

Legal Aspects of Engineering

A general survey of topics in law relevant to students' personal and professional lives, specifically the practice of engineering, computer information science and business.

Text: Miller, Roger LeRoy, and Jentz, Gaylord A. Business Law Today The Essentials, 10th Edition: South-Western Cengage Learning 2014, 2011 ISBN-13: 978-1-133-19135-3

Instructor: Marion Ranft Tuttle J.D. (New York Bar Only) E-mail: marion.tuttle@njit.edu

Office hours: Before & after each class

Home Phone 973 962 7221

Power Point Slides covering the lecture topics and assignments are posted on MOODLE

Grades: Midterm 25 %; Term Paper 30 %; Final 30 %; Class Participation & Homework 15 %

The NJIT Honor Code will be upheld and any violations of the Honor Code will be brought to the immediate attention of the Dean.

The instructor will consult with students and must agree to any modifications or deviations from the syllabus throughout the course of the semester. The normal turnaround time for exams and assignments to be graded and returned is two weeks after due date.

Syllabus

<u>Week</u>	<u>Topic</u>	<u>Text Chapter(s)</u>
1	Introduction to the US Legal Systems, Court procedure & legal research, ADR	1, 2, 3
2	Ethical considerations in professional decisions,	2, 3
3	Torts, Crimes	4, 6
4	Introduction to contract law	7, 8, 9,
5	Analysis of contracts	8, 9
6	Sales: UCC Contracts	10, 11
7	Warranties, Product Liability	12
8	Cumulative Midterm TEST	1 -4, 6-12\
9	Negotiable Instruments; Commercial Paper, Mortgages (<u>Last day for submission of <i>optional draft</i> term paper</u>)	13, 14. 15. 16
10	Agency, Employment Law	17, 18
11	Choice of Business Structure <u>TERM PAPER DUE</u>	19, 20, 21
12	Personal Property; Real Property, Environmental Law	23, 24
13	Intellectual Property Law,	5
14	International Law; Review	25
15	Final to be scheduled by Registrar	

IE 447 Term Paper

A term paper (equivalent to 12 pt Times New Roman typeface, 10-pages, double-spaced) must be submitted by

11th week of the semester

Late submission will result in reduction in student's grade.

NOTE: All topics must be personally approved by the instructor – preferably by the third or fourth week of the semester.

I understand that this type of legal research is new to you so you may – entirely at your own discretion – submit a draft term paper to me. I will review and correct/make suggestions and return it to you. This review will have no effect on your grade (unless of course you follow my suggestions, add additional information that I ask for and or change the things I indicate need changing etc.)

The optional draft term paper must be submitted by the 9th week of the semester.

Since engineering, computer science, indeed almost any field of employment in the real world inevitably involves disputes between and among various parties, a knowledge of the legal system in which such disputes will be settled [if the parties cannot resolve things amicably] is essential. I would like this course to give you the personal resources to do a bit of preliminary research on any topic that requires a familiarity with the system of law in the United States, a system that gives weight to both the prior decisions on similar questions of relevant courts and the statutes and rules passed by the various legislative bodies in the relevant jurisdictions. Of course there is no substitute for consulting an attorney, but at least if you do some research first, you will not be paying \$250/hour to find out you have no case.

Under the theory that a student who is personally interested in his/her topic will spend more time and get more out of the assignment, I have decided that you may each pick your own topic. I would suggest that you choose a question, problem or situation that interests you – one that is relevant to your business and/or personal situation.

Using basic legal research tools, determine and explain the specific nature of the “legal” problem, what “statutory and/or case law” applies, how a court would (probably) rule on the matter, what steps should be taken to avoid complications, etc. You may write from the point of view of a particular party to the dispute, as the judge, as an employee explaining to the boss how to alter business practices to avoid legal complications; whatever works. With respect to your analysis and judgments, let me make one point perfectly clear:

Failure to include a complete list of your sources is plagiarism and will result in a grade of “F”.

Each paper must include a complete bibliography with all books and articles noted, as well as a list of cases cited. This information must **also** be included at the appropriate place in the text in either **footnotes or endnotes**.

IF YOU QUOTE DIRECTLY FROM ONE OF YOUR SOURCES, QUOTATION MARKS AND AN APPROPRIATE FOOTNOTE OR ENDNOTE MUST IDENTIFY THE QUOTATION. If you have merely summarized information you have read, then quotation marks are, of course, unnecessary, but you must include a [foot or end] note, identifying the source of the information you are paraphrasing or summarizing. **IF YOU DID NOT KNOW THE INFORMATION TODAY, THAT IS, BEFORE YOU RESEARCHED THE PAPER, THEN YOU MUST ATTRIBUTE THE STATEMENT TO YOUR SOURCE** by means of a footnote or endnote. **The source information must also be repeated in the bibliography or list of cases cited.**

As indicated above, any omission is plagiarism and the mandatory “F” will automatically follow. **THERE WILL BE NO EXCEPTIONS.**

One last point: many students present long, rambling papers describing the situation, a few paragraphs paraphrasing one or two legal citations and no **PERSONAL ANALYSIS** of the crucial elements of the case. The description of the problem generally requires only a page. The rest of the paper should be a thorough documentation of the case law on related or similar problems. In addition, your personal judgment as to the appropriate final decision, as well as the reasoning that led to that conclusion is essential and will be a vital part of your grade.

Style of citation is discussed in the handout on research.

You will be graded on both content and grammatical presentation with an emphasis on the thoroughness of your research and the clarity and logical progression of your analysis.

Research

Since as explained in the first classes, the basis of the legal system in the United States is a combination of statutes and rules passed by the various government authorities as well as the precedent value of prior legal opinions in relevant jurisdictions, legal research is more complex than merely reviewing a bunch of laws.

Evidence submitted to a court must be the “best evidence,” that is, the original not the copy, statements about what you said, not what you heard someone else say, etc.

There is a similar requirement for research: you must find your information on primary sources, if at all possible.

Although there is a place for secondary sources, since all information relied upon must be both accurate and up to date, it is critical to insure that you are using reliable web sites, i.e. those that are credible, up-to-date and objective.

**WIKOPEDIA IS NOT A PRIMARY SOURCE
and should not be the basis for your research.**

For investigative and business research, search engines are useful (Ask.com, Google, etc), but for those doing legal research (case law, statutory and regulatory law) the number of search engine results make it difficult to find and/or to evaluate reliability. Using sites that are authorized to print original case decisions and statutes for your research obviously avoids a multitude of problematic re-checking of private versions of what the law is in a particular instance.

*Note: There are “real books” (? does anyone still read them?) available in Rutgers Law Library, the libraries of many of the state colleges, the State Bar Association Library, county courthouses, etc. where this information can be found. You may use the Rutgers and Seton Hall law schools, the state universities and the county court house libraries. In many ways, books may be a simpler place to conduct your search.

For Internet web research, the NJIT library subscribes to the LEXIS system which has available almost all original case law and statutes for federal and state government. Another valuable paid site is the WESTLAW site.

In addition, there are a number of free sites that offer valuable information, including the Rutgers Camden law school site.

<http://www.findlaw.com> is one of the most popular and easy to use sites for general information, BUT IT DOES NOT SPECIFICALLY COVER NJ.

<http://www.lexisone.com> is a partially free and partially pay site (requiring registration) with full-text searchable case law databases. – the free portion only includes information for the past five years, except in the case of Supreme Court decisions that are complete.

<http://www.law.cornell.edu> has a searchable database and an internal search engine that searches its “Law about” section which has pop-up screens listing more legal topics and a link to “all topics alphabetically.” This site also has a “Law of” section for all fifty states [http://www.law.cornell.edu/topics/state_statutes.html]

FEDERAL:

Free access to searchable databases for the United States Code:

<http://www.uscode.house.gov/usc.htm> or the Cornell site [/uscode]

For regulatory law:

<http://www.gpoaccess.gov/executive.html>

United States Supreme Court

The official site [supremecourtus.gov] does not have a searchable database

You may use lexisONE <http://www.lexisone.com> or

Find Law <http://www.findlaw.com/casecode/supreme.html>. These two sites may also be use to search for Court of Appeals decisions. There is no free searchable database for the Federal District Courts.

NEW JERSEY:

Rutgers law school's site is the most complete and well-annotated list of links to NJ state government and legal research websites:

<http://law-library.rutgers.edu/ilf/ilg.html>

For links to NJ Supreme Court, Appellate, Trial, Municipal and Tax Courts see

To begin your search at njcourtsonline.com you may use a keyword search using the internal search engine, click on links on the home page or click on the drop-down menu.

An archive of NJ Supreme, Appellate Division and Tax Court opinions for the last nine years or so:

<http://lawlibrary.rutgers.edu/search.shtml#search>

Federal Courts covering NJ (again only 9 years or so):

3rd Circuit Court of Appeals:

<http://www.ca3.uscourts.gov/indexsearch/archives.asp>

You might also want to look at:

<http://www.law.vill.edu>

<http://www.lawguru.com>

<http://www.law.indiana.edu>

<http://www.ljx.com/>

<http://www.nolo.com>

<http://www.yahoo.com/Government/Law/>

<http://www.findlaw.com>

Citations for Footnotes and/or Endnotes

ALL CASES MUST BE IDENTIFIED IN THE TEXT AND IN THE FOOTNOTES OR ENDNOTES, AS WELL AS THE LIST OF CASES CITED AT THE END OF YOUR PAPER. IDENTIFICATION MUST INCLUDE THE YEAR AND COURT AS WELL AS THE CASE ID DESCRIBED BELOW.

Cases (decisions by judges deciding legal disputes in courts) are identified by the title of the book, but not by the publisher. Thus, the "correct" citation of Roe v. Wade (the abortion decision decided 36 years ago) is

Roe v. Wade, 485 U.S. 328, {xxx}, 1973,

that is, Plaintiff (Roe – the made-up name of the woman in whose name the case was brought) **v. Defendant** (Wade – the attorney general who represented the state of Texas),

volume (485), **book** (U.S. – the official name abbreviation of the book that reports all of the cases of the U.S. Supreme Court), **page** (328 – the first page of the report.) In footnotes, this information would be followed by the exact page where your quote or paraphrased information appears.) The last number is the **year** in which the case was decided (1973.)

In addition to the above information, if you have found the case in a book other than the official reporter or on a website, this information must be included.

For example

Roe v. Wade, 485 U.S., 328, 340, 1973, cited in The Abortion Decision That Changed a Nation by John Smith, XYZ Publishing Co., 1980.

If you read the case at a website, you must include the complete address of the portion of the website where you located the case, not merely the basic site address (not www.findlaw.com but the URL)

Remember, if you are not using original material, i.e., actual statutes or case decisions by judges, you must evaluate your sources carefully – anyone can claim to “know” what the law on a specific subject is. Check and double check whether your source has a vested interest in portraying the law in a particular way. Sites such as wikipedia and the like are generally NOT acceptable as the source of information cited as legal precedent – just as “hearsay” evidence is not admissible in court. Many lawyers and/or law firms have websites with information – but these are advertising sites and the information may or may not be accurate. You must utilize the original source whenever possible not someplace where someone is saying they heard someone else or read someone else declaring whatever. If you do not have a primary source for your information, please check and double check and indicate what you have discovered in the paper.

The first lectures explain the setup of the legal system in the U.S., a dual system in which each state is independent and the federal court system which has its own rules -- -- on a tiny minority of cases ever go from the State system (after traversing all three layers of the state system) to the U.S. Supreme Court. Finding the law of New York will not help you at all if your dispute is in New Jersey!

© Marion Tuttle August 2013