



THE LEGAL ENVIRONMENT OF BUSINESS

Meiners • Ringleb • Edwards

12TH EDITION



THE LEGAL ENVIRONMENT OF BUSINESS

TWELFTH EDITION

ROGER E. MEINERS

University of Texas at Arlington

AL. H. RINGLEB

Consortium International MBA

FRANCES L. EDWARDS

Clemson University



Australia • Brazil • Japan • Korea • Mexico • Singapore • Spain • United Kingdom • United States

**The Legal Environment of Business,
Twelfth Edition**

Roger E. Meiners

Al. H. Ringleb

Frances L. Edwards

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Jack W. Calhoun

Vice President, General Manager, Social
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Audrey Pettengill

Rights Acquisition Specialist, Text and Im-
age: Anne Sheroff

Manufacturing Planner: Kevin Kluck

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200 First Stamford Place, 4th Floor
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USA

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*Dedicated in honor of E. M. "Manny" Rosenthal
who provided so much for so many by his business and civic leadership.
Roger E. Meiners*

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Preface

Knowledge of the legal and regulatory environment of business provides practical background for students in many careers. There are legal, social, political, and ethical issues in every profession. Some situations require an understanding of the principles of law to help resolve an issue or to know when legal counsel is needed.

This textbook presents the legal environment from the perspective of the professional who is not a lawyer. Only a few students who take this course will become lawyers, although some students may take additional classes that cover specific legal areas. This course provides the opportunity for people with various interests to learn key points of the law from the standpoint of a working professional.

Over the years, we have received excellent feedback from professors and students who have used the 11 previous editions of this book and have pointed out shortcomings and strong points, and given good advice for improvements. We have taken these comments into account in preparing this edition to make the book even more helpful and practical as we study the complex legal environment that business professionals face.

Essential Organization

In developing a one-semester course in the legal environment of business, you face the problem of determining what to cover in a short time. So many topics; so little time. There is agreement that the key elements of the legal system must be covered. This is done in Part 1 of the book, *Elements of Law and the Judicial Process*. Parts 2 and 3 from previous editions have been reorganized into three separate parts in this edition to offer a better flow of content. Part 2, *Elements of Traditional Business Law*, reviews the major areas of the common law that apply to business and statutory law that is oriented to business functions. The new Part 3, *The Employment Relationship*, addresses a part of the business environment that applies to everyone—employment laws. Part 4, *The Regulatory Environment of Business*, covers the major regulatory laws that managers of different firms may face and reviews major points of international business law.

Key Features

Edited Cases

A primary way to learn law is to read real cases that the courts had to resolve. Each major case presented in the text has the background facts and legal proceedings summarized by the authors under the label **Case Background**. Then, the court's holding, legal reasoning, and explanation of the law as it applies to the facts at hand are presented from the published opinion in the words of the judge in the **Case Decision**. Because most decisions are long, we present only the key portions of the holding. When there is a long deletion of material from a holding, you see asterisks (***). When the deletion of the logic in a decision is shorter, there are ellipses (...). Finally, **Questions for Analysis** are offered for the reader to consider or for class discussion. (Answers are provided in the *Instructor's Resource Guide*).

Test Yourself

This learning and review tool appears at least twice in each chapter. It provides the student with a quick self-test of material just covered. There are multiple choice,

true–false, and fill-in-the-blank questions. They are intended to cover major points in the chapter, not picky details, so if the reader misses questions, the material should be reviewed.

International Perspectives

These boxed features discuss how issues similar to those being reviewed in the text are handled in other countries. As globalization reaches more businesses, managers must know how to deal with different legal systems and cultures. This feature makes clear that legal constraints are different in other nations. Managers must be prepared to resolve problems in different ways in different locales in today's complex legal environment.

Issue Spotter

More than 50 Issue Spotter features are scattered throughout the text. Each briefly presents a business situation that requires application of legal elements just covered. These challenges are a way for students to self-test their retention and ability to reason as they apply newly learned principles to practice. They also remind readers that the material learned in this course is practical and applicable to everyday issues in business. (Discussion points related to these features are provided in the *Instructor's Resource Guide*).

Cyber Law

This feature presents short discussions of applications of the law to developments arising from the information age. E-commerce and e-mail mean legal issues for the courts to resolve as they apply legal principles to never-before-heard-of ways of doing business, transmitting information, and communicating with friends and strangers.

Lighter Side of the Law

These highlights add a light touch to the topic at hand by discussing an actual case or unusual legal situation. While law and business are serious, odd things happen that remind us that trouble can come from unexpected places, that the results of the legal process can be surprising, that scoundrels are among us, and that truth can be stranger than fiction.

Summary

The text of each chapter is summarized in a bulleted format that provides a quick review of the major points of law and rules covered and serves as a self-test of points to be included in examinations.

Terms to Know

After the Summary, there is a list of key terms from the chapter. The reader should know what the terms mean as they are an important part of the vocabulary and substance of the concepts covered in the chapter. Besides being explained in the chapter, each term is also defined in the Glossary at the end of the book.

Discussion Question

Every chapter has a question for general discussion related to major ideas from the chapter. The purpose is to make sure students understand the concepts of the chapter well enough to discuss a topic that was covered and should be expanded upon.

Case Questions

Most problems are solved, but some end up in court where judges decide the resolution based on legal principles. Real case problems are summarized in each case question.

Using the knowledge from the chapter, and maybe some instinct about how a court is likely to resolve a dispute, try to decide which party to a dispute is likely to prevail and why. Some of the questions (marked by a “Check your answer”) are answered online at the free companion website at www.cengagebrain.com.

Ethics Question

Each chapter ends with an ethics question that poses a problem related to the legal area covered in the chapter. Remember that ethical issues are different from legal issues, so we go beyond legal reasoning in considering the problem.

Pulling It Together

At the end of the four major sections of the text, several case questions are posed that bring together more than one legal issue covered in more than one chapter. Many situations involve more than one legal issue, so the cases here serve as a refresher to remind students of earlier material and pull in concepts covered there along with legal principles covered in another chapter.

Glossary

At the back of the book is a list of about a thousand key terms covered in the text. The terms are defined here to provide a clear understanding of a legal concept that has a specific application in law.

Appendices

Appendix A is on *Legal Research and the Internet*. Appendix B covers *Case Analysis and Legal Sources*. It explains the structure of court opinions and how they are often briefed by law students and lawyers to give a short summary of a complex matter. The case reporter system and other major legal resources are also reviewed. Appendix C is the full text of the United States Constitution. Appendices that follow give key portions of major statutes, including the Uniform Commercial Code, the National Labor Relations Act, Title VII of the Civil Right Act of 1964, the Americans with Disabilities Act, the Anti-trust Statutes, and Securities Statutes.

New to This Edition

Our reviewers agree that this text focuses on practical aspects of the law. We try to keep to a minimum the legal minutia, such as uncommon exceptions or rules peculiar to only a few states. We focus on primary rules and issues that arise most often. We use business situations and examples to highlight legal principles in practice. In selecting cases that appear in the text, the focus is on practical situations in business that students can best relate to and are realistic in a business career. The holdings are straightforward applications of the law to the facts. However, some major cases are included so students can get a sense of how courts announce major rules, and the evolution of law can be discussed.

While the entire text is revised for updates and clarifications, examples of specific changes include:

Chapter 1, clarification of the wide scope of federal criminal law;

Chapter 2, a new case illustrates multiple issues in jurisdiction in a business case;

Chapter 3, how Twitter use can be construed as juror misconduct, the use of online arbitration in Europe, and how global arbitration works in the cotton market;

Chapter 4, new cases illustrate due process and equal protection in business situations;

Chapter 5, a new investment scam case illustrates use of sentencing guidelines;

Chapter 6, gross negligence is clarified, and new cases illustrate assumption of risk and emotional distress in business settings, and another new case discusses the privilege of an employer to share negative information about an employee;

Chapter 7, new cases show how interference with contracts occurs in ordinary business situations;

Chapter 8, new cases help explain how covenants work in property development, and how nuisance law is applied in residential property in a case involving wind turbines;

Chapter 9, enhanced discussion of domain name control and a case involving playing of music without a license on a radio station illustrate copyright issues;

Chapter 10, new cases on contract acceptance and on non-competition agreements;

Chapter 11, the issue of whether the UCC or the common law of contracts applies is reviewed in a new case, another case illustrates how courts settle unclear terms in a contract, and another case involving QVC, a shopping channel, shows how damages are calculated when defective goods are delivered;

Chapter 12, on business organizations, is moved up in sequence and new cases include how a partnership may be formed without formal recognition, as reviewers suggested, and a new review of close corporations and benefit corporations is provided;

Chapter 13, on negotiable instruments, credit, and bankruptcy, is moved back in the sequence, with new discussion of web-based credit scoring as well as new cases showing how mechanic's liens function and on bank liability when an employee abuses check signing privileges;

Chapter 14, the first chapter in the three chapter sequence on agency and employment, has been reorganized as a result of the change in structure and has a new case illustrating the relatively common problem of an employee exercising apparent authority in business dealings not approved by the principal;

Chapter 15 has a simplified discussion of OSHA and a new case showing how it works, and includes new information on social media in the workplace, including limits on employer rights to access employee social media sites;

Chapter 16 contains an updated discussion of employment discrimination law in practice, including a new case that illustrates accommodation for disability in the workplace;

Chapter 17 opens the last section of the text by covering regulatory law procedure, including two new cases that give examples of requirements in practice;

Chapter 18, on securities regulation, has been moved up as suggested by some reviewers and is freshened in its coverage of changes in the requirements in this area;

Chapter 19 updates coverage of consumer protection law and includes a new FTC case that illustrates a "wealth creation" scam;

Chapter 20 shows how the complex antitrust case process may now be aided by computer programs that sort documents;

Chapter 21 includes several new environmental law cases, including a 2013 Supreme Court case regarding application of the Clean Water Act and another case illustrating the international reach of the Endangered Species Act;

Chapter 22 freshens and simplifies the discussion of international business transactions.

Ancillaries

Companion Website

To access additional course materials, including CourseMate, please visit www.cengagebrain.com. At the CengageBrain.com home page, search for this book using the search box at the top of the page. This will take you to the product page where many resources can be found. The book companion website offers answers to selected chapter-ending Case Questions, an interactive quiz with multiple choice questions for each chapter in the text, and case updates.

Instructor's Materials

The electronic *Instructor's Resource Guide* has been revised. As before, it answers all questions in the book. It also provides a detailed outline of each chapter, summarizing the content of the text, including all cases. The instructor can refer quickly to this guide to remember the points that students have covered in the text. The guide also provides numerous additional summarized cases that the instructor can use to illustrate key points of law. Additional material, such as more discussion of certain points and examples of the law in practice, is provided as lecture and discussion enhancements.

The updated electronic *Test Bank* contains true-false questions and more than 6,000 multiple choice questions, totally more than 10,000 available questions. Many questions based on fact have been added to test critical thinking ability. The Test Bank questions vary in levels of difficulty and meet a full range of tagging requirements, so instructors can tailor their testing to meet their specific needs. The Test Bank is available online in Cognero. Cengage Learning Testing Powered by Cognero is a flexible, online system that allows you to:

- author, edit, and manage test bank content from multiple Cengage Learning solutions
- create multiple test versions in an instant
- deliver tests from your LMS, your classroom, or wherever you want

A full set of PowerPoint slides keyed to the text with lecture outlines is also available.

CourseMate

CourseMate brings course concepts to life with interactive learning, study, and exam preparation tools—including an e-book—that supports the printed textbook. Revised for this edition, student study materials and a set of auto-gradable, interactive quizzes allow students to instantly gauge their comprehension of the material. Built-in engagement tracking tools allow instructors to follow students' study activities and assess their progress.

CengageNOW™

CengageNOW™ is an online teaching and learning resource that gives you more control in less time and delivers better outcomes—NOW. Brand new to this edition, CengageNOW for *The Legal Environment of Business* allows instructors to customize additional test and study materials for their students. Written by Ray Teske of University of Texas at San Antonio, each of the 22 chapters provides several categories of multiple-choice questions that stress different aspects of the chapter materials: Chapter Review, Business Hypotheticals, Legal Reasoning, and IRAC. Along with pre- and post-test questions, all quiz content is tagged to specific standards. These online resources ensure that students possess the study materials needed to understand and apply the legal principles covered in the book.

Business Law Digital Video Library

Featuring more than 100 video clips that spark class discussion and clarify core legal principles, the Business Law Digital Video Library is organized into six series:

- *Legal Conflicts in Business* (includes specific modern business and e-commerce scenarios)
- *Ask the Instructor* (presents straightforward explanations of concepts for student review)
- *Drama of the Law* (features classic business scenarios that spark classroom participation)
- *LawFlix* (contains clips from many popular films)
- *Real World Legal* (presents legal scenarios encountered in real businesses)
- *Business Ethics in Action* (presents ethical dilemmas in business scenarios).

For more information about the Digital Video Library, visit www.cengage.com/blaw/dvl. Access for students is free when bundled with a new textbook or can be purchased separately. Students must register for and purchase access to the Digital Video Library at www.cengagebrain.com.

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Roger E. Meiners

Al H. Ringleb

Frances L. Edwards