

Victoria Management School

MMBA 502 COMMERCIAL LAW

Trimester One 2011

COURSE OUTLINE

Names and Contact Details
COURSE COORDINATOR

Mrs Susan Corbett B.Sc., LL.M, AAMINZ
Room: RH 722, Rutherford House
Phone: 463 5480
Email: susan.corbett@vuw.ac.nz

PROGRAMME ADMINISTRATOR

Ms Linda Walker
Room: RH1004, Rutherford House
Phone: 463 5367
Email: linda.walker@vuw.ac.nz

TEACHING STAFF

Mr Leslie Brown LL.B (Hons.)
Room: RH 714, Rutherford House
Phone: 463 6787
Email: leslie.brown@vuw.ac.nz

Mrs Susan Corbett B.Sc., LL.M, AAMINZ
Room: RH 722, Rutherford House
Phone: 463 5480
Email: susan.corbett@vuw.ac.nz

Trimester Dates

Teaching Period: Monday 28th February – Friday 3rd June 2011

Study Period: Monday 6th June – Thursday 9th June 2011

Examination Period: Friday 10th June – Saturday 2nd July 2011 (inclusive)

Class Times and Room Numbers

Lecture: Monday 17.40 – 19.30 Rutherford House LT 3

Academic Workshop (Ethics): Saturday 14 May 2011 Rutherford House LT 3

Withdrawal from Courses:

1. Your fees will be refunded if you withdraw from this course on or before 11 March 2011.
2. The standard last date for withdrawal from this course is 14 May. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an 'Application for Associate Dean's Permission to Withdraw Late' including supporting documentation

The application form is available from either of the Faculty's Student Customer Service Desks.

Course Content

This course is aimed at professional managers who perform strategic roles within the private sector and government enterprises. Integral to the effective performance of such roles is an understanding of the legal principles that impact on business.

After an introduction to law and an explanation of some key concepts, including statutory interpretation and judicial precedent, the course will concentrate on the formation and governance of the two most common business structures, partnerships and companies. This will be followed by sessions covering, respectively, the relevance of tort law for businesses, and the law of contractual obligations and its application in both an online and offline context. An overview of intellectual property law and its relevance for businesses will follow, while a session on alternative dispute resolution will conclude the course.

Course Learning Objectives

This course will provide participants the opportunity:

1. to develop oral and written communication skills
 - a) through active participation in class discussion
 - b) through the development and presentation of written reports, in particular the two assignments that form the in-term assessment for the course
 - c) through formal and informal classroom debate
2. to develop critical and creative thinking skills
 - a) through the assignments requiring analysis, evaluation, interpretation and synthesis
 - b) through debate and classroom discussion
3. to develop problem solving skills
 - a) through preparation for the Final Exam questions which require the application of legal rules to hypothetical fact situations
 - b) through preparation for tutorial, project or group exercise
4. to develop leadership skills
 - a) through structuring independent study
 - b) through fulfilling spokesperson duties, reporting on a group's activities or ideas to a class

Overall Course Objectives

By the end of this course, you should:

1. have a clear understanding of the New Zealand legal system, its sources and its origins
2. have an understanding of the judicial method, in particular how judges decide cases and interpret statutes
3. have an appreciation of the nature of the civil legal obligations arising under statute, contract and tort.
4. have an understanding of the different legal structures available for business and their comparative advantages
5. have a good grasp of the legal obligations associated with corporate governance, including the legal separation of the corporate identity from the personnel in business, and other issues important in corporate governance
6. understand the significance of intellectual property law and its application in the context of marketing and franchising a business.
7. have an understanding of the growing importance for business of alternative dispute resolution practices.

Course Delivery

Delivery of the course is centred on a schedule of lectures. There will generally be pre-lecture or post-lecture reading or other preparation.

Draft Lecture Schedule – MMBA 502 2011

Session	Date	Lecturer	Topics
1	28 February	Leslie Brown	Introduction Function, Development and Classification of law
2	7 March	Leslie Brown	Legal Reasoning: Judge Made Law; Statutory Interpretation
3	14 March	Leslie Brown	Legal Personality Choice of Business Structure The Constitution and Conduct of Companies
4	21 March	Leslie Brown	Corporate Governance Market Regulation
5	28 March	Leslie Brown	Tort Law: Negligence and Economic torts
6	4 April	Susan Corbett	Principles of contract law. Online and offline contract formation
7	11 April	Susan Corbett	Contract Law: contract law in context - the partnership.
Easter Mid Semester Break			
8	2 May	Leslie Brown	Group presentations
9	9 May	Susan Corbett	Overview of intellectual property law: copyright, patents, trade marks.
10	16 May	Susan Corbett	Intellectual property in context: franchising and marketing, including online marketing.
11	23 May	Susan Corbett	Alternative Dispute Resolution
12	30 May	Susan Corbett	Conclusion and revision

Expected Workload

Workload expectations for this course are 10 hours per week for the 12 teaching weeks and 30 hrs during the mid-trimester break.

Group Work

The course does contain some group work. Additional information about this is provided in the coverage of assessment elsewhere in this outline. It is expected that the time commitment for this group work outside class will fit inside the expected workload.

Individual Work

While the Victoria MBA programme has a tradition of study group collaboration, there are important elements in the assessment process that are strictly individual. Collaboration on individual assignments is not allowed beyond general discussion as to how one might interpret the nature of the assignment question. Please do not work together to formulate a response and do not loan out your completed assignments.

Readings

The *recommended* textbook is: Louise Longdin et al, Law in Business and Government in New Zealand, Palatine Press, 4th Edition, 2006.

Other *readings*: Students will be provided with lecture summaries and/or copies of powerpoint presentations. Where necessary other materials such as textbooks and practitioner or academic journals will be recommended.

Materials and Equipment

It is not expected that any other materials or equipment will be required.

Assessment Requirements

Assignment	Title	Weight	Date
1	Group Assignment Individual Exercise	15% 10%	Issued 21 March and due back 2 May
2	Second Assignment	25%	Issued 11 April and due back 16 May
3	Open-Book Final Examination 3 hours	50%	10 June- 2 July 2011
	TOTAL	100%	

Group Assignment (15%) - In the first part of the course there will be a Group Assignment. In this Assignment groups will work on a task and present the results to the whole class both in written form and in an oral presentation. The mark obtained by members of the group will be the mark awarded to the group.

Individual Exercise (10%) – This will run in parallel with the Group Assignment. The Individual Exercise constitutes "individual work" in terms of MBA programme requirements.

Second Assignment (25%) – In the second part of the course a take-home assignment will be provided as an opportunity for students to research, analyse, and write on an application of business law. Typically this assignment would be of a length of between 1500 words and 2000 words (exclusive of footnotes or other references and bibliography). This assignment constitutes “individual work” in terms of MBA Programme requirements.

Final Examination (50%) - A final examination will be held during which students will be expected to apply their knowledge of business law both in problem situations (including small case vignettes) and short opinion or essay type answers. In accordance with Victoria MBA programme policy, students must obtain a minimum of forty percent (40%) of the marks available on the final examination in order to pass the course.

Examinations

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

The final examination for this course will be scheduled at some time during the period from **Examination Period: Friday 10^h June – Saturday 2nd July 2011**

Note: Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

Penalties

In fairness to other students, work submitted after the deadline will be subject to a penalty of 5% of the total marks available per day of lateness. Assignments more than one week late will not be accepted. A “zero” mark will be applied. In the event of unusual, unforeseen circumstances (e.g., serious illness, family bereavement), students should discuss waiver of the penalty with the course controller prior to the deadline date.

Mandatory Course Requirements

To meet Mandatory Course Requirements, students are required to:

1. Attend lectures and actively participate in class discussions;
2. Submit the two assignments;
3. Obtain at least 40 per cent of the marks in the Final Examination; and
4. Attend and satisfactorily participate at the full-day Ethics Workshop to be held on Saturday 14 May 2011.

Class Representative

A class representative will be elected in the first class, and that person’s name and contact details will be available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

Communication of Additional Information

Information on course-related matters will be announced at class and posted on the **Blackboard** website at <http://blackboard.vuw.ac.nz/>. It will be crucial for you to regularly check Blackboard for messages, announcements and materials.

Referencing

There are many different styles of referencing and the Faculty of Commerce & Administration at VUW has decided to make APA (American Psychological Association) referencing style the common standard across the Faculty. The Commerce and Central Libraries hold the APA Style Guide. You can also access the information from the online VUW library site (<http://www.vuw.ac.nz/library/research/reference/referencingguides.aspx>).

An alternative, which may be used for legal essays and assignments, and should be used for all legal citations (whether or not you continue to use APA Style for the body of your essay or assignment) is the

New Zealand Law Style Guide (McLay, Murray, & Orpin) which is available in hard copy or online in VUW Library.

Use of Turnitin

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com> Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

For the following important information follow the links provided:

Academic Integrity and Plagiarism

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

General University Policies and Statutes

Find key dates, explanations of grades and other useful information at www.victoria.ac.nz/home/study

Find out about academic progress and restricted enrolment at <http://www.victoria.ac.nz/home/study/academic-progress.aspx>

The University's statutes and policies are available at www.victoria.ac.nz/home/about/policy, except qualification statutes, which are available via the Calendar webpage at <http://www.victoria.ac.nz/home/study/calendar.aspx> (See Section C).

Further information about the University's academic processes can be found on the website of the Assistant Vice-Chancellor (Academic) at www.victoria.ac.nz/home/about_victoria/avcacademic/default.aspx

AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support

http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx

Faculty of Commerce and Administration Offices

<http://www.victoria.ac.nz/fca/studenthelp/>

Manaaki Pihipihinga Programme

http://www.victoria.ac.nz/st_services/mentoring/