

SYLLABUS

1. Learning Objectives, Outcomes and Assessment

The primary learning objective of the course is to help students improve the basic skills needed to succeed in law school. Students who improve these skills can expect to achieve higher exam scores in their core courses during the spring semester. The secondary learning objective of the course is to promote an understanding of the law of Agency. The course will begin with the doctrine of *respondeat superior*, which should be familiar from Torts. The second half of the course will cover principal-agent relationships, which relate mostly to issues studied in Contracts, Property, and Business Associations.

A. Intended Student Learning Outcomes

Upon successful completion of this course, you will:

- 1) Demonstrate the basic skills needed for law school, including critical thinking, reading, and listening as well as effective case briefing, note taking, outlining, exam writing, organization, leadership, and professionalism.
- 2) Demonstrate understanding of the law of Agency, including the doctrine of *respondeat superior* and principal-agent relationships.

B. Assessment

To assess the learning outcomes of this course, we will use the following assessment techniques:

- 1) Socratic methods of discussion in class;
- 2) six ungraded written assignments reviewed by the professor;
- 3) a graded midterm exam worth 25% of the final grade;
- 4) a written midterm class evaluation by the students;
- 5) a final exam worth 75% of the final grade; and
- 6) a written final class evaluation prepared by the students.

C. Integration with JD Program Outcomes

The learning outcomes for this course contribute to your development of the following JD program outcomes:

- 1) Demonstrate the ability to identify and understand key concepts in substantive law, legal theory and procedure in domestic and international law contexts.
- 2) Apply knowledge and critical thinking skills to perform competent legal analysis, reasoning, and problem solving.
- 3) Demonstrate communication skills, including effective critical reading, writing in objective and persuasive styles, oral advocacy, and other oral communication.
- 4) Demonstrate professionalism and professional judgment through conduct consistent with the legal profession's values and standards.

2. Text

Naccarato & Lee, Cases and Materials on Principles of Agency (2011 Edition). This text is available in the McGeorge Bookstore.

3. Contact Information

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| | Professor Tim Naccarato | Professor Courtney Lee |
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| Phone: | (916) 739-7399 | (916) 739-7242 |
| Room: | Administration Building, Room 106 (near Registrar's office) | Northwest Hall, Room 114 (near CDO) |
| Office | | |
| Hours: | By appointment or drop in | Tuesday: 3:00–5:00 p.m. Wednesday: 10:00 a.m.–12:00 p.m. Also by appointment |

4. Attendance & Punctuality

Class attendance is required by the ABA and Pacific McGeorge. It is critical to your success. Therefore, attendance will be taken for each class. Each student is allowed ONE unexcused absence. More than one will result in a lower grade. If you are ill, injured, have a medical appointment, or are unable to attend class for some other very good reason, you must notify your professor before class. This will count as an excused absence. Each student will be allowed ONE excused absence, unless the professor approves of additional absences ahead of time. Exceeding the permitted number of absences will result in a lower grade.

Since we are all professionals, we expect that students will be in class on time and that assignments will be submitted on time. Late assignments will not be counted, and excessive late arrivals to class will result in a lower grade.

5. Written Assignments and Examinations

Written assignments, including those listed below, will be given throughout the course. Not submitting a written assignment will result in a lower final grade. There will be a graded midterm examination on **Friday, March 11 at 6:15 p.m.** (locations to be announced) and a final examination on Wednesday, May 11 at 6 p.m. The midterm is worth 25% of your grade.

Plagiarism of written assignments and/or graded exams violates the Code of Student Responsibility and carries sanctions up to and including an automatic failing grade, expulsion, and a report sent to the relevant state bar moral character committee. Please be careful to avoid these situations.

6. Schedule of Assignments

Each reading assignment contemplates that students will carefully read the material before the listed class and will prepare a written brief of all cases in the assignment. Where noted in this syllabus, or assigned by the professor, students will turn in copies of their written briefs. Otherwise, written briefs are solely for the students' use.

When no reading assignment is listed for a particular class, unless otherwise instructed, you should review the reading assignment for the previous class, review your notes, and work on your outline for the course.

SCHEDULE OF ASSIGNMENTS

| Week & Class | Reading | Other Assignments or Tasks |
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| 1. Jan 10-14 | | No class meetings. Pick up <i>Self-Assessment Survey</i> at FSO, complete, and return to FSO by 4 p.m., Thursday, Jan 13. Pick up and read carefully "Legal Skills for Law School & Legal Practice." |
| 2. Jan 17-21 1 st hour (Note: no class on Jan. 17) | "Legal Skills for Law School & Legal Practice" handout | Be prepared to discuss and complete a quiz on the 10 skills needed for success in law school and beyond. Learning Objective: Demonstrate ability to articulate the importance of each skill. |
| 2 nd hour | 1-9 | Writing Exercise 1 (homework) – prepare brief of <i>Heims v. Hanke</i> . Turn in copies at the beginning of class. Retain originals for discussion. Discuss case briefing and note-taking. Learning Objectives: Demonstrate ability to (1) identify the key facts; (2) state the issue as a legal principle; (3) identify the key legal rules; and (4) analyze the key facts and rules in a short brief of the case. |
| 3. Jan 24-28 1 st hour | 10-20 | Writing Exercise 2 (homework) – prepare brief of <i>Townsend v. State of California</i> . Turn in copies at the beginning of class. Retain originals for discussion. Discuss case briefing and critical reading of cases. Learning Objectives: Same as above. What are the two bases for the <i>Townsend</i> decision? Which rule in <i>Townsend</i> is not needed in your brief? Be able to analyze the R220 factors and decide who is a servant (employee) and who is an IC. |

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| 2 nd hour | 21-40 | Learning Objective: Demonstrate ability to identify 3 exceptions to the rule that employers are not liable under respondeat superior for torts committed by ICs. |
| 4. Jan 31-Feb 4 1 st hour | | Writing Exercise 3 (20 minutes in class). Learning Objectives: (1) Demonstrate the use of IRAC in exam writing; (2) apply Chapter 1 material to a fact pattern; (3) demonstrate ability to fully analyze a legal issue; and (4) understand how well your answer compares to the sample answer. |
| 2 nd hour | 41-52 | Writing Exercise 4 (45 minutes – homework). Learning Objectives: Same as above for writing exercise. For reading: Understand when an employee is in the scope of employment. What is the “going and coming” rule? |
| 5. Feb 7-11 1 st hour | 53-62 | Turn in homework at the beginning of class. Class will be divided into teams to report on cases. Learning Objectives: Same as above for writing exercise. For class work: Demonstrate ability to work in teams. |
| 2 nd hour | 62-72 | Learning Objective: Same as above. |
| 6. Feb 14-18 1 st hour | | Writing Exercise 5 (60 minutes – in class) – take practice exam on the material in Chapters 1 and 2. Learning Objectives: (1) Demonstrate skill in writing good essay exam answer; and (2) demonstrate solid grasp of respondeat superior concepts and scope of employment rules in Chapters 1 and 2. |
| 2 nd hour | 73-79, including problem | Learning Objectives: (1) Understand the concept of Enterprise Liability; and (2) articulate the policy reasoning for it. |
| 7. Feb 21-25 1 st hour (Note: No class on Feb. 21. Feb. 22 is treated as a Monday.) | 79-90 | Learning Objectives: (1) Articulate the first rule for Enterprise Liability as stated in <i>Bushey</i> ; and (2) be able to distinguish <i>Mary M.</i> from <i>John R.</i> |
| 2 nd hour | 91-104 | Learning Objectives: (1) Reconcile <i>Lisa M.</i> with <i>Mary M.</i> and <i>John R.</i> and (2) understand the policy arguments of no liability in <i>John R.</i> and <i>Lisa M.</i> , but liability upheld in <i>Mary M.</i> |

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| 8. Feb 28-Mar 4 1 st hour | 104-115 | Learning Objective: Demonstrate how the Court of Appeal reconciles the above cases in an interesting road rage case. What tests were used? |
| 2 nd hour | 116-126 | Writing Exercise 6 (homework) – finalize outline for Chapters 1 - 3 and turn in copy before class. Learning Objective: Understand the concept and rules involving borrowed employees. |
| 9. Mar 7-11 1 st hour | | Discuss outlining and prepare for review of Chapters 1 - 4. Learning Objectives: (1) Demonstrate solid skills in making an effective outline; and (2) demonstrate knowledge of material in Chapters 1-4. |
| 2 nd hour | | Prepare for midterm exam to be given on Friday, Mar 11 , at 6:15 p.m. Locations TBA. |
| 10. Mar 14-18 1 st hour | 127-137 | Learning Objectives: (1) Understand how an agency relationship is created in a business/contract setting; (2) understand why Agency law is important to your client. |
| 2 nd hour | 138-148 | Learning Objective: Be able to articulate the difference between express and implied authority. |
| Mar 21-25 No classes | | Spring Break |
| 11. Mar 28-Apr 1 1 st hour | 149-162 | Discuss exam writing techniques using the midterm exam. Learning Objectives: (1) Be able to articulate the difference between actual and apparent authority; (2) understand the many examples of apparent authority. |
| 2 nd hour | 162-173 | Learning Objective: Same as above. |
| 12. Apr 4-8 1 st hour | 173-181 | Learning Objective: Same as above. |
| 2 nd hour | 182-183 | Learning Objectives: (1) Understand how ratification can help your client; (2) understand the several ways that a contract can be ratified. |
| 13. Apr 11-15 1 st hour | 184-190 | Learning Objective: Same as above. |
| 2 nd hour | 190-197 | Learning Objective: What additional element in ratification law is added by the <i>Siener</i> case? |

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| <p>14. Apr 18-22 1st hour</p> | | <p>Review previous final exam. Learning Objective: (1) Review the organization and writing techniques of a Sample Exam Answer prepared by the professors; (2) understand what facts raise certain issues; (3) understand how to apply Agency law to a fact pattern.</p> |
| <p>2nd hour</p> | | <p>General review of materials.</p> |
| <p>15. Apr 25-26 1st hour (Note: Last day of class is April 26.)</p> | | <p>General review of materials.</p> |