# *Smith and Robersons Business Law 18th edition Mann Solutions Manual*

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# Instructor Manual

Mann Roberts, Smith & Roberson's Business Law 18e, 9780357364000; Chapter 01: Introduction to Law

## Table of Contents

Purpose and Perspective of the Chapter ..... 2
Cengage Supplements ..... 2
Chapter Objectives ..... 2
Key Terms ..... 2
What's New in This Chapter ..... 3
Chapter Outline ..... 3
Discussion Questions ..... 8
Appendix ..... 9
Generic Rubrics ..... 9
Standard Writing Rubric ..... 9
Standard Discussion Rubric ..... 10

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Smith and Robersons Business Law 18th edition Mann Solutions Manual

## Purpose and Perspective of the Chapter

The purpose of this chapter is to establish a foundation for the course, by introducing key terminology and concepts that students will used through the book.

## Cengage Supplements

The following product-level supplements provide additional information that may help you in preparing your course. They are available in the Instructor Resource Center.

- PowerPoint Deck

## Chapter Objectives

The following objectives are addressed in this chapter:

1. Describe the basic functions of law
2. Distinguish between (1) law and justice and (2) law and morals
3. Distinguish between (1) substantive and procedural law, (2) public and private law, and (3) civil and criminal law
4. Describe sources of law
5. Explain the principle of *stare decisis*

## Key Terms

**Substantive law -** The basic law of rights and duties (contract law, criminal law, tort law, law of wills, etc.), as opposed to procedural law (law of pleading, law of evidence, law of jurisdiction, etc.).
**Procedural law -** Rules for enforcing substantive law.
**Public law -** The law dealing with the relationship between government and individuals.
**Private law -** The law involving relationships among individuals and legal entities.
**Civil law -** Laws concerned with civil or private rights and remedies, as contrasted with criminal laws.
The system of jurisprudence administered in the Roman empire, particularly as set forth in the compilation of Justinian and his successors, as distinguished from the common law of England and the canon law. The civil law (Civil Code) is followed by Louisiana.
**Criminal law -** The law that involves offenses against the entire community.
**Common law -** Body of law originating in England and derived from judicial decisions. As distinguished from statutory law created by the enactment of legislatures, the common law comprises the judgments and

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decrees of the courts recognizing, affirming, and enforcing usages and customs of immemorial antiquity.
**Equity -** Justice administered according to fairness, as contrasted with the strictly formulated rules of common law. It is based on a system of rules and principles that originated in England as an alternative to the harsh rules of common law and that were based on what was fair in a particular situation.
**Treaties -** An agreement between or among independent nations.
**Executive orders -** Legislation issued by the president or a governor.
**Administrative law -** Law dealing with the establishment, duties, and powers of agencies in the executive branch of government.
**[return to top]**

## What's New in This Chapter

The following elements are improvements in this chapter from the previous edition:

- New chapter-opening scenario to help introduce how law and legal reasoning are a part of everyday business operations and decisions.

**[return to top]**

## Chapter Outline

I. **Nature of Law-** The law is a continuously changing process of developing a workable set of rules that balance the individual and group rights of an evolving society.
   a. **Definition of Law -** Legal scholars have defined law in various ways, including:
      - "predictions of the way that a court will decide specific legal questions"
      - "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong"
      - a general command that a state or sovereign makes to those who are subject to its authority by laying down a course of action enforced by judicial or administrative tribunals.

      Most legal scholars would agree with Rosco Pound, that the term "law" has multiple meanings and that defining it is not a simple task.
   b. **Functions of Law-** The functions of law are to maintain stability in the social, political, and economic system through (1) dispute resolution, (2) protection of property, and (3) the preservation of the state while at the same time permitting ordered change.
      1. Disputes are inevitable in a complex society and may involve

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criminal or non-criminal matters. Law provides rules to resolve disputes and avoid personal revenge.

2. Law protects ownership of property and allows for agreements (contracts) to exchange property. (This text deals with many aspects of this including contracts, sales, commercial paper, and business associations.)

3. Law preserves the state. It ensures that changes are result of elections, legislation, and referenda rather than revolution, sedition, and rebellion.

i. ***Poll Activity (1) PPT Slide: 1 minute (to 10 minutes) total.*** *What are the students thoughts about law and morality.*

ii. ***Poll Activity (2) PPT Slide: 1 minute (to 10 minutes) total.*** *What are the students thoughts about law and justice.*

c. **Legal Sanctions** -Sanctions are the means by which the law enforces the decisions of the court, such as fines, imprisonment and capital punishment.

d. **Law and Morals -** Though law is affected by morals, law and morality are not the same. Some actions have no moral implications but have legal sanctions, whereas other actions have no legal sanctions but do have moral implications. Some actions have both moral impact and legal sanction.

e. **Law and Justice -** Law and justice are distinct but interrelated concepts.

- Justice may be defined as "the fair, equitable, and impartial treatment of the competing interests and desires of individuals and groups, with due regard for the common good."
- Justice depends on the law, but the law does not guarantee justice, since laws can be unjust. (Think back to "legal" slavery and the "legal" actions of Nazi Germany or of the South African apartheid government.)

## II. Classifications of law

Because the law is vast, it is helpful to organize it into categories such as: (1) substantive and procedural, (2) public and private, and (3) civil and criminal.

Basic to understanding these classifications are the terms right and duty. A **right** is the ability of a person, with the aid of the law, to require another person to perform or to refrain from performing a certain act. A **duty** is the obligation the law imposes upon a person to perform or to refrain from performing a certain act. Duty and right exist together: a person cannot have a right without some other person (or all persons) having the corresponding duty.

**a. Substantive and Procedural Law-** Substantive law creates, defines, and regulates legal rights and duties. Procedural law sets forth rules for enforcing those rights that are created by the substantive law.

**b. Public and Private Law-** Public law is the branch of substantive law that deals with

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the government's rights and powers and its relationship to individuals or groups. Private law is that part of substantive law governing individuals and legal entities (such as corporations) in their relationships with one another.

c. **Civil and Criminal Law-** Civil law defines duties and deals with the rights and duties of individuals among themselves. (It is part of private law.) Criminal law establishes duties and involves offenses against the community. (It is part of public law.) The purpose of the civil law is to compensate the injured party (plaintiff), while the purpose of criminal law is to punish the wrongdoer. Typically, the civil law awards money for damages or an order for the defendant to behave in a certain way, while criminal law imposes a fine or imprisonment on the guilty party. The party bringing a civil action has the burden of proof, which he must support with a preponderance of the evidence (meaning the greater weight). The government bringing a criminal case must proof the defendant's guilt beyond a reasonable doubt, which is a significantly higher burden of proof than that in a civil case.

## III. Sources of Law

- Federal and state constitutions
- Federal treaties (agreements between or among independent nations)
- Federal and state statutes (laws passed by a legislative body such as the U.S. Congress or the legislature of a state)
- Executive orders (legislation issued by a President or governor)
- Ordinances of local municipal governments
- Rules and regulations of federal and state administrative agencies
- Federal and state court decisions

a. **Constitutional Law-** A constitution sets forth the basic principles by which a government is guided, as well as the limitations on governmental authority. The U.S. Constitution is the supreme law of the nation; a state constitution is the highest law within that state. Federal law is supreme in cases of conflict with state law. One of the fundamental principles of the U.S. Constitution is Judicial Review, which is the power of courts to determine constitutionality of all laws.

b. **Judicial Law-** Case decisions establish precedent in our common law system and must also be consulted when researching a legal question. In the common law system, parties to a dispute initiate and conduct litigation (an adversary system). The principle of *stare decisis* requires that inferior courts stay consistent with prior decisions of higher courts on cases with similar facts. A civil law system, which is less prevalent than common law within the United States, depends on comprehensive legislative enactments (called

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codes) and an inquisitorial system of determining disputes. In the inquisitorial system, the court, rather than the parties, initiates litigation, investigates pertinent facts, and conducts the presentation of evidence.

a. **Common Law** — a body of law established by previous rulings of courts in a common law system. These decisions serve as precedents for later cases.

b. **Equity —** a supplementary system of judicial relief separate from the common law, based upon settled rules of fairness, justice and honesty. Remedies include: specific performance, injunction, reformation, and rescission.

c. In most jurisdictions, a single court administers both common law and equity.

d. **Restatements of Law —** The large and growing volume of court decisions in the United States led to the Restatements of Law, an orderly restatement of the general common law. It is now regarded as the authoritative statement of the common law of the United States. It covers many areas, including torts, contracts, agency, property, and trusts. The Restatements were written by the American Law Institute (ALI), a distinguished group of lawyers, judges, and law professors. Currently the ALI is made up of more than 4,300 members.

e. ***Knowledge Check Activity (2) PPT Slide: 1 minute(s) total.*** *Tests students' knowledge on precedents and stare decisis.*

f. ***Think Pair Share Activity PPT Slide: 10 minutes total.*** *Allow the students to break into pairs or small groups to discussion the following questions.*

- *How might judges with different social, economic, or educational backgrounds rule differently on a case?*
- *Can you think of specific examples?*
- *Is this good or bad for the stability of the legal system?*

c. **Legislative Law-** Legislative law consists of statutes passed by legislatures. Statutes may repeal judge-made law as long as the statute is not unconstitutional. Today, most new laws come through the legislative branch because they can choose the issues that need attention while courts can only deal with issues in the cases brought before them. The need for uniformity among state statutes led to the codification of large parts of business law. The most successful example of this effort is the Uniform Commercial Code

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(UCC), prepared under the joint sponsorship and direction of the ALI and the Uniform Law Commission (ULC), which is also known as the National Conference of Commissioners on Uniform State Laws. All fifty states, the District of Columbia, and the Virgin Islands have adopted the UCC. (Louisiana has adopted only part of the UCC.) The ULC has drafted more than 300 uniform laws including the Uniform Partnership Act, the Uniform Limited Partnership Act, and the Uniform Probate Code. The ALI has developed a number of model statutory formulations, including the Model Code of Evidence, the Model Penal Code, a Model Land Development Code, and a proposed Federal Securities Code. In addition, the American Bar Association has promulgated the Model Business Corporation Act.

a. **Treaties —** Agreements between or among independent nations; if signed by the President and approved by the Senate, it has the legal force of a federal statute.

b. **Executive Orders** — The President has the power to issue executive orders, which carry the authority of a law.

d. **Administrative Law-** The branch of public law that governs the powers and procedures of governmental entities (other than courts and legislatures); often involves public health, safety and welfare. Administrative law is created by administrative agencies in the form of rules, regulations, orders, and decisions to carry out the regulatory powers and duties of those agencies.

*e.* ***Knowledge Check Activity PPT Slide (3): 1 minute total.*** *Tests students' ability to identify a statute by its citation.*

IV. **Legal Analysis -** While all U.S. Supreme Court decisions are reported, not every case decided by the U.S. District Courts and the U.S. Courts of Appeals are reported. Each circuit has established rules determining which decisions are published. Decisions in state trial courts generally are not published but are filed in the office of the clerk of the court. Decisions of state courts of appeals are published in volumes called "reports," numbered consecutively. Some states rely on a commercial reporter and no longer publish official reports. The decisions of courts in the federal system are found in a number of reports.

For instance, *Lefkowitz v. Great Minneapolis Surplus Store, Inc.*, 251 Minn. 188, 86 N.W.2d 689 (1957), indicates that the opinion in this case may be found in Volume 251 of the official Minnesota Reports at page 188; and in Volume 86 of the North Western Reporter, Second Series, at page 689; and that the opinion was delivered in 1957.

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Normally, the reported opinion in a case includes:

1. the essential facts, the nature of the action, the parties, what happened to bring about the controversy, what happened in the lower court, and what pleadings are material;
2. the issues of law or fact;
3. the legal principles involved;
4. the application of these principles; and the decision.

A serviceable method by which students may analyze and brief cases after reading and comprehending the opinion is to write a brief containing the following:

1. the facts of the case
2. the issue or question involved
3. the decision of the court
4. the reasons for the decision
   a. ***Writing Assignment PPT Slide: 60 minutes total.*** *Tests students' ability find and brief a case using IRAC.*

**[return to top]**

## Discussion Questions

You can assign these questions several ways: in a discussion forum in your LMS; as whole-class discussions in person; or as a partner or group activity in class.

1. Are all laws moral? Should all laws be moral? How should morality be determined?
2. Are laws always just?
3. Which is more important, morality or justice?
4. Why is there a difference between the treatment of cases brought under civil law and those brought under criminal law? Should there be a difference?
5. In some cultures being involved in a lawsuit is something about which to be ashamed. Our society has been criticized for being overly litigious. In fact, we even go on television to sue in "Judge Judy" and other similar shows. Is our culture "sue-happy?" Should access to the court system be restricted?

**[return to top]**

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# Appendix

## Generic Rubrics

Providing students with rubrics helps them understand expectations and components of assignments. Rubrics help students become more aware of their learning process and progress, and they improve students' work through timely and detailed feedback.

Customize these rubric templates as you wish. The writing rubric indicates 40 points and the discussion rubric indicates 30 points.

## Standard Writing Rubric

| Criteria | Meets Requirements | Needs Improvement | Incomplete |
|---|---|---|---|
| Content | The assignment clearly and comprehensively addresses all questions in the assignment.<br>15 points | The assignment partially addresses some or all questions in the assignment.<br>8 points | The assignment does not address the questions in the assignment.<br>0 points |
| Organization and Clarity | The assignment presents ideas in a clear manner and with strong organizational structure. The assignment includes an appropriate introduction, content, and conclusion. Coverage of facts, arguments, and conclusions are logically related and consistent.<br>10 points | The assignment presents ideas in a mostly clear manner and with a mostly strong organizational structure. The assignment includes an appropriate introduction, content, and conclusion. Coverage of facts, arguments, and conclusions are mostly logically related and consistent.<br>7 points | The assignment does not present ideas in a clear manner and with strong organizational structure. The assignment includes an introduction, content, and conclusion, but coverage of facts, arguments, and conclusions are not logically related and consistent.<br>0 points |
| Research | The assignment is based upon appropriate and adequate academic literature, including peer reviewed journals and other scholarly work.<br>5 points | The assignment is based upon adequate academic literature but does not include peer reviewed journals and other scholarly work.<br>3 points | The assignment is not based upon appropriate and adequate academic literature and does not include peer reviewed journals and other scholarly work.<br>0 points |
| Research | The assignment follows the required citation guidelines.<br>5 points | The assignment follows some of the required citation guidelines.<br>3 points | The assignment does not follow the required citation guidelines.<br>0 points |
| Grammar and Spelling | The assignment has two or fewer grammatical and spelling errors.<br>5 points | The assignment has three to five grammatical and spelling errors.<br>3 points | The assignment is incomplete or unintelligible.<br>0 points |

[return to top]

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## Standard Discussion Rubric

| Criteria | Meets Requirements | Needs Improvement | Incomplete |
|---|---|---|---|
| Participation | Submits or participates in discussion by the posted deadlines. Follows all assignment. instructions for initial post and responses. 5 points | Does not participate or submit discussion by the posted deadlines. Does not follow instructions for initial post and responses. 3 points | Does not participate in discussion. 0 points |
| Contribution Quality | Comments stay on task. Comments add value to discussion topic. Comments motivate other students to respond. 20 points | Comments may not stay on task. Comments may not add value to discussion topic. Comments may not motivate other students to respond. 10 points | Does not participate in discussion. 0 points |
| Etiquette | Maintains appropriate language. Offers criticism in a constructive manner. Provides both positive and negative feedback. 5 points | Does not always maintain appropriate language. Offers criticism in an offensive manner. Provides only negative feedback. 3 points | Does not participate in discussion. 0 points |

[return to top]

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Smith and Robersons Business Law 18th edition Mann Solutions Manual

# Solution and Answer Guide

Mann/Roberts, Smith & Roberson's Business Law, 18e, 9780357364000; Chapter 2: Business Ethics and the Social Responsibility of Business

## Table of Contents

Answers to Problems ..... 1

## Answers to Problems

1. *You have an employee who has a chemical imbalance in the brain that causes him to be severely emotionally unstable. The medication that is available to deal with this schizophrenic condition is extremely powerful and decreases the taker's life span by one to two years for every year that the user takes it. You know that his doctors and family believe that it is in his best interest to take the medication. What course of action should you follow?*

Answer: ***Arguments Against Social Responsibility***. This question illustrates one scenario where arguments against corporate social responsibility could come into play. If you take the "anti-social responsibility" position that a corporation has—as its primary objective—a fundamental responsibility to maximize profits, the employer could make the medication a requirement for the employee to remain in the workforce. It could be argued that this decision may also decrease the possibility of injury or deterioration in working conditions for other employees. The other side of the argument, however, is that this type of decision is too personal for a corporation to make. The ultimate determination should reside with the employee and it should be his free decision to take or not take the medication. This puts the responsibility back where it belongs, on the employee and his family.

2. *You have a very shy employee from another country. After a time, you notice that the quality of her performance is deteriorating rapidly. You find an appropriate time to speak with her and determine that she is extremely distraught. She tells you that her family has arranged a marriage for her and that she refuses to obey their contract. She further states to you that she is thinking about committing suicide. Two weeks later, after her poor performance continues, you determine that she is on the verge of a nervous breakdown; and once again she informs you that she is going to commit suicide. What should you do? Consider further that you can petition a court to have her involuntarily committed to a mental hospital. You know, however, that her family would consider such a commitment an extreme insult and that they might seek retribution. Does this prospect alter your decision?*

Answer: ***Arguments For Social Responsibility***. A good, responsible manager would be hard-pressed to demand that the employee either improve her on-the-job performance or face dismissal. However, initiating an involuntary committal to a mental hospital could constitute an improper invasion of rights with many legal repercussions. An interim step of providing appropriate psychological social counseling (perhaps at company expense) would seem to best fit into the concept of good corporate management. This would benefit not only the individual, but the

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corporation may be able to keep a valued employee. The cost of counseling is likely to be less expensive than hiring and training a new employee.

3. *You receive a telephone call from a company that you never do business with requesting a reference on one of your employees, Mary Sunshine. You believe that Mary is generally incompetent and would be delighted to see her take another job. You give her a glowing reference. Is this right? Explain.*

Answer: ***Utilitarianism***. Pawning off an incompetent employee would certainly help the profitability of an employer. However, relatively accurate referrals are expected, and good corporate citizenship would impose a moral responsibility to act properly. The employer would be better advised to give a more accurate, but not overly negative, description of Mary's job performance (while staying within the conditional privilege of avoiding a defamation action), rather than generate animosity and gain a reputation as a liar among other businesses in the area.

4. *You have just received a report suggesting that a chemical your company uses in its manufacturing process is very dangerous. You have not read the report, but you are generally aware of its contents. You believe that the chemical can be replaced fairly easily, but that if word gets out, panic may set in among employees and community members. A reporter asks if you have seen the report, and you say no. Is your behavior right or wrong? Explain.*

Answer: ***Utilitarianism***. Weighing the arguments for profitability to shareholders and fairness to shareholders and employees against the arguments for good corporate citizenship and long-run profits, an appropriate response might be that you are aware of the report but haven't thoroughly read or studied it. Proceeding with a course that acknowledges (at least internally) past dangerous practices, while immediately correcting the current problems, and correcting future problems in a timely manner, may be an appropriate legal as well as moral response to this problem. This is one of the reasons many corporations have a corporate spokesperson to give appropriate and consistent responses.

5. *You and Joe Jones, your neighbor and friend, bought lottery tickets at the corner drugstore. While watching the lottery drawing on television with you that night, Joe leaped from the couch, waved his lottery ticket, and shouted, "I've got the winning number!" Suddenly, he clutched his chest, keeled over, and died on the spot. You are the only living person who knows that Joe, not you, bought the winning ticket. If you substitute his ticket for yours, no one will know of the switch, and you will be $10 million richer. Joe's only living relative is a rich aunt whom he despised. Will you switch his ticket for yours? Explain.*

Answer: ***Fundamentalism***. Perhaps an advocate of utilitarianism or social egalitarianism might feel that switching the ticket would be morally appropriate on the premise that it maximized pleasure and was an appropriate distribution of wealth. However, such a moral rationalization would demonstrate the flaws in both theories. There is no escaping the fact that switching the tickets would be improper under the law and most moral theories.

6. *Omega, Inc., a publicly held corporation, has assets of $100 million and annual earnings in the range of $13–$15 million. Omega owns three aluminum plants, which are profitable, and one plastics plant, which is losing $4 million a year. The plastics plant shows no sign of ever becoming profitable,*

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*because of its very high operating costs; and there is no evidence that the plant and the underlying real estate will increase in value. Omega decides to sell the plastics plant. The only bidder for the plant is Gold, who intends to use the plant for a new purpose, to introduce automation, and to replace all present employees. Would it be ethical for Omega to turn down Gold's bid and keep the plastics plant operating indefinitely, for the purpose of preserving the employees' jobs? Explain.*

Answer: ***Egalitarianism***. Indefinite maintenance of the plastics plant may strike one as being the morally correct thing to do. The moral basis for such a decision would be essentially egalitarianism where the wealth generated by many is redistributed to benefit others. However, as the basis for an economic system, such an approach may be doomed to ultimate failure in that it does not rectify anything and only prolongs a perhaps snowballing problem that could taint and impair the job security of everyone employed by Omega. If managerial and operational changes truly cannot rectify the net loss situation suffered by the plastics plant, sale of the plant to Gold may, in a broader context, be the morally correct thing to do.

7. *You are the sales manager of a two-year-old electronics firm. At times, the firm has seemed to be on the brink of failure, but recently has begun to be profitable. In large part, the profitability is due to the aggressive and talented sales force you have recruited. Two months ago, you hired Alice North, an honors graduate from State University who decided that she was tired of the research department and wanted to try sales.*

   *Almost immediately after you sent Alice out for training with Brad West, your best salesman, he began reporting to you an unexpected turn of events. According to Brad, "Alice is terrific: she's confident, smooth, and persistent. Unfortunately, a lot of our buyers are good old boys who just aren't comfortable around young, bright women. Just last week, Hiram Jones, one of our biggest customers, told me that he simply won't continue to do business with 'young chicks' who think they invented the world. It's not that Alice is a know-it-all. She's not. It's just that these guys like to booze it up a bit, tell some off-color jokes, and then get down to business. Alice doesn't drink, and although she never objects to the jokes, it's clear she thinks they're offensive." Brad felt that several potential deals had fallen through "because the mood just wasn't right with Alice there." Brad added, "I don't like a lot of these guys' styles myself, but I go along to make the sales. I just don't think Alice is going to make it."*

   *When you call Alice in to discuss the situation, she concedes the accuracy of Brad's report, but indicates that she's not to blame and insists that she be kept on the job. You feel committed to equal opportunity, but do not want to jeopardize your company's ability to survive. What should you do?*

Answer: ***Utilitarianism***. This is a common problem with a myriad of legal and moral implications. From a profitability standpoint, especially in the case of a company on the brink of economic failure, ignoring the requirements and whims of customers can amount to economic death. From a legal standpoint, the Equal Opportunity laws operate harshly against an employer that discriminates on the basis of sex or race in hiring and promotional activities. Employees are frequently aware of their rights, yet wishing to help the business of an employer and otherwise acting as a good "team player." A possible response might be (with the consent of Alice) attempting to divide sales accounts to give to Alice those accounts where her sex would be a neutral or perhaps positive factor, while retaining for Brad oversight of the "good old boy" accounts. Such an approach would acknowledge both her legal rights and her justifiable expectations while not undermining the profitability of a company whose very existence is at

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issue. Best utilization of employees is critical to any corporation, and this includes sensitivity to both the employees' needs and the customers' needs.

8. *Major Company subcontracted the development of part of a large technology system to Start-up Company, a small corporation specializing in custom computer systems. The contract, which was a major breakthrough for Start-up Company and crucial to its future, provided for an initial development fee and subsequent progress payments, as well as a final date for completion.*

   *Start-up Company provided Major Company with periodic reports indicating that everything was on schedule. After several months, however, the status reports stopped coming, and the company missed delivery of the schematics, the second major milestone. As an in-house technical consultant for Major Company, you visited Start-up Company and found not only that they were far behind schedule but that they had lied about their previous progress. Moreover, you determined that this slippage put the schedule for the entire project in severe jeopardy. The cause of Start-up's slippage was the removal of personnel from your project to work on short-term contracts in order to obtain money to meet the weekly payroll.*

   *Your company decided that you should stay at Start-up Company to monitor their work and to assist in the design of the project. After six weeks and some progress, Start-up is still way behind their delivery dates. Nonetheless, you are now familiar enough with the project to complete it in-house with Major's personnel.*

   *Start-up is still experiencing severe cash flow problems and repeatedly requests payment from Major. But your CEO, furious with Start-up's lies and deceptions, wishes to "bury" Start-up and finish the project using Major Company's internal resources. She knows that withholding payment to Start-up will put them out of business. What do you do? Explain.*

Answer: ***Situational Ethics.*** We don't know if the development fee was ever paid to Start-up Company. Major had an obligation to pay the initial development fee. If it was paid, and Start-up did not produce the required progress reports then Major is correct to withhold payment. Situational ethics will come into play when you decide whether or not to give Start-up more time to complete the work. If the start-up fee was not paid, and it was Major's failure to pay on schedule that caused Start-up to divert their personnel, then Major needs to take some share of the blame.

9. *A customer requested certain sophisticated tests on equipment he purchased from your factory. Such tests are very expensive and must be performed by a third party. The equipment was tested and met all of the industry standards, but showed anomalies which could not be explained.*

   *Though the problem appeared to be very minor, you decided to inspect the unit to try to understand the test data—a very expensive and time-consuming process. You informed the customer of this decision. A problem was found, but it was minor and was highly unlikely ever to cause the unit to fail. Rebuilding the equipment would be very expensive and time-consuming; moreover, notifying the customer that you were planning to rebuild the unit would also put your overall manufacturing procedures in question. What should you do: fix it, ship it, or inform the customer?*

Answer: ***Fundamentalism.*** You must inform the customer. The customer apparently has the right to request such testing and as such you have ethical responsibility to inform the customer of all

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factors. The ultimate decision should be made by the customer. However, you have the obligation to comply with the legal and governmental responsibilities within your industry.

10. *You are a project manager for a company making a major proposal to a Middle Eastern country. Your major competition is from Japan.*

    *(a) Your local agent, who is closely tied to a very influential sheik, would receive a 5 percent commission if the proposal were accepted. Near the date for decision the agent asks you for $150,000 to grease the skids so that your proposal is accepted. What do you do?*

    *(b) What if, after you say no, the agent goes to your vice president, who provides the money? What do you do?*

    *(c) Your overseas operation learns that most other foreign companies in this Middle Eastern location bolster their business by exchanging currency on the gray market. You discover that your division is twice as profitable as budgeted due to the amount of domestic currency you have received on the gray market. What do you do?*

Answer: ***Ethical Theories.*** (a) This may cross the line from ethical to legal requirements. If this is not illegal, then applying the doctrine of ethical relativism, you must decide what is subjectively right for you. You also need to check the company code of conduct and any other applicable policy.

(b) Again applying the doctrine of ethical relativism, if you feel strongly enough you may have to quit your job or request a transfer to another division. If this activity is not legal you have the obligation to report it to your company's superiors.

(c) The Utilitarianism cost–benefit analysis will allow you to first quantify this in monetary terms and then compare the direct and indirect costs and benefits. This process may achieve the most profit but may ignore justice in the process.

11. *Explain what relevance ethics has to business.*

Answer: ***Business Ethics.*** Business ethics seeks to understand the moral issues that arise from business practices, institutions, and decision-making and their relationship to generalized human values. Unlike the law, analyses of ethics have no central authority, such as courts or legislatures, upon which to rely; nor do they have clear-cut, universal standards. Despite these inherent limitations, making meaningful ethical judgments is still possible and necessary in the areas of employment relationships, relationships between business and its customers, corporate governance, shareholder voting, and management's duties to the shareholders, pollution of the physical environment, commitment to the community's economic and social infrastructure, the depletion of natural resources, fair competition, bribery of foreign officials, exploitation of developing countries, and conflicts among differing cultures and value systems.

12. *How should the financial interests of stockholders be balanced with the varied interests of stakeholders? If you were writing a code of conduct for your company, how would you address this issue?*

Answer: ***Business Ethics.*** Answers will vary, but should include the idea that a corporation is responsible to society at large, and more directly, to all those constituencies on which it depends for its survival. Thus, it is argued that a corporation should be managed for the benefit of all of

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its stakeholders—stockholders, employees, customers, suppliers, and managers, as well as the local communities in which it operates.

13. *A company adopts a policy that (a) prohibits romantic relationships between employees of different rank and (b) permits romantic relationships between employees of the same rank only if both employees waive in writing their rights to sue the company should the relationship end. Violation of this rule is grounds for dismissal. Is this rule ethical? If not, how should it be revised? Explain.*

Answer: ***Business Ethics***. Answers will vary, but may include some of the following ideas:

- A corporation's main responsibility is to make a profit, and anything that might interfere with that goal should be avoided.
- **Ethical relativism** is a doctrine asserting that individuals must judge actions by what they feel is right or wrong for themselves. This would prohibit a corporation from making such restrictions.
- **Situational ethics** holds that the person judging must actually put herself in the other person's shoes to understand what motivated the other to choose a particular course of action. This would prohibit a corporation from making such restrictions.
- **Utilitarianism** is a doctrine that assesses good and evil in terms of the consequences of actions. This would require a corporation to prove that there is more benefit from making the restrictions than from allowing the behavior.
- **Deontological theories** hold that certain underlying principles are right or wrong regardless of calculations regarding pleasure or pain. This would require a corporation to prove that there is a moral value to restricting or allowing the behavior.

14. *A company prohibits any employee from making disparaging comments about the company through any social media, including online blogs, email, and other electronic media. Violation of this rule is grounds for dismissal. Explain whether this rule is ethical. If not, how should it be revised? Explain.*

Answer: ***Business Ethics***. Answers will vary, but may include some of the following ideas:

- A corporation's main responsibility is to make a profit, and anything that might interfere with that goal should be avoided.
- **Ethical relativism** is a doctrine asserting that individuals must judge actions by what they feel is right or wrong for themselves. This would prohibit a corporation from making such restrictions.
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