

**Commerce 4SD3  
Commercial Law  
Spring 2020 Course Outline**

**Strategic Management  
DeGroot School of Business  
McMaster University**

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***COURSE OBJECTIVE***

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The law forms an integral part of the business world. This course is designed and intended to introduce students to a broad range of legal topics typically encountered by business professionals. With the use of case studies, students will then learn to identify legal issues and suggest best practices and legal strategies to manage legal risks.

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***INSTRUCTOR AND CONTACT INFORMATION***

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**Mondays: 2:00-5:00pm  
Wednesdays: 2:00-5:00pm  
Raffaele (Ralph) Ionico  
Instructor  
[ionicor@mcmaster.ca](mailto:ionicor@mcmaster.ca)  
Office: DSB  
Office Hours: TBA  
Tel: (905) 662-6001  
Class Location: Online**

**TA  
TBA**

**Course website:** <http://avenue.mcmaster.ca>

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***COURSE ELEMENTS***

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Credit Value: 3	Leadership: Yes	IT skills: No	Global view: Yes
A2L: Yes	Ethics: No	Numeracy: No	Written skills: Yes
Participation: Yes	Innovation: Yes	Group work: No	Oral skills: Yes
Evidence-based: Yes	Experiential: No	Final Exam: Yes	Guest speaker(s): No

## ***COURSE DESCRIPTION***

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This course provides an analysis of substantive law relevant to Canadian business. Topics include business structures and organizations, contracts, the sale of goods, debtor-creditor transactions, negligence and tort law. Emphasis is placed on the primary sources of law-statutes and cases. The course is taught primarily through assigned readings, online lectures, case studies and online class discussion.

Prior to each virtual class, students will be assigned reading from the textbook, will be given lecture slides (with audio) which will be posted on Avenue To Learn, and will be assigned questions and/or case studies to consider prior to the virtual class.

The virtual class will be held during the scheduled lecture times (beginning at 2pm on Monday and Wednesdays). The virtual class will be conducted using Zoom and will include a short summary of the assigned reading and a discussion of the case studies assigned. Students are expected to participate during the virtual class using Zoom.

Students may also email questions outside of the virtual class for discussion during the virtual class.

Virtual classes are not expected to exceed 1.5 hours in length.

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## ***LEARNING OUTCOMES***

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Upon successful completion of this course, students will be able to complete the following key tasks:

- Have an understanding of basic legal principles applicable to business
  - Identify legal issues, concerns and opportunities that can be encountered by a business
  - Suggest specific legal strategies and practices to protect and enhance a business and its stakeholders
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## ***COURSE MATERIALS AND READINGS***

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Avenue registration for course content, readings and case materials \$ FREE  
• <http://avenue.mcmaster.ca>

Smyth and Soberman, *The Law and Business Administration in Canada*, \$ TBA  
15<sup>th</sup> Edition, Pearson Canada Inc., North York, Ontario

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## ***EVALUATION***

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Learning in this course results primarily from: (i) out-of-class assigned reading from the textbook, class slides posted on Avenue, and assigned case studies, (ii) attending synchronous lectures using Zoom and “in-class” discussion, and (iii) “in-class” review and discussion of case studies where the material learned is then applied to specific case studies. All work will be evaluated on an individual basis. Your final grade will be calculated as follows:

### **Components and Weights**

Participation In-Class Contribution (Individual)	10%
Mid-Term Exam	20%
Assignment #1	15%
Assignment #2	15%
Final Exam	40%
<b>Total</b>	<b>100%</b>

No group work or assignments for course credit other than the above will be given.

NOTE: The use of a McMaster standard calculator is allowed during examinations in this course. See McMaster calculator policy.

### **Communication and Feedback**

Students who wish to correspond with instructors or TAs directly via email must send messages that originate from their official McMaster University email account. This protects the confidentiality and sensitivity of information as well as confirms the identity of the student. Emails regarding course issues should NOT be sent to the Area Administrative Assistants. Instructors are required to provide evaluation feedback for at least 10% of the final grade to students prior to class 9 in the term. Instructors may solicit feedback via an informal course review with students by class 4 to allow time for modifications in curriculum delivery.

### **Course Deliverables**

#### ***Participation***

Student participation is an important component of this course. Participation marks will be measured and a participation grade will be assigned.

**Mid-Term Exam**

The Mid-Term Exam will cover material from the textbook, class slides, online lectures, and online class discussion and will be comprised of a number of multiple choice questions and short answer questions.

**Assignments**

There will be two (2) take home written assignments. Each assignment will be comprised of a case analysis where students will be given a hypothetical fact situation and will be asked to identify and explain the legal issues arising from the fact situation, explain the legal options available, recommend the preferred course of action and explain their reasoning. Students are required to submit at least both written assignments. Each written assignment will be limited to 700 words.

**Final Exam**

The final exam will be cumulative. The exam will cover material from the textbook, class slides, and online lectures and will be comprised of a number of multiple choice questions, short answer questions, and one or more case studies.

**Grade Conversion**

At the end of the course your overall percentage grade will be converted to your letter grade in accordance with the following conversion scheme.

Letter Grade	Percent	Points	Letter Grade	Percent	Points
A+	90-100	12	C+	67-69	6
A	85-89	11	C	63-66	5
A-	80-84	10	C-	60-62	4
B+	77-79	9	D+	57-59	3
B	73-76	8	D	53-56	2
B-	70-72	7	D-	50-52	1
			F	0-49	0

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**ACADEMIC INTEGRITY**

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You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity.

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: "Grade of F assigned for academic dishonesty"), and/or suspension or expulsion from the university.

It is your responsibility to understand what constitutes academic dishonesty. For information on the various types of academic dishonesty please refer to the *Academic Integrity Policy*, located at:

[www.mcmaster.ca/academicintegrity](http://www.mcmaster.ca/academicintegrity)

The following illustrates only three forms of academic dishonesty:

1. Plagiarism, e.g. the submission of work that is not one's own or for which other credit has been obtained.
2. Improper collaboration in group work.
3. Copying or using unauthorized aids in tests and examinations

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### ***AUTHENTICITY/PLAGIARISM DETECTION***

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In this course we will be using a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. Students will be expected to submit their work electronically either directly to Turnitin.com or via Avenue to Learn (A2L) plagiarism detection (a service supported by Turnitin.com) so can be checked for academic dishonesty. Students who do not wish to submit their work through A2L and/or Turnitin.com must still submit an electronic and/or hardcopy to the instructor. No penalty will be assigned to a student who does not submit work to Turnitin.com or A2L. All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, other software, etc.). To see the Turnitin.com Policy, please go to;

[www.mcmaster.ca/academicintegrity](http://www.mcmaster.ca/academicintegrity)

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### ***ONLINE COURSE COMPONENTS***

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In this course we will be using Avenue to Learn. We will also be using Zoom to conduct online lectures. Students are asked to visit <https://zoom.us> prior to our first class to create an account.

Students should be aware that when they access the electronic components of this course, private information such as first and last names, usernames for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in this course will be deemed consent to this disclosure.

If you have any questions or concerns about such disclosure, please discuss this with the course instructor.

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### ***REQUESTING RELIEF FOR MISSED ACADEMIC WORK***

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Students may request relief from a regularly scheduled midterm, test, assignment or other course components. Please refer to the policy and procedure on the DeGroote website at the link below.

In the event that a student misses an assessment for a legitimate reason (as determined by the Student Experience – Academic Office), the weight of the assessment will be redistributed to the **final exam**.

<http://ug.degroote.mcmaster.ca/forms-and-resources/misled-course-work-policy/>

## ***STUDENT ACCESSIBILITY SERVICES***

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Students who require academic accommodation must contact Student Accessibility Services (SAS) to make arrangements with a Program Coordinator. Academic accommodations must be arranged for each term of study. Student Accessibility Services can be contacted by phone 905-525-9140 ext. 28652 or e-mail [sas@mcmaster.ca](mailto:sas@mcmaster.ca).

For further information, consult McMaster University's Policy for Academic Accommodation of Students with Disabilities:

<http://www.mcmaster.ca/policy/Students-AcademicStudies/AcademicAccommodation-StudentsWithDisabilities.pdf>

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## ***ACADEMIC ACCOMMODATION FOR RELIGIOUS, INDIGENOUS OR SPIRITUAL OBSERVANCES (RISO)***

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Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the RISO policy. Students requiring a RISO accommodation should submit their request, including the dates/times needing to be accommodated and the courses which will be impacted, to their Faculty Office normally within 10 days of the beginning of term or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

<https://multifaith.mcmaster.ca/riso>

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## ***POTENTIAL MODIFICATION TO THE COURSE***

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The instructor reserves the right to modify elements of the course during the term. There may be changes to the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check their McMaster email and course websites weekly during the term and to note any changes.

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## ***RESEARCH USING HUMAN SUBJECTS***

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All researchers conducting research that involves human participants, their records or their biological material are required to receive approval from one of McMaster's Research Ethics Boards before (a) they can recruit participants and (b) collect or access their data. Failure to comply with relevant policies is a research misconduct matter. Contact these boards for further information about your requirements and the application process.

McMaster Research Ethics Board (General board): <https://reo.mcmaster.ca/>

Hamilton Integrated Research Ethics Board (Medical board): <http://www.hireb.ca/>

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***ACKNOWLEDGEMENT OF COURSE POLICIES***

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Your enrolment in Commerce 4SD3 will be considered to be an implicit acknowledgement of the course policies outlined above, or of any other that may be announced during lecture and/or on A2L. **It is your responsibility to read this course outline, to familiarize yourself with the course policies and to act accordingly.**

Lack of awareness of the course policies **cannot be invoked** at any point during this course for failure to meet them. It is your responsibility to ask for clarification on any policies that you do not understand.

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**COURSE SCHEDULE**


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**DSB 4SD3  
COMMERCIAL LAW**

<b>Date</b>	<b>Topic Overview</b>	<b>Readings</b>	<b>Dates and Deadlines</b>
<b>1 – Monday May 4<sup>th</sup></b>	Course Introduction Introduction of Law in Business The Two Legal Systems The Court System	Chapter 1 pp. 2-19 Chapter 2 pp. 22-45  No Case Studies	
<b>2 – Wednesday May 6<sup>th</sup></b>	Government Regulation of Business Torts and Negligence Professional Liability General Remedies for Tort Case Study – Class Discussion	Chapter 3 pp. 48-72 Case Study 3, p. 73  Chapter 4 pp. 76-98 Case Study 1, p. 99	
<b>3 – Monday May 11<sup>th</sup></b>	Contracts (1) Formation of Contract Case Study – Class Discussion	Chapter 6 pp. 125-140 Case Study 2, p. 141 Case Study 6, p. 142 Case Study 8, p. 144 Chapter 7 pp. 146-159 Case Studies 1, 2, 3, p. 160	Assignment #1 Assigned
<b>4 – Wednesday May 13<sup>th</sup></b>	Contracts (2) Contract Issues Capacity, Legality, Mistake, Misrepresentation etc. Case Study – Class Discussion	Chapter 8 pp. 164-183 Case Study 1, p. 184 Case Study 5, p. 186 Chapter 9 pp. 189-203 Question 6, p. 203 Question 8, p. 204 Case Study 1, p. 204 Case Study 6, p. 206 Chapter 10 pp. 208-227 Case Study TBD	
<b>5 – Monday May 18<sup>th</sup></b>	<b>VICTORIA DAY – HOLIDAY NO ONLINE CLASS</b>		
<b>6 – Wednesday May 20<sup>th</sup></b>	Contracts (3) Priority of Contract Discharge of Contract Breach of Contract and Remedies Case Study – Class Discussion	Chapter 11 pp. 233-251 Question 8, p. 251 Case Study 5, p. 252 Chapter 12 pp. 255-268 Case Study 1, p. 269 Case Study 2, p. 270 Chapter 13 pp. 275-295 Case Studies TBD	<b>Assignment #1 Due Today</b>

7 – Monday May 25 <sup>th</sup>	<b>MIDTERM EXAM</b> <b>NO ONLINE CLASS</b>		
8 – <b>Wednesday</b> May 27 <sup>th</sup>	Special Types of Contracts (1) Sale of Goods and Consumer Protection Leasing Case Study – Class Discussion	Chapter 14 Chapter 15 Case Studies TBD	
9 – Monday June 1 <sup>st</sup>	Special Types of Contracts (2) Franchising and Agency Employment Contracts Case Study – Class Discussion	Chapter 17 Chapter 18 Case Studies TBD	
10 – <b>Wednesday</b> June 3 <sup>rd</sup>	Property Intellectual Property, Leasehold, Real Estate Case Study – Class Discussion	Chapters 20-23 Case Studies TBD	Assignment #2 Assigned
11 – Monday June 8 <sup>th</sup>	Business Organizations Sole Proprietorships, Partnerships (general, limited and limited liability) and Corporations Case Study – Class Discussion	Chapter 24 Chapter 25 Case Studies TBD	
12 – <b>Wednesday</b> June 10 <sup>th</sup>	Corporate Governance Shareholder Agreements Liability of Directors Case Study – Class Discussion	Chapter 26 Chapter 27 Case Studies TBD	<b>Assignment #2 Due Today</b>
13 – Monday June 15 <sup>th</sup>	Debtor/Creditor Relations Case Study – Class Discussion	Chapters 28 and 29 Case Studies TBD	
14 – <b>Wednesday</b> June 17 <sup>th</sup> <b>FINAL CLASS</b>	<b>FINAL EXAM</b> <b>Scheduled During Regular Class Time</b>		