
 Duty to Deliver Possession  
 Duty to return Security Deposit



MISHKIN v. YOUNG

Tenant's Duties

Injuries

DICKINSON ARMS-REO, L.P. V. CAMPBELL

Personal Property

Gifts

ALBINGER V. HARRIS

Bailment

MICHELL V. BANK OF AMERICA NATIONAL ASSOCIATION

**WEEK FOURTEEN**—Chapter 22. Cyber Law

Privacy

Cookies and Cashes

Self-regulation of on-line privacy

Government regulation of on-line privacy

Your hard-drive as witness against you

Spam

Internet service providers and Web Hosts

Communications and Decency Act of 1996

Crime on the internet

Identity Theft

**WEEK FIFTEEN**—Final Group Projects due. Prepare for final exam presentations.

***FINAL EXAMINATION***

**MATRIX OF CORE SKILLS INFUSION  
INTO BUSINESS LAW LGL 102**

| WEEK | TOPIC                    | ACTIVITIES THAT ADDRESS CORE SKILLS                         | CORE SKILLS   |                   |              |               |                 |
|------|--------------------------|---|---------------|-------------------|--------------|---------------|-----------------|
|      |                          |   | COMMUNICATION | CRITICAL THINKING | ORGANIZATION | COLLABORATION | SELF ASSESSMENT |
| 1    | Intro to Law             | Introduction to Classmates Activity<br>Note Taking Activity | X             |                   | X            | X             |                 |
|      |                          | Anticipating Exam Question                                  |               |                   | X            |               | X               |
|      |                          | Create a Presentation on the US Legal System                | X             | X                 | X            |               | X               |
| 2    | Ethics                   | Child Labor project   | X             | X                 |              | X             |                 |
| 3    | Legal System             | Application of State Decis                                  | X             |                   | X            | X             |                 |
| 4    | ADR                      | Bias Identification   | X             | X                 |              | X             | X               |
| 5    | Common and Statutory Law | Compare common law marriage with marital statutes           |               | X                 |              |               |                 |
| 6    | Constitutional Law       | Commerce Clause exercise                                    | X             | X                 | X            | X             | X               |
| 7    | Torts                    | Tortious Interference with business relations               | X             | X                 | X            |               | X               |
| 8    | Contract Law             | Vocabulary exercise   | X             |                   |              |               | X               |
| 9    |                          | Offer and acceptance scenarios                              | X             | X                 |              | X             | X               |
| 10   |                          | Draft a simple contract for the sale of a dog               | X             | X                 | X            |               |                 |
| 11   | Employment Law           | Employment at will termination                              | X             | X                 | X            |               |                 |
| 12   | Starting a Business      | I.I.C project   | X             | X                 | X            | X             | X               |
| 13   | Corporation Law          | Create a stock certificate                                  | X             | X                 | X            | X             | X               |
| 14   | Topic choice             | Professor's choice of remaining textual topics              |               |                   |              |               |                 |
| 15   | Final Exam               | Written Final Exam  |               | X                 |              |               |                 |

**Matrix of Core Skills Infusion into Business Law LGL 102**

## Lesson Plan: Week 1 - Introduction to Classmates

### Learning Objectives:

Students will:

- Understand and practice basic interviewing skills
- Evaluate and relate information they have gathered
- Develop a sense of community in the class

### Core Student Success Skills:

- Communication
- Collaboration

**Materials Needed:** None

### Context within the course:

This lesson builds a foundation for the students to feel a sense of community within the class. It also allows students to identify potential compatible group members for future assignments.

### Procedure:

1. Instruct the class that this is an exercise designed to make it easier for us to get to know each other and that you will be observing their skills in interviewing each other.
2. They are to find as many students that fit the listed categories as they can in 10 minutes.
3. They will get one point for each category that they fill in with at least one name. There is a maximum of 20 points that they can get., although if you would like to, you may add more categories and give the students more time to complete the exercise.
4. After the ten minutes is up, have the students take their seats. You will then read off the categories and have the students report back on classmates who meet that category.
5. If you wish, you can award a small prize (extra credit, candy bar, etc.) to the student(s) who had the most categories filled in.

### Assessment:

The goal is for the students to interact with each other on a social level in order to allay first day nervousness. It also allows the instructor to observe classroom dynamics.

### Handout: Introduction to Law—Meet Your Classmates

|    |  |  |
|----|--|--|
| 1  | Find someone in class who was born in the same month as you          |  |
| 2  | Find someone in class who lives or used to live in your hometown     |  |
| 3  | Find someone in class who is older than you are                      |  |
| 4  | Find someone in class who is younger than you are                    |  |
| 5  | Find someone in class who is the oldest in his or her family         |  |
| 6  | Find someone in class who is an only child                           |  |
| 7  | Find someone in class who is the youngest in his or her family       |  |
| 8  | Find someone in class who is a Business major                        |  |
| 9  | Find someone in class who is <b>not</b> a Business major             |  |
| 10 | Find someone in class who has already bought the textbook for class  |  |
| 11 | Find someone in class who can tell you where to park for classes     |  |
| 12 | Find someone in class whose phone number begins with "978"           |  |
| 13 | Find someone in class who is married                                 |  |
| 14 | Find someone in class who likes to watch the Red Sox or the Patriots |  |
| 15 | Find someone in class who watches American Idol                      |  |
| 16 | Find someone in class who likes to run for exercise                  |  |
| 17 | Find someone in class who plays a musical instrument                 |  |
| 18 | Find someone in class who has acted in a play                        |  |
| 19 | Find someone in class who was born in another country                |  |
| 20 | Find someone in class who speaks another language besides English    |  |
|    | TOTAL number of categories filled in                                 |  |

## Lesson Plan: Week 1 - Note-Taking Activity

### Learning Objectives:

Students will:

- Understand and practice basic note taking skills
- Evaluate the information they have gathered in class to organize their notes
- Be able to use their notes as a study tool

### Core Student Success Skills:

- Organization
- Self-assessment

### Materials Needed:

Handouts: choose one of the handouts on Note-taking from Appendix B to provide to the class

### Context within the course:

This lesson should take place near the time that you assign the first chapter for reading and/or give your first class lecture. It can be repeated throughout the semester as needed.

### Procedure:

1. Discuss the handout on Note Taking that you have provided to the class.
2. Assign the material that is to be the subject of the notes (either your lecture or a chapter in the textbook.)
3. On the day that the notes are due, administer an open-notes quiz. This quiz should test for comprehension and target material that you would expect the student to have included in their notes of your lecture or the chapter.
4. Return the graded quiz promptly or have students grade each other's quiz in class.
5. Have students review the quiz and their notes and identify why they missed any answer...was it not in the notes, did they not understand the reading, etc.

### Assessment:

The quiz grade will serve as an assessment of the quality of the notes taken.

## Lesson Plan: Anticipating Exam Questions

### Learning Objectives:

Students will be able to do:

- Review course material
- Discuss course material with an in-class study group
- Anticipate possible exam questions as an aid to studying
- Answer anticipated exam questions

**Core Student Success Skills:** Critical Thinking, Collaboration, Self-Assessment

**Materials:** Class notes, paper and pencils/pens

**Context within the Course:** In preparation for a major exam, students need to review and study course content that have been introduced through readings, power point presentations, lectures, class activities and discussion. Many students are unpracticed in study techniques such as organizing and outlining notes, taking notes during reading, making flash cards, etc. But one other important step that students may be unfamiliar with is determining what material to work on reviewing, understanding and remembering. The exercise of anticipating test questions, whether for an objective or essay style exam, can help students begin to understand the clues to possible test questions that occur throughout a course. If students do not think about the exam itself, they are less likely to take the time to work on reviewing/learning material; and if they do take the time, their efforts may not be as successful. This exercise will also serve as a review of course material and give students an experience of working in a study group.

### Procedure:

1. Begin by asking the class if they can identify any clues they have been given as to what might be asked of them on the upcoming exam? The emphasis here should be on the clues themselves, rather than the content. For instance, what information has been repeated during the course. Repetition usually is a clue to the importance of the information. If information appears in a reading, is discussed in class and then written on the board or mentioned in the discussion summary or a subsequent class, it is usually information that is important to the course.

Next, divide the class into groups of at least three or four. Each group is given the task of writing ten possible exam questions for the upcoming test. Next each group exchanges their questions with those of another group and proceeds to answer together the questions of the other group. When the group finishes answering the

questions, they return their answers to the group from which the questions originated which checks their answers for correctness and completeness.

Finally, after all groups have completed this exercise, ask the class if there were questions that both groups had in common. Ask why they think this question appeared on both lists; what had been the clues that this question might be asked on their exam. Also ask if they found this exercise beneficial and why or why not. Suggest that this can be a great exercise for a study group to work through together. At study done at the University of California, Berkeley found that the use of study groups was key to college success among their undergraduates.

**Next Steps:** Discussion could follow as to how to make use of these anticipated questions. How might students continue to review and reinforce this information? Study techniques related to learning styles could be introduced or reintroduced at this point. Inform students that they will be asked to discuss what study techniques they used to prepare for the exam as a part of the test. A reminder that repetition and time on task are key to remembering information could be given. Using the knowledge that they are gaining is important to long term memory.

After the exam, have students share what techniques they used to help them prepare for the exam, especially any that they found helpful. For the next exam, help students to set up study groups that will meet before or after class to work together to anticipate exam questions for the upcoming test. Students could be given a class assignment to create possible exam questions with answers that each group member would sign. But the key here is that the groups meet outside of class time so that students can begin to experience that such a practice is possible, desirable, and helpful.

## Lesson Plan: Introduction to Law

### Learning Objectives:

Students will be able to:

- Define the term law
- List the historical origins of law
- Understand forms of government for both federal and state
- Explain the sources of contemporary law relating to federal and state including constitutions, statutes, common law, administrative law, treaties, and executive orders
- Explain the classifications of law for criminal and civil law
- Explain the concept of public and private law
- Understand the concept of jurisprudence
- Explain the purpose of substantive laws
- Explain the purpose of procedural laws
- Provide examples of substantive criminal laws and substantive civil laws
- Compare and contrast procedures in a criminal case with procedures in a civil case

### Core Student Success Skills:

- Communication
- Organization
- Critical Thinking
- Self-assessment- when used with class activity

**Materials Needed:** Access to Microsoft PowerPoint at home or at the college library and the assigned textbook.

### Context within the course:

This lesson requires students to locate and evaluate source material on the court system. It should be given after they have read Chapter 1. They will organize the material they located through research to produce a coherent presentation on the court system.

### Procedure:

1. Instruct the class that this is an exercise designed to develop an understanding of the working knowledge of the law, as well as their computer skills.
2. They are to visit the websites provided to them to answer questions about the law.
3. They will then create a PowerPoint presentation designed to explain the his/her working knowledge of the law.



**Assessment:**

The goal is for the students to develop an understanding of the working knowledge of the law, its historical origins, our forms and sources of government, and how society depends on the law to give us a stable nation, a stable economy, a safe place to work, and a fair society. The task can be assessed in a number of ways: it can be an extra credit project or a graded project. It can also be an opportunity for the students to make a short verbal presentation to the class, and have the class critique each presenter.

## Handout: Introduction to Law PowerPoint Activity

Your project is to create a PowerPoint presentation that will explain how we depend upon the law to give us a stable nation and economy, a fair society, and a safe place to live and work. Explain our court system to someone new to this country. You must have a minimum of 10 slides. You do not have to include pictures or graphics, but including them will make your presentation more interesting.

You must submit a printed version (3 slides per page-handout) in class.

Here are the topics you must cover (at least one slide on each):

- Define the term law, and its historical origins.
- The forms of government for:
  - Federal, and
  - The Commonwealth of Massachusetts.
- List and explain the sources of contemporary law relating to:
  - Constitutions,
  - Statutes,
  - Common Law,
  - Administrative Law,
  - Treaties, and
  - Executive Orders.
- Explain the classifications of law for criminal and civil law
- Explain the concept of jurisprudence.
- Explain the purpose of substantive laws, and procedural laws.

Besides Chapter 1 in your textbook, these websites might be of help to you:

[www.supremecourtus.gov](http://www.supremecourtus.gov)

[www.uscourts.gov](http://www.uscourts.gov)

[www.mass.gov/courts/](http://www.mass.gov/courts/)

## Lesson Plan: Business Ethics-Child Labor Project

### Learning Objectives

Students will be able to:

- Understand the ethical challenges in operating a Business
- Explain the issue of worldwide use of child labor
- Explain the role of international law and economics as applied to child labor
- Explain how college bookstore and apparel manufacturers assess the use of child labor
- Discuss methods to monitor child labor

### Core Student Success Skills:

- Communication
- Critical Thinking
- Collaboration

### Materials:

Textbook, c. 2 “Business Ethics” and Handout-Child Labor Handout and Questions

### Context within the Course:

May be used with ethics materials in text and from lecture.

### Instructions:

1. Divide class into groups of four as determined by instructor.
2. Students conduct field work and note responses.
3. Students answer questions posed in handout.
4. Student groups present findings to class.

### Assessment:

Each group receives a numerical grade based on completing field work and presenting findings in class.

## Handout: Activity-Business Ethics-Child labor-Assignment and Questions

As noted in the text, some universities are responding to the tragedy of child exploitation (see discussion below) by refusing to license the school logo to any apparel company that uses child labor. Duke University was one of the first, and other schools soon followed. Other apparel makers have similarly decided to insist on adult-made goods. Your group is assigned to a one college (with a back-up college in case you have difficulty contacting one of them), and a clothing/shoe brand store or manufacturer (see below).

*The group's responsibility is to contact one college and one brand name and track down who makes its apparel and what, if any, steps it has taken to ensure that children (under 16) do **not** manufacture the goods.*

**Write up a group response to question below and present to class.**

Call your assigned college's bookstore and the headquarters of the clothing brand. Try the public relations office or public affairs office of each. Use your back-up college only if you can't get a response from your assigned college.

**Email me a team progress report by Friday, ----- at 7:00pm (10% of grade).**

Group # 1 Mississippi State University (back-up: Cape Cod Community Community College)

**and** Nike.

Group # 2 Wheelock College (back-up: Bennington College)

**and** J. Crew.

Group # 3 Boise State University (back-up: Iowa State University)

**and** Timberland.

Group # 4 Auburn University (back-up: St. Lawrence University)

**and** Calvin Klein.

Group # 5 Central Connecticut State University (back-up: Reed College)

**and** Adidas.

Group # 6 Grove City College (back-up: Furman University)

**and** Abercrombie and Fitch

**Write up steps taken and people spoken to, times and dates and responses received.**

**Child Labor:**

The International Labor Organization estimates that there are 250 million child laborers under the age of 15, worldwide. Some are as young as 7 or 8 years old. Some receive a pittance, working long hours in hideous conditions, while others are slaves, paid nothing at all.

The ILO provides these estimated percentages of children who work full or part-time in various countries. Notice that while the percentage for certain nations is not especially high, the actual number of children may still be extremely high.

|            |     |  |              |    |
|------------|-----|--|--------------|----|
| Kenya      | 42% |  | India        | 14 |
| Bangladesh | 30  |  | China        | 11 |
| Haiti      | 25  |  | Egypt        | 11 |
| Turkey     | 24  |  | Indonesia    | 10 |
| Pakistan   | 17  |  | Vietnam      | 9  |
| Brazil     | 16  |  | Phillippines | 8  |
| Guatemala  | 16  |  | Mexico       | 7  |
| Thailand   | 16  |  | Malaysia     | 3  |

**Issue:** In some carpet factories, children as young as 5 years old are shackled to looms and forced to work. They receive little food and no pay. How can their parents permit this to happen?

**Answer:** The exact story varies from child to child, but the root cause is always the same: life-threatening poverty. Sometimes a factory owner will appear in an impoverished village and promise parents that their children will receive an excellent education and comfortable living, in exchange for a few hours of work per day. The parents, often naive, uneducated, and desperate to provide for their families, permit the child to be taken away, little understanding the brutal reality that awaits their youngster. At other times, a businessman may offer a modest "loan" to the parents, which the child will pay off. The loan may

be only \$10 or \$15, but that may be a year's income to some families. Tragically, the child is taken away, forced to work extraordinarily long hours in appalling conditions, and frequently fined each time he or she makes even a tiny error, ensuring that the parents' debt increases, with the child's exploitation extending indefinitely. \*

***Group question for your research assignment (above):***

1. Is it ethical to import merchandise manufactured by child labor?
2. How can it be effectively monitored or prevented?

\*adapted in part from *Beatty and Samuelson, 4<sup>th</sup> edition*, Cengage.

## Lesson Plan: Introduction to American law and legal system: application of *stare decisis*

### Learning objectives:

Students will be able to:

- Describe each appellate case
- Explain the factual history of the case and what happened in the trial court
- Describe the issue(s) the appellate court is being asked to decide
- Describe the rule or rules applied in the appellate court's decision
- Explain how each case ruling advances legal rights
- Understand how precedent is applied in a state court system
- Understand how judges and lawyers reason from prior cases

### Core student Success Skills:

- Communication
- Collaboration
- Organization

### Materials needed:

*State v. Pendergrass*, 2 Dev. & B., N.C. 365 (1837); *Joyner v. Joyner*, 59 N.C. 322 (1862); *State v. Black*, 60 N.C. 262 (1864); *State v. Rhodes*, 61 N.C. 453 (1868); *State v Mabrey*, 64 N.C. 592 (1870); *State v. Oliver* 70 N.C. 60 (1874).

### Context Within the Course:

This assignment may be used with the chapter on introduction to law and the legal system.

### Instructions:

1. Class is divided into groups of four by Instructor.
2. Students may access these cases on Westlaw Campus through the MCC website at Library Services or to be copied and distributed by Instructor.
3. Each group will present its answers to questions posed in the assignment. Each person is responsible for proving written answer to at least one question.
4. Instructor should lead discussion concerning *stare decisis* and integrate each group's response.

### Assessment:

This activity should be graded based on the quality of the groups' analyses and completeness in answering all questions. Instructor should determine how each group identified the rule of law being applied in successive assigned case. Each student is graded on quality of written answer and group grade for overall presentation.

## Handout: Activity-Introduction to Law and Legal System-*Stare Decisis* Group questions

1. Does a precedent system operate in your social group, at work, or in how you reach your personal decisions?
2. The doctrine of stare decisis means that courts will decide similar case the same or that previous decisions will be followed. Does this mean that justice will be achieved?
3. What does *Prendergrass* tell you about the state of corporal punishment in 1837 North Carolina?
4. Why does the court rule against petitioner and not grant alimony in *Joyner v. Joyner*?
5. How does *State v. Oliver* change the standard of violence against women from the results in *Rhodes* and *Mabrey*?



## Lesson Plan: Dispute Resolution-Bias Identification

### Learning Objectives

Students will be able to:

- Identify possible bias for or against something or someone, ie, positive and negative categories
- Understand categories such as appearance, attitudes, and behaviors
- Explain how bias may affect decision-making in a negotiation or mediation
- Identify possible patterns of bias
- Determine how much positive categories of people may be similar to the students themselves
- Explore how negative categories may be unlike the student
- Understand how people communicate bias and how to guard against it
- Determine if we may all have a bias that we are uncomfortable sharing

### Core Student Success Skills:

- Communication
- Collaboration
- Critical thinking
- Self-Assessment

**Materials needed:** Handouts-“Bias Identification” and “Heart Surgery Exercise”

**Context within the Course:** chapter in text on Dispute Resolution-Negotiation and Mediation.

### Instructions:

1. For “Bias Identification”, Instructor facilitates exercise to all students as a class.
2. Instructor has students prepare lists of their possible positive and negative bias.
3. Instructor coordinates group discussion of impact these lists may have on a negotiation or mediation.
4. For “Heart Surgery” Instructor distributes exercise to groups of four and each group presents their findings.
5. Instructor facilitates discussion of groups’ choices by posing questions in trainer instructions.

**Assessment:** Each student receives a letter grade based on their complete response to bias identification and group receives letter grade based on their deliberation and presentation of choices made for heart surgery.

## Handout: Heart Surgery Exercise

You are surgeons at a large hospital. Your committee must make a very important decision. Six patients need a heart transplant. There is only one heart donor at this time. All the patients would be good recipients. Which patient would you choose to receive the heart? Why???. Your committee must agree on the choice. You may not choose by lottery.

### **PATIENTS:**

1. A 25 year-old homeless man with two young children and no other family.
2. A 35 year-old minister, a well respected role model, runs a group for young fathers.
3. A 40 year-old male teacher, very popular, single parent of a handicapped child.
4. A 15 year-old girl who is 4 months pregnant.
5. An 18 year-old girl, a high school dropout and sole supporter of her three siblings, Mom is an alcoholic.
6. A 50 year-old scientist close to a cure for AIDS, gay male, no children.

## Handout: Bias Identification

- Purpose** To help trainees identify some of their own sensitive spots and look at how these might affect their meeting.
- Directions** Ask trainees to write – off the top of their head – 5 things which tend to bias them towards a person; the 5 things which might bias them against someone.
- Explain that their lists are private and they will not have to share them if they do not want to.
- Questions** Ask them to look at their lists. Are there any patterns? Do items fall into categories? (appearance, attitudes, behaviors) does the positive list tend to look just like them? Vice versa?
- A trainer writes on newsprint what people call out from their lists (if they choose to share). Make a positive and negative page. (Negative is always a longer list).
- Discussion** What would happen if they were to walk into a room to mediate and the embodiment of their negative list was disputant? How might their bias be communicated to this person? How could they guard against this? Ask them to look at their lists again. Is there something on it that they did not feel comfortable sharing? Is there something they could not even put in writing that really should be there?



## Lesson Plan: Common Law and Statutory Law

### Learning Objectives:

Students will be able to:

- Define the common law and statutory law
- Explain the differences between common law and statutory law as applied to a specific area of law

### Core Student Success Skills:

- Critical Thinking

**Materials Needed:** Access to Internet at home or at the college library.

**Context within the course:** This lesson requires students to locate a statute and an appellate case using Google or Google Scholar. Students should be familiar with the concepts of common law and statutory law before they begin this exercise.

### Procedure:

1. Instruct the class that this is an exercise designed to develop an understanding of how laws on the same subject matter can be created by the courts or by the legislature.
2. Explain that this exercise shows how the same subject matter, marriage, can have very different requirements depending on jurisdiction. Compare:
  - a. "A valid common law marriage exists in [Alabama] when there is capacity to enter into a marriage, present agreement or consent to be husband and wife, public recognition of the existence of the marriage, and consummation." Waller v. Waller, 567 So.2d 869 (Ala.Civ.App. 1990).
    - i. "All people who marry in [Massachusetts] must have a marriage license issued in Massachusetts by any city or town clerk (M.G.L. ch. 207, s. 28)."
3. They are to use Google (or another web browser) to find out how the laws on marriage vary between Massachusetts (which does not recognize common law marriage) and Alabama (which does recognize common law marriage.)

### Assessment:

The goal is for the students to recognize that certain legal topics have been left to the states to control; and that the states can make laws through the courts as well as through the legislature.

## Handout: Common Law and Statutory Law Reading Assignment

By Dorian Solot and Marshall Miller

**THE MYTH:** There is a common misperception that if you live together for a certain length of time (seven years is what many people believe), you are common-law married. This is not true anywhere in the United States.

### **STATES THAT RECOGNIZE COMMON LAW MARRIAGE:**

Only a few states recognize common law marriages:

Alabama

Colorado

Georgia (if created before 1/1/97)

Idaho (if created before 1/1/96)

Iowa

Kansas

Montana

New Hampshire (for inheritance purposes only)

Ohio (if created before 10/10/91)

Oklahoma (possibly only if created before 11/1/98. Oklahoma's laws and court decisions may be in conflict about whether common law marriages formed in that state after 11/1/98 will be recognized.)

Pennsylvania (if created before 1/1/05)

Rhode Island

South Carolina

Texas

Utah

Washington, D.C.

**IF YOU LIVE IN A STATE THAT DOES RECOGNIZE COMMON LAW MARRIAGE:** If you live in one of the above states and you "hold yourself out to be married" (by telling the community you are married, calling each other husband and wife, using the same last name, filing joint income tax returns, etc.), you can have a common law marriage (for more information on the specific requirements of each state, see next page). Common law marriage makes you a legally married couple in every way, even though you never obtained a marriage license. If you choose to end your relationship, you must get a divorce, even though you never had a wedding. Legally, common law married couples must play by all the same rules as "regular" married couples.

If you live in one of the common law states and don't want your relationship to become a common law marriage, you must be clear that it is your intention not to marry. The attorneys who wrote Living Together (additional information below) recommend an

agreement in writing that both partners sign and date: "Jane Smith and John Doe agree as follows: That they've been and plan to continue living together as two free, independent beings and that neither has ever intended to enter into any form of marriage, common law or otherwise."

IF YOU LIVE IN A STATE THAT DOES NOT RECOGNIZE COMMON LAW MARRIAGE, there is no way to form a common law marriage, no matter how long you live with your partner. There is one catch: if you spend time in a state that does recognize common law marriage, "hold yourself out as married," and then return or move to a state that doesn't recognize it, you are still married (since states all recognize marriages that occurred in other states). However, this is murky legal territory and we don't recommend experimenting with it!

#### STATE-BY-STATE REQUIREMENTS TO FORM A COMMON LAW MARRIAGE:\*

**Alabama:** The requirements for a common-law marriage are: (1) capacity; (2) an agreement to be husband and wife; and (3) consummation of the marital relationship.

**Colorado:** A common-law marriage may be established by proving cohabitation and a reputation of being married.

**Iowa:** The requirements for a common-law marriage are: (1) intent and agreement to be married; (2) continuous cohabitation; and (3) public declarations that the parties are husband and wife.

**Kansas:** For a man and woman to form a common-law marriage, they must: (1) have the mental capacity to marry; (2) agree to be married at the present time; and (3) represent to the public that they are married.

**Montana:** The requirements for a common-law marriage are: (1) capacity to consent to the marriage; (2) an agreement to be married; (3) cohabitation; and (4) a reputation of being married.

**Oklahoma:** To establish a common-law marriage, a man and woman must (1) be competent; (2) agree to enter into a marriage relationship; and (3) cohabit.

**Pennsylvania:** A common-law marriage was established if, before 1/1/2005, a man and woman exchanged words that indicated that they intended to be married at the present time and they also held themselves out to the community as married (introducing each other as husband and wife, filing joint taxes, etc.).

**Rhode Island:** The requirements for a common-law marriage are: (1) serious intent to be married and (2) conduct that leads to a reasonable belief in the community that the man and woman are married.

**South Carolina:** A common-law marriage is established if a man and woman intend for others to believe they are married.

**Texas:** A man and woman who want to establish a common-law marriage must sign a form provided by the county clerk. In addition, they must (1) agree to be married, (2) cohabit, and (3) represent to others that they are married.

**Utah:** For a common-law marriage, a man and woman must (1) be capable of giving consent and getting married; (2) cohabit; and (3) have a reputation of being husband

and wife.

**Washington, D.C.:** The requirements for a common-law marriage are: (1) an express, present intent to D.C. be married and (2) cohabitation.

*\* Source: It's Legal! Legal Information Network, whose website no longer exists. The Alternatives to Marriage Project is not responsible for omissions or inaccuracies in the above information.*

Much of the information on this fact sheet comes from an excellent do-it-yourself legal guide called *Living Together: A Legal Guide for Unmarried Couples*, by attorneys Toni Ihara, Ralph Warner, and Frederick Hertz (2000). You can order a copy of *Living Together* online from us Alternatives to Marriage Project. The authors of this factsheet are not attorneys. If you have additional questions about common law marriage in your state, seek the assistance of a lawyer.

*Last updated August 2006.*



## Handout: Common Law Marriage vs. Statutory Law Marriage Assignment

The tradition of common-law marriage was affirmed by the Supreme Court of the United States in *Meister v. Moore* (96 U.S. 76 (1877)), which ruled that Michigan had not abolished common-law marriage merely by producing a statute establishing rules for the solemnization of marriages.

1. Explain the difference between “common law marriage” and a statutory marriage.
2. Find the requirement to create a marriage in Alabama. Does Alabama recognize common law marriages? If they do, what is required to be married at common law?
3. Find the requirement to create a marriage in Massachusetts. Does Massachusetts recognize common law marriages?
4. Marriage to a person of the same sex is allowed in Massachusetts? Was this right created as the result of a statute or common law? Cite the statute or court case.

## Lesson Plan: Torts Tortious Interference

### Learning Objectives:

Students will be able to:

- Explain the relevance of tort law to personal injury litigation
- List and define the three major types of torts
- List and discuss examples of intentional torts
- Discuss the elements of a cause of action for negligence, and negligence *per se*
- Discuss the concepts of torts relating to commercial settings and business relations
- Explain the theory of tortious interference with a contract
- Define strict liability and provide examples of its application
- Explain defenses to different types of torts
- Compare and contrast compensatory damages with punitive damages
- Explain the concept of respondeat superior
- Compare and contrast workers' compensation law with personal injury litigation.
- Describe the area of law known as environmental law

### Core Student Success Skills:

- Critical Thinking
- Communication
- Organization
- Self-Assessment- when used with class activity

**Materials Needed:** Access to Westlaw or Lexis through the library, and the assigned textbook under Chapter 6.

### Context within the course:

This lesson requires students to locate and evaluate source material on business torts relating to Tortious Interference with Business Relations. It should be given after they have read Chapter 6. They will organize the material they located through research to produce a coherent presentation or written graded paper.

### Procedure:

1. Instruct the class that this is an exercise designed to improve their understanding of torts, their presentation /writing skills, research skills, as well as their computer skills.
2. They are to visit the websites provided to them to answer question.

### Assessment:

The goal is for the students to develop an understanding of the different concepts of tort law. Intentional torts, negligence, strict liability and business torts are discussed. The elements of various causes of actions and damages are reviewed. The task can be

assessed in a number of ways: it can be an extra credit project or a graded project. It can also be an opportunity for the students to make a short verbal presentation to the class, and have the class critique each presenter.

## Handout: Torts Exercise--Tortious Interference with Business Relations

### Learning Objectives:

Review and understand what the plaintiff must prove in Massachusetts to establish a claim for Intentional Interference with Business Relations. Apply the rules of the two cases to the hypothetical involving the Commerce Clause.

### The cases for review are:

Kurker v. Hill, 44 Mass.App.Ct. 184 (1998); Kasparian v. Santinello, (Not Reported in N.E.2d), 2006 WL 3292812, Mass.Super.,2006.

### Here is the hypothetical case:

The facts drawn from the allegations in the complaint are as follows.

Bernard Bedford and Lowell Litigant met in the summer of 2009 at the Middlesex Community College in Massachusetts and developed a casual friendship. At that time, Bedford and his wife, Betty, were allegedly under emotional pressure related to a variety of civil legal matters involving their real estate holdings and other business ventures. Bedford shared this information, as well as his resulting marital problems, with Litigant in confidence when they would see each other at the college. Betty later enrolled at MCC while Bedford was recovering from emotional distress.

On June 16, 2009, a fire broke out at one of Bedford's properties, resulting in the deaths of two children. Shortly thereafter, on July 3, 2009, Betty informed Bedford that she wanted a divorce. Through the help of a private investigator, Bedford learned that Betty had become romantically involved with Litigant.

On June 21, 2010, Bedford filed a verified complaint, alleging that Litigant betrayed him in dealing with Betty and Bedford's finances. Specifically, Bedford asserts that Litigant's bad advice and corrupt motivation induced Betty to leave Bedford, take up residence with Litigant in Bedford's home, and abandon her role as property manager for several pieces of property that Bedford owned. Bedford alleges that he was left to deal with lawsuits, debt, and losses associated with the property, and that Litigant has been unjustly enriched. Litigant became aware of the complaint against him and filed a motion to dismiss.

In Massachusetts, to establish a claim for intentional interference with business relations, the plaintiff must prove that: (1) he had a business relationship for economic benefit with a third party; (2) the defendant knew of the relationship; (3) the defendant interfered with the relationship through improper means or motive; and (4) the plaintiff's loss of advantage resulted directly from the defendant's conduct.

Explain the theory of tortious interference with a contract, and how do you think the Court will rule?

## Lesson Plan: Contract Law Word Puzzles

### Learning Objectives:

Students will be able to:

- Define the terms associated with contract law, including: promise, contract, agreement, offer, and consideration; valid, void, voidable and unenforceable; unilateral and bilateral; express and implied; offer and acceptance; offeror and offeree; executed and executor; counteroffer; quasi-contract; unconscionable; breach.

### Core Student Success Skills:

- Communication
- Self-assessment

**Materials Needed:** Access to Internet at home or at the college library and the assigned textbook.

### Context within the course:

This lesson requires students to locate and learn basic terms used in contract law. It should be given after they have read at least one chapter on Contracts as a vocabulary review, and may be used as a review for all the chapters. They will use the terms and definitions to create a word puzzle.

### Procedure:

4. Instruct the class that this is an exercise designed to develop an understanding of the working knowledge of contract terms, as well as their computer skills.
5. They are to visit one of the websites provided to them in order to input both the terms and definitions of a preselected number of terms, based on the puzzle format.
6. They will then create a word puzzle to be solved by another classmate.

Alternatively, the instructor can create a puzzle focusing on contract terms to be given to the entire class to solve.

### Assessment:

The goal is for the students to review the proper spelling, definition, and use of contract terms. The task can be assessed in a number of ways: it can be an extra credit project or a graded homework project. It can be graded either by the professor or by the classmate who is partnering with the puzzle creator and will be solving the puzzle.

### Sample Puzzles

Some sample puzzles are included here. The first page is a blank sample and the following page has the answers.

## Handout: Word Puzzle Exercise

Your project is to create a Word Puzzle that will reinforce your ability to correctly spell and remember the definitions of vocabulary words used in contract law. You must use at least 16 terms, but you may use more if the puzzle maker website allows.

You must bring two printed copies of your puzzle to class. One copy will be given to a classmate to complete, and the other copy will be completed by you. Both copies will be turned in to the professor.

First, go to the chapters in your textbook that have contract law definitions and create a list of at least 16 terms and definitions.

Then go to one of the following FREE websites to build your word puzzle. You may build any type of puzzle you like: crossword puzzles, word jumbles, etc.

[www.theproblemsite.com](http://www.theproblemsite.com)

[www.discoveryeducation.com/puzzlemaker](http://www.discoveryeducation.com/puzzlemaker)

<http://www.crosswordpuzzlegames.com>

Be sure that your puzzle includes both the terms you select and the definition of that term. If your puzzle only scrambles the words for you, you will have to create a separate "hint" sheet with definitions to help your classmate unscramble the words.

## **Lesson Plan: Contract Law--Offer and Acceptance; Rejection; Revocation**

### **Learning Objectives:**

Students will be able to:

- Describe and recognize the roles of offeror and offeree in a scenario
- Recognize the use of rejection and revocation and how it affects the making of a contract
- Define counteroffer and describe the effects of a counteroffer.

### **Core Student Success Skills:**

- Communication
- Collaboration
- Critical thinking
- Self-assessment

**Materials Needed:** Handout of scenarios.

### **Context within the course:**

This lesson requires students to work in pairs to determine whether a contract exists and, if it does, what are the terms of the contract? It should be given when the students are studying offer, acceptance, revocation, rejection and counter-offer.

### **Procedure:**

1. Instruct the class that this is an exercise designed to develop an understanding of how contracts are created and to help them learn to work cooperatively with other classmates.
2. The instructor will hand out the work sheet containing a number of different scenarios on offer and acceptance. The instructor will divide the class into pairs and instruct the class that one of pairs will be Bob (or Bobbie) and the other Al (or Allie.)
3. Working together each pair will determine (1) who is the offeror/offeree, (2) whether there is an offer, an acceptance, a rejection, a revocation, or a counteroffer, and (3) whether there is a valid and enforceable contract at the end of the scenario.
4. The instructor can then go around the room and ask each team of two to explain their answer for one of the problems. Time will dictate how many problems you can do in class, but usually all the problems being answered by one team each will take only 15-20 minutes.

**Assessment:**

The goal is for the students to understand how each party to a contract views the creation of the contract. This is a good exercise for reinforcing the concepts of offer and acceptance, rejection, revocation, and counteroffer. It can be done as an ungraded exercise in class, or the students can turn in the work sheet for credit.



## Handout: Contract Law--Offer and Acceptance; Rejection; Revocation

### CONTRACTS OFFER, ACCEPTANCE, COUNTEROFFER

| What is each person's role?<br>Offeror?<br>Offeree? | Offer?<br>Acceptance?<br>Revocation?<br>Rejection?<br>Counteroffer?<br>None of these? | Is there a contract? | HERE'S THE DEAL!   |
|---|---|----------------------|--|
| Al:<br>Bob:   |   |                      | Al: I will sell you my car for \$500.<br>Bob: Ok, I accept.  |
| Al:<br>Bob:<br>Al:                                  |   |                      | Al: I will sell you my car for \$500.<br>Bob: Well, let me think about it.<br>Al: Never mind. I don't want to sell it anymore.   |
| Al:<br>Bob:   |   |                      | Al: I will sell you my car for \$500.<br>Bob: No thanks. I've seen your car!   |
| Al:<br>Bob:<br>Bob:<br>Al:                          |   |                      | Al: I will sell you my car for \$500.<br>Bob: No, I don't want it for \$500.<br>Bob: But I'll give you \$400 for it.<br>Al: No way, you cheap bum!   |
| Al:<br>Bob:<br>Al:                                  |   |                      | Al: I will sell you my car for \$500.<br>Bob: I'll give you \$400 for it.<br>Al: Ok, it's a deal!  |
| Al:<br>Bob:<br>Al:<br>Bob:                          |   |                      | Al: I will sell you my car for \$500.<br>Bob: I'll give you \$400 for it.<br>Al: Make it \$450.<br>Bob: Ok, it's a deal.   |
| Al:<br>Bob:<br>Bob:<br>Al:<br>Bob:                  |   |                      | Al: I will sell you my car for \$500.<br>Bob: No, I don't want it for \$500.<br>Bob: But I'll give you \$400 for it.<br>Al: No way, you cheap bum!<br>Bob: Ok, Ok, I'll take it for \$500. |

## Contract Law-- Offer and Acceptance; Rejection and Revocation Answers

### CONTRACTS

#### OFFER, ACCEPTANCE, COUNTEROFFER

|  |   |                      |  |
|--|---|----------------------|--|
| What is each person's role?<br>Offeror?<br>Offeree?                        | Offer?<br>Acceptance?<br>Revocation?<br>Rejection?<br>Counteroffer?<br>None of these? | Is there a contract? | HERE'S THE DEAL!   |
| Al: Offeror<br>Bob: Offeree  | Offer<br>Acceptance   | Yes                  | Al: I will sell you my car for \$500.<br>Bob: Ok, I accept.  |
| Al: Offeror<br>Bob: Offeree<br>Al:   | Offer<br>----<br>Revocation<br>(prior to acceptance)                                  | No                   | Al: I will sell you my car for \$500.<br>Bob: Well, let me think about it.<br>Al: Never mind. I don't want to sell it anymore.   |
| Al: Offeror<br>Bob: Offeree  | Offer<br>Rejection  | No                   | Al: I will sell you my car for \$500.<br>Bob: No thanks. I've seen your car!   |
| Al: Offeror<br>Bob: Offeree<br>Bob: Offeror<br>Al: Offeree                 | Offer<br>Rejection<br>Offer<br>Rejection  | No                   | Al: I will sell you my car for \$500.<br>Bob: No, I don't want it for \$500.<br>Bob: But I'll give you \$400 for it.<br>Al: No way, you cheap bum!   |
| Al: Offeror<br>Bob: Offeree/Offeror<br>Al: Offeree                         | Offer<br>Rejection/Offer<br>Acceptance  | Yes                  | Al: I will sell you my car for \$500.<br>Bob: I'll give you \$400 for it.<br>Al: Ok, it's a deal!  |
| Al: Offeror<br>Bob: Offeree/Offeror<br>Al: Offeree/Offeror<br>Bob: Offeree | Offer<br>Rejection/Offer<br>Rejection/Offer<br>Acceptance                             | Yes                  | Al: I will sell you my car for \$500.<br>Bob: I'll give you \$400 for it.<br>Al: Make it \$450.<br>Bob: Ok, it's a deal.   |
| Al: Offeror<br>Bob: Offeree<br>Bob: Offeror<br>Al: Offeree<br>Bob: Offeror | Offer<br>Rejection<br>Offer<br>Rejection<br>New Offer                                 | NO!                  | Al: I will sell you my car for \$500.<br>Bob: No, I don't want it for \$500.<br>Bob: But I'll give you \$400 for it.<br>Al: No way, you cheap bum!<br>Bob: Ok, Ok, I'll take it for \$500. |

## Lesson Plan: Contract Law Drafting a Contract

### Learning Objectives:

Students will be able to:

- Create a standard contract and determine if the contract meets all requirements of legality

### Core Student Success Skills:

- Communication
- Critical thinking
- Organization

**Materials Needed:** Access to Internet at home or at the college library and the assigned textbook.

### Context within the course:

This lesson requires students to locate sample sales contracts online. The students will integrate their knowledge about the elements required in a contract with the information they have been provided about their “client” to draft an actual legal document.

### Procedure:

1. Instruct the class that this is an exercise designed to develop an understanding of the working knowledge of contract terms, as well as their computer skills.
2. They are to visit a website of their choosing to locate an actual sample contract for the sale of a puppy. There are many such websites available.
3. They will then create a contract for the sale of a puppy using the terms and conditions provided in their “fact sheet.”

### Assessment:

The goal is for the students to prepare a valid and enforceable contract, recognizing that not all terms can be guaranteed. The solution requires them to creatively determine that they cannot guaranty a future outcome (winning a show prize) but that they can offer a money-back guaranty of some sort, if future performance does not meet expectations. The task can be assessed in a number of ways: it can be an extra credit project or a graded homework project.

### Handout: Contract Law--Drafting a Contract

Your project is to draft a legal contract with terms that both the buyer and the seller agree to.

Your beloved German Shepherd dog, Generous Offer, has just given birth to a litter of pure-bred puppies. You would like to sell the puppies for \$2000 each. You know you need to have each buyer sign a contract so that there will be no misunderstandings in the future.

Mr. Snoop D. Dogg wants to buy one of your puppies. Mr. Dogg eventually intends to show this dog in the ring and wants your guarantee that the dog will do well and win prizes. He insists that he will not buy the puppy unless you can guarantee him that the puppy will win prizes.

Create a contract in which you sell one of the pure-bred puppies to Mr. Snoop D. Dogg for \$2000.

It is a brown, male dog, named "King of Contracts."  
His litter registration number is 02-500.  
His Sire is "Legal Star"; registration number 5544332.  
His Dame is "Generous Offer"; registration number 9977886.

You may use any sources you can find, including any sample contracts you might locate on the Internet. This is the one time that you do NOT have to worry about plagiarizing work...lawyers use samples from other lawyers all the time. BUT you do have to make the sure the contract is legal and enforceable, and contains all the terms that both you and Mr. Dogg want.

The key to success with this contract is to remember that parties can agree to any terms they want (as long as they are legal) and the buyer of this dog wants a guarantee that the dog will win prizes.

What are you, as the seller, willing to do if the dog does NOT win any prizes?



## Lesson Plan: Business-Employment-At-Will termination

### Learning Objectives:

Students will be able to

- Understand what forms of law govern employment law
- Understand Massachusetts law about employment termination
- Describe whether employees may be fired for no reason
- Explain exceptions to the at-will employment doctrine
- Understand employee rights during an investigation
- Be able to explain wrongful termination
- Describe employee rights to benefits and legal rights upon termination

### Core Student Success Skills:

- Critical Thinking
- Communication
- Organization

### Materials:

Locate information at:

<http://www.lawlib.state.ma.us/subject/about/termination.html#cases> and text chapter-Employment law.

### Context within this Course:

To be used with text materials to assist students in distinguishing Massachusetts law in specific areas of employment law.

### Instructions:

Students are to access on-line materials and answers set of Massachusetts-specific questions.

### Assessment:

To be graded based on completion, clarity and quality. Instructor may identify and distinguish Massachusetts employment law from other states. Each student receives a numerical grade for write-up of questions

## Handout: Employment- At-Will termination in Massachusetts-Questions

Using cases, statutes, regulations, Attorney General Opinions and articles at: <http://www.lawlib.state.ma.us/subject/about/termination.html#cases> answer the following questions and be sure to cite and explain how the law applies:

1. Must a Massachusetts employer pay an employee for unused vacation time remaining at the time the employee is terminated?
2. May an employee be fired for no reason at all?
3. List and explain three exceptions to the At-Will Employment Doctrine.
4. What are employees' rights during an investigation?
5. What should an employee do if they have been or are about to be wrongfully terminated?

## Lesson Plan: Starting a Business/Creating an LLC

### Learning Objectives:

Students will be able to:

- Identify the types of business organizations
- Explain the relevance of agency law to various business organizations
- Describe the characteristics of a sole proprietorship
- Compare and contrast a general partnership with a limited partnership
- Explain the concepts of dissociation, dissolution, winding up, and termination of a partnership
- Describe the characteristics of a limited liability company
- Describe the characteristics of a business corporation
- Explain other forms of business involving Trusts, cooperatives, and franchises

### Core Student Success Skills:

- Communication
- Organization

**Materials Needed:** Access to the internet at home or at the college library and the assigned textbook.

**Context within the course:** This lesson requires students to locate , review and complete material relating to forming a business, specifically a Limited Liability Company (LLC), in the Commonwealth. It should be given after they have read Chapter 17. They will organize the material they located through research to submit the necessary documents to form an LLC.

### Procedure:

1. Instruct the class that this is an exercise designed to improve their understanding of starting a business.
2. They are to visit the websites provided to them to complete the documents required, and answer questions relating to an LLC.
3. They will then submit the completed documents and questions

### Assessment:

The goal is for the students to develop an understanding of the material related to forming a business. The task can be assessed as an extra credit project or a graded project.

## Handout: Starting a Business/Creating an LLC

The process of starting a business is extremely time-consuming. A successful entrepreneur is aware that careful attention to legal issues is an essential component of success, even if they do not contribute directly to the bottom line.

Lowell Litigant and Bernard Bedford have a great idea to open a shop selling re-cycled kitty litter, in Belmont, Massachusetts. Lowell and Bernard believe there is a demand for their product in that area of the Commonwealth. They want to form a Limited Liability Company called, “Un-Fresh Step, LLC.” Lowell and Bernard have already signed a lease for the shop, and have the equipment ready for production.

In order to form a domestic limited liability company, one or more persons must execute a Certificate of Organization. A Limited Liability Company Certificate (General Laws Chapter 156C, Section 12), is obtained from the Secretary of State.

Your project is to:

1. Review the General Laws of Massachusetts
  - a. <http://www.sec.stat.ma.us>
  - b. Click on the “Corporation Division”
  - c. Locate the “Limited Liability Company and Partnership” section
  - d. Click on Limited Liability Company information
  - e. Review 950 CMR 112.00, LLC (PDF information)
2. On the Secretary of State’s site, locate and print out the form Lowell and Bernard require.
  - a. Certificate of Organization, (Note: the form may be completed on line and then printed out—but it may not be saved, and remember not to click on submit) and
  - b. Review filing fee
3. Complete the Certificate of Organization for “Un-Fresh Step, LLC”
4. Submit the completed Certificate of Organization to your professor, along with the following questions answered on a separate sheet.
  - a. What will be the amount required for the filing fee?
  - b. Where should the document be mailed or delivered?
  - c. Can this document be handwritten?
  - d. Can Lowell and Bernard file a copy of the document and keep the original?
  - e. When will the LLC become effective?



## Lesson Plan: Employment Law-- Conducting an Interview

### Learning Objectives:

Students will be able to:

- Identify the types of questions which an employer may ask in an interview
- Identify the types of questions that are illegal for an employer to ask in an interview

### Core Student Success Skills:

- Communication
- Collaboration
- Critical Thinking
- Organization

**Materials Needed:** Handout of instructions.

### Context within the course:

This lesson requires students to work in pairs to recreate an employment interview. This exercise should be done as students are studying employment law.

### Procedure:

1. Instruct the class that this is an exercise designed to develop an understanding of the types of questions that are legal and illegal when asked by a potential employer.
2. Instruct the class that this will help them to prepare for job interviews of their own and handle difficult questions.
3. Hand out the instruction sheet.
4. Students will choose another student to work with; or the instructor can assign pairs by random selection.
5. Students will select a part to play: employer/interviewer or applicant/interviewee.
6. The interviewer should be instructed to prepare ten questions to ask during the interview (to be done in the next class). The interviewer should be instructed to include at least two illegal questions in the interview questions.
7. The interviewee should be instructed to prepare for the interview by reading which questions are illegal and planning on how they will answer those questions.
8. In the class following the class where the instructions are handed out, the students should pair up and do the interviews. At the end, if time allows, do a second interview with a different partner.

**Assessment:**

The goal is for the students to review proper interview questions and to learn how to handle improper questions tactfully. The team can assess each other's performance during an open discussion period.

### Handout: Twenty Seven Questions an Employer May Ask

| TOPIC                                | EMPLOYERS MAY ASK  | EMPLOYERS MAY NOT ASK  |
|--------------------------------------|--|--|
| Age                                  | <p>Generally; the only proper question is, "Are you under 18, yes or no?"</p> <p>Questions about age may be allowed if necessary to satisfy the provisions of a state or federal law (for example, certain public safety positions have age limits for hiring and retiring). Also, if the Commission has previously identified age as a bona fide occupational qualification for the position.</p> | <p>Inquiry into the date of birth or age of the applicant, except as indicated to the left.</p>  |
| Disability/<br>Handicap              |  | <p>Inquiry into whether the applicant has a physical or mental disability, handicap or about the nature or severity of the disability/handicap.</p> <p>Inquiry into whether an applicant is alcoholic or drug addicted.</p> <p>Inquiry into whether an applicant has AIDS.</p>   |
| National Origin/Ancestry/Citizenship | <p>"Are you legally authorized to work in the United States?"</p> <p>An employer may require an employee to produce documentation which evidences his or her identity and employment eligibility under federal immigration laws.</p>   | <p>Inquiry into the birthplace of an applicant or the birthplace of his or her parent(s), spouse and/or other close relatives.</p> <p>Inquiry into the national origin ancestry or ethnicity of an applicant.</p> <p>Inquiry into whether an applicant for employment or an applicant's parent(s), and/or spouse are</p> |

|                      |  |  |
|----------------------|--|--|
|                      |  | nationalized or native born citizens of the United States.   |
| Medical Examinations | Once an offer of employment has been made, an employer may condition that offer on the results of a medical examination conducted solely for the purpose of determining whether the employee, with or without reasonable accommodation, is capable of performing the essential functions of the job. |  |
| Race/Color           | No questions.  | Inquiry into the race or color of an applicant.  |
| Photograph           | No questions.  | An employer cannot ask for photograph to accompany an application.   |
| Religious Creed      | No questions, except by religious organizations as provided in 804 CMR 3.01(7)(a).   | Inquiry into the religious denomination or practices of an applicant, his or her religious obligations, or what religious holidays he or she observes.   |
| Sex(Gender)          | Generally, no questions. However, questions regarding gender may be permissible if they relate to a bona fide occupational qualification, which has been ruled to be a legitimate requirement for a particular position, as provided in 804 CMR 3.01(3)(b)3..  | Inquiry into an applicant's maiden name or any question that pertain to only one sex (for example inquiries into marital status only asked of women). Inquiries into whether applicant has children, plans to have children, or has child care arrangements. |
| Sexual Orientation   | No questions.  | Inquiry into applicant's sexuality (gay, bisexual, lesbian, heterosexual).   |
| Criminal Record      | Employers may ask the following series of questions:   | It is unlawful for an employer to make any inquiry of an applicant or  |

|  |  |  |
|--|--|--|
|  | <p>1. Have you been convicted of a felony? Yes or no?</p> <p>2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?</p> <p>3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?</p> <p>4. If the answer to question number 3 above is "yes" please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no? Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law. Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, s. 100A.</p> | <p>employee regarding: 1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted;</p> <p>2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace. For the purposes 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.</p> <p>3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.</p> <p>No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving a false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.</p> |
|--|--|--|

|   |   |   |
|---|---|---|
| Education/<br>Experience/<br>References/<br>Organizations | Inquiry into the academic, vocational or professional education of an applicant for employment. Inquiry into the work experience shall also contain a statement that the applicant may include in such history any verified work performed on a volunteer basis. Inquiry into references. | Questions about education designed to determine how old the applicant is. Inquiry into the organizations which the applicant for employment is a member, the nature, name or character of which would likely disclose the applicant's protected class status. |
| Lie Detector Test   | No questions.   | It is unlawful to require administer a lie detector test as a condition of employment or continued employment.  |

804 CMR 3.00: M.G.L c. 151B, s.3.

## Handout: How to Handle Illegal Interview Questions

**Handle illegal interview questions** in a professional manner and stay one step ahead in the interview.

Certain laws regulate the questions an interviewer can ask you, the job candidate. Questions about any of the following could result in discrimination in hiring: Race, Color, Sex, Religion, National Origin, Birthplace, Age, Disability, Marital Status.

In line with discrimination law interview questions must be related to the position and should be designed to answer the question, *"Does this person have the necessary qualifications, skills and abilities to perform this job?"*.

Most interviewers do not deliberately ask illegal interview questions, it is often unintentional. It is up to you to recognize an illegal question and respond in an appropriate and professional manner.

You have **three basic options** when faced with an illegal question:

Go ahead and answer the question directly. If you are comfortable with providing the answer, just respond and move on to the next question. Remember though that you are giving information that is not related to the job and may be giving details that impact negatively on you.

Refuse to answer the question. This is potentially a confrontational response and should be saved for questions that are truly offensive and invasive. If the question makes you very uncomfortable you could respond with:

*"That is a strange question, I haven't been asked that before in an interview. Why have you asked me that?"*

However if you are asked a number of inappropriate questions you may need to consider the suitability of the job and company.

The most effective response is to not answer the illegal question directly but to determine the reason or intent behind the question. Try to find out what the interviewer is really asking by rephrasing, clarifying or questioning.

For example, a commonly asked illegal question is, **"Are you a US citizen?"** Rephrase the interview question to check exactly what the interviewer is asking.

*"Do you want to know if I am authorized to legally work here?"*

Similarly, **illegal interview questions** such as, *"Where were you born?"*, *"Where were your parents born?"* can be responded to in the same way in your job interview.

The answer to the illegal question "**What is your native tongue?**" can be phrased in the following positive manner, *"I can fluently speak, read and write both English and Spanish"*. This skill may enhance your suitability, so point it out while not directly answering the illegal question.

The intent behind illegal interview questions such as, "**How many kids do you have?**" and "**What child-care arrangements do you have?**" is often to determine your reliability. Avoid any specific details. Rather answer with a broad statement along the lines, *"I have made the necessary arrangements to ensure that I am able to meet all the job requirements."* Reassure the interviewer further and refer to your record of reliability in previous positions.

Interviewers are permitted to ask the questions, *"Are you prepared to travel?"* and *"Are you able to work overtime?"*, if these are job requirements and all candidates are asked the question.

The question "**Are you planning a family soon?**" is designed to explore your long-term commitment to the job. You can respond by emphasizing your commitment without actually answering the question directly. For example:  
*"I am really focused on my career and you can be sure of my commitment to this job."*

Interviewers are not allowed to **ask you your age**. With a few exceptions, the only legal age-related question is, *"Are you over the age of 18?"* Do not answer your age directly but deal diplomatically with this by asking the interviewer:  
*"Are you referring to the number of years experience I have in this field?"*

Questions about **your health and medical status** are usually *illegal interview questions*, including *"Have you had any recent illnesses or operations?"* and *"When was your last physical examination?"*.

The question's intent is probably to explore your ability to perform job-related functions. Responding with the general statement,  
*"I am fully able to perform the essential job functions as you have described them"*, is both professional and reassuring.

How you chose to **handle illegal questions** depends on what you understand to be the motivation behind the question. Most employers are not trying to set themselves up for discrimination claims and ask these potentially discriminatory questions unintentionally! Try to keep the interview focused on the requirements of the position and your suitability as a candidate. By handling illegal interview questions in a professional and mature manner you will stand out as the right job candidate.



## Handout: Employment Law Questions an Employer May Ask

You are probably planning to interview for a new job once you graduate. So in this exercise, you will simulate an employment interview.

First choose your team mate. One of you will be the Employer/Interviewer and one of you will be the Applicant/Interviewee.

The Employer should prepare at least ten questions to be asked at the interview.

The Applicant should read over the material on what is legal and what is illegal to be asked at an interview.

During the interview the Employer will keep track of the answers given by the job applicant.

|    | Questions | Answers |
|----|-----------|---------|
| #1 |           |         |
| #2 |           |         |
| #3 |           |         |
| #4 |           |         |
| #5 |           |         |

|     |  |  |
|-----|--|--|
| #6  |  |  |
| #7  |  |  |
| #8  |  |  |
| #9  |  |  |
| #10 |  |  |

## Lesson Plan: Creating a Corporation

### Learning Objectives:

Students will be able to:

- Create all the paperwork necessary to form a simple business corporation in Massachusetts. They will work in teams to establish a new business.

### Core Student Success Skills:

- Communication
- Collaboration
- Critical Thinking
- Organization

### Materials Needed:

- Access to Internet at home or at the college library.
- The assigned textbook.
- Handout of instructions

### Context within the course:

This lesson requires students to locate and learn basic terms used in corporate law. It should be given after they have read at least one chapter on business Organizations, and they understand the basic elements of the corporate form.

### Procedure:

7. Instruct the class that this is an exercise designed to develop an understanding of their working knowledge of the corporation form of business as it differs from sole proprietorship and partnerships. It will also help them learn to work as a team with other student/investor. It will also develop their computer skills.
8. Hand out the instruction sheet on "Creating Your Corporation"
9. Students will need to develop a plan for a new business of their choice with their teammates. They will need to assign roles to each investor (President, Secretary, etc.) they will also need to assign a Board of directors to vote on decisions.
10. Students will visit the Mass. Secretary of State's website to choose the correct document for incorporation. To help them do that, they will be provided with a list of actual corporations that they can review to see what has to be filed.
11. When the students have the blank document, they will need to meet either online or in class to determine how to complete the necessary paperwork and submit that paperwork with the correct filing fee by check.

**Assessment:**

The goal is for the students to review the proper process for incorporation in Massachusetts. The task can be assessed by the instructor based on a rubric that assigns points for each correctly completed portion of the paperwork. Additionally, the team can be allowed to assign bonus points to the other members of their team who have participated in the project.

## Handout: Massachusetts Incorporation Information

### Incorporating in Massachusetts

#### Corporate Name:

Choosing a business name is one of the first steps in forming your Massachusetts Corporation. The name that you choose:

- May not be the same as, or so similar that it is likely to be mistaken for, any other registered Massachusetts business entity and any reserved names on record, subject to certain exceptions under Massachusetts law
- May not state or imply that the Massachusetts corporation is organized for a purpose other than that stated in its articles of organization
- You should conduct a name check before filing to see which names are available.

In addition, the name must contain one of (or an abbreviation of) the following endings:

- “Incorporated”
- “Corporation”
- “Company”
- “Limited”

#### Formation Requirements:

When incorporating in Massachusetts, articles of organization must be filed with the Secretary of the Commonwealth. Massachusetts law requires that certain information be included in your articles of organization. The following is a summary of those requirements:

#### Incorporators:

- Minimum Number of Incorporators – One or more.
- Eligibility Requirements – None.
- Duties – Delivering articles of organization to the Secretary of the Commonwealth for filing.

#### Corporate Purpose(s):

Massachusetts corporations can be formed for any lawful business activity

**Director Information:**

- Minimum Number of Directors – A board of directors shall consist of 1 or more individuals, with the number specified in or fixed in accordance with the articles of organization or bylaws, but if the corporation has more than 1 shareholder, the number of directors shall not be less than 3, except that whenever there shall be only 2 shareholders, the number of directors shall not be less than 2.
- Eligibility Requirements – None, except as listed in the articles or the bylaws. There is no minimum age for directors. Directors need not be residents of Massachusetts or shareholders of the corporation unless the articles of organization or the bylaws so require.

**Stock Information:**

- The number of shares the corporation is authorized to issue and any required description of additional share classes or series.

**Required Supplemental Information to be filed with the Articles:**

- The name and street address of the initial [registered agent](#);
- The names and addresses of the initial directors, president, treasurer and clerk of the corporation;
- The corporation's fiscal year (stating month and day); and
- Other required information by the secretary of the commonwealth, including (1) a brief description of the corporation's intended type of business or its SIC code, and (2) the federal tax identification number of the corporation.

**Optional Provisions:**

- Massachusetts permits additional provisions to be included in the articles of organization for corporations, such as:
- The purpose or purposes for which the corporation is organized;
- Provisions managing the business and regulating the affairs of the corporation;
- Defining, limiting, and regulating the powers of the corporation, its board of directors, and shareholders or any class thereof;
- A par value for authorized shares or classes of shares;
- The imposition of personal liability on shareholders for the debts of the corporation to a specified extent and upon specified conditions;
- The voluntary dissolution of the corporation; or
- A provision eliminating or limiting the personal liability of a director to the corporation for monetary damages for breach of fiduciary duty as a director.

**Bylaws**

Bylaws govern a Massachusetts corporation's business and affairs. A corporation maintains its bylaws at its principal executive office and is not required to file them with the government. Massachusetts law requires that either the incorporators or board of directors adopt initial bylaws for the corporation.

**Officer Information:**

Officers may be appointed by the board of directors if not already listed in the bylaws, and duly appointed officers may appoint other officers if authorized by the board or the bylaws. Every corporation must have a president, a treasurer and a secretary (called a "clerk" in Massachusetts). The clerk or assistant clerk has the responsibility of preparing minutes of director and shareholder meetings and for authenticating corporate records. Any two or more officers may be held by the same person.

**Registered agent:**

Every Massachusetts corporation must have a [registered agent](#) in Massachusetts -- the person or office designated to receive official commonwealth correspondence and notice if the corporation is "served" with a lawsuit.

- Eligibility Requirements - The registered agent must be either: (1) an individual who may be the secretary or officer of another corporation and whose business office is the registered office of the corporation or (2) a corporation authorized to do business in this commonwealth, having a business office identical with the registered office.

**Registered office:**

Massachusetts requires that every corporation maintain a registered office, which may be the same as any of its places of business.

**Annual Report:**

A report must be filed with the Massachusetts Secretary of the Commonwealth every year within 2 ½ months after the end of the corporation's fiscal year. This report must indicate:

- The corporation's name and the state or country of incorporation;<sup>2</sup>
- The address of its registered office and the name of its registered agent at that office in the commonwealth;<sup>2</sup>

- The address of its principal office;
- The names and business addresses of its directors, officers and chief executive officer and chief financial officer, if different;<sup>2</sup>
- A brief description of any change in the nature of business;<sup>2</sup>
- The total number of authorized, issued and outstanding shares, itemized by class and series, if any, within each class; and<sup>2</sup>
- Any change in the fiscal year of the corporation.<sup>2</sup>

#### **Other Reports:**

The board must send an annual report to all shareholders no later than 120 days after the close of the fiscal year. The annual report describes the financial position of the corporation for the fiscal year, as well as any statements of cash flows prepared by the corporation.

- The corporation must also send out a report of condition to the secretary of the commonwealth within four months after the close of the fiscal year (but not before the date fixed in its bylaws for the annual meeting). This report must contain the following information:<sup>2</sup>
- The corporation name;<sup>2</sup>
- The street address of the corporation's principal office;<sup>2</sup>
- Particular stock information including the total amount of the corporation's authorized stock and its par value; and<sup>2</sup>
- The names and addresses of all the directors and officers of the corporation, and the date at which the term of office of each expires.<sup>2</sup>

**Income Tax Rate:** For information on the Massachusetts income tax rate, visit:  
<http://www.dls.state.ma.us/>

**S Corporations:** S corporation status is recognized by the Commonwealth of Massachusetts



## Handout: Creating Your Own Corporation

**Step 1:** Decide the correct document to file to start your FOR PROFIT, BUSINESS CORPORATION. (Not a partnership, not an LLC, a corporation)

The document is called: \_\_\_\_\_

**Step 2:** Go to the Secretary of State's web site and download a copy of the document:

<http://www.state.ma.us/sec/cor/>

**Step 3:** To help you fill in the document, take a look at one or two filed by other corporations. See what they have done that you like and want to do in your own corporation.

In the Secretary of State's web site, search the Corporations database for one of these corporations:

Logic Verif Corp.

Fun Clowns N' Company Inc.

N.E. Waste Inc.

Double click on their name (in blue)

At the bottom of the page, select "Articles of Organization" and choose view filing

Double click on the blue number of the file

You will then be able to see the document in Adobe.

## Lesson Plan: Corporations-- Create a Stock Certificate

### Learning Objectives:

Students will be able to:

- Examine a stock certificate to determine if all the required legal terms and items exist

### Core Student Success Skills:

- Critical Thinking
- Organization

### Materials Needed:

- Access to Internet at home or at the college library
- Handout sheet with instructions
- At least one sample stock certificate

### Context within the course:

This lesson requires students to locate a blank sample corporate stock certificate. It should be given after they have read at least one chapter on business organizations so that they understand that a corporation is owned by shareholders.

### Procedure:

1. Instruct the class that this is an exercise designed to develop an understanding of the working knowledge of corporate stock, as well as to improve their computer skills.
2. They are to visit one of the websites provided to them on the instruction sheet in order to locate a sample stock certificate template.
3. They will then create a stock certificate showing that they own 100 shares in their own newly created corporation. They will choose a name and officers for their own corporation.
4. A sample stock certificate should be handed out and discussed in class. Walt Disney stock certificates are very colorful and are easy to locate online.

### Assessment:

The goal is for the students to review the proper creation of a stock certificate. The task can be assessed in a number of ways: it can be an extra credit project or a graded homework project. If this is done as part of a larger incorporation project, the students can “sell” their stock to each other.

## Handout: Create a Stock Certificate

You have just incorporated your own For Profit Massachusetts Business Corporation.

1. Now create a stock certificate which shows that you own 100 shares of stock in your new corporation.
2. Read the article on How to Create a Stock certificate from eHow.
3. You can find a stock certificate template by going to the Microsoft Office button on your computer; choose New; and then search Microsoft Office Online for a stock certificate template.
4. Or you may use any other stock certificate template that you find on the internet.
5. Customize the stock certificate with your own corporation logo.  
To see an example of a real stock certificate, follow this link:  
<http://beginnersinvest.about.com/library/weekly/aastandardoilcertificate.htm>

Or this link

<http://disneystock.com/>

## Lesson Plan: Consumer Law--Rat Hairs in Food

### Learning Objectives:

Students will be able to:

- Explain how the government enacts legislation to protect consumers and businesses
- Discuss how the consumer protection laws must take into consideration both consumer wishes and business needs
- Explain the impact of consumer law on foods

### Core Student Success Skills:

- Critical Thinking

### Materials Needed:

- Small bags of popcorn or other regulated foods (check with student Engagement for Food for Thought opportunities.
- Handout on the amounts of contaminants allowed to be in the foods we eat.

### Context within the course:

This lesson requires students to consume a small amount of food that is regulated by the government and which are allowed to contain small amounts of contaminants according to law.

### Procedure:

1. Instruct the class that this is an exercise designed to develop an understanding of how consumer laws directly affect them in their everyday life whether they are aware of the laws or not.
2. Explain that as you get ready for today's lesson, you will be having a small celebration in class since we are getting near the end of the semester. You should then distribute the individual packages of food.
3. Explain to students that while they are eating the party food, you will be handing out an article for them to read about consumer protection and they will take a short quiz on the article after they have read it.

### Assessment:

The goal is for the students to recognize that consumer protection laws impact everything they do, including the foods that they eat. There is no quiz on this; but the class should discuss their feelings towards the allowance of contaminants in food now that they know what might be in the food they just ate.

## Handout: How Many Insect Parts and Rodent Hairs are Allowed in Your Food? More Than You Think ... and Maybe Than You Want to Know!

by www.SixWise.com

How about a little rat hair with your peanut butter? A fly head with your macaroni and cheese? Though it may sound disgusting, these things and other gross filth the Food and Drug Administration (FDA) calls "natural contaminants" are indeed allowed and present in your food.

In fact, so common are these contaminants that the FDA has published a booklet detailing the so-called "Food Defect Action Levels," which were needed, according to the FDA, " ... because it is economically impractical to grow, harvest, or process raw products that are totally free of non-hazardous, naturally occurring, unavoidable defects."

Surely, anyone who's ever collected lettuce from a home garden, picked apples right from the tree or strawberries right from the vine has gotten the unpleasant surprise of finding a spider, worm or other "natural contaminant" in their harvest. But in these cases, we're more accepting, or at least, more expecting, of finding an unwanted guest, and we're free to inspect each item for ourselves.

But what about when it comes to processed foods? Is there really any way to know how many insect parts have been ground right up with the rest of the ingredients? Probably not.

Think insect parts and rodent hairs are more of a rarity? Think again. An Ohio University fact sheet estimates that **we eat from one to two pounds of insects each year, and without knowing it.**

### This is Gross, but is it Dangerous?

Quite the contrary. "They're actually pretty healthy," says Dr. Philip Nixon, an entomologist at the University of Illinois, in regard to insects, "If we were more willing to accept certain defect levels such as insects and insect parts, growers could reduce



Gross but true: A certain number of rodent hairs are allowed in the food you eat. (A whole mouse, however, is not.)

pesticide usage. Some of the spraying that goes on is directly related to the aesthetics of our food."

The FDA agrees that it's reasonable to accept more natural defects in our food in lieu of increasing the amount of pesticides sprayed on them:

"The alternative to establishing natural defect levels in some foods would be to insist on increased utilization of chemical substances to control insects, rodents and other natural contaminants. The alternative is not satisfactory because of the very real danger of exposing consumers to potential hazards from residues of these chemicals, as opposed to the aesthetically unpleasant but harmless natural and unavoidable defects."

However, there may be one health area that's been overlooked. According to Judy Tidwell, an economic service specialist at a state social services office in the Southeast United States who has struggled with allergies, trace amounts of insect parts that have been ground into food items ranging from strawberry jam to spaghetti sauce can affect people with allergies and asthma.

"We throw away the products that we see are infested. Just think how many we consume because we didn't notice they were infested. Ingesting insect material may cause stomach disorders, as well as allergic reactions," she says.

### How Many Rodent Hairs and Insect Parts Are In ...

Here is a very brief sampling of the FDA's Food Defect Action Level list. They begin investigation when foods reach the action level they've set. According to the FDA, typical foods contain about 10 percent of the action level, but others say they contain more like 40 percent.

#### CHOCOLATE AND CHOCOLATE LIQUOR

- **Insect filth:** Average is 60 or more insect fragments per 100 grams when 6 100-gram subsamples are examined OR any 1 subsample contains 90 or more insect fragments
- **Rodent filth:** Average is 1 or more rodent hairs per 100 grams in 6 100-gram subsamples examined OR any 1 subsample contains 3 or more rodent hairs

#### CITRUS FRUIT JUICES, CANNED

- **Insects and insect eggs:** 5 or more *Drosophila* and other fly eggs per 250 ml or 1 or more maggots per 250 ml



The FDA's action level for peanut butter is 30 or more insect fragments or one or more rodent hairs per 100 grams.

### RED FISH AND OCEAN PERCH

- **Parasites:** 3% of the fillets examined contain 1 or more parasites accompanied by pus pockets

### MACARONI AND NOODLE PRODUCTS

- **Insect filth:** Average of 225 insect fragments or more per 225 grams in 6 or more subsamples
- **Rodent filth:** Average of 4.5 rodent hairs or more per 225 grams in 6 or more subsamples

### PEANUT BUTTER

- **Insect filth:** Average of 30 or more insect fragments per 100 grams
- **Rodent filth:** Average of 1 or more rodent hairs per 100 grams

### POPCORN

- **Rodent filth:** 1 or more rodent excreta pellets are found in 1 or more subsamples, and 1 or more rodent hairs are found in 2 or more other subsamples OR 2 or more rodent hairs per pound and rodent hair is found in 50% or more of the subsamples OR 20 or more gnawed grains per pound and rodent hair is found in 50% or more of the subsamples

### WHEAT FLOUR

- **Insect filth:** Average of 75 or more insect fragments per 50 grams
- **Rodent filth:** Average of 1 or more rodent hairs per 50 grams

Can these things be avoided? To avoid all unsavory food components, it seems, would be to stop eating all together. And perhaps we're just being too squeamish. After all, as Dr. Manfred Kroger, a professor of food science at Pennsylvania State University, says, "Let's face it, much of our food comes from nature, and nature is not perfect."

## Appendix A: Grading and Sample Rubrics

<http://rubistar.4teachers.org>

Rubistar is a free tool to help the teacher who wants to use rubrics but does not have the time to develop them from scratch. RubiStar provides generic rubrics that can simply be printed and used for many typical projects and research assignments. The unique thing about RubiStar, however, is that it provides these generic rubrics in a format that can be customized. The teacher can change almost all suggested text in the rubric to make it fit their own project.

Rubistar is a tool provided by 4Teachers.org. This site helps teachers locate online resources such as ready-to-use Web lessons, quizzes, rubrics and classroom calendars. 4Teachers.org is a free service for teachers in public and non-profit schools, grades k-12, with sole funding provided by ALTEC at the University of Kansas.

The Advanced Learning Technologies project at the University of Kansas Center for Research on Learning utilizes the most advanced and innovative technologies available to improve teaching and learning. ALTEC is committed to the development of new technologies to empower learners of all types and ages.

<http://edtech.kennesaw.edu/intech/rubrics.htm>

The Kennesaw State University (Georgia) Educational Technology Center is a collaborative partnership between the Bagwell College of Education and the Georgia Department of Education. The KSU Educational Technology Center's mission is to work collaboratively to provide professional learning, consulting, and service for Georgia educators to promote the appropriate use of technology in support of teaching, learning, and leadership.

The rubrics page provides an explanation of the use of rubrics and some templates for use.

<http://teacher.scholastic.com/tools/rubric.htm>

Scholastic Corporation is the world's largest publisher and distributor of children's books and a leader in educational technology and children's media. Scholastic creates quality educational and entertaining materials and products for use in school and at home, including children's books, magazines, technology-based products, teacher materials, television programming, film, videos and toys.



## Handout: I Can Grade the Content but Their Grammatical Errors are Making Me Crazy

By Deborah Walsh

For AAFPE Presentation 2008

Most of us did not become paralegal professors because we love to correct spelling and punctuation. But most of us recognize that our students need good basic writing skills in order to perform well in the marketplace. As a result, it is up to us to correct their spelling, punctuation and usage, as well as the content of their papers. Yet we could spend hours just focusing on run-on sentences, sentence fragments, and the spelling of the word “judgment.” How do we maintain our sanity?

There is a way! But I cannot take credit for any of what I am about to tell you. Unfortunately, neither can I give credit to any one person for this information because I have heard it from a number of different English teachers and I have no idea where the method first originated.

### Here is the method:

When you assign the class a writing assignment, explain to your students that yes, indeed, spelling does count, as do run-on sentences, sentence fragments, etc. Tell them that you will be grading them on all these grammatical issues every time you grade their writing. But the key to your sanity, and to the student’s improvement, is that you will only be grading one page out of the entire writing assignment...being very picky about errors. DO NOT tell them which number page you will be correcting.

But when I say correcting, what I mean is that you will be putting a red check mark in the right hand margin after each line that has an error in it. You will not be telling them what the error is. You will only be telling them where the error is. If you would like, at the beginning of the course, you may give the class a generic list of the common grammatical errors that you see in student papers.

In your rubric, establish how many errors on the page will affect their grade. For example, 0-2 check marks = full credit, which might be 20 points; 2-4 check marks = 15 points; 4-6 check marks=10 points; 6-8 check marks = 5 points; 8+ check marks = 0 points.

When a student receives the paper back, the student will see which lines have errors. If the student wants to get some of the lost credit back, he or she must resubmit that page to you with the errors corrected. The students who are motivated to figure out what they did wrong, and to correct the errors, will get half the lost points returned. (Be sure to give the students a time limit for the resubmission.)

“But how will they learn if I don’t teach them?” you ask.

My answer to that is that they won’t learn if you simply fix their errors for them. We’ve all seen it...we pass back their paper, they flip to the page with the grade on it, and then the paper (with all our wonderful comments and corrections) goes into the book bag...unread!

By giving them the opportunity to correct an error, we are giving them the opportunity to learn and to remember. They will learn from errors they look up and correct. They won’t keep making those same mistakes. Let them talk to other classmates. Let them use spell check on the computer. We tell them to learn from their mistakes. Give them the chance to do that.

## Handout: What is Worth Your Time to Assess?

By Deborah Walsh  
For AAfPE Presentation 2008

While it would be wonderful if you had the time to read each student's paper multiple times (once looking for cases cited, once looking for organization, once looking for paragraph style, etc.), unless you are an unmarried person with no friends or family, and a serious sleeping disorder, you don't have that kind of time. As a result, the first decision you must make is:

WHAT IS WORTH MY TIME TO ASSESS IN THIS PARTICULAR ASSIGNMENT?

Students do not have to, and indeed probably cannot, improve all aspects of their writing at the same time. So focus your efforts on getting them to improve a little at a time. Choose one or two things to focus on per assignment. For example, if you really want them to learn how to use sources, focus on grading how well they did in using sources. If you think that by now they should be able to organize and write in IRAC format, focus on grading how well they used the IRAC format. And tell them ahead of time exactly what you will be looking for. They really want to please you, so let them know how to please you.

To get the results you want at the end of the course, you must think backwards.

First, decide what you want them to be able to do by the end of the course. (For legal research and writing that is usually pretty easy...we want them to be able to write a legal memorandum using well researched sources and applying those sources to analyze a new legal problem.)

Next, think about how you can break your ultimate goal into smaller goals or skills; think about the steps that they will need to master to get to that ultimate "end of course" goal. (For example, they will need to locate cases, read cases, compare cases, write concisely, etc.)

Now that you have a list of small goals, think about how you can assess whether they are doing what you want. The more specific you can be the better. (For example, I want them to be able to find the 3 major cases on this topic; I want them to be able to compare two cases with different results from two different federal circuit courts, etc.)

Finally create the assignment that lets them demonstrate the skill you are focusing on this time.

So what skills are worth assessing? That is up to you, but here are a few to consider:

- Appropriately answered the question asked in the assignment instructions
- Located all the major cases/statutes

- Located the proper state/federal sources
- Used the memo format I required
- Organized the material in a logical manner
- Presented and used all supportive facts
- Used transitions between paragraphs/topics
- Wrote using a neutral tone
- Wrote using a persuasive tone
- Properly referred to sources using Bluebook citation form
- Presented one clear, well focused argument for each issue
- Wrote in a concise manner
- Used proper spelling and grammar

## Handout: Ten Tips on Taking Good Notes in Class

Available at <https://mymcc.middlesex.mass.edu/?Tab=8>

1. Sit as close to the front of the classroom as possible, so you can hear and see -- and be *heard and seen*.
2. Talk to the people over at the campus academic assistance or "study skills" center for any resources available to you on how to improve your notetaking abilities.
3. Check out one of the many excellent notetaking and study skills references on the web which can make you so proficient at taking notes that your friends and associates will offer to *pay you* to take notes for them. This -- of course -- you will regard as total nonsense because you have far better things to do with your life than engage in such unethical practices.
4. If all else fails, try this method: start the notes for each lecture on a new page in your notebook and put the current date on the top of the page. This suggestion is not "rocket science", of course, but it's helpful to know *what was discussed* -- and *when* -- eight weeks down the line, when you are preparing for an exam, and have no memory whatsoever of what you were doing two months previously.  
Then:
  5. During the lecture you will write down the *main points* discussed on the right - hand page of your notebook while you:
    6. Write down the *details* on the left side, and bring three pens to class with you:
      7. Carry a dark **black** pen to underline the key points in the lecture.
      8. Use a **green** or **blue** pen (or choose another color; you can use your own imagination here) to underline points you're *unclear* of, and will *need to review* in more depth later.
      9. Also, bring use a **dark red pen** to highlight the things your instructor says will definitely be *on the exam*, you should *never forget*, and 200 times during the lecture for emphasis.
  10. It's also useful to leave lots of white space in your notebook for later editing, and adding your own useful comments such as "*what in the name of heaven was he talking about here?*"

## Handout: Ten Ways to Review and Edit your Notes

From <https://mymcc.middlesex.mass.edu/?Tab=8>

1. *Read* you notes within two or three hours of taking them. The rate that the human mind forgets things is beyond human belief. and while reading ...
2. Try to decipher what you wrote (ask a friend for help).
3. Try to paraphrase what the instructor was saying and/or...
4. ...try to outline the contents of the lecture.
5. Make a list of all special or key words.
6. Write three possible exam questions for each lecture, (you think I'm kidding, .... try it sometime, ... it might work).
7. Try to answer your own questions correctly.
8. Keep a second notebook for a summary of each lecture.
9. Keep an audio (or video) tape journal of your progress.
10. Take a short course or seminar in note taking, (see the academic skills center).

## Handout: Learning from Lectures

Strategies for Success: A Resource for Faculty and Students

Jo Mucci - Academic Support Department, Middlesex Community College

### How to Listen Effectively

Listening is one of the most important yet least recognized skills necessary for learning from lectures. Most students don't naturally listen in the way the lecture situation requires. To listen effectively, you must "engage" the speaker – that is, create an internal conversation between you and the instructor as he/she is lecturing. This includes actively anticipating and questioning what the lecturer says and sorting or categorizing the information being presented. Engaging the speaker is easier if you sit where you can see and hear clearly. If you read over previous notes briefly before class and complete any assigned readings, you'll be well prepared to be an effective listener.

### Adapt to Instructor's Style

Learning from lectures also means that you must adapt to the style of the instructor. He/she decides what topics the lecture will cover, as well as how quickly information is presented. Adapting to a fast or monotonous pace is a challenge for even the most experienced student. Getting information and advice on note taking strategies can be helpful if your skills are challenged by your instructor's particular learning style.

### Deciding What to Write Down

It is common for first year students who are used to the direction and structure of high school classes to have difficulties in deciding what to write down in a lecture.

At college, you are responsible for piecing together information about your instructor's objectives for the course, how the lectures and textbook fit together, what you are expected to do with the lecture material, and how you will be evaluated.

It's important to be aware of this kind of information because these factors and others form the basis for the decisions you make about how much to write down in lectures, the amount of detail in which you'll study your texts, and what course material to concentrate on when preparing for exams. The best source to find this information is your instructor.

As an expert in the field, he/she decides what topics to present, how to organize the course, and how to evaluate your knowledge of the course content and any skills you are expected to acquire. Some instructors may clearly indicate important content. Sometimes information on what's important is implicit in the way the lecture is organized. Watch for verbal clues like "First...second..." which denote the series of important points, or more explicit clues like, "note that..." A general rule of thumb is that if the instructor takes the trouble to write something on the board, it is important. Nonverbal information, such as the instructor's facial expression or tone of voice, can

indicate that a topic is important. The amount of time the instructor spends on a topic may be another indication of its importance. The course outline, which is often distributed in the first class, is a valuable resource that is all too often skimmed and filed for the duration of the course. The course outline can indicate which topics will be emphasized and what the organizational structure of the course will be. Keep your course outlines in a safe place and refer to them often.

### **Complete Assigned Readings**

Give priority to completing assigned readings before class so that you won't be struggling to copy something that is already in your text. Doing the readings beforehand can also help you to listen more actively in class, predict the topics the lecture may cover and can give an advanced indication of any difficulties which you can then clarify in the lecture.

### **Use a Partner**

You can try working with a classmate to develop your note-taking skills. After class compare notes and analyze the differences. Discuss why you recorded something and your partner didn't, and vice versa. After several weeks, if you are still unsure whether you're getting down the important points, you can ask the instructor to give you some feedback on your notes from one lecture.

**DO...**date and number pages, write legibly, use loose-leaf paper, use only one side of the paper, leave space between topics, edit notes each day.

**DON'T...**depend on someone else's notes, habitually tape lectures, cause or tolerate distractions, assume for any reason that going to class is unnecessary.



## Handout: Listening and Notetaking

Strategies for Success: A Resource for Faculty and Students

Jo Mucci - Academic Support Department, Middlesex Community College

1. Go to class – there is no substitute for the real thing.
2. Have assigned readings done before each lecture.
3. Listen actively by anticipating what the lecturer will say.
4. Screen and evaluate information by comparing your text and your own knowledge.
5. Concentrate.
6. Take notes. Note topics and subtopics. Use brief point form, putting things in your own words.
7. Use the margin or draw a column to note key terms or questions you have.
8. Use diagrams where possible, especially to illustrate relationships.
9. Review your notes before each class, and plan a weekly review which integrates lecture and text notes.
10. Ask your professor to clarify points you don't understand.

If you would like more information about the strategies found in this handbook, you may contact Jo Mucci, Director of the Academic Support Department at Middlesex Community College, by email or telephone.

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## Handout: The SQ4R Study Method

Strategies for Success: A Resource for Faculty and Students

Jo Mucci - Academic Support Department, Middlesex Community College

The following study method is useful for reading assignments. It can help you improve your understanding and memory of important information. The SQ4R method challenges you to become an active reader. Explained below, the SQ4R Study Method stands for:

**S: Survey** – This is the first step, one that can help save time. Begin by scanning and previewing the chapter before reading it. Consider supporting features such as the title, boldface headings, illustrations, graphs, and margin notes and summary. Ask yourself: What is the chapter about? What major topics are included?

**Q: Question** – Turn headings into questions and try to figure out what information will follow. Ask yourself Who?, What?, Where?, When?, Why?, and How? (the 5 W's and 1H of journalism). By asking these questions and then seeking the answers to the questions, you can concentrate and focus your efforts.

**R: Read** – Now read the material that follows the first heading. Look for answers to your questions, spending most of your time on material that seems important. This question & answer process can help you become an active, rather than passive reader.

**R: Recite** – After you complete a section, look away from the material. Now see if you can recite the important points. This recitation will make clear exactly what you know and what you don't know. Reread as necessary until you can recite all of the important points in a section.

**R: Record** – As you recite important points (above), you also may want to record or write down all the information you feel you must remember. Record on a separate sheet of paper or on study cards. This recorded information could be in the form of questions and your answers.

**R: Review** – Now go back over all the material. Reread the headings. Study until you can recite to yourself all the important ideas in the chapter. Refer to your written notes as you review.

### Handout: Personal Checklist for Success

Below is a list of successful study strategies. To be a successful student, you must find study strategies that suit your learning style. Review this checklist. Check the study strategies that you currently use. Choose three or four new strategies that you intend to work on over the next few weeks.

- \_\_\_\_\_ Keep notes separated by course, dated, and arranged in chronological order.
- \_\_\_\_\_ File the syllabus for each course at the start of that notebook AND refer to it at least twice weekly.
- \_\_\_\_\_ Preview textbook chapters and other reading assignments.
- \_\_\_\_\_ Practice SQ4R.
- \_\_\_\_\_ Develop study guides for each chapter.
- \_\_\_\_\_ Keep vocabulary log or vocabulary flashcards for the new terminology in each chapter.
- \_\_\_\_\_ Mark up all reading assignments, selecting main points and supporting details, looking up unfamiliar terms and writing marginal notes.
- \_\_\_\_\_ Take book notes.
- \_\_\_\_\_ Outline or map out textbook chapters.
- \_\_\_\_\_ Summarize textbook chapters and other reading assignments.
- \_\_\_\_\_ Tape record lectures and play back to fill in class notes.
- \_\_\_\_\_ Borrow the notes of a friend for comparison.
- \_\_\_\_\_ Attend weekly tutoring sessions at one of the tutoring centers or labs for support.
- \_\_\_\_\_ Before tests, compile a list of questions and answers for each chapter covered.
- \_\_\_\_\_ Study for tests with a partner or in a small group.
- \_\_\_\_\_ Practice for tests with a tape recorder.
- \_\_\_\_\_ Inquire about test content during faculty office hours.

If you would like more information about the strategies found in this handbook, you may contact Jo Mucci, Director of the Academic Support Department at Middlesex Community College, by email or telephone. Email: [muccij@middlesex.mass.edu](mailto:muccij@middlesex.mass.edu) Telephone: 781.280.3724

## Handout: Textbook Reading

### **Strategies for Success: A Resource for Faculty and Students**

**Jo Mucci - Academic Support Department, Middlesex Community College**

1. Do required reading on a regular basis. Keep a weekly schedule.
2. Preview material to get an overview. See how the chapter is organized.
3. Consider the author's writing style and potential biases.
4. Use different reading speeds. Pay attention to your attention.
5. Think of questions to answer as you read through the material.
6. Reflect on the material as you read. Note important points. Integrate with lecture notes or in text margins.
7. Summarize what you have read. Note important points. Integrate with lecture notes or in text margins.
8. Take breaks. Set targets to work towards and take breaks.
9. Find a quiet, comfortable place to read. Your bed may not be the best place!
10. Review your readings on a regular basis.
11. Review course material weekly to keep material fresh in your memory.