**Assignment 1: Branches of Government DUE 1/17/2016**

Create a flowchart of the three branches of government and associate two (2) Uniform Commercial Code (UCC) clauses for each branch of government. Designate the relationships among the governmental branches. In an accompanying document, exemplify the types of powers of each branch of government and include these items:

* Taxing and spending powers
* Limits on both federal and state governmental actions
* Due process
* Equal protection

In a three to four (3-4) page flowchart, include the following:

1. Organize all three (3) branches of government in a flowchart format.
2. Designate two (2) UCC clauses that align with each branch.
3. Illustrate the interactivity among the branches of government in the flowchart.
4. In a separate document, exemplify the types of powers of each branch of government.

The specific course learning outcomes associated with this assignment are:

* Explain the functions of law, the nature of crimes and torts, and the structure of the U.S. legal system, including the federal and state court systems.
* Given a business situation, evaluate the various options for resolving a business dispute from a legal perspective and develop an optimal course of action to resolve the dispute.

Grading for this assignment will be based on answer quality, logic / organization of the paper, and language and writing skills, using the following rubric.

|  |  |
| --- | --- |
| **Points: 150** | **Assignment 1: Branches of Government** |
| **Criteria** | **Unacceptable****Below 70% F** | **Fair****70-79% C** | **Proficient****80-89% B** | **Exemplary****90-100% A** |
| 1. Organize all three (3) branches of government in a flowchart format.Weight: 25% | Did not submit or incompletely organized all three (3) branches of government in a flowchart format. | Partially organized all three (3) branches of government in a flowchart format. | Satisfactorily organized all three (3) branches of government in a flowchart format. | Thoroughly organized all three (3) branches of government in a flowchart format. |
| 2. Designate two (2) UCC clauses that align with each branch.Weight: 25% | Did not submit or incompletely designated two (2) UCC clauses that align with each branch. | Partially designated two (2) UCC clauses that align with each branch. | Satisfactorily designated two (2) UCC clauses that align with each branch. | Thoroughly designated two (2) UCC clauses that align with each branch. |
| 3. Illustrate the interactivity among the branches of government in the flowchart.Weight: 20% | Did not submit or incompletely illustrated the interactivity among the branches of government in the flowchart. | Partially illustrated the interactivity among the branches of government in the flowchart. | Satisfactorily illustrated the interactivity among the branches of government in the flowchart. | Thoroughly illustrated the interactivity among the branches of government in the flowchart. |
| 4. In a separate document, exemplify the types of powers of each branch of government.Weight: 20% | Did not submit or incompletely, in a separate document, exemplified the types of powers of each branch of government. | Partially, in a separate document, exemplified the types of powers of each branch of government. | Satisfactorily, in a separate document, exemplified the types of powers of each branch of government. | Thoroughly, in a separate document, exemplified the types of powers of each branch of government. |
| 5. Clarity, writing mechanics, and formatting requirementsWeight: 10% | More than 6 errors present | 5-6 errors present | 3-4 errors present | 0-2 errors present |

**Assignment 2: The Downfall of Enron DUE 1/24/2016**

**Background of the Enron Case:** During the downfall of the Enron Corporation, Arthur Anderson, and Enron’s accounting firm, instructed its employees to destroy financial documents relating to Enron. On May 6, 2002 a charge of obstructing an official proceeding of The Securities Exchange Commission was filed against Arthur Andersen LLP. Hence, the term, “Whistle-blower,” was formed as well as the Sarbanes-Oxley Act which monitors the ethical and financial affairs of all business corporations.

Using the Internet or the Strayer Library, locate sources of information about this landmark case. Review the contributing factors to the evolution of this situation, the legal ramifications, and the resulting effects on corporate ethical standards that occurred to prevent further malfeasance on the part of corporate executives. Refer to the Supreme Court Full Case Name: Arthur Andersen LLP v. United States. Citations: 544U.S 696; 125 S.Ct.2129; 161L.Ed.2d 1008; 2005 U.S.LEXIS 4348; 73U.S.L.W.4393.

Write a four to six (4-6) page paper in which you:

1. Determine the primary factors that contributed to the downfall of Enron’s financial practices.
2. If you had been assigned to defend Enron, justify the legality of its methods of handling its finances.
3. Differentiate the responsibilities of Arthur Anderson’s auditors from that of Enron’s executives.
4. Analyze the provisions of the Sarbanes-Oxley Act.
5. Use at least five (5) quality academic resources in this assignment. **Note:** Wikipedia and other Websites do not quality as academic resources.

The specific course learning outcomes associated with this assignment are:

* Formulate guidelines to maintain effective corporate governance in a firm and ensure compliance with the provisions of the Sarbanes-Oxley Act.
* Analyze company policies to ensure compliance with key provisions of the major federal laws related to investor protection, equal employment opportunity, consumer protection, and environmental protection.

|  |  |
| --- | --- |
| **Points: 200** | **Assignment 2: The Downfall of Enron** |
| **Criteria** | **Unacceptable****Below 70% F** | **Fair****70-79% C** | **Proficient****80-89% B** | **Exemplary****90-100% A** |
| 1. Determine the primary factors that contributed to the downfall of Enron’s financial practices.Weight: 25% | Did not submit or incompletely determined the primary factors that contributed to the downfall of Enron’s financial practices. | Partially determined the primary factors that contributed to the downfall of Enron’s financial practices. | Satisfactorily determined the primary factors that contributed to the downfall of Enron’s financial practices. | Thoroughly determined the primary factors that contributed to the downfall of Enron. |
| 2. If you had been assigned to defend Enron, justify the legality of its methods of handling its finances.Weight: 20% | Did not submit or incompletely justified the legality of its methods of handling its finances. | Partially justified the legality of its methods of handling its finances. | Satisfactorily justified the legality of its methods of handling its finances. | Thoroughly justified the legality of its methods of handling its finances. |
| 3. Differentiate the responsibilities of Arthur Anderson’s auditors from that of Enron’s executives.Weight: 20% | Did not submit or incompletely differentiated the responsibilities of Arthur Anderson’s auditors from that of Enron’s executives. | Partially differentiated the responsibilities of Arthur Anderson’s auditors from that of Enron’s executives. | Satisfactorily differentiated the responsibilities of Arthur Anderson’s auditors from that of Enron’s executives. | Thoroughly differentiated the responsibilities of Arthur Anderson’s auditors from that of Enron’s executives. |
| 4. Analyze the provisions of the Sarbanes-Oxley Act.Weight: 20% | Did not submit or incompletely analyzed the provisions of the Sarbanes-Oxley Act. | Partially analyzed the provisions of the Sarbanes-Oxley Act. | Satisfactorily analyzed the provisions of the Sarbanes-Oxley Act. | Thoroughly analyzed the provisions of the Sarbanes-Oxley Act. |
| 1. 5. 5 references
2. Weight 5%
 | No references provided | Does not meet the required number of references; some or all references poor quality choices. | Meets number of required references; all references high quality choices. | Exceeds number of required references; all references high quality choices. |
| 6. Clarity, writing mechanics, and formatting requirementsWeight: 10% | More than 6 errors present | 5-6 errors present | 3-4 errors present | 0-2 errors present |

**Assignment 3: Walmart Stores, Inc. v. Samara Brothers, Inc. DUE 1/31/2016**

Review Case 8.1, A U.S. Supreme Court Case titled Walmart Stores, Inc. v. Samara Brothers, Inc. Using the IRAC Method of briefing cases found in the Appendix, prepare a document that outlines the legal aspects of this case.

Write an eight to twelve (8-12) page paper in which you:

1. Summarize the facts associated with Walmart Stores, Inc. v. Samara Brothers, Inc.
2. Identity the legal question(s) that is under consideration.
3. Prioritize the rules of law that the court will consider in this case.
4. Compile the court’s decision and opinions on the case.
5. Prepare a conclusion for the outcome of the case.

The specific course learning outcomes associated with this assignment are:

* Given a business situation, evaluate the various options for resolving a business dispute from a legal perspective and develop an optimal course of action to resolve the dispute.

|  |  |
| --- | --- |
| **Points: 200** | **Assignment 3: Walmart Stores, Inc. v. Samara Brothers, Inc.** |
| **Criteria** | **Unacceptable****Below 70% F** | **Fair****70-79% C** | **Proficient****80-89% B** | **Exemplary****90-100% A** |
| 1. Summarize the facts associated with Walmart Stores, Inc. v. Samara Brothers, Inc.Weight: 20% | Did not submit or incompletely summarized the facts associated with Walmart Stores, Inc. v. Samara Brothers, Inc. | Partially summarized the facts associated with Walmart Stores, Inc. v. Samara Brothers, Inc. | Satisfactorily summarized the facts associated with Walmart Stores, Inc. v. Samara Brothers, Inc. | Thoroughly summarized the facts associated with Walmart Stores, Inc. v. Samara Brothers, Inc. |
| 2. Identity the legal question(s) that is under consideration.Weight: 20% | Did not submit or incompletely identified the legal question(s) that is under consideration. Did not submit or incompletely identifiedIdentity the legal question(s) that is under consideration. | Partially identified the legal question(s) that is under consideration. Partially identified the legal question(s) that is under consideration. | Satisfactorily identified the legal question(s) that is under consideration. Satisfactorily identified the legal question(s) that is under consideration. | Thoroughly identified the legal question(s) that is under consideration. Thoroughly identified the legal question(s) that is under consideration. |
| 3. Prioritize the rules of law that the court will consider in this case.Weight: 10% | Did not submit or incompletely prioritized the rules of law that the court will consider in this case. | Partially prioritized the rules of law that the court will consider in this case. | Satisfactorily prioritized the rules of law that the court will consider in this case. | Thoroughly prioritized the rules of law that the court will consider in this case. |
| 4. Compile the court’s decision and opinions on the case.Weight: 20% | Did not submit or incompletely compiled the court’s decision and opinions on the case. | Partially compiled the court’s decision and opinions on the case. | Satisfactorily compiled the court’s decision and opinions on the case. | Thoroughly compiled the court’s decision and opinions on the case. |
| 5, Prepare a conclusion for the outcome of the case.Weight: 20% | Did not submit or incompletely prepared a conclusion for the outcome of the case. | Partially prepared a conclusion for the outcome of the case. | Satisfactorily prepared a conclusion for the outcome of the case. | Thoroughly prepared a conclusion for the outcome of the case. |
| 6. Clarity, writing mechanics, and formatting requirementsWeight: 10% | More than 6 errors present | 5-6 errors present | 3-4 errors present | 0-2 errors present |

**Assignment 4: Chapter Summaries DUE 2/7/2016**

An important skill to develop as a legal scholar is the ability to summarize the main points of lengthy, detailed information. For this assignment, read and condense Chapters 18, 19, 20, and 21 of your textbook into a one (1) to one and one-half (1 ½) page overview that highlight the main points of each chapter.

Write a four to six (4-6) page paper in which you:

1. Summarize each chapter into a one (1) to one and one-half (1½) page document.
2. Assess the material in each chapter and prioritize at least four (4) of the most salient points.
3. Justify how you made your selections.
4. Create an instructional approach for each chapter as if you were teaching this material.

Grading for this assignment will be based on answer quality, logic/organization of the paper, and language and writing skills, using the following rubric.

|  |  |
| --- | --- |
| **Points: 125** | **Assignment 4: Chapter Summaries** |
| **Criteria** | **Unacceptable****Below 70% F** | **Fair****70-79% C** | **Proficient****80-89% B** | **Exemplary****90-100% A** |
| 1. Summarize each chapter into a one (1) to one and one-half (1½) page document.Weight: 25% | Did not submit or incompletely summarized each chapter into a one (1) to one and one-half (1½) page document. | Partially summarized each chapter into a one (1) to one and one-half (1½) page document. | Satisfactorily summarized each chapter into a one (1) to one and one-half (1½) page document. | Thoroughly summarized each chapter into a one (1) to one and one-half (1½) page document. |
| 2. Assess the material in each chapter and prioritize at least four (4) of the most salient points.Weight: 25% | Did not submit or incompletely assessed the material in each chapter and did not submit or incompletely prioritized at least four (4) of the most salient points. | Partially assessed the material in each chapter and partially prioritized at least four (4) of the most salient points. | Satisfactorily assessed the material in each chapter and satisfactorily prioritized at least four (4) of the most salient points. | Thoroughly assessed the material in each chapter and thoroughly prioritized at least four (4) of the most salient points. |
| 3. Justify how you made your selections.Weight: 20% | Did not submit or incompletely justified how you made your selections. | Partially justified how you made your selections. | Satisfactorily justified how you made your selections. | Thoroughly justified how you made your selections. |
| 4. Create an instructional approach for each chapter as if you were teaching this material.Weight: 20% | Did not submit or incompletely created an instructional approach for each chapter as if you were teaching this material. | Partially created an instructional approach for each chapter as if you were teaching this material. | Satisfactorily created an instructional approach for each chapter as if you were teaching this material. | Thoroughly created an instructional approach for each chapter as if you were teaching this material. |
| 5. Clarity, writing mechanics, and formatting requirementsWeight: 10% | More than 6 errors present | 5-6 errors present | 3-4 errors present | 0-2 errors present |

**Assignment 5: Brown v. the Board of Education DUE 2/14/2016**

Read Case 40.3, *Johnson Bank v. George Korbaken Company*, LLP. 472F.3d 439. Web2006 U.S. App.Lexis 31058 (2006) United States Court of Appeals for the Seventh Circuit. Using the IRAC Method of briefing cases found in the Appendix, prepare a document that outlines the legal aspects of this case.

“Many lawsuits against accountants involve liability of accountants to Third Parties. The plaintiffs are Third Parties (e.g., shareholders, bondholders, trade creditors, and banks) who relied on information supplied by the auditor. There are three (3) major rules of liability that a state can adopt in determining whether an accountant is liable in negligence to third parties.

1.   The *Ultramares d*octrine.

2.   Section 552 of The *Restatement (Second) of Torts.*

3.   The foreseeability standard.

 Write an eight to twelve (8-12) page paper in which you:

1. Summarize the facts associated with Johnson Bank v. George Korbaken Company.
2. Identity the primary and secondary legal question(s) that are under consideration.
3. Prioritize the rules of law that the court will consider in this case.
4. Compile the court’s decision and opinions on the case.
5. Prepare a conclusion for the outcome of the case.
6. Determine how this case may have been treated differently if it had been decided in 2012 instead of 2006.

The specific course learning outcomes associated with this assignment are:

* Given a business situation, evaluate the various options for resolving a business dispute from a legal perspective and develop an optimal course of action to resolve the dispute.
* Analyze company policies to ensure compliance with key provisions of the major federal laws related to investor protection, equal employment opportunity, consumer protection, and environmental protection.
* Use technology and information resources to research issues in commercial law.
* Write clearly and concisely about commercial law using proper writing mechanics.

Grading for this assignment will be based on answer quality, logic/organization of the paper, and language and writing skills, using the following rubric.

|  |  |
| --- | --- |
| **Points: 225** | **Assignment 5: Brown v. the Board of Education** |
| **Criteria** | **Unacceptable****Below 70% F** | **Fair****70-79% C** | **Proficient****80-89% B** | **Exemplary****90-100% A** |
| 1. Summarize the facts associated with Johnson Bank v. George Korbaken Company.Weight: 20% | Did not submit or incompletely summarized the facts associated with Johnson Bank v. George Korbaken Company. | Partially summarized the facts associated with Johnson Bank v. George Korbaken Company. | Satisfactorily summarized the facts associated with Johnson Bank v. George Korbaken Company. | Thoroughly summarized the facts associated with Johnson Bank v. George Korbaken Company. |
| 2. Identity the primary and secondary legal question(s) that are under consideration.Weight: 20% | Did not submit or incompletely identified the primary and secondary legal question(s) that are under consideration. | Partially identified the primary and secondary legal question(s) that are under consideration. | Satisfactorily identified the primary and secondary legal question(s) that are under consideration. | Thoroughly identified the primary and secondary legal question(s) that are under consideration. |
| 3. Prioritize the rules of law that the court will consider in this case.Weight: 15% | Did not submit or incompletely prioritized the rules of law that the court will consider in this case. | Partially prioritized the rules of law that the court will consider in this case. | Satisfactorily prioritized the rules of law that the court will consider in this case. | Thoroughly prioritized the rules of law that the court will consider in this case. |
| 4. Compile the court’s decision and opinions on the case.Weight: 15% | Did not submit or incompletely compiled the court’s decision and opinions on the case. | Partially compiled the court’s decision and opinions on the case. | Satisfactorily compiled the court’s decision and opinions on the case. | Thoroughly compiled the court’s decision and opinions on the case. |
| 5. Prepare a conclusion for the outcome of the case.Weight: 10% | Did not submit or incompletely prepared a conclusion for the outcome of the case. | Partially prepared a conclusion for the outcome of the case. | Satisfactorily prepared a conclusion for the outcome of the case. | Thoroughly prepared a conclusion for the outcome of the case. |
| 6. Determine how this case may have been treated differently if it had been decided in 2012 instead of 2006.Weight: 10% | Did not submit or incompletely determined how this case may have been treated differently if it had been decided in 2012 instead of 2006. | Partially determined how this case may have been treated differently if it had been decided in 2012 instead of 2006. | Satisfactorily determined how this case may have been treated differently if it had been decided in 2012 instead of 2006. | Thoroughly determined how this case may have been treated differently if it had been decided in 2012 instead of 2006. |
| 7. Clarity, writing mechanics, and formatting requirementsWeight: 10% | More than 6 errors present | 5-6 errors present | 3-4 errors present | 0-2 errors present |

 **Assignments 3 and 5**

HOW TO BRIEF A LEGAL CASE USING THE IRAC METHOD

When briefing a case, your goal is to reduce the information from the case into a format that provides a helpful reference for review. Most important, by “briefing” a case, you will grasp the problem the court faced (the issue), the relevant law the court used to solve it (the rule), how the court applied the rule to the facts (the application or “analysis”), and the outcome (the conclusion). You will then be ready to discuss the case and compare and contrast it to other cases involving similar issues.

* Before attempting to “brief” a case, read the case at least once.
* Follow the “IRAC” method in briefing cases:
* I = Issue
* R = Rule of Law/Rationale
* A = Analysis/Discussion
* C = Conclusion/Court’s Decision

Issue

Write a brief summary of the facts as the court determined. Eliminate facts that are not relevant to the court’s analysis. For example, a business’ street address is probably not relevant to the court’s decision of the issue of whether the business that sold a defective product is liable for the resulting injuries to the plaintiff. However, suppose a customer who was assaulted as she left its store is suing the business. The customer claims that her injuries were the reasonably foreseeable result of the business’s failure to provide security patrols. If the business is located in an upscale neighborhood, then perhaps it could argue that its failure to provide security patrols is reasonable. If the business is located in a crime-ridden area, then perhaps the customer is right. Instead of including the street address in the case brief, you may want to simply describe the type of neighborhood in which it is located. (**Note:** The time of day would be another relevant factor in this case, among others).

What is the question presented to the court? Usually, only one (1) issue will be discussed, but sometimes there will be more. What are the parties fighting about and what are they asking the court to decide? For example, in the case of the assaulted customer, the issue for a trial court to decide might be whether the business had a duty to the customer to provide security patrols. The answer to the question will ultimately determine whether the business is liable for *negligently* failing to provide security patrols. Whether the defendant owed plaintiff a duty of care, and what that duty of care is, are key issues in negligence claims.

Write the issue in question form, e.g., whether, does, if, or what.

Rule of Law / Rationale

Determine what the relevant rules of law are that the court uses to make its decision.

These rules will be identified and discussed by the court. For example, in the case of the assaulted customer, the relevant rule of law is that a property owner’s duty to prevent harm to invitees is determined by balancing the foreseeability of the harm against the burden of preventive measures. There may be more than one (1) relevant rule of law to a case. For example, in a negligence case in which the defendant argues that the plaintiff assumed the risk of harm, the relevant rules of law could be the elements of negligence, and the definition of “assumption of risk” as a defense. Don’t just simply list the cause of action, such as “negligence” as a rule of law: What rule must the court apply to the facts to determine the outcome?

Analysis / Discussion

This may be the most important portion of the brief. The court will have examined the facts in light of the rule, and probably considered all “sides” and arguments presented to it. How courts apply the rule to the facts and analyze the case must be understood in order to properly predict outcomes in future cases involving the same issue. What does the court consider to be a relevant fact given the rule of law? How does the court interpret the rule: for example, does the court consider monetary costs of providing security patrols in weighing the burden of preventive measures? Does the court imply that if a business is in a dangerous area, then it should be willing to bear a higher cost for security? Resist the temptation to merely repeat what the court said in analyzing the facts: what does it mean to you? Summarize the court’s rationale in your own words. If you encounter a word that you do not know, use a dictionary to find its meaning.

Conclusion / Court’s Decision

What was the final outcome of the case? In one or two (1-2) sentences, state the court’s ultimate finding. For example, the business did not owe the assaulted customer a duty to provide security patrol.