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## **CONTENT & OPINIONS**

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## FROM THE EDITOR

### A Practical Matter

*Tell Me and I Forget; Teach Me and I May Remember; Involve Me and I Learn—Benjamin Franklin*

As the broader marketplace changes at a dizzying rate, so does classroom learning and the skills that college students need to survive and succeed in life. Artificial Intelligence and the gig economy; telecommuting and sustainability; shifts from productivity-centered to performance-centered metrics—these are just a few of the benefits and challenges of what has been described as the modern “boundaryless world”. In such a mutable landscape, graduates and the businesses that hire them will need not only technical skills and knowledge, but also those intangible capacities that create the greatest value, and separate us from the machines: imagination, intellectual curiosity, emotional intelligence.

Business students of today therefore benefit from a classroom experience that fuels creative invention and reflects the real world. Gone are the days of hour-long monologue lectures, replaced with more active learning that promotes higher-order thinking and generates enthusiasm for the subject matter. Falling behind us are purely knowledge-based examinations that require hours of memorization, in favor of evaluations that focus on problem-solving and critical thinking. Innovations in our teaching are key to involving students in the educational process, ensuring that they will emerge as independent and strategic life-long learners.

In this issue of the *Journal of Business Law & Ethics Pedagogy*, the featured authors provide a number of creative teaching exercises that will effectively involve students in active learning.

In the first article, *Team-Based Learning in the Legal Writing Classroom*, author Carol Bast provides details about a legal studies collaborative program, where students form “law firms” and solve client problems. Professor Bast recounts how such team-based learning (TBL) encourages strategic thinking and creativity among participants; in its social learning aspects TBL also teaches professional interpersonal and communication skills. Through decision-making and “collective and cooperative activity” students gain those benefits which will be of great value to them both in the workplace and day-to-day life.

Author Cristen W. Dutcher immerses us in the process of active learning in her article *Build-A-Business Goes to Grad School: Using Build-A-Business in an MBA Law Course*. By involving graduate-level learners in real-world applications of their knowledge and skill, Professor Dutcher notes the immense benefits to students as they solve problems and make strategic decisions. Covering multiple areas of law—Ethics, Agency, Employment, Contracts, Discrimination, Torts, Intellectual Property and Forms of Business Organization—*Grad School Build-A-Business* is a unique way to cover important content and simultaneously encourage teamwork and communication.

In the article *Nothing to Mock in Mock Trial: An Effective Teaching Tool in a Combined Undergraduate-Graduate Learning Environment for Employment Law* author Kent Miller combines undergraduate and graduate students in an applied knowledge project. Like the exercises of Professors Bast and Dutcher, Professor Miller’s employment law mock trial program focuses on team-based work within a real-world scenario—the latter preferably “ripped from the headlines.”

As experiential style projects like the exercises showcased here become more common, we as educators can easily visualize the immense benefits of such collaborative, social learning. Students are recognizing those advantages as well, and are making meaningful connections between business law content and real-life.

\* \* \*

Christine Ladwig  
EDITOR-IN-CHIEF

# Build-A-Business Goes to Grad School: Using Build-A-Business in an MBA Business Law Course

Cristen W. Dutcher\*

## ABSTRACT

This article investigates the effectiveness of using the Build-a-Business project in a graduate elective law course called Managing in the Legal Environment. Findings indicate that graduate students positively perceive this activity as a useful learning tool. Students participate in the project throughout the semester then complete a written paper to reflect on their interaction with the Build-a-Business project, in which they share their project perceptions and how effective the project was as a learning tool. Student perception data demonstrates the effectiveness of the project. The article recommends the project's use in graduate law classrooms based on the author's successful implementation.

**KEYWORDS:** BUSINESS LAW EDUCATION, MBA, REAL-WORLD EXPERIENCE

## I. Introduction

The importance of putting legal reality into our students' hands in the practice space of the business classroom has been repeatedly recommended in the research of legal studies pedagogy.<sup>2</sup> Through the lens of

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<sup>2</sup> Perry Binder et al., *Teaching Workplace Privacy Issues with a Big Data Group Project*, 37 J. Legal Stud. Educ. 185, 193-195 (2020) (describing a teaching project in which students assume roles as data managers); Cheryl L. Black & Susan L. Willey, *Are Employer Social Media Polices Out of the Spotlight? A Class Exercise to Introduce Changes to the NLRB's Legal Standard for Evaluating Workplace Rules*, 37 J. Legal Stud. Educ. 161, 164-168 (2020) (suggesting a real-life exercise to help students understand and apply labor law concepts); Daniel R. Cahoy & Tonia Hap Murphy, *The Name Game: Merging the Business and Law of Trademarks*, 38 J. Legal Stud. Educ. 37, 38-42 (2021); Cristen W. Dutcher, *Engaging Legal and Ethical Environment of Business Students with Create a Law Days*, 36 J. Legal Stud. Educ. 59, 59 (2019) (citing Caryn L. Beck-Dudley, *The Future of Work, Business Education, and the Role of the AACSB*, 35 J. Legal Stud. Educ. 165, 167-68 (2018)); Elizabeth A. Cameron & Marisa Anne Pagnattaro, *Beyond Millennials: Engaging Generation Z in Business Law Classes*, 34 J. Legal Stud. Educ. 317, 317-20 (2017); Ryan C. Grelecki & Susan L. Willey, *Applying Legal Concepts to Business in a Legal and Ethical Environment of Business Course: The Build-a-Business Project*, 34 J. Legal Stud. Educ. 89, 89 (2017); Bruce W. Klaw, *Deal-Making 2.0: A New Experiential Simulation in Contract Negotiation and Drafting for Business Students in the Global and Digital Age*, 33 J. Legal Stud. Educ. 37, 39 (2016); Tanya M. Marcum & Sandra J. Perry, *Flips and Flops: A New Approach to a Traditional Law Course*, 32 J. Legal Stud. Educ. 255, 255-57 (2015); Shelley McGill, *The Social Network and the Legal Environment of Business: An Opportunity for Student-Centered Learning*, 30 J. Legal Stud. Educ. 45, 46-48 (2013); Tanya M. Marcum & Sandra J. Perry, *It's Not Easy Being Green: Bringing Real Life to the Undergraduate Legal Environment of Business Classroom*, 27 J. Legal Stud. Educ. 81, 82-84 (2010); Susanna Monseau & Nancy Lasher, *It Is Just a Game (of Jews vs. Nazi Beer Pong): A Case Study on Law, Ethics, and Social Media* 31 J. Legal Stud. Educ. 241, 241-43 (2017); Judith Kish Ruud et al., *You've Got a Deal! Using the Film Draft Day to Teach Fundamental Contract Law and Analytical Skills*, 34 J. Legal Stud. Educ. 41, 42-43 (2017); Michael R. Fricke, *HBO for ADR: Using Television's Silicon Valley to Teach Arbitration*, 36 J. Legal Stud. Educ. 359, 361-367 (2019) (discussing teaching alternative dispute resolution using a familiar HBO television show as a realistic example of arbitration); Matt Roessing & Jehan El-Jourbagy, *Engaging Chambers of Commerce: Connecting Business Law Students with Local Business Professionals*, 36 J. Legal Stud. Educ. 333, 336-339 (2019) (suggesting a community-based project to inject real-world application into a business law course); Julie Furr Youngman, *From Remembering to Analyzing: Using Mini Mock Arguments to Deepen Understanding and Increase Engagement*, 37 J. Legal Stud. Educ. 53, 58-66 (2020).

a real-life activity or examples, students gain an understanding of, and ability to use, legal terms,<sup>3</sup> and legal concepts,<sup>4</sup> and gain clarity of the impact of the legal environment on business.<sup>5</sup> At the graduate level, students already have higher education experience,<sup>6</sup> have a firmer focus of career direction based on greater maturity,<sup>7</sup> often are already working,<sup>8</sup> and might already have exposure to legal concepts through a business or law undergraduate major.<sup>9</sup> Therein lies an opportunity to use critical thinking skills by integrating graduate students' past and present knowledge into a real-world experience.<sup>10</sup> This will aid understanding of how the law can be an asset to students professionally.

This paper discusses an established Build-a-Business Project activity as applied in an MBA business law course. Part II discusses the use of the activity at the graduate level and why real-world scenarios such as the Build-a-Business Project are valuable pedagogical tools for graduate students. Part III discusses the learning objectives that *Build-a-Business Grad School* fulfills. Part IV describes *Build-a-Business Grad School* in detail for ease of replication by a legal studies instructor, including the activity plan, assessment, student feedback, and lessons learned about the activity. Part V closes with a summary and invitation to use the author's version of the Build-a-Business Grad School activity in a graduate business law course. Appendices A, B, and C include an activity guide, worksheets and instructions.

## II. Build-A-Business in an MBA Business Law Course

The original Build-A-Business Project (hereinafter the Project) was created by Professors Grelecki and Willey at Georgia State University. The idea was a 2016 Academy of Legal Studies in Business Hewitt Master Teacher Competition winner<sup>11</sup> and was published in 2017.<sup>12</sup> Grelecki and Willey developed the Project as an active learning<sup>13</sup> assignment for the Legal and Ethical Environment of Business course, to help foster undergraduate student communication skills<sup>14</sup> and "deepen student understanding of the significant role the law plays in the

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<sup>3</sup>Susan J. Marsnik & Dale B. Thompson, *Using Contract Negotiation Exercises to Develop Higher Order Thinking and Strategic Business Skills*, 30 J. Legal Stud. Educ. 201, 207-214 (2013) (noting that a real-life contract drafting exercise helps students understand and use legal terms).

<sup>4</sup>Black & Willey, *supra* note 1, at 168 (suggesting that students better understand legal concepts after applying them to real-life scenarios).

<sup>5</sup>Dutcher, *supra* note 1, at 61 (citing Ryan C. Grelecki & Susan L. Willey, *Applying Legal Concepts to Business in a Legal and Ethical Environment of Business Course: The Build-a-Business Project*, 34 J. Legal Stud. Educ. 89, 113 (2017) (a real-life project "...helped [students] understand how legal concepts impact decisions throughout the life cycle of a business and how to conduct a comprehensive risk analysis of a business.")).

<sup>6</sup>Henry Lowenstein, *Advancing Legal Astuteness Skills Through Inductive Learning: An Educational Approach for MBA Students*, 7 S. J. Bus. & Ethics 71, 77 (2015) (noting that MBA students are "seasoned" by the undergraduate degrees that they have attained to gain entrance to a master's level program).

<sup>7</sup>Lowenstein, *supra* note 5, at 76 (noting that MBA students have greater maturity than undergraduate students).

<sup>8</sup>*Id.* (noting that MBA students are often "...actually working as managers or professionals..."); U.S. News Data, *supra* note 6 (demonstrating that 89% of Fall 2016 full-time and part-time MBA students at top U.S. programs have between 4.3 to 6.4 years of work experience).

<sup>9</sup>However, the number of MBA students with a business undergraduate major is declining. See U.S. News Data: MBA Student Demographics, <https://www.usnews.com/education/best-graduate-schools/top-business-schools/articles/2017-03-14/us-news-data-a-portrait-of-the-typical-mba-student> (last visited Oct. 14, 2021) (demonstrating that 36% of Fall 2016 MBA students had business or law as an undergraduate major).

<sup>10</sup>The Association to Advance Collegiate Schools of Business 2020 Guiding Principles and Standards for Business Accreditation 39 (2020) <https://www.aacsb.edu/-/media/aacsb/docs/accreditation/business/standards-and-tables/2020%20business%20accreditation%20standards.ashx?la=en&hash=E4B7D8348A6860B3AA9804567F02C68960281DA2> (last visited Oct. 14, 2021) (judging graduate curriculum based on student experiences of higher-order learning that integrate information creatively).

<sup>11</sup>ALSB Annual Awards 1992-2018, <https://alsb.wildapricot.org/resources/Documents/Awards%201992-2018.pdf> (last visited Oct. 14, 2021).

<sup>12</sup>Grelecki & Willey, *supra* note 11, at 89 (describing a semester long analysis of how various laws affect a student's chosen fictitious business, which the student demonstrates through written communication).

<sup>13</sup>Michael Prince, *Does Active Learning Work? A Review of the Research*, 93 J. Engineering Educ., 223, 223 (2004) (suggesting one definition for active learning is any instructional method other than lecture).

<sup>14</sup>Grelecki & Willey, *supra* note 11, at 90.

creation and regular operation of a business.”<sup>15</sup> The Project involves a semester long assignment, submitted in three papers, which answer questions about how legal concepts apply to a student-created, fictional business.<sup>16</sup> Grelecki and Willey demonstrate that active learning promotes thinking about what you are doing,<sup>17</sup> that active learning has been shown to positively impact student retention and understanding,<sup>18</sup> that active learning includes applying legal concepts to real life scenarios,<sup>19</sup> and that students tend to be more satisfied with learning in active engagement.<sup>20</sup>

The author is a user and promoter of active learning in the legal studies classroom,<sup>21</sup> but could not fit the Project, or its variations<sup>22</sup> suggested by Grelecki and Willey, into an MBA business law course due to its semester-long scope, its undergraduate focus<sup>23</sup>, and its lack of graduate-level practical skills. Thus, the author turned to pedagogical literature on active learning in graduate business law, preferably in an MBA course. Finding only a few publications,<sup>24</sup> the author was continually drawn back to the Project’s core concept of engaging active learning to help undergraduate students understand the impact that the legal environment has on business,<sup>25</sup> and so, the author designed an adaptation of the Project for an MBA business law class.

In the author’s Build-a-Business Grad School Activity (hereinafter the Activity), MBA students in a business law course apply legal topics to businesses of their choice and practice valuable skills required of new graduates by employers.<sup>26</sup> Students individually problem-solve<sup>27</sup> a real-world application of the law to

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<sup>15</sup>*Id.*

<sup>16</sup>*Id.* at 93.

<sup>17</sup>*Id.* at 101 (citing Charles Bonwell & James Eison, *Active Learning: Creating Excitement in the Classroom*, 1 ASHE-ERIC HIGHER EDUC. 1, 3 (1991)).

<sup>18</sup>Jung Hyun et al., *Student Satisfaction on Their Learning Process in Active Learning and Traditional Classrooms*, 29 Int’l J. Teach & Learn in High. Educ., 108, 109 2017 (citing P. Armbruster et al., *Active Learning and Student-Centered Pedagogy Improve Student Attitudes and Performance in Introductory Biology*, 8 CBE: Life Sci. Educ. 203, 211 (2009)); Charles Bonwell & James Eison, *Active Learning: Creating Excitement in the Classroom*, 1 Ashe-Eric High. Educ. 1, 3 (1991); Pascal de Caprariis et al., *Monitoring the Benefits of Active Learning Exercises in Introductory Survey Courses in Science: An Attempt to Improve the Education of Prospective Public-School Teachers*, 1 J. Schol. Teach. Learn. 13, 16-17 (2012); Diane Ebert-May et al., *Innovation in Large Lectures Teaching for Active Learning*, 47 Bioscience 601, 6-5-606 (1997); David W. Johnson et al., *Cooperative Learning: Increasing College Faculty Instructional Productivity* (1991); Steven Jungst et al., *Providing Support for Faculty who Wish to Shift to a Learning-Centered Paradigm in their Higher Education Classrooms*, 3 J. Schol. Teach. Learn. 69, 73-78 (2012); Knight & Wood, *Teaching More by Lecturing Less*, 4 Cell Bio. Educ. 298, 304-305 (2005); Daniel Udovic et al., *Workshop Biology: Demonstrating the Effectiveness of Active Learning in an Introductory Biology Course*, 52 Bioscience 272, 279 (2002); J.D. Walker et al., *A Delicate Balance: Integrating Active Learning into a Large Lecture Course*, 7 CBE: Life Sci. Educ. 361, 365-366 (2008)).

<sup>19</sup>Marcum & Perry, *It’s Not Easy*, *supra* note 1, at 84.

<sup>20</sup>Mehdi Farashahi & Mahdi Tajeddin, *Effectiveness of Teaching Methods in Business Education: A Comparison Study on the Learning Outcomes of Lectures, Case Studies and Simulations*, 16 Int’l. J. Mgmt. Educ. 131, 138-140 (2018) (showing that a sample of business students perceive active simulation as a more effective teaching method than case study or lecture); Hyun, *supra* note 20, at 111-114 (reporting a survey of classes at Seattle Pacific University to show student satisfaction with active engagement).

<sup>21</sup>Dutcher, *supra* note 1, at 64.

<sup>22</sup>Grelecki & Willey, *supra* note 11 at 107.

<sup>23</sup>*Id.* at 90 (describing the Project and its variations as “developed and tested in our sophomore-level [Legal and Ethical Environment of Business] course).

<sup>24</sup>Lowenstein, *supra* note 5, at 76-79 (demonstrating online inductive learning techniques as a form of active engagement in graduate law courses); Peggy Sherman & Nancy Mansfield, *The Graduate Legal Environment Course: A Student-Centered Entrepreneurial Approach*, 19 J. Legal Stud. Educ. 311, 312-317 (2001) (suggesting a student-driven learning method built upon the e-commerce and entrepreneurial interests of the graduate student); Susan Willey & Peggy Sherman, *Mining for Gold: Utilizing SEC Filings to Develop MBA Students Understanding of Legal Concepts*, 27 J. Legal Stud. Educ. 321, 322-329 (2010) (suggesting a pedagogical tool requiring students to research a company using public information such as SEC filings to analyze graduate level legal environment topics).

<sup>25</sup>Grelecki & Willey, *supra* note 11, at 113.

<sup>26</sup>Graduate Management Admissions Council, *Corporate Recruiters Survey 2019 Employability and Business School Graduates* (2019) (a survey of 1,202 employers in Spring 2019) [https://www.gmac.com/-/media/files/gmac/research/employment-outlook/employability-and-business-school-graduates\\_corporate-recruiters-survey-2019.pdf](https://www.gmac.com/-/media/files/gmac/research/employment-outlook/employability-and-business-school-graduates_corporate-recruiters-survey-2019.pdf) (last visited Oct. 14, 2021); National Association of Colleges and Employers *Job Outlook Survey 2020, Key Attributes Employers Want to See on Resumes*, (2020) (a survey of 150 employers in Fall 2019)



their business in writing,<sup>28</sup> then share and discuss<sup>29</sup> their solutions with a group of classmates, giving them practice in teamwork.<sup>30</sup> At the end of the assignment, the groups summarize their findings and share them with the whole class, giving students practice in verbal communication and informal presentations.<sup>31</sup> Students are graded on both their individual written analysis and their group presentations.<sup>32</sup>

In addition to building valuable skills desired by employers, MBA students benefit from the Activity not only by doing<sup>33</sup> real-world active learning<sup>34</sup> and participating<sup>35</sup> with each other, but by creating immediately useful work product and “success stories” as in the Project.<sup>36</sup> The first week of the Activity is creating an Ethics Code of Conduct.<sup>37</sup> In the first semester that the author adopted the Activity, one student created an Ethics Code of Conduct using his current small business employer and after showing it to his employer, the employer used it as a template to adopt a company-wide ethics policy. Other MBA students are entrepreneurs who take the opportunity of learning through the Activity to build upon their business ideas. Companies such as consulting firms, garden supply stores, cafes and non-profit financial resource centers have been honed or started by the author’s MBA business law students, supported or initiated by use of the Activity in class.

Finally, MBA students benefit from the Activity by practicing critical thinking<sup>38</sup> skills in their problem solving. The Activity is designed with the unique circumstances<sup>39</sup> of the MBA student in mind, offering them

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<https://www.nacweb.org/talent-acquisition/candidate-selection/key-attributes-employers-want-to-see-on-students-resumes/> (last visited Oct. 14, 2021).

<sup>27</sup>Graduate Management Admissions Council, *supra* note 28, at 6-8 (finding 87% of employer survey respondents believe problem solving is a most important or next most important skill in graduate level business school hires); National Association of Colleges and Employers, *supra* note 28, (finding 91.2% of employer survey respondents seek problem solving skill on a candidate’s resume).

<sup>28</sup>Graduate Management Admissions Council, *supra* note 28, at 6-8 (finding 38% of employer survey respondents believe written communication is a most important or next most important skill in graduate level business school hires); National Association of Colleges and Employers, *supra* note 28, (finding 77.5% of employer survey respondents seek written communication skill on a candidate’s resume).

<sup>29</sup>Graduate Management Admissions Council, *supra* note 28, at 6-8 (finding 63% of employer survey respondents believe oral communication and presentation skills are a most important or next most important skill in graduate level business school hires); National Association of Colleges and Employers, *supra* note 28, (finding 69.6% of employer survey respondents seek verbal communication skill on a candidate’s resume).

<sup>30</sup>Graduate Management Admissions Council, *supra* note 28, at 6-8 (finding 81% of employer survey respondents believe working with others is a most important or next most important skill in graduate level business school hires); National Association of Colleges and Employers, *supra* note 28, (finding 86.3% of employer survey respondents seek the ability to work on a team on a candidate’s resume).

<sup>31</sup>Jehan El-Jourbagy, et al., *Combining Business Law with Business Theory: An Experiential Classroom Crossover Activity*, 38 J. Legal Educ. Stud. 139, 147 (2021) (stating that classroom activities that include a presentation component help students develop practical presentation skills, which are necessary for employees in today’s business world); Graduate Management Admissions Council, *supra* note 31, at 6-8; National Association of Colleges and Employers, *supra* note 31.

<sup>32</sup>See *infra* Appendix A, Activity Rubric and Presentation Rubric.

<sup>33</sup>Wendy L. Bedwell & Stephen M. Fiore, *Developing The Future Workforce: An Approach for Integrating Interpersonal Skills Into the MBA Classroom*, 13 Acad. Mgmt. Learn. & Educ. 171, 184 (2014) (noting that MBA program emphasis should be on doing rather than knowing, citing Srikant M. Datar, et al., *Rethinking the MBA: Business Education at a Crossroads*, 30 J. Mgmt. Dev. 451, 456 (2011)).

<sup>34</sup>Wiley & Sherman, *supra* note 26, at 337 (arguing that students learn more through active involvement that includes discussion, practice and application of what they’ve learned, citing Karl L. Smart & Nancy Csapo, *Learning by Doing: Engaging Students Through Learner-Centered Activities*, 23 J. Legal Stud. Educ. 169, 177 (2006)).

<sup>35</sup>Robert S. Adler & Ed Neal, *Cooperative Learning Groups in Undergraduate and Graduate Contexts*, 9 J. Legal Stud. Educ. 427, 430 (1991) (arguing that small groups of MBA students involve them actively and encourage participation).

<sup>36</sup>Grelecki & Wiley, *supra* note 11, at 90 (noting that engaging with course content in a meaningful way translates to the potential for student success in the real world).

<sup>37</sup>See *infra* Part IV, 1, A, Activity Instructions.

<sup>38</sup>Lowenstein, *supra* note 5, at 74 (defining critical thinking as “...skill sets that enable the student to examine problems from a multi-dimensional/multi-faceted perspective, which lead to the development of effective problem solutions.”).

<sup>39</sup>Charlotte Houke, *Designing and Using Projects with Real World Application in an MBA Managerial Accounting Class: The Case of the Balanced Scorecard*, 13 J. of Learn. in Higher Educ. 33, 34 (2017) (noting that “The common denominator among MBA students is that they are

useful and practical scenarios to prepare them for what their professional reality already encompasses and helping them apply their active learning business law classroom experiences to the workplace.<sup>40</sup>

### **III. Build-A-Business Grad School Learning Objectives**

In the Build-a-Business Grad School Activity, students achieve the learning objectives of constructing an ethics code of conduct for a chosen business, evaluating how various areas of the law can affect their chosen business, and preparing and delivering effective informal written and oral business communications.

A. In the Activity, students are asked to weigh the ethical implications of business decision-making and construct an ethics code of conduct for a chosen business. The author agrees with Grelecki and Willey's suggestion that having students complete an ethics component to their Activity brings ethics "out of the philosophical clouds and into business reality," and helps students to learn to "go beyond an 'obey the law' moral minimalist approach to ethics." Writing an ethics code of conduct also responds to societal calls for companies to help curb unethical employee behavior by establishing clear norms of ethics expectations.

B. The Activity helps students to reflect on course content and evaluate how various areas of the law can affect their chosen business. For eight weeks of the semester, students answer questions about a legal content area after the content is discussed in class. Like Grelecki and Willey's Project, the Activity questions probe students to consider how that specific area of the law could affect their chosen business, and how various legal issues are fundamental to consider in the operation or management of a business. By engaging with the law, business organization, and business management, students better comprehend the law's impact on business.

C. Unlike Grelecki and Willey's Project, which requires only written communication of assignment objectives, the author's Activity requires students to prepare and deliver effective informal written and oral business communications. Written and oral communication skills are characteristics that employers continually seek in new graduates and rate as essential or required skills. They are categorized as "soft skills": intangible attributes that include interpersonal skills, communication ability, personal qualities and attitudes. Scholars have noted employers' increased prioritization of soft skills in MBA graduates and recommended the engagement of soft skills in the MBA classroom. Even MBA students themselves recognize the importance of gaining communication skills before graduating. The Activity's written communications follow a variation of Grelecki and Willey's Project, while still maintaining their Project's original intent of helping students improve communication skills through a series of pre-prepared writing assignments. However, the Activity's oral communications are conducted informally, without much preparation or forethought, allowing students to practice spontaneous business communication. Despite the informal nature of this act, students are expected to use oral communication that is still professional, clear, concrete and brief. The practice of written and oral communication skills in the Activity may also counter employers' perceived problems with the current generation's inability to communicate interpersonally as opposed to digitally.

### **IV. The Build-A-Business Grad School Activity**

#### ***A. Activity Plan***

##### **Business Choice and Worksheets**

The Activity begins with students selecting a business relevant to their own career goals and aspirations upon which to apply law topics as they are covered during the course. The business choice can be a fictional creation, an entrepreneurial goal, the student's current employer, or a company that the student is

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working professionals that desire to enhance their career and future opportunities."); *id.* at 76 (suggesting MBA students are usually actively working as managers or professionals who face daily real-world problems and operate on a higher-thinking level thanks to years of higher education experience).

<sup>40</sup>Houke, *supra* note 41, at 34 (suggesting that multi-faceted, applicable learning experiences for MBA students continue beyond the classroom into workplace application).

interested in for career purposes or curiosity. Like Grelecki and Willey and other scholars, the Activity uses a singular company throughout the course and seeks to have students connect personally with the assignments. However, in the Activity, the business can be a company already in existence, allowing MBA students to use a business on their already chosen career path, making the Activity an investment in the students' passions.

The Activity uses a series of worksheets, spaced throughout the semester, to guide students in applying different areas of the law to their chosen business. A single area of the law is covered in the Activity in one class meeting, for a total of eight areas of the law covered overall. The worksheets are multiple question assignments, derived from a variation of the Project, on the law topics of Ethics, Agency, Employment, Contracts, Discrimination, Torts, Intellectual Property and Forms of Business Organization. These topics cover half of the semester's weekly course meetings, to allow time for examinations and other course objectives to occur. As suggested in a variation of the Project, when the author taught a small sized class of 6 students, time was given to complete the worksheet in the same class where the law topic was discussed, while the topic and its discussion were fresh in students' minds. However, the author also taught medium sized classes of 40 students and instead found that assigning the Activity worksheets as homework to be done before class helped save class time. Students were expected to read the chapter and complete the worksheet ahead of lecture and discussion but could edit their worksheets during class. In both small and medium sized classes, students turned in their worksheets for grading of their informal writing. The order of law topics discussed is at the instructor's discretion. The author follows the order that the chosen law topics in the Activity are covered in the course textbook.

### **Group Formation and Group Work**

The Activity differs from Grelecki and Willey's Project by the incorporation of group work after students individually complete each law topic's worksheet. One purpose of working in groups is to give graduate students a chance to practice the collaborative soft skills that employers require. Additionally, especially in bigger classes, group work can encourage discussion of ideas and make the classroom feel more personal. Students are instructed to share their worksheet responses with others in their group and compare answers. In small sized classes, groups can be pairs of students and students can rotate partners with each law topic to diversify with whom they work in the classroom. In medium sized classes, the author has had success grouping students by the industry of their chosen business, putting three to four students in each industry group. There will be at least one "miscellaneous" industry group, as what types of businesses students choose is unknown each semester and may not always fit neat industry categories. However, students in the author's course were understanding and accepting of their miscellany categorization. Pairs or groups should meet for 15-30 minutes, depending on group size. Larger sized groups will need more time to share worksheet responses.

### **Whole Class Debriefing/Discussion**

Once group work has completed, the instructor should bring students back together as a class to share group worksheet results in the remaining class time. Instructors should try to leave at least 20 minutes for Whole Class Debriefing, more time should be allotted the more groups there are in a class. Here, one partner in a small sized class or one group member in a larger class will present what was discussed during group work time. No matter the class size, the speaking student is graded on their presentation, encouraging students to use the presentation as practice for employer-desired oral communication skills. As a partner or group member is presenting, the instructor should ask questions to encourage further critical thinking about the law topic, allowing the presenter to confer with their partner or group members as needed to reach a consensus in response. The instructor can also direct deeper questioning to the whole class, however unlike undergraduate whole class debriefing, the author found little to no distraction or disengagement among graduate students while their peers were presenting.

## B. Activity Assessment

As Grelecki and Willey note, assessing activity components for a grade will “encourage deeper and more thoughtful responses.”<sup>41</sup> Instructors can also more readily garner whether students have gained an understanding of the topics discussed,<sup>42</sup> and effectively evaluate student understanding of how various areas of the law affect their chosen business, as intended in the Activity learning objectives.<sup>43</sup> The author assesses students individually by grading their worksheets<sup>44</sup> for each law topic covered in the Activity, and by grading their oral group presentations.<sup>45</sup> In a small sized class, each student can present their own or their partnership’s group work for each law topic. However, in larger classes, the instructor assesses each student’s oral presentation only twice or three times during the entire Activity. The larger the class size, the less often individual oral presentation will be possible. In both small sized and medium sized classes, the author makes all Activity assessments count for approximately half of the entire semester grade, with each topic’s written worksheet having a higher point value than each topic’s oral presentation because the written worksheet requires more work and forethought. The high value of the overall assessment of the Activity encourages students to take the worksheets and presentations seriously.

The following table is an example of the breakdown of point value of worksheets and presentation for a small sized class, where every student presents for every law topic and total points assigned to the Activity are 480 out of 1000 points in the entire course:

<u>Small Sized Class Point Values for the Activity</u>		
<b>Build-a-Business Activity Law Topic</b>	<b>Worksheet Points</b>	<b>Presentation Points</b>
Ethics	50 (for Code of Conduct) <sup>46</sup>	10
Agency	40	20
Employment	40	20
Contracts	40	20
Discrimination	40	20
Torts	40	20
Intellectual Property	40	20
Forms of Business Organizations	40	20

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<sup>41</sup>Grelecki & Willey, *supra* note 11, at 110.

<sup>42</sup>Dutcher, *supra* note 1, at 75 (noting that the benefits of an engaged learning activity can be better understood through assessment of that activity).

<sup>43</sup>See *supra* Part III.

<sup>44</sup>See *infra* Appendix A, Worksheet Rubric.

<sup>45</sup>See *infra* Appendix A, Presentation Rubric.

<sup>46</sup>The Ethics Code of Conduct is a longer writing than the other law topic worksheets and so more of the 70 points per law topic are allotted to the written portion of this part of the Activity. See *infra* Appendix A, Build-a-Business Ethics Code of Conduct Paper.

An example of the breakdown of point value of worksheets and presentation for a medium sized class, where each student presents only three times during a semester and total points assigned to the Activity are 475 out of 1000 points in the entire course is:

<u>Large Sized Class Point Values for the Activity</u>		
<b>Build-a-Business Activity Law Topic</b>	<b>Worksheet Points</b>	<b>Oral Presentations</b>
Ethics	55 (for Code of Conduct)	105 (35 points for each of three presentations during the semester)
Agency	45	
Employment	45	
Contracts	45	
Discrimination	45	
Torts	45	
Intellectual Property	45	
Forms of Business Organizations	45	

Thus far, the author has seen effective student use of both written and oral communication in the Activity to convey understanding of how the law affects business in the topics discussed.

### ***C. Student Feedback and Lessons Learned***

#### **Student Feedback**

The author collected student feedback on use of the Activity during MBA business law courses in the four semesters of Spring and Fall 2018 and Spring and Fall 2019. The class sizes of the author's MBA business law course were both small, a minimum of 6 students, and medium, a maximum of 40 students. Feedback was prompted with eight open-ended questions, given at the end of the semester in exchange for a modest amount of extra credit. Students were informed that the author was conducting research on the efficacy of the use of the Activity in an MBA business law course and 41 students provided feedback with consent to have their comments shared out of 67 students enrolled in all four semesters.

Student perceptions in submitted comments reflected that 97% of respondents believe that the Activity adds value to an MBA business law course. Students appreciated: the chance to apply critical thinking to business problems, the authenticity of using real businesses in the Activity, putting theory into practice to better connect with the course material, seeing the true consequences of how business law is applied to a company, and learning about how the law affects different businesses and industries. 34% of respondents specifically appreciated the creativity involved in applying legal concepts to their own experiences through personalized choice of which business to apply legal concepts to, and 13% thought the Activity should be required course work for all MBA students, not just those who elected to take the author's MBA business law course. The most amusing value-added comments were from the 5% of respondents who indicated that the Activity was as good as and a better financial value than paid simulations.

Student responses also indicate that the Activity successfully achieved each of its learning objectives. 39% of student responses pointed out that the Ethics Code of Conduct assignment was particularly helpful to learn about and complete as it is a valuable management tool. Then, not only did students find course value in learning about how the law affects different businesses, but 56% of respondents mentioned how the Activity was very informative to entrepreneurs and business owners in gaining a better understanding of the legal issues a business faces, 32% found the Activity helpful as an employee or a manager to understanding how their current employer handles legal issues or makes decisions involving legal matters, and 51% said that the Activity shows how companies can proactively protect and shield themselves from legal liability. Finally, 41% of respondents cited the benefit of the Activity's informal interaction, collaboration, discussion, and group work as increasing class togetherness, networking, and learning from each other and from new perspectives, while 24% of respondents appreciated the opportunity to become more comfortable with and sharpen their public speaking, communication, and presentation skills.

Overwhelmingly, students who experienced the Activity in their MBA business law course thought it was a worthwhile and useful experience, which heightened their understanding of the content and gave them beneficial experience in applying legal concepts to business.

Respondents also submitted suggestions for improvement. During the Spring and Fall 2018 courses, the Activity required students to complete worksheets on each topic during class. 9% of student feedback included the request for more time to complete the worksheet portion of the Activity outside of class to allow for deeper thinking on the topics. In addition, the 2018 version of the Activity required sharing of individual worksheet responses first with a partner and then with the whole class, which 9% of respondents felt was redundant. Thus, for the 2019 courses, the author allowed students to begin or complete the worksheet portion of the Activity before class, and edit it as they saw fit during class, and the author removed sharing individual work with a partner in exchange for group discussion and summarized group sharing to the whole class.

Improvement recommendations from 2019 indicated 22% of students wanting to dive into the law more deeply through suggestions such as more legal topics in the Activity, the use of case research or mock cases, links to additional resources on each topic, or dedicating the entire course to the Activity. In addition, 9% of 2019 respondents wished to mix and match industries during group discussion and presentations to get a broader perspective on how the law affects various businesses. As the author has not taught this MBA business law course since the Fall of 2019, there has not yet been an opportunity to implement these student suggestions into the Activity, but instructors who wish to implement the Activity in their own courses are encouraged to consider these improvement suggestions.

### **Lessons Learned**

Student feedback showing overwhelming appreciation and finding of learning value in the Activity indicates that graduate business students want to learn the law in a hands-on and dynamic manner. As shown, a small portion of students who responded to requested feedback about the Activity want more from the Activity in terms of how frequently it is used during a semester, how deeply law topics are explored, or an increase in the number of resources they receive on each law topic, whether those resources are used during the course or not. Generally, then, the lesson is for instructors to explore making graduate business law learning more active overall and interactive between students.

Regarding specific lessons learned, first, not all areas of the law fit for all students' businesses. Most students choose a service-based or service and product-based business, so an area such as Products Liability law would not benefit them as greatly as a solely product-based business. Instead, after the author covers Products Liability law in lecture, the Products Liability law worksheet is provided to any student who wishes to have it, but it is not a law topic on which the Activity is used. Second, if an instructor uses class time for a small sized class to fill out the worksheets, they should give ample time for this step, 20 minutes minimum is suggested, however the opportunity to work with groups in medium or large sized classes should not be overlooked as students indicated enjoyment of it and employers indicate a desire for graduates with the ability to work in teams. Third, students in medium sized classes requested forming groups of mixed business industries instead of similar business industries. Although the intention of whole class debriefing in a medium sized class is to all learn from each other, thus hearing from mixed business industries, an instructor could form medium sized class groups by similar business industry for half of the law topics and mixed business industry for the other half. In addition, group presentations to the whole class tended to become repetitive after the first few groups presented. Instructors can try having groups that present after the first two or three groups only speak to responses that are unique to the law topic's effect on their industry, which would help to quell the repetition in whole class presentations. Finally, in regard to the Code of Ethics assignment, instructors should encourage students to come up with their own verbiage and content for their Code. When provided with a template Code of Ethics, students copied large portions of the template instead of coming up with their own language. Providing less in the way of sample Codes seems to allow students to conduct research on Codes specific to their business's industry and apply more creativity in creating their Codes of Ethics. These specific tweaks and implementation of students' suggested improvements to the Activity may improve the student experience of actively learning about the law even further and should be considered by instructors wishing to adopt the Activity to meet the general lesson that interactive and dynamic learning is important to graduate business law education.

## **V. Conclusion**

The author expresses immense gratitude to Professors Grelecki and Willey for laying the foundation for an excellent real-world application of the law for business courses in their Build-a-Business Project and for allowing the author creative license to tweak it to meet the needs of a graduate business law course. The author's version of Build-a-Business is an easy to implement opportunity to further critical thinking about the law in a graduate level class such as an MBA Business Law course. Students have responded positively to the Build-a-Business Grad School Activity, appreciating the real-life application, collaborating with their colleagues, practicing soft-skills, and in some cases furthering their entrepreneurial goals and aspirations. Instructors can use this version of Build-a-Business as the author has shown here, or as inspiration for starting collaborative, interactive and analytical activities of their own in graduate business law courses.

## **APPENDIX A: Build-A-Business Grad School Instructor Guide**

### **Activity Instructions:**

**Build-a-Business Ethics Code of Conduct Paper:** Use your textbook information on Codes of Ethics or use the following web resources to learn why a code of ethics is essential for business, and how to develop one: Edward Lowe Foundation, Inc.<sup>47</sup>, Forbes<sup>48</sup>, Investopedia<sup>49</sup>, Ethics.org<sup>50</sup>. Then, create a one-page code of ethics for your own fictional company. On a second page and third page, explain why you chose each part of your code and then describe the means you will use to enforce the code and explain how you will evaluate complaints, and what you will do with code breakers. Your total paper should be at least three pages in length. Submit your paper in the D2L Assignments by the start of class the week it is due. Grading of the paper will follow the assignment rubric posted in the D2L Assignments, and plagiarism detection software will be used to evaluate the paper. Points will be deducted if any of the paper is plagiarized.

**Large Class Build-a-Business Activities:** These are activities designed to review chapter content and give students a chance to think about how managers must act within the legal environment. Each involves a worksheet activity, given to students in advance of its discussion, in which students will answer questions prior to class, have a few minutes in class to revise or add to their answers, then discuss with a group of classmates who chose a business in a similar industry. The instructor will form industry groups. Each group will choose one person to present a summary of the group's answers to the class, and that person will get presentation points. Group members should rotate the presenter for each activity. Grading of the worksheet and the presentation will follow rubrics posted on the course learning management system in each Chapter module. You will be chosen twice by your industry group to present a summary of the group's Build-a-Business activity answers during a Build-a-Business class.

**Small Class Build-a-Business Activities:** These are activities designed to review chapter content and give students a chance to think about how managers must act within the legal environment. Each involves a worksheet activity, given to students 1 week in advance of its discussion, in which students will answer questions, then share their answers to the class in an informal presentation. Both the activity and its presentation will count toward your grade. Students who are absent from class may make up the activity questions only and will miss the presentation points. Grading of the worksheet and the presentation will follow rubrics posted on the course learning management system.

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<sup>47</sup> See <https://edwardlowe.org/why-you-need-good-business-ethics/>

<sup>48</sup> See <https://www.forbes.com/sites/edwardsegal/2021/12/29/codes-of-conduct-and-ethics-can-help-guard-against-and-address-crisis-situations/?sh=292fbb405e57>

<sup>49</sup> See <https://www.investopedia.com/terms/c/code-of-ethics.asp>

<sup>50</sup> See <https://www.ethics.org/resources/free-toolkit/code-of-conduct/>



Worksheet Rubric:

<b>Criteria</b>	<b>Level 3: 10 points</b>	<b>Level 2: 5 points</b>	<b>Level 1: 0 points</b>
Clarity/Thoroughness	Reasoning for responses is clearly expressed and thorough so that a reader can understand them, written answers flow logically from one thought to another.	Reasoning for responses can be understood, but it is difficult to follow or lacks thoroughness, minimal logical flow of written answers is present.	Failure to clearly express thoughts in reasoning of answer responses, reader is unable to understand written answers, no logical flow is present.
Professional Writing	Writing is in complete sentences, uses appropriate word choices, and is free of major grammatical or spelling errors.	Writing is in complete sentences but lacks appropriate word choices or has major grammatical or spelling errors.	Writing lacks complete sentences, and has inappropriate word choices or major grammatical or spelling errors.
Thoughtfulness	Answer choices show student has thought about their responses; each question and sub-question response has at least 2 complete sentences	Answer choices show student has thought about their responses, but most question and sub-question responses have only 1 complete sentence or no complete sentences.	Answer choices show hastily thrown together responses with no thought and most questions and sub-questions have only 1 complete sentence or no complete sentences.

Presentation Rubric:

<b>Criteria</b>	<b>Level 3: 10 points</b>	<b>Level 2: 5 points</b>	<b>Level 1: 0 points</b>
Clarity	Reasoning for activity responses is clearly expressed so that other students and instructor can understand them, presentation of answers flows logically from one thought to another.	Reasoning for activity responses can be understood, but it is difficult to follow, minimal logical flow of presentation is present.	Failure to clearly express thoughts in reasoning of answer responses, neither other students nor instructor can understand them, no logical flow is present.
Professionalism	Appropriate language, tone of voice, level of humor, volume of voice, and respect for critiques or suggestions is maintained throughout.	Appropriate language, tone of voice, level of humor, volume of voice, and respect for critiques or suggestions is used, but not maintained throughout the presentation.	Appropriate language, tone of voice, level of humor, volume of voice, and respect for critiques or suggestions are lacking in the presentation.
Respect for Others	Student maintains respectful demeanor toward classmates' presentations, listens attentively throughout, and asks questions or gives suggestions and/or critiques of other students' activity responses.	Student maintains respectful demeanor toward classmates' presentations, listens attentively throughout, but does not ask questions or gives suggestions and/or critiques of other students' activity responses.	Student does not maintain respectful demeanor toward classmates' presentations, or listens attentively throughout. Student does not ask questions or give suggestions and/or critiques of other students' activity responses.

## APPENDIX B: Build-A-Business Grad School Worksheets

### Build-a-Business Agency Law

**Directions:** Read the chapter on Agency Law or use the following web resources to learn about it: Sam Houston State, Forbes, Business Insider, Fast Company. Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name.
  - a. Industry:
  - b. Company:
2.
  - a. Will your company hire employees, independent contractors, or both?
  - b. What will be the job responsibilities of any employees you hire? The independent contractors?
  - c. What factors influence your choice?
  - d. Explain the impact their categorization will have on your company.
3. Who will have authority to act on behalf of your company? Be specific in identifying anyone who can be deemed to have agency authority at any level.

### Build-a-Business Contracts

**Directions:** Read the chapter on Contracts or use the following web resources to learn about them: Contracts Counsel, Entrepreneur, Forbes, Nolo, The Business Professor - Unconscionable Contracts. Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name.
  - a. Industry:
  - b. Company:

2. Your company will require many contracts to start and maintain operations. Identify three contracts, note who the other party to the contract would be, and briefly describe the purpose of that contract and/or how it reduces risks the company might encounter.
3. Will these contracts be verbal or in writing? Does it matter? Will the consideration in each contract be monetary only and why or why not?
4. What can you do to create contracts which will not be subject to alteration or discharge by a court because of procedural unconscionability? How about substantive unconscionability?

#### Build-a-Business Discrimination

**Directions:** Read the chapter on Discrimination or use the following web resources to learn about it: [The Business Professor - Title VII](#), [SHRM - Title VII](#), [EEOC - ADEA](#), [Dept of Labor - ADA](#). Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name.
  - a. Industry:
  - b. Company:
2. Describe a scenario that asserts an employment discrimination against your company under:
  - a. Title VII
  - b. ADEA
  - c. ADA
3. What are your company's best defenses to each claim of employment discrimination in question 2 above?
  - a. Title VII
  - b. ADEA
  - c. ADA
4. What should your company/business do to reduce the possibility of harassment claims based on sex, race, national origin, religion, age or disability?

Build-a-Business Employment

**Directions:** Read the chapter on Employment or use the following web resources to learn more about it: [The Business Professor - At Will Employment](#), [HR Direct](#), [The Business Professor - Non-Compete Agreements](#), [Forbes - Surveillance](#), [Forbes - Monitoring](#). Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name.
  - a. Industry:
  - b. Company:
2. Will you hire workers under a term contract, or will they be at-will employees that can be fired at any time? Why?
3. Will you use non-compete agreements of any kind in your company? If using, explain for which employees, and why.
4. Will you use employee testing or employee surveillance of any kind in your company? If using, explain what type you will use, for which employees, and why.

Build-a-Business Forms of Business Organizations

**Directions:** Read the chapter on Business Organizations or use the following web resources to learn more about them: [The Business Professor](#), [Fast Company](#), [SBA.gov](#), [IRS.gov](#). Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name.
  - a. Industry:
  - b. Company:
2. What form of business organization best suits your business?
  - a. What are the tax implications of your choice?

- b. What are the business liability implications of your choice?
- c. As your business grows and changes, what other form of business organization might better suit your company? Why?
- d. If you had to form a corporation, what type of corporation would best suit your corporation? Why? (You may skip this question if you chose corporation at the beginning of question #2).

#### Build-a-Business Intellectual Property

**Directions:** Read the chapter on Intellectual Property or use the following web resources to learn more about it: [Investopedia](#), [Thomson Reuters](#), [Entrepreneur](#), [The Business Professor](#). Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name:
  - a. Industry:
  - b. Company:
2. What will your company want/need to protect, and which type(s) of intellectual property will best do so? (You may not use all 4 types of IP, but most likely will have at least 2, so discuss as least 2 types).
3. What should your company do to protect each type of intellectual property you identified in question #2?

#### Build-a-Business Product Liability

**Directions:** Read the chapter on Product Liability or use the following web resources to learn more about it: [SGR Law](#), [The Business Professor, Inc.](#), [All Law](#), [Cornell Law](#). Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name.
  - a. Industry:
  - b. Company:

- c. Is this company different from the one you have used so far this semester? Why?
2. Describe an example of how your company may be liable in each of the following:
  - a. A negligence claim of product liability
  - b. A strict product liability claim. Make sure you identify the type of defect this plaintiff is claiming and why they are alleging the product is defective.
3. Describe a defense to each of your answers to 2a and 2b above that could help your company avoid liability. You may mention more than one defense if more than one defense would be applicable.

### Build-a-Business Torts

**Directions:** Read the chapter on Torts or use the following web resources to learn more about them: [The Business Professor - Intentional](#), [The Business Professor - Negligence](#), [Lexology, Huckleberry](#). Then answer the following questions before the class discussion on this chapter. During class, you will have about 5 minutes to adjust the answers you have already prepared for the following questions. Then you will present your answers to the class. This activity is worth points toward your grade and both your answers here and your presentation will be scored based on the thoughtfulness and thoroughness of your responses. Please print legibly.

1. Tell me your industry and company name.
  - a. Industry:
  - b. Company:
2. Identify two (or more) intentional torts someone could claim your business has committed and describe the circumstances under which such claims could arise.
  - a.
  - b.
3. What duties does your company/business owe customers, employees, suppliers or others with whom you may do business or who enter your premises?
4. Describe 1 circumstance under which someone could assert a negligence claim against your company or business. Identify duty, breach, causation, and possible damages for each scenario.

## **APPENDIX B: Build-A-Business Grad School Feedback Survey**

### Feedback Survey

Please write 500 words on one or more of the following topics:

- Whether or not the purpose and rationale for the Build-a-Business assignments were reasonably clear.
- Whether or not you enjoyed the chance to create your own business and address legal issues that would typically confront that business.
- Whether use of the Build-a-Business assignments helped you appreciate how many kinds of legal issues can affect a business.
- Whether use of the Build-a-Business assignments helped you understand the value of a proactive approach to using the law to manage business value.
- Whether the class discussion of the Build-a-Business assignment results helped me appreciate how different businesses may have legal issues unique to them.
- Whether the Build-a-Business assignments helped you to anticipate when a business might be exposed to legal liability to employees and/or customers.
- Whether or not you think Build-a-Business is a useful and effective learning tool for the MBA program curriculum and why you hold that opinion.
- Your suggestions for improvement of the activity.

If you choose, please indicate your consent to have your comments about the helpfulness and usefulness of this activity included in your instructor's research. First, read the Use of Comments Consent Form attached below, then you may consent by writing "I consent to have my comments used in my instructor's research on this activity, and have been informed of the research purpose and risks." in your 500 words OR print and sign the attached Use of Comments Consent Form document and upload it with your [D2L] Submission in this folder.