

LEGAL STUDIES

The Legal Environment of Business (Business Law 300)

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Description

The Williams College of Business Mission Statement provides that, "We educate students of business, enabling them to improve organizations and society, consistent with the Jesuit tradition." The structure and subject matter of the course already reflects a hearty consistency with the Ignatian philosophy of teaching. BLAW 300 strives to fulfill the WCB Mission Statement by exposing students to both the legal and ethical aspects of business. Course topics include: (1) jurisprudence and the court system, (2) business ethics, (3) business crimes, (4) contracts, (5) torts, (6) business organizations and (7) diversity issues in business. Understanding this business material is critical for managers to successfully navigate the legal challenges they will face during their career. Viewing the material through both legal and ethical perspectives is consistent with the Jesuit tradition.

The course traditionally has used a case-based approach to learn and apply legal principles, as well as using class discussion, team ethics presentations, and a legal research writing assignment. I enrich the material by bringing in articles, some literary and artistic references, and also provide opportunities for the student to earn extra credit by attending guest lectures, especially on socially or ethically relevant topics. However, I have hesitated about being what I view as too "preachy" on such issues. The Ignatian Mentoring program has enlightened me on this concern. It has clarified that it is certainly appropriate to incorporate in the curriculum opportunities for the students themselves to experience and reflect upon issues and topics discussed from a variety of perspectives.

Role-playing and like exercises lend nicely to helping students develop what the author in Jesuit Saturdays coins "sympathetic imagination," a habit of mind in which one has "the capacity and the desire to put themselves into the world and the world view of other people."¹ In this vein, I have developed a series of experiential opportunities, that is, exercises, for the students in which they role play or perform tasks that require them to discern and distinguish data and different approaches, and apply principles learned in class. Additionally, not only through the experience, but also by questions posed to them, briefly outlined here, they should have the opportunity to reflect upon the impact of the processes they used and the decisions or policy formulated. The questions posed for these exercises include both those that evoke legal analysis, but also introspection and reflection. The latter would include:

- How would you react?

¹ Excerpted from a 2/7/93 letter to the Editor, Washington Post, by James Walsh, S.J. concerning Georgetown University Professor Joseph S. Sebes.

- How would you feel?
- How do you think Mr./Ms. X felt?
- What would the company's reaction to this be?
- What strategies could you employ to approach this with the others' viewpoints in mind?
- What dynamics might alter the outcome?
- What are obstacles to your taking your desired course of action? What strategies could you use to overcome them?
- What policies or standards should your organization have in place to address this? How do you insure they are understood and followed?

Downsizing Exercise

In this exercise, the company (me) takes a job action with respect to each of the students. For the student, these range from keeping one's position, to being given a great and apologetic severance package, to being summarily escorted to the door by a security guard. After I hand out the papers containing the students' fates, they have a chance to discuss in small groups, and then in a large class group, how they feel about the actions, and the possible reasons for them. They would also discuss not only legal considerations but also humanitarian and ethical approaches to terminating employment.

Sexual Harassment Policy/Ethics Code Diversity Exercise

In these exercises students are asked to develop a Sexual Harassment Policy, and on a separate occasion, an Ethics Code. In the course, through readings and cases, they will have gained exposure, and hopefully an appreciation of the necessity for such a code or policy, as well as the components of an effective one. Allowing them to develop a policy in a class setting in small groups by collaborating should enhance their understanding. To add flavor to the exercise, having students adopt a different corporate role (Human Resources officer, CEO, new employee, disabled employee, non-US native and the like) should help bring home different perspectives and the need for such developing policies which embrace a variety of concerns and input. (This last exercise builds in part from a student team project.)

Continuing Efforts

In this vein I plan to continue using two exercises that relate to criminal law, each of which has been well received. However, I plan to add the introspective/reflective component described above. The two exercises are as follows.

Grand Jury Subpoena

The students are asked to be legal counsel for “Harry Smith”, who has been served with a grand jury subpoena concerning possible corporate fraud. Through this scenario, which develops into a series of unfortunate choices by Harry (and usually by the students!) students get to apply not only legal principles to which they have been exposed through reading and lecture (search and seizure, constitutional rights, privilege, pre-trial discovery). They also have the chance to examine and experience the legal processes from the perspective of the client, the attorney, the business victim, and the prosecution.

State v. MacNab

This is a second exercise related to criminal law, but focuses on the post-indictment and trial phase of the proceedings. Through a real case, captured on video by ABC NEWS, the students see behind the scenes what it is like to be a criminal defendant, a victim, a defense counsel, and a prosecutor. Students then experience for themselves what it is like to be a juror, as they are called upon to decide MacNab’s fate on a vehicular manslaughter charge arising from the death of his cousin when he was behind the wheel.