Syllabus

Law & Business I

BUL 3320 - CRN 11035

Spring 2017

General Course Information

CRN 11035

Course Title Law & Business I

Description The nature of legal and societal institutions and environments, and major aspects of public, private, UCC and related business law. (Junior standing required)

College Business

Division Business

Subject Area Business Law

Course Number BUL 3320

Credit Hours 3

Meeting Information

<table>
<thead>
<tr>
<th>Start Date</th>
<th>End Date</th>
<th>Days</th>
<th>Time</th>
<th>Room</th>
</tr>
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<tbody>
<tr>
<td>1/10/17</td>
<td>4/27/17</td>
<td>TR</td>
<td>1:30 pm - 2:45 pm</td>
<td>LH 2201</td>
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</tbody>
</table>

Distance Learning/Off Campus Course Information

Is this a DL Course? No, it is an on-campus course.

Instructor Information

Instructor Daniel P. Fernandez, J.D.
Associate Professor of Business Law
E-Mail Address  dfernandez@fgcu.edu

Phone Number  (239) 590-1248

Office Location  Lutgert 3346

Office Hours  
**Office Hours - Spring 2017**
Wednesday: 2:00pm – 5:00pm
Thursday: 10:00am – 12:00pm
or by appointment
No office hours during exam week.

Teaching Philosophy  I thoroughly enjoy teaching. I view my role in the classroom as teacher and mentor to my students. One of my strengths is to take complex legal issues and clarify them in terms that are relatable to the non-lawyer. My approach to teaching law courses is to focus on the application of those concepts in the world of business. In other words, I aim for class discussions that put the legal concepts in the framework that students will likely encounter in their future jobs or businesses. I prefer a collaborative learning process where students engage in case analyses and class discussion. I provide timely feedback to the students to reinforce learning.

Conversely, the students must accept responsibility for their learning by being prepared for and participating in class. They must develop and use the study skills necessary to be successful. The most effective motivation is internal rather than external.

Additional Instructor Information  Email Communication. Please use my email (dfernandez@fgcu.edu) to contact me. I will contact you using your Eagle email address specified on the class list, so please make sure that your email account is active. While some students may use other e-mail addresses (e.g., Gmail, Yahoo, etc.), I prefer to communicate through Eagle email in order to better protect your privacy. Also, you may stop by during my office hours to meet with me or you may schedule an appointment.

Not Legal Advice: No attorney-client relationship is formed by any communications between a student and the professor. Although the professor is an attorney, students should not ask for help, advice, or guidance with a personal legal problem, and should not send their professor confidential or privileged information. All lectures, discussions, conferences, and any other communications with the professor, whether oral, written, electronically transmitted, or otherwise, are for educational
and general informational purposes only, and do not constitute legal advice. Any suggestion of, or response to, hypothetical fact situations are necessarily limited in scope, and should not be construed as legal advice. If a student requires legal advice, the student is encouraged to consult with their attorney.

Course Materials

| Required Course Materials | Smith and Roberson's Business Law, 16th edition, by Mann and Roberts |

Optional Course Materials

Course Policies, Learning Objectives, and Agenda

Grading, Attendance, and Other Policies

Business Law is a difficult subject. Attendance and completion of assignments are considered minimum requirements for all students. Adequate preparation and regular class attendance and participation are essential to your success in the class. Students are expected to develop their exam study guides from notes taken in class and the material assigned in the textbook. Course letter grades are assigned based on test/exam scores and compliance with university rules. Regular and punctual attendance and participation are expected.

Assigned Readings: Be prepared to discuss the cases and problems in each of the assigned chapters.

Exams

Three exams will be given in this course. Each exam will be weighted equally (as noted below) in calculation of the final grade. The exams will consist of objective, multiple-choice questions. Note: The third exam may be cumulative. **Pop quizzes may be given for extra credit.** The final grade will be calculated in accordance with the following formula:

- Exam 1 – 1/3
- Exam 2 – 1/3
- Final Exam – 1/3
Exam questions will be based on subjects discussed in class and the
assigned reading material. However, the exams are based primarily
on the subjects/topics discussed in class. **Coming to class and
reading/studying the assigned material are two excellent
strategies for doing well in this class.** The exam is not the time to
discover that you do not understand the subjects covered in this
class. If you do not understand the material, you are encouraged
to ask questions. Many other students in the class probably have
the same question but are too shy to ask questions. By asking
questions you will be helping clear up confusion for yourself and
other classmates.

Test questions and Scantrons are the property of the
instructor/university and are not returned to students. Students may
not make copies of test questions. Students are encouraged to review
the Scantron and test questions during office hours or by
appointment. Test scores may be posted on Canvas. Course letter
grades are posted on Gulfline in accordance with the Registrar's
deadline.

Tests are required to be completed during the designated time
allotted. The instructor keeps the tests and Scantrons. Tests are
closed book and closed notes in class but may be open book and
open note at the discretion of the instructor if the exam is
administered online. Students may be assigned seats for testing
purposes. Tests are timed assessments of learning. Students may not
talk with anyone (except the instructor) during the tests.

**Grading scale:**

A 90-100  
B 80-89  
C 70-79  
D 60-69  
F Below 60

**Exam Make ups** – With PRIOR arrangement and notice, exam make
ups MAY be given. However, this option is available only for major
emergencies (e.g., illness or death in the family).

**Exams** may be given in class or online at the discretion of the
professor.
The Syllabus may be changed at the discretion of the Professor as circumstances warrant, the topics may be taught in a different order, and exam schedules may be changed.

Accounting Comprehensive Exam (ACE) in ACG 4632 and ETS Exam in GEB 4890:

The sequence of core classes that you are taking in the accounting program (intermediate accounting, cost, auditing, business law and tax) serves to prepare you for the Accounting Comprehensive Exam (ACE). All accounting majors are required to take the ACE exam at the end of ACG 4632 in order to earn a grade in that course. The ACE exam helps the Accounting Department assess whether students are meeting the learning goals established for the BS degree in accounting.

The knowledge you are gaining in the business foundation and core courses in principles of accounting, computers, economics, finance, information systems, law, management, marketing, and operations serves to prepare you for the Educational Testing Service (ETS) exam. All business majors are required to take the ETS exam at the end of GEB 4890 in order to graduate with a BS degree.

While your performance on ACE and ETS exams will not impact your grade in ACG 4632 or in GEB 4890, please take these exams very seriously. They are the main tools used to assess the BS degree program in accounting. It is imperative that you do your best in answering the questions. Otherwise, the results will not be reliable and the assessment will not be robust, a result that may jeopardize our SACS accreditation and the Academic Learning Compact we made with the State of Florida, along with having a negative impact on our AACSB accreditation (more about AACSB at: http://www.fgcu.edu/cob/ and click on the AACSB logo at the top left).

Those students performing above the 80% level in each of the eight sections of the ACE exam and those performing above 80% on the ETS exam will receive a letter of commendation from the Chair and/or Dean recognizing these achievement(s) which can be used as a resume item.

I. Departmental Policies and Resources:

1. CALCULATOR. Texas Instruments BA II PLUS. NOTE: The required calculator is the only electronic device allowed to be used during class. UNLESS PERMITTED BY THE INSTRUCTOR, THE USE OF ALL OTHER ELECTRONIC DEVICES (phones, pads, laptop computers. etc.) is PROHIBITED DURING CLASS.
2. The schedules for the departmental courses offered (information on semester, day/night, other) are at:
   ACG, TAX, and BUL (BS) - http://www.fgcu.edu/cob/acg/acg_annual.pdf
   FIN (including ECO 3101) and REE (BS) - http://www.fgcu.edu/cob/fin/fin_annual.pdf
   ACG, TAX, and BUL (MS) - http://www.fgcu.edu/cob/msacg/grad_acg_annual.pdf

3. Planning for pre-registration and graduation is your responsibility: The above schedules and LCOB advisors, along with the course prerequisite sequences described in the FGCU Catalog and degree program sheets, should assist you in ensuring that your plans are successfully implemented. Course substitutions and prerequisite exceptions will be granted only for exceptional circumstances that are clearly beyond the student's control. Poor or lack of planning is not one of those circumstances.

4. Useful FGCU Resources:
   Florida Gulf Coast University Catalog (http://www.fgcu.edu/catalog/)
   Florida Gulf Coast University Student Guide Book (http://studentservices.fgcu.edu/JudicialAffairs/)
   Florida Gulf Coast University Code of Conduct (http://studentservices.fgcu.edu/JudicialAffairs/)

II. LCOB Vision, Mission, and Guiding Principles:

Vision:
The Lutgert College of Business will be known for excellence in applied business education.

Mission:
The Lutgert College of Business educates and engages students and businesses in a collaborative community. We offer high quality educational programs that prepare our students to thrive in their professional careers.

Core Values/Guiding Principles:
Diversity: Foster a climate that enhances awareness of and respect for diversity of people and ideas, actively encouraging it among our students, faculty, and staff.
Service to the Community/Connected: Address current regional issues through extensive outreach activities and by building relationships on a local, regional, and global basis to facilitate the economic vitality and growth of Southwest Florida.
Sustainability: Educate and develop future business professionals to
recognize the value of and need for social, economic, and environmental sustainability.

Global perspective: Emphasize the ability to perform effectively across cultures in addressing global business challenges building on the “second circle*” model.

Integrity/Accountable: Maintain the highest standards of ethics, honesty, mutual respect, and accountability for our college’s faculty, staff and students.

Knowledge/Innovative: Provide an academic environment emphasizing teaching and scholarship that enhances student learning and the reputation of the college.

*The second circle model was created by Dr. Richard Pegnetter as a process that expands the traditional college/university to international university partnership model to include the regional business community of Southwest Florida with the regional business community of our international partner thus expanding the interaction to a “second circle”.

III. ACG Department BS Program Vision, Mission, and Guiding Principles:

Vision: Be the destination of choice for students who aim to establish mastery of subject matter and/or successful careers based on an accounting education.

Mission: Prepare students for entry level careers in public accounting, service organizations, government, and industry and/or post-baccalaureate education by ensuring that:
1. graduates are technically competent and possess the full range of business and professional skills; and 2. faculty members employ cutting edge instructional methods and technologies, anchored by a balanced mix of applied/educational/basic research outcomes and institutional/professional/academic/community service.

Guiding Principles:
1. Support the preservation of the AACSB accreditation.
2. Ensure that we continue to add value: to our products (students), our customers (employers and parents), and the community in which we work (FGCU colleagues, accounting professionals, and SWFL community).

IV. University Statements:

**Academic Behavior Standards and Academic Dishonesty**
All students are expected to demonstrate honesty in their academic pursuits. The university policies regarding issues of honesty can be found in the FGCU Student Guidebook under the **Student Code of Conduct and Policies and Procedures** sections. All students are expected to study this document which outlines their responsibilities and consequences for violations of the policy. The FGCU Student Guidebook is available online at [http://studentservices.fgcu.edu/judicialaffairs/new.html](http://studentservices.fgcu.edu/judicialaffairs/new.html)
University Nondiscrimination Statement
Florida Gulf Coast University is committed to ensuring equity and fairness for all University employees, students, visitors, vendors, contractors and other third parties. As such, the University prohibits discrimination on the bases of race, color, national origin, ethnicity, religion, age, disability, sex (including sexual harassment/assault), gender identity/expression, marital status, sexual orientation, veteran status or genetic predisposition with regard to admissions, employment, programs or other activities operated by the University. This prohibition extends to enforcement of Title IX of the Education Amendments of 1972. Questions or complaints should be directed to the Office of Institutional Equity and Compliance (OIEC). The OIEC’s phone number is (239)745-4366; the OIEC email address is OIEC@fgcu.edu.

Student Observance of Religious Holidays
All students at Florida Gulf Coast University have a right to expect that the University will reasonably accommodate their religious observances, practices, and beliefs. Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances. Where practicable, major examinations, major assignments, and University ceremonies will not be scheduled on a major religious holy day. A student who is to be excused from class for a religious observance is not required to provide a second party certification of the reason for the absence.

Disability Accommodation Services
Florida Gulf Coast University, in accordance with the Americans with Disabilities Act and the university’s guiding principles, will provide classroom and academic accommodations to students with documented disabilities. If you need to request an accommodation in this class due to a disability, or you suspect that your academic performance is affected by a disability, please see me or contact the Office of Adaptive Services. The Office of Adaptive Services is located in the Wellness Building. The phone number is 239-590-7956 or Video Phone (VP) 239-243-9453. In addition to classroom and campus accommodations, individuals with disabilities are encouraged to create their personal emergency
evacuation plan and FGCU is committed to providing information on emergency notification procedures. You can find information on the emergency exits and Areas of Rescue Assistance for each building, as well as other emergency preparedness materials on the Environmental Health and Safety and University Police Department websites. If you will need assistance in the event of an emergency due to a disability, please contact Adaptive Services for available services and information.

**Center for Academic Achievement**
The Center for Academic Achievement (CAA) provides academic support services to all FGCU students. Students can take advantage of our free peer tutoring and Supplemental Instruction sessions for lower-level math and science courses, as well as workshops to facilitate the development of skills necessary for college success. If you would like to participate in any of our programs, learn about tutoring services, or meet with an Academic Retention Coordinator, please visit the CAA in Library 103 or call us at (239) 590-7906. Our website is [www.fgcu.edu/CAA](http://www.fgcu.edu/CAA).

**Video and Audio Taping of Class Lectures**
Students are not allowed to audio tape or video tape class lectures – with the exception of any student that has a documented disability and the OAS determines the best reasonable accommodation for the student is to allow them to audio tape or video tape class lectures. Additional exceptions may be granted in the discretion of the professor. When tape recording is allowed, a Tape Recording Agreement Form must be signed by the student.

**Respondus Monitor – Remote, Online Exam Monitoring**
In order to protect the integrity of online assessments that are delivered to students off site in a non-proctored location, this course may employ Respondus Monitor technology that will allow for the web-enabled monitoring of exams and quizzes. Students must own a computer device and an associated webcam that meet the minimum requirements of the University’s standard remote monitoring system. Additional information:

*Respondus Monitor overview:*


*Respondus Monitor Faculty Training and Workshops: TBA*
Respondus LockDown Browser – Classroom and/or Remote Online Exams

In order to protect the integrity of classroom or remote online exams, this course may employ Respondus LockDown Browser technology that will allow for the student’s temporary restriction to a designated online testing website, disabling the ability to print, copy, access other applications or move to any other URL for the duration of the assessment. This technology may be used on campus in University computer classrooms or for remote delivery of quizzes and exams. [For online classes only: students must own a computer that meets the minimum requirements of the University’s standard lock down browser application.]

Additional information:

  Respondus LockDown Browser overview:
  http://respondus.com/products/lockdown-browser/
  Respondus LockDown Browser Faculty Training and Workshops: TBA

Lecture Capture Technology/FGCU Capture – Classroom Recording

This course may employ technology that will allow for audio and/or video recording of live classroom sessions. This lecture capture technology is utilized for the sole purpose of enhancing student learning. It may provide for supplemental student instruction via secure links to recorded session(s), the live stream of courses, presentations of off-site guest speakers and/or the delivery of course instruction utilizing “flipped classroom” methodologies. Student questions and/or comments may be included as a part of any session being recorded. See FGCU-CAPTURE for additional details and training

http://aets.fgcu.edu/fgcucapture.asp

Learning Objective   Assessment Strategy

1. E. ELO1; ALC C/DKS #4- Demonstrate knowledge of risk management techniques as they apply to legal aspects of accounting.

1. Exams, class participation, or some other type of graded work
2. E. ELO2; ALC C/DKS
#5-Demonstrate knowledge of ethical and legal issues as they apply to accounting.

2. Exams, class participation, or some other type of graded work

3. C. CLO2; ALC - CS
- Communicate reliable information.

3. Exams, class participation, or some other type of graded work

4. K. KLO2: KLO2; ALC – C/DKS
#1 - Have knowledge of legal concepts across all business areas of study.

4. Exams, class participation, or some other type of graded work

Additional Information

This course introduces the student to legal and ethical concepts that form the foundations of business conduct in the US. It supports the content covered in BUL 6831. It also supports the content covered in the ETS exam used to assess the BS degree program for the college of business.

When assessing the LOs above, if 90% of the students answer 80% of the question(s) correctly the assessment is exemplary; if 80% of the students answer 80% of the question(s) correctly the assessment exceeds expectations; if 70% of the student answer 80% of the question(s) correctly the assessment meets expectations; if less than 70% of the students answer 80% of the question(s) correctly, the assessment is below expectations; and if less than less than 60% of the students answer 80% of the question(s) correctly, the assessment fails.
<table>
<thead>
<tr>
<th>Week 1</th>
<th>Mandatory Quiz – Online on Canvas (due Friday 1/13/17)</th>
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<tbody>
<tr>
<td></td>
<td>Ch. 1 - Introduction to Law</td>
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<tr>
<td></td>
<td>Case 1-1</td>
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<tr>
<td></td>
<td>Ch. 2 – Business Ethics and the Social Responsibility of Business</td>
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<tr>
<td></td>
<td>Problems 3, 4, 5, 6, &amp; 9</td>
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<tr>
<th>Week 2</th>
<th>Ch. 3 - Civil Dispute Resolution</th>
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<tr>
<td></td>
<td>Cases 3-2, 3-3; Problems 1, 3, 4, 8</td>
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<td></td>
<td>Ch. 4 – Constitutional Law</td>
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<td>Case: 4-5; Problems: 1, 2, 3, 4, 6, &amp; 8</td>
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<tr>
<th>Week 3</th>
<th>Ch. 5 – Administrative Law</th>
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<tbody>
<tr>
<td></td>
<td>Cases 5-1, 5-2; Problems 1 - 9</td>
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<td></td>
<td>Ch. 6 - Criminal Law</td>
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<td></td>
<td>Cases 6-1, 6-2; Problems 3, 4, 9, &amp; 11</td>
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<tr>
<th>Week 4</th>
<th>Ch. 7 - Intentional Torts</th>
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<tr>
<td></td>
<td>Cases 7-2, 7-4; Problems 3, 4, 12, 13, &amp; 19</td>
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<td>Ch. 8 – Negligence &amp; Strict Liability</td>
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<td>Case 8-3; Problems 1, 2, 3, 6, 7, &amp; 10</td>
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<tr>
<th>Week 5</th>
<th>Exam 1 – Tuesday, February 7, 2017; 1:30pm – 2:45pm</th>
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<tbody>
<tr>
<td></td>
<td>Chapters 1, 2, 3, 4, 5, 6, 7 &amp; 8</td>
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<tr>
<td></td>
<td>Ch. 9 - Introduction to Contracts</td>
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<tr>
<td></td>
<td>Cases 9-1, 9-2; Problems 3, 4, 5, 6, 7, &amp; 9</td>
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<td></td>
<td>Ch. 10 - Mutual Assent</td>
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<td>Cases 10-2, 10-4; Problems 2, 5, 11, &amp; 17</td>
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<tr>
<th>Week 6</th>
<th>Ch. 11 - Conduct Invalidating Assent</th>
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<tr>
<td></td>
<td>Cases 11-1, 11-4; Problems 3, 4, 15, 21, &amp; 22</td>
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<td></td>
<td>Ch. 12 - Consideration</td>
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<td>Cases 12-1, 12-3; Problems 4, 12, 14, &amp; 16</td>
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<tr>
<th>Week 7</th>
<th>Ch. 13 - Illegal Bargains</th>
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<tr>
<td></td>
<td>Cases 13-3, 13-4; Problems 2, 5, 8, &amp; 13</td>
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<td>Ch. 14 - Contractual Capacity</td>
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<td>Cases 14-2, 14-3; Problems 1, 3, &amp; 5</td>
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<tr>
<th>Week 8</th>
<th>Ch. 15 - Contracts in Writing</th>
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<tr>
<td></td>
<td>Cases 15-2, 15-3; Problems 3, 5, 10, 15, &amp; 18</td>
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<tr>
<td></td>
<td>Ch. 16 - Third Parties to Contracts</td>
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<td></td>
<td>Cases 16-1, 16-4; Problems 3, 5, 8, &amp; 20</td>
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<th>Week of March 6</th>
<th>Spring Break – no classes</th>
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<tr>
<th>Week 9</th>
<th>Ch. 17 - Performance, Breach, and Discharge</th>
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<tr>
<td></td>
<td>Cases 17-2, 17-4; Problems 2, 3, 10, &amp; 15</td>
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<td></td>
<td>Ch. 18 - Remedies</td>
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<td>Cases 18-1, 18-2; Problems 7, 8, 15, &amp; 16</td>
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<td></td>
<td>Ch. 22 - Performance</td>
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<td>Cases 22-1, 22-4; Problems 4, 6, 8, &amp; 11</td>
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<tr>
<th>Week 10</th>
<th>Exam 2 – Tuesday, March 21, 2017; 1:30pm – 2:45pm</th>
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<tbody>
<tr>
<td></td>
<td>Chapters 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, &amp; 22</td>
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<td>Ch. 19 – Agency - Relationship of Principal and Agent</td>
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<td>Cases 19-3 &amp; 19-4; Problems 3, 6, 11 &amp; 15</td>
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| Week 11 | Ch. 20 – Agency - Relationship with Third Parties    |

(rev. 12/22/16 DPF)
Note: The Syllabus may be changed at the discretion of the Professor as circumstances warrant, the topics may be taught in a different order, and exam schedules may be changed. Exams may be given in class or online at the discretion of the professor.


**Assigned Readings:** Be prepared to discuss the cases and problems in each of the assigned chapters.

<table>
<thead>
<tr>
<th>Week</th>
<th>Assigned Chapters</th>
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</table>
| 12   | Cases 20-1 & 20-3; Problems 5, 9, 10 & 12  
Ch. 30 – Formation and Internal Relations of General Partnerships  
Note especially pages 622 – 630: Understanding various forms of business entities  
Cases 30-2 & 30-3; Problems 2, 5, 8 & 11 |
|      | Week 12 Ch. 31 - Operation and Dissolution of General Partnerships  
Cases 31-2 & 31-3; Problems 2, 3, 9 & 18  
Ch. 32 – Limited Partnerships and Limited Liability Companies  
Ch. 33 – Nature, Formation and Powers  
Cases 33-2 & 33-3; Problems 3, 6, 10 & 16 |
|      | Week 13 Ch. 34 – Financial Structure  
Cases 34-1, 34-2 & 34-3  
Ch. 35 - Management Structure  
Cases 35-1 & 35-4  
Problems 2, 5, 8 & 10 |
|      | Week 14 Ch. 43 - Securities Regulation  
Cases 43-1, 43-4; Problems 1, 2, 3, 7, & 10  
Ch. 47 – Introduction to Property, Property Insurance, etc.  
Cases 47-2 & 47-3; Problems 2, 7, 9 & 20 |
|      | Week 15 Ch. 48 - Interests in Real Property  
Cases 48-1 & 48-4; Problems 2, 6, 8 & 10  
Ch. 49 - Transfer and Control of Real Property  
Cases 49-1 & 49-3  
Problems 4, 8, 9 & 13  
Ch. 45 – Environmental Law  
Cases 45-1, 45-2 |
|      | Exam Final Exam – Tuesday, May 2, 2017; 12:30pm - 2:45pm  
Chapters 19, 20, 30, 31, 32, 33, 34, 35, 43, 45, 47, 48 & 49  
(May be cumulative and include all chapters previously covered.) |