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Proceedings

A monthly newsletter from McGraw-Hill Education

January 2021 Volume 12, Issue 6

Contents

Dear Professor,

Happy New Year! Welcome to McGraw-Hill Education's January 2021 issue of Proceedings, a newsletter designed specifically with you, the Business Law educator, in mind. Volume 12, Issue 6 of Proceedings incorporates "hot topics" in business law, video suggestions, an ethical dilemma, teaching tips, and a "chapter key" cross-referencing the January 2021 newsletter topics with the various McGraw-Hill Education business law textbooks.

You will find a wide range of topics/issues in this publication, including:

1. The federal government's and state governments' litigation against Facebook alleging that the social media company is an illegal monopoly;

2. The river in New Zealand that legally became a person;

3. Michigan litigation regarding whether companies are legally required to serve gay customers;

4. Videos related to the recent United States Supreme Court decision regarding the Texas lawsuit challenging the 2020 presidential election results;

5. An "ethical dilemma" related to gentrification; and

6. "Teaching tips" related to Article 1 ("U.S., States Sue Facebook as an Illegal Monopoly, Setting Stage for Potential Breakup") of the newsletter.

Here's hoping 2021 helps all of us forget 2020!

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Of Special Interest

This section of the newsletter covers three (3) topics:

1) The federal government's and state governments' litigation against Facebook alleging that the social media company is an illegal monopoly;

2) The river in New Zealand that legally became a person; and

3) Michigan litigation regarding whether companies are legally required to serve gay customers.

Hot Topics in Business Law

Article 1: "U.S., States Sue Facebook as an Illegal Monopoly, Setting Stage for Potential Breakup"

https://www.washingtonpost.com/technology/2020/12/09/facebook-antitrust-lawsuit/

According to the article, the United States government and 48 attorneys general filed landmark antitrust lawsuits against Facebook recently, seeking to break up the social networking giant over charges it engaged in illegal, anti-competitive tactics to buy, bully and kill its rivals.

The twin lawsuits filed in federal district court allege that Facebook under its CEO, Mark Zuckerberg, behaved for years as an unlawful monopoly — one that had repeatedly weaponized its vast stores of data, seemingly limitless wealth and savvy corporate muscle to fend off threats and maintain its stature as one of the most widely used social networking services in the world.

The state and federal complaints chiefly challenge Facebook's acquisition of two companies: Instagram, a photo-sharing tool, and WhatsApp, a messaging service. Investigators said the purchases ultimately helped Facebook remove potentially potent rivals from the digital marketplace, allowing the tech giant to enrich itself on advertising dollars at the cost of users, who as a result have fewer social networking options at their disposal.

The lawsuits together represent the most significant political and legal threats to Facebook in its more than 16-year history, setting up a high-profile clash between U.S. regulators and one of Silicon Valley's most profitable firms that could take years to resolve. Antitrust regulators explicitly asked a court to consider forcing Facebook to sell off Instagram and WhatsApp to remedy their competition concerns. Such a punishment would unwind Zuckerberg's digital empire and severely constrain Facebook's ambitions.

The Federal Trade Commission, led by Republican Chairman Joe Simons, brought its lawsuit in a D.C. district court. Letitia James, the Democratic attorney general of New York, led her Democratic and Republican counterparts from dozens of states and territories in filing their complaint in the same venue. Appearing at a news conference, James on Wednesday sharply rebuked Facebook for having put "profits ahead of consumers' welfare and privacy."

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"Today, we are sending a clear and strong message to Facebook and every other company that any efforts to stifle competition, hurt small business, reduce innovation and creativity, [and] cut privacy protections will be met with the full force of our offices," James said.

The lawsuits drew swift rebukes from Facebook, which pledged to "vigorously defend" its business practices in a sign of the bruising legal war still to come.

"People and small businesses don't choose to use Facebook's free services and advertising because they have to, they use them because our apps and services deliver the most value," Jennifer Newstead, the company's vice president and general counsel, said in a statement.

The looming legal battle marks a dramatic fall from grace for Facebook, which Zuckerberg and his college companions launched from a Harvard University dorm room in 2004 to help students meet their fellow classmates. Zuckerberg's original, bare-bones website would be unrecognizable to the more than 2 billion users globally who now post a steady stream of photos, videos and other life updates on the site daily, part of Facebook's ever-expanding digital empire, which includes newer gambits, such as virtual reality.

For years, U.S. regulators had maintained a hands-off approach to Facebook and its Silicon Valley peers, seeking to incubate their continued success. The lack of scrutiny stood in stark contrast to Europe, which saw serious threats in the tech industry and its growth-at-all-costs mentality — and sought to penalize Facebook and other companies in response.

But the 2016 presidential election eventually would rouse U.S. policymakers to the potential pitfalls posed by technology giants, including Facebook, which witnessed a series of high-profile scandals that drew once-unfathomable calls in Washington to punish the industry. Democrats and Republicans since then have found rare accord in challenging preeminent digital firms over their ever-expanding footprints and the consequences they pose.

Last month, the Justice Department filed a similarly sweeping antitrust lawsuit against Google, arguing the company struck special deals and engaged in other wrongful tactics to expand its search and advertising empires. Other antitrust watchdogs have set their eyes on Apple and Amazon, raising the potential for additional action on the horizon. Together, the cases threaten a dramatic reshaping of Silicon Valley, much in the way that the government's multiyear battle with Microsoft decades earlier helped foster the very Web companies now seen as too powerful.

"It is a significant recognition we've got work to do, the tech sector is concentrated, and we need to find a way to restore competition," said Phil Weiser, the Democratic attorney general of Colorado. U.S. investigators initiated their antitrust probes targeting Facebook last year. Dozens of attorneys general led by James in New York promised a broad review of Facebook's business, aiming to explore the nexus between its digital dominance and ever-growing efforts to siphon users' data.

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The FTC, meanwhile, took aim at Facebook almost immediately after concluding an investigation into the company over its entanglement with Cambridge Analytica, a political consultancy, that forced the tech giant to pay a $5 billion penalty.

Regulators turned their attention to Facebook's purchase of Instagram for $1 billion in 2012 and WhatsApp for $19 billion in 2014, two deals that the government could have blocked at the time but did not. For Facebook, the two transactions — and their jaw-dropping size — reflected its aggressive attempts at the time to pivot to smartphone devices, as millions of users began to spend more time on iPhone and Android apps than desktop computers and traditional websites. Instagram and WhatsApp now boast nearly 190 million U.S. users, according to eMarketer.

State and federal investigators, however, found that the two acquisitions reflected a troubling strategy at Facebook dating back more than a decade — an aggressive ploy to buy or kill competitive threats, large or small, before they could sap away the social networking giant's popularity. The government lawsuits at times point to correspondence from Zuckerberg, who acknowledged in 2012 — before purchasing Instagram — that Facebook had fallen "very behind" in photo sharing and needed to make the critical acquisition to catch up, according to the FTC complaint. In making its move, Facebook sought to wield its "power as a sword," the state attorneys general found, threatening negative repercussions against Instagram and its founders if they did not agree to a sale. State and federal investigators detailed a similar troubling pattern with WhatsApp, highlighting additional emails from Zuckerberg, who saw the company and other messaging services at the time as "the next biggest consumer risk" for his social networking empire. In 2013, a year before the acquisition, WhatsApp had outpaced Facebook's messenger product globally as measured by the number of messages sent daily, state officials estimate.

In acquiring the company, Facebook initially promised users that it would preserve WhatsApp's independence and strong privacy protections, state investigators said. But Facebook reversed course years later, frustrating regulators, who said the bait-and-switch had the effect of eliminating a privacy-protective competitor from the digital marketplace.

Facebook's aggressive "buy-or-bury" strategy, the state attorneys general added, ultimately meant that users who were "otherwise dissatisfied with the data usage and privacy options available on Facebook have nowhere else to go." In the meantime, Facebook reaped massive profits, since its popularity helped it generate data about users' relationships and interests — which in turn generated more money from advertisers.

Facebook has strenuously sought to rebut the state and federal charges: Newstead, the company's general counsel, stressed that WhatsApp and Instagram became successful precisely because of the tech giant's massive investments in them.

"This is revisionist history. Antitrust laws exist to protect consumers and promote innovation, not to punish successful businesses," she said, arguing that federal regulators could have stopped the Instagram and WhatsApp deals but did not.

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"The government now wants a do-over, sending a chilling warning to American business that no sale is ever final," she said.

The argument, however, has hardly dissuaded the company's critics, including those in Congress, who found reason for suspicion after concluding their own antitrust investigation this year. The review unearthed a trove of emails from Zuckerberg and his lieutenants apparently plotting against competitors in a series of discussions in which they referenced making a "land grab" for rival apps.

Legal experts also said that the government was well within its rights to challenge those transactions on grounds that they ultimately enabled Facebook to act anticompetitively. Ian Conner, the director of the agency's Bureau of Competition, said in a statement that the FTC seeks to "provide a foundation for future competitors to grow and innovate without the threat of being crushed by Facebook." The agency voted 3-2 to bring the case, with Simons, a Republican, siding with the commission's two Democrats in favor of a lawsuit.

Investigators have also faulted Facebook for the way in which the company manages its vast trove of user data and the policies that govern when and how third-party app developers and other companies can access it. Such tactics allowed Facebook to stamp out potential rivals before they could become too popular, investigators found.

In 2013, for example, Facebook sought to neuter the rise of Vine, a short-video service launched by Twitter, the FTC complaint says. Facebook that January cut Vine off from accessing Facebook's features, such as users' friend lists, in effect halting its growth, according to the federal agency. "Facebook has hindered, suppressed, and deterred the emergence and growth of rival personal social networking providers, and unlawfully maintained its monopoly in the U.S. personal social networking market, other than through merits competition," the FTC charged.

Discussion Questions

1. What is a monopoly?

A monopoly is the exclusive possession or control of the supply of or trade in a commodity or service. It essentially represents a "stranglehold" on the market, with the monopolist having substantial control over market conditions (for example, the price of the commodity or service).

2. In an age of political divisiveness, are you surprised that the federal government and 48 states have initiated antitrust litigation against Facebook? Explain your response.

This is an opinion question, so student responses may vary. In your author's opinion, it is interesting that states of varying political "stripes" have coalesced around this particular case!

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3. Comment on the remedy that the federal government and 48 states are seeking by way of litigation—more specifically, the breakup of Facebook. In your reasoned opinion, is this a reasonable remedy? Why or why not?

This is an opinion question, so student responses may vary. The act of breaking up a monopoly is a potential remedy, with the breakup of the Bell Telephone System in the 1980s being an example. Reasonable minds might differ regarding whether this is the best remedy, particularly when there are other alternatives such as regulating the price that a "trust" can charge for its goods or services.

Article 2: "This River in New Zealand Became a Person: Here's How That Happened"

https://www.cnn.com/2020/12/11/asia/whanganui-river-new-zealand-intl-hnk-dst/index.html

According to the article, as a child in the 1970s, Gerrard Albert played on the mud flats at the mouth of New Zealand's Whanganui River where raw sewage from the nearby town spilled into the estuary and out to the ocean.

At low tide, he and his playmates would see pieces of toilet paper in the water and joke to one another: "That was the one I did yesterday."

After arriving in New Zealand in the 1800s, British colonialists industrialized Whanganui River, long treasured by generations of Indigenous Māori. The river became polluted by discharge and land clearances and the shingle banks Albert's grandmother remembered from her childhood were replaced with mud so wet you would sink up to your knees, due to gravel extraction.

Albert wasn't bothered by the sewage where they fished and played. But the degraded river was emblematic of a bigger issue: a fight that stretched back to the 1870s to preserve the river and its relationship with Māori.

In 2017, that fight finally came to an end.

Whanganui River became the first in the world to be considered a legal person. New Zealand's third-longest river could now be represented in court and had two guardians appointed to speak on its behalf.

It was a move mimicked by other countries and praised by Indigenous rights advocates and environmentalists alike.

But three years on, there's a sense that winning legal personhood isn't the end of the struggle to uphold Māori rights to the river. Albert, and others, are still facing the challenge of what happens after a river is seen as a legal person.

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For hundreds of years, Māori lived in settlements along the Whanganui River, which translates to "big harbor" in Māori.

The 290 kilometer (180 mile) waterway was central to their lives. It was where they fished and lived. The water was used to treat the sick. They considered the river an ancestor -- it was "their source of food, their single highway, their spiritual mentor," according to a 1999 report on Māori rights to the Whanganui River.

Then, in the 1800s, British colonizers began settling all over New Zealand, including Whanganui. It was a tense and often violent time. Huge swathes of land were bought in what are now seen as unfair deals -- in 1840, a British businessman bought 40,000 acres (16,200 hectares), an area almost three times the size of Manhattan -- in exchange for 700 pounds worth of goods, including muskets, umbrellas and musical instruments. Other land was violently confiscated from Māori who challenged the authority of the incoming British colonizers.

As they gained territory, the newcomers imposed new rules over the land and sea. Under English law, the river wasn't seen as one entity. It was seen as a patchwork of legally separate parts -- water and riverbeds and air space above the water -- all controlled by different laws. The parts of the river that were navigable, for instance, were legally separate from the parts that were not.

Right from the start, that was a problem. To Māori, the river was a single and indivisible entity and not something that could be owned. Although the river's resources could be used, only people who contributed to the community had the right to benefit. The local Māori even had a proverb they used to sum it up: "I am the river, and the river is me."

But as the Europeans -- or Pakeha as they are known in New Zealand -- took more control of the area, they increasingly destroyed what the river had been. They operated a steamer, took the river's gravel, released trout into the rivers for fishing and destroyed the old fishing weirs where Māori had fished for generations. Māori settlements were pushed back from the river to make way for new developments.

Under Māori belief, all things have mauri -- a life force and personality. When the river's water quality was degraded, the mauri of the river wasn't respected, in turn affecting the mauri of the local people, who relied on the river to sustain them.

For almost as long as settlers have been in Whanganui, local Māori fought to have their own view of the river recognized.

Back in 1870, Māori began petitioning the colonial government, asking them to uphold their rights. In the decades that followed, a steady stream of petitions were made to the government in New Zealand's capital Wellington. By the 1920s and 1930s, Albert's grandmother and her brothers and sisters contributed anything they could to the legal case.

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"Our people weren't rich by any means," Albert said. "It was so fundamental to upholding our rights."

All over New Zealand, Māori tribes -- or iwi -- were having similar fights with the New Zealand government. In 1840, many iwi chiefs had signed an agreement called the Treaty of Waitangi with the British Queen, which recognized Māori ownership of their land and gave Māori the protection of British subjects. Many felt that the Crown hadn't upheld her end of the bargain.

In 1975, the government established the Waitangi Tribunal to hear iwi grievances -- and 10 years later, it allowed grievances that stretched back to 1840, including the violent period when land had been stolen from Māori.

By the time the Waitangi Tribunal came to Whanganui in the 1990s, people there had already been fighting for their rights for more than 100 years. Years of development had left their river even worse off: Fish had been depleted -- some species had gone altogether -- and the river was no longer the main source of food. Sewage discharge and run off from riverside farms polluted the water and local Māori continued to live in deprivation.
"Our people are tired, they're fed up, they feel embarrassed to come along continually and to say who they are, what is theirs," Albert's uncle Archie Taiaroa, a key figure in the proceedings, told the Tribunal in 1994.

Still, people of all ages spoke at the tribunal in Whanganui -- including Albert's grandmother. Not all of what was said was recorded in official records -- some witnesses didn't speak English, and there were no recording or translation services, Albert said.

Many spoke of the significance of the river. "I had no option about it, I had no right to choose it, it is my way of life to belong to the river," one local Māori Matiu Mareikura told the tribunal, according to the report.

That frustration was on display in 1995, when Māori led a sit-in at a Whanganui Park that ended peacefully after 79 days. During the sit-in, protesters beheaded a statue of Irish-born politician John Ballance, who had settled in Whanganui, to express their anger over unresolved territorial issues. Even today, the statue is missing -- only a plinth bearing his name remains in the town's Moutoa Gardens.

In 1999, the Tribunal concluded that the river was a treasure -- or taonga -- to Whanganui Māori, and urged redress. But negotiations on New Zealand's longest running litigation stalled, and Whanganui Māori still didn't have legal rights over the river.

By 2008, Albert's uncle decided he longer wanted to try to fit into Pakeha laws. Taiaroa and Albert launched a new settlement process, but this time they wanted to create their own legal framework -- something that truly represented what the river meant to Māori.

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"No discussing Crown constructs. We'll go with our own (legal) constructs," Albert remembers Taiaroa saying. "It's pointless continuing, reinventing ourselves around their constructs."
The timing was good. In 2008, New Zealand's center-right National Party won an election. Incoming Minister for Treaty Negotiations Chris Finlayson felt things had "languished" under the previous government's nine years in power and was keen to get progress on land settlements underway.

In what Albert described as "flash" law offices overlooking the capital Wellington's harbor, they began talking about treating the river as one, indivisible being that had rights, just like a person. In short, the way Māori had seen it all along.

Giving rights to natural entities wasn't entirely new. In 1972, United States legal scholar Christopher Stone wrote an article titled "Should trees have standing," where he argued that natural entities should have some of the same legal rights as humans. That wasn't so much of a stretch -- companies and ships can be legal people and guardians can be appointed to speak on behalf of others, such as children or people with disabilities, who can't speak for themselves.

But at the time, Albert didn't know about Stone -- "I didn't have a clue who he was." He just wanted the river to have the legal recognition his forefathers had been fighting for decades.

In the halls of Parliament, other politicians weren't paying attention to the groundbreaking legal agreement being negotiated in their midst, Finlayson remembers. But as a lawyer himself, legal personhood made sense. "None of this was particularly radical or groundbreaking," he said. In fact, the European centric way of thinking about land was "weird," he said.

"What's more absurd? To look at a river as a single holistic entity from where it's formed out to the sea, to saying we're going to divide the river up?" he questioned. "That's a pretty potty way of thinking about things in my view."

By the time Whanganui River became the first river in the world to have legal personhood, many of the people who had fought to make it happen were no longer alive.

One key leader, Titi Tihu, died in 1988 aged about 100 years old -- like many Māori of his generation, he didn't have a birth certificate. At the time of his death, he had been involved in judicial and parliamentary proceedings over the river for 50 years.

Albert's uncle, Archie Taiaroa died in 2010, as Sir Archie, having accepted a knighthood the year before for services to Māori.

The men didn't live to see the outcome. But they had fought for future generations, and they had won.

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Under the 2017 law, Te Awa Tupua was recognized as an "indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements." Two guardians were appointed by local Māori to speak on the river's behalf.

To Finlayson, it was an important move, but not groundbreaking. "We don't do revolutions here," Finlayson said, after the law was passed.

Albert believes Finlayson is playing down his role: "He knows what he's done here."

In the three years since Whanganui River gained legal personhood, Albert's inbox has been flooded by emails from around the world. He's now the chair of Nga Tangata Tiaki O Whanganui, the post-settlement governance body for the local Māori.

Other countries have followed Whanganui's lead -- two rivers in India have been declared legal entities, and last year Bangladesh gave all its rivers legal rights. Environmental rights activists want Albert to speak at conferences. Indigenous groups want to know if that means the river can now sue people who pollute it.

But Albert doesn't want to take polluters or anyone else to court, at least not at the moment. "We've got this legal thing that we could use and wield it like a club, (but) we're not going to do that."

"When you've spent 150 years yourself of being thrown around and abused, why would we seek to be punitive and do the same thing to others?" he questioned. "(Legal personhood) is a paradigm shift, first and foremost."

The problem with paradigm shifts is that they can take a while to work effectively. And in the three years since the legislation has been in place, Albert says there have been some problems.

For example, the river's guardians weren't consulted about plans for a new bicycle bridge over the river, Albert said. They don't support it as they don't see why the additional development is necessary, but they don't want to kick up a fuss.

"We don't want to dictate, we want to be part of our community. But we do not want to be downgraded and ignored and used as the kicking board any longer," he said. He prefers diplomacy to threats of legal action -- he'd rather foster goodwill with the community.

Hera Smith, who has made a career out of helping iwi put in place their vision following treaty settlements, says there has already been tangible change as a result of the river's legal personhood. People's relationship with the river has improved and others have set up environmental projects along its banks, she said.

But she still says it will take time -- possibly generations -- for people to change their mindset about how they relate to the environment, to understand that they are not the masters of the river.

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Environmental law experts see the Whanganui River decision as a shift -- not only for the people who live along the river, but possibly further afield.

Jacinta Ruru, an expert in environmental and Māori law at Otago University who is of Māori descent, says legal personhood represents a fundamental move from a Western to a Māori perspective -- although new laws aren't always needed to change attitudes.

"The last hundreds of years has been all through this colonization process of dismantling Indigenous cultures and certainly not thinking of them as having anything to add to us in the world order," she said.

"That's really got to change. As we're starting to face really huge critical issues -- climate change, adaptation, sea level rise, the ramifications of the collapse of the economy after Covid, we've got to look to all of the knowledges, we've got to be more embracing of as many knowledges and cultures as we can."

Erin O'Donnell, a water law expert at the University of Melbourne, thinks legal personhood could help with environmental protection of other natural resources, especially at a time when the effects of climate change are being felt worldwide.

"When we see rivers as living beings that are part of our community then that does actually profoundly change the way we speak about them, the way we make laws about them, the way we make decisions about them," she said. The legal protection was still so new it was "too early to tell" how effective human guardians would be, she said, noting that few cases involving legal personhood had made it to the courts.

Back in Whanganui, Albert doesn't see the river's legal personhood as primarily an environmental issue. It's about acknowledging and respecting Māori -- something that can have flow-on effects to how Māori are treated more broadly.

Māori in Whanganui continue to earn less on average and are more likely to be unemployed than their European counterparts, statistics show. That's been the case across New Zealand for decades and fits into a bigger cycle of systematic discrimination that sees Māori experience poorer health and education outcomes and higher rates of incarceration than non-Māori.

To Albert, it's all very well for politicians to give Māori kids free lunches to address poverty -- as Jacinda Ardern's Labour Party has promised to do -- but that doesn't mean much if their teachers dismiss their cultural heritage.

He feels the Whanganui River's personhood is a start towards valuing Māori and their world view.

"It's as much a social contract, and a political contract, as it is a legal construct," he says. "It's not about what we're taking from the river, it's about what we're giving to it."

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Discussion Questions

1. What are the implications of the Whanganui River being designated as a legal person?

If an entity is granted personhood, it acquires legally enforceable rights that can be asserted and protected. For example, since corporations have been granted "personhood" in the United States Supreme Court case Citizens United v. Federal Election Commission, they now have the First Amendment "free speech" right to make financial contributions to political campaigns.

2. United States courts (including the U.S. Supreme Court) have been receptive to the notion of a corporation as a legal person. What are the implications of a corporation being designated as a legal person?

As mentioned in response to Article 2, Discussion Question 1 above, if a corporation is designated as a legal person, it acquires legally enforceable rights that can be asserted and protected, such as the free speech constitutional right to contribute to political campaigns. As another example of corporate legal personhood, corporations also have the right to sue.

3. Comment on the following statement by Mr. Gerrard Albert regarding the legal personhood accorded to the Whanganui River: "It's as much a social contract, and a political contract, as it is a legal construct. It's not about what we're taking from the river, it's about what we're giving to it."

The term "social contract" essentially references an agreement with society. The idea here is that by protecting the river, society in general is protected. The term "political contract" references a granting of power. In this context, it is the granting of power (more particularly, the power to assert rights) to the river so that it may be protected.

Article 3: "A Michigan Judge Rules Companies Don't Have to Serve Gay Customers. The Attorney General Says She'll Appeal"

https://www.cnn.com/2020/12/11/us/mi-ag-appeals-state-same-sex-ruling-trnd/index.html

According to the article, Michigan Attorney General Dana Nessel said she will appeal a Michigan Claims Court judge's ruling that allows discrimination against a same-sex couple on religious grounds.

Judge Christopher Murray ruled recently that discrimination against people on the basis of their gender identity was unlawful, but he concurrently ruled that a refusal, on religious freedom grounds, to serve customers based on their sexual orientation was permissible.

The lawsuits came after two companies barred serving a same-sex couple and a transgender individual "on religious grounds," the opinion states. One of the two businesses is an event center,

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while the other is a business specializing in permanent hair removal for women, according to state licensing records.

Nessel, in a press release, praised Murray's ruling against transgender discrimination but said she would appeal the ruling that the laws in place allow for discrimination on the basis of sexual orientation.

"Michigan courts have held that federal precedent is highly persuasive when determining the contours of the Elliott-Larsen Civil Rights Act (ELCRA), and federal courts across the country -- including the U.S. Supreme Court in Bostock v Clayton Co -- have held that discrimination on the basis of sexual orientation is a form of sex discrimination," Nessel said. "We intend to submit that all Michigan residents are entitled to protection under the law -- regardless of their gender identity or sexual orientation -- in our appeal to this decision."

Nessel also quoted Stacie Clayton, the chairwoman of the Michigan Civil Rights Commission, who said that "continuing to interpret the word 'sex' in a more restrictive way than we do any of the other protected classes under ELCRA is in itself discriminatory."

Murray's decision held that legal precedent in Michigan -- namely under a prior ruling in Barbour v. Department of Social Services in 1993 -- and the subsequent Elliot-Larsen Civil Rights Act includes prohibiting discrimination based on sex, which Murray believed encompasses "gender identity."

The same laws do not include any explicit protection against discrimination based on sexual orientation, as the ELCRA only spells out protections against "religion, race, color, national origin, age, sex, or marital status," according to the ruling.

"With respect to whether sexual orientation falls within the meaning of 'sex' under the ELCRA, the Court of Appeals has already concluded that it does not," Murray wrote.

Murray's opinion concluded that the ruling is not final, as "it does not resolve all of the pending issues in this case," he wrote.

Discussion Questions

1. How does this case compare to the 2014 *Burwell v. Hobby Lobby Stores, Inc.* case decided by the United States Supreme Court?

This case is similar to Burwell v. Hobby Lobby Stores, Inc. in the sense that both involve corporations asserting the right not to serve customers based on religious grounds/beliefs.

2. How does this case compare to the 2020 *Bostock v. Clayton County, Georgia* case decided by the U.S. Supreme Court?

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This case is similar to Bostock v. Clayton County, Georgia (Bostock) in the sense that both involve LGBTQ protection. This case is distinguishable from Bostock since it involves a business discriminating against a customer, while Bostock involves an employer discriminating against an employee.

3. In your reasoned opinion, what will be the outcome of the subject Michigan case? Explain your response.

This is an opinion question, so student responses may vary. In your author's opinion, the Michigan Claims Court judge's ruling will eventually be overturned due to a discernible trend, both socially and legally, against LGBTQ discrimination.

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Video Suggestions

Video 1: "Famed GOP Election Lawyer Weighs in on Supreme Court Decision"

Note: This video addresses the recent United States Supreme Court decision regarding the Texas lawsuit challenging the 2020 presidential election results.

https://www.cnn.com/videos/politics/2020/12/11/ginsberg-supreme-court-rejects-bid-overturn-election-reaction-vpx.cnn

Discussion Questions

1. Are you surprise that famed GOP attorney Ben Ginsberg has "broken ranks" with President Trump regarding the presidential election results and the aftermath of the election? Why or why not?

This is an opinion question, so student responses may vary.

2. What is attorney Ginsberg referencing as a "huge stress test" on our democracy?

Attorney Ginsberg is referring to the extremely contentious 2020 presidential election and its aftermath.

3. Is it possible to evaluate this video without political bias affecting your interpretation of it? Explain your response.

This is an opinion question, so student responses may vary. Answers to this question will certainly make for interesting class discussion!

Video 2: "Smerconish: This is What Supreme Court Should Have Done"

Note: This video addresses the recent United States Supreme Court decision regarding the Texas lawsuit challenging the 2020 presidential election results.

https://www.cnn.com/videos/tv/2020/12/12/smerconish-the-supreme-court-comes-up-short.cnn

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Discussion Questions

1. Do you agree or disagree with Michael Smerconish's opinions? Explain your response.

This is an opinion question, so student responses may vary.

2. Regarding your response to Video 2, Discussion Question 1 above, it is possible to formulate a conclusion regarding Mr. Smerconish's opinions without the influence of political bias? Explain your response.

This is an opinion question, so student responses may vary.

3. In your reasoned opinion, which "speaks" more loudly—The United States Supreme Court refusing to hear a case, or taking the case and then rendering an opinion adverse to the appellant? Explain your response.

This is an opinion question, so student responses may vary. In your author's opinion, sometimes refusing to hear a case does "speak loudly," since it constitutes a refusal to consider the appellant's appeal.

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Of Special Interest

This section of the newsletter addresses the ethics of gentrification.

Ethical Dilemma

"Tensions over Eviction of Black-Indigenous Family in Portland Reach Boiling Point as Protesters Clash with Police"

https://www.cnn.com/2020/12/12/us/red-house-portland-oregon-protests/index.html

According to the article, a small red house on North Mississippi Avenue in Portland, Oregon, has become a focal point in the city's struggle with the issues of race, predatory lending and gentrification.

The "Red House," as it is known, has been owned by the Kinneys, a Black and Indigenous family, for the last 65 years. The family is now facing eviction, claiming to be victims of systemic racism and redlining.

Protesters have shown up in support, occupying the home and area around it to the discomfort of neighbors, two different law enforcement departments and city officials.

And their presence has led to violent clashes with the police, with the mayor commanding officers to "use all lawful means" to end the protests.

What is happening on North Mississippi Avenue didn't just pop up overnight -- it is the result of systemic problems and of a series of events that go back years.

William and Pauline Kinney moved to Portland from Little Rock, Arkansas, to escape segregation and the horrors that plagued the South at the time.

Little did they know they would be facing a different type of segregation out West -- they were denied a loan for the house because of redlining -- the practice of color-coding federal government maps of every community.

African American neighborhoods were colored red, a warning to lenders that it was too risky to insure mortgages in those areas.

As a result, the Kinneys bought the red house "outright with cash" in 1955, according to the Red House website.

William Kinney Jr., the couple's eldest son, said the house at one point served as a rental for Black families. In 1983, he moved in with his wife, Julie, who

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is an Indigenous Native American of the Upper Skagit Tribe of Washington, according to the website. The couple raised their three children there.

The Kinneys problems started in 2002, when they took out a loan against their home to pay for their 17-year-old son's legal fees, the Red House website says. And after years of disputes with their mortgage lender, their home ended up being sold at auction as a nonjudicial foreclosure in October 2018.

"The tactics we are facing, of sneaky and illegal foreclosure tactics, predatory banking and loans, elected judges who take campaign contributions from the real estate industry, coupled with violence from law enforcement and no real due process, have been used across this historically Black neighborhood to displace Black and poor people," Julie Metcalf Kinney, the family matriarch, said in a statement. "If Black and Indigenous lives matter in Portland, this must stop."

The Multnomah County Circuit Court issued a writ of execution for an eviction at the Red House in February, according to the county sheriff's office. This was before Oregon Gov. Kate Brown issued a state of emergency in March in response to Covid-19.

The sheriff's office noted that the eviction notice was issued before either the state or federal emergency moratoriums on evictions went into effect.

"We understand evictions are challenging proceedings even in the best of circumstances," Sheriff Mike Reese said. "I believe everyone should have access to appropriate housing."

The state of emergency halted the eviction for six months, according to a news release from the Red House website. But on September 9, Multnomah County deputies served the court order to the family, the sheriff's office said.

After the eviction order, protesters began converging on the house in support, "trespassing on the home's front and backyards, and camping on adjacent privately owned and city-owned properties," the sheriff's statement added.

They joined the family and have not left the property since September, resulting in multiple clashes with law enforcement. A sheriff's office news release says 81 calls for service were made between September 1 and November 30, because of fights, shots fired, burglary, thefts, vandalism, noise violations and threats by armed individuals.

Recently, officers showed up at the Red House to force the family out.

Coya Crespin, with the Community Alliance of Tenants, said the encampment at the Red House was not only for the Kinneys, but also in part to protest gentrification.

"This is systemic oppression. This is gentrification at real time," Crespin said.

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Neighbors spoke to the media, with some saying they worried for their safety.

"If there are some sort of demands or specific requests that the people are protesting for, they can verbalize those to a party that could hear them, and then maybe they can come to a mutual agreement or conclusion that people could get behind," Christopher Ammerman said.

Other neighbors saw both sides of the argument, like RJ Florestan. He said it's not the easiest time for people to be displaced.

"So, you sympathize with people, but you also sympathize with the homeowners. You sympathize with the people in the neighborhood who have children and have to pass by that debacle every day, and it gets straining. You don't know who's out there, you don't know who's sitting up there on that hill," Florestan said.

The Portland Police Bureau helped contractors enter the Red House and "fence the property" recently, police said.

During the fencing, "people attempted to get inside the perimeter at various locations, despite the presence of uniformed police personnel, police vehicles and police tape," police said.

"Officers made some arrests and reported using pepper spray in at least one instance," the bureau said. "As police stood on the perimeter, some were subjected to thrown objects such as rocks and paint-filled balloons."

Later that morning, police removed the perimeter around the home and left the scene at which point "people removed a portion of the fence and entered the private property," police said.

"Portland Police returned and attempted to disperse people from the property, however, people began throwing objects at police vehicles and officers, broke police vehicle windows and flattened tires on two police vehicles," police said.

As a result of the chaos that morning, Portland Mayor Ted Wheeler tweeted he was "authorizing the Portland Police to use all lawful means to end the illegal occupation on North Mississippi Avenue and to hold those violating our community's laws accountable."

"There will be no autonomous zone in Portland," Wheeler tweeted. "It's time for the encampment and occupation to end. There are many ways to protest and work toward needed reform. Illegally occupying private property, openly carrying weapons, threatening and intimidating people are not among them."

Portland Police Chief Chuck Lovell says the bureau wants a peaceful and safe resolution to the conflict on North Mississippi Avenue.

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"Our goal is for this to resolve peacefully to increase safety for all involved. I encourage those involved to reach out to our demonstration liaisons so we can discuss a peaceful outcome," he said.

William Nietzche, the lawyer for the Kinney family, said that they have filed federal and local cases fighting the eviction.

After losing one federal lawsuit in the District Court of Oregon last year, the family appealed to the Ninth Circuit Court, which denied their petition, records show.

Last month, Neitzche explained, the family appealed to the US Supreme Court and are waiting to hear if the court will take up their case.

Discussion Questions

1. What is gentrification?

Gentrification is the process where the character of a poor urban area is changed by wealthier people moving in, improving housing, and attracting new businesses, typically displacing current inhabitants in the process.

2. In your reasoned opinion, is gentrification unethical?

This is an opinion question, so student response may vary. In your author's opinion, gentrification is neither ethical nor unethical. Admittedly, gentrification does carry with it the "downside" of displacing current inhabitants, but it simultaneously carries with it the "upsides" of community beautification and economic growth.

3. Based on the information provided in the article, is eviction of the Kinney family justified? Why or why not?

This is an opinion question, so student responses may vary.

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Of Special Interest

This section of the newsletter will assist you in addressing Article 1 ("U.S., States Sue Facebook as an Illegal Monopoly, Setting Stage for Potential Breakup") of the newsletter.

Teaching Tips

Teaching Tip 1 (Related to Article 1 — "U.S., States Sue Facebook as an Illegal Monopoly, Setting Stage for Potential Breakup"): "The US Government Wants to Break up Facebook. Good-It's Long Overdue"

For an article favoring the breakup of Facebook, please refer to the following:

"The US Government Wants to Break up Facebook. Good-It's Long Overdue"

https://www.theguardian.com/commentisfree/2020/dec/11/us-government-break-up-facebook-long-overdue

Note: This is an opinion article written by Matt Stoller, research director at the American Economic Liberties Project and the author of Goliath: The Hundred Year War Between Monopoly and Democracy, and by Shaoul Sussman, a legal fellow at the Institute for Local Self Reliance

This week the government filed a ground-breaking antitrust suit against Facebook, seeking to break up the corporation for monopolistic practices. The suit comes on the heels of a similar case against Google, as well as an aggressive Democrat-authored congressional report recommending taking apart not just Google and Facebook, but Apple and Amazon as well.

The evidence against Facebook seems overwhelming, with enforcers pointing to internal email conversations in which the CEO, Mark Zuckerberg, and his colleagues allegedly conspired to monopolize the social media space by buying rivals and stifling competitors. Proof of intent to violate antitrust law appears to be ample. Yet news articles covering the case describe it as "far from a slam dunk", and competition law experts predict that enforcers will "face an uphill battle" in proving their claims.

Embedded in these muted words about the legal viability of the case is a political battle about the nature of economic power. Both antitrust suits are the result of a new movement of anti-monopoly scholars and advocates pushing to reform a heavily concentrated and misshapen American economy. Yet within the cocooned world of orthodox antitrust experts, there's a suspicious lack of enthusiasm for breaking up Facebook, or any of the tech goliaths. Fiona Scott Morton, for instance, a former Obama enforcer and opinion leader at Yale, wrote last year that "break-ups are not a good solution to the economic harms

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created by large firms in this sector." And last year the leading antitrust scholar Herb Hovenkamp argued that "breakup remedies are radical and they frequently have unintended consequences," and warned that "Judges aren't good at breaking up companies."

In this formulation, break-ups are a legally difficult and flawed remedy, akin to amputating the leg of someone in need of a pedicure. Some politicians are still listening to these experts; Republican politicians have expressed skepticism at break-ups, but even the 2020 Democratic platform says that regulators should only consider breaking up corporations "as a last resort". More than politicians, judges listen to these arguments, and rewrite antitrust law from the bench to make bringing monopolization cases and winning them – even when the evidence is overwhelming – far too expensive and difficult.

Such a situation is historically unusual. As the historian Richard John notes, America has a long history of breaking up big companies. Some of those broken-up entities include logging companies in Maine in the 1840s, Standard Oil in the 1910s, and AT&T in the 1980s. In fact, in 1961 the supreme court pronounced that breaking up companies has "been called the most important of antitrust remedies. It is simple, relatively easy to administer, and sure."

So what explains this modern reluctance?

The standard account is that a group of libertarian law and economics scholars in and around the University of Chicago re-centered antitrust in the 1970s. These men, led by Milton Friedman, Robert Bork and George Stigler, sought to attack the New Deal regulatory state, and free concentrated capital. Bork led the legal crusade against what he called the "militant ideology" of aggressive antitrust enforcers. His goal was to pull control of this area of law out of the hands of liberal legislative bodies and place it in the hands of highly technical conservative economists and lifetime-appointed judges who would listen to them. When Ronald Reagan became president, he radically narrowed antitrust, amounting to what Bork called a "revolution in a major American policy".

But this is only part of the story. It fails to explain how, in 2004, Antonin Scalia convinced his fellow supreme court justices, including Stephen Breyer and Ruth Bader Ginsburg, to join him in a unanimous supreme court decision which undermined the ability to bring monopolization cases by holding that the "charging of monopoly prices is not only not unlawful, it is an important element of the free-market system.

The liberal justices were swayed by a different set of scholars, less-well known in the revolution that has produced today's monopoly-heavy economy. These scholars challenged Bork-influenced libertarians over certain methodological questions but accepted the ideological contention that antitrust should be a technical area without broader democratic goals.

This group is led by Hovenkamp, an academic centrist technocrat, who is the most important antitrust thinker alive today, nicknamed the "dean of the antitrust bar". His partnership with Lyndon Johnson's antitrust chief Don Turner and Harvard scholar Phil Areeda on a key antitrust treatise set

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the stage for his intellectual dominance in the 1980s. Stephen Breyer, a liberal justice and an adherent of Hovenkamp, once noted that advocates would rather have "two paragraphs of [the] treatise on their side than three courts of appeals or four supreme court justices." Breyer wasn't understating the point; to date, Hovenkamp has been cited by our highest court in 38 different cases, far more often than Bork.

Hovenkamp is an intellectual historian by training, and his views on antitrust policy are situated in a misleading narrative. His research radically downplays the historical importance of legislative and social movements focused on the democratic need to control big business, and instead emphasizes the role economists and technocrats began to play in shaping the law during the Gilded Age. As part of this narrative, he peddles an incomplete account of the origin of the Sherman Antitrust Act of 1890, the most important piece of anti-monopoly legislation ever enacted by Congress. Hovenkamp argues that there is no evidence that the framers of the Sherman Act sought to curtail monopolies brought about as a result of "superior skill or industry". According to Hovenkamp, US Congress – and by extension Americans in general – never had a problem with big corporations, or even monopolies; we just didn't like it when those monopolies became predatory.

This elitist and technocratic framework glosses over our rich anti-monopoly tradition. Thomas Jefferson, James Madison and Frederick Douglass all opposed monopolies on political grounds, and state legislatures in the 19th century began breaking up companies almost as soon as they started issuing corporate charters. Senator Sherman himself explained that the purpose of the federal antitrust act was "to put an end to great aggregations of capital because of the helplessness of the individual before them."

Judge Learned Hand, whose decisions in contract and corporate law are still read with reverence, laid out the basic federal antitrust framework which was endorsed by the supreme court in 1946 and 1968 and governed our economy for most of the 20th century. In mandating the breakup of the aluminum monopoly of Alcoa in 1945, Hand concluded that monopoly power, in and of itself, was illegal. He explained that the Sherman Act is a law prohibiting monopolies, full stop, no matter whether they are predatory. He pointed out that Congress updated the antitrust laws four times in the 20th century to hit back at courts who attempted to narrow them.

Antitrust theory is dominated by reactionary yet often wildly inconsistent thinkers. Hovenkamp, who for decades resisted any action to rein in large technology firms, argued a year ago that breaking up these giants would send the economy back to "the Stone Age". This week, reversing his position, Hovenkamp conceded that breaking up Facebook is now warranted – revealing his entire school of thought as largely a reactionary force torn between bending to concentrated financial power and scandalous headlines of abusive market power.

It is encouraging that the government is seeking to break up Google and Facebook, and that policymakers are rejecting flawed legal theorizing. But the resistance to restoring our anti-monopoly tradition runs much deeper than Robert Bork and his rightwing legacy. As we've seen, it's just as

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entrenched within the centrist academic and judicial citadels of well-meaning technocrats who carry a deeply ingrained fear of too much democratic influence over the economy.
Policymakers and judges are going to have to shake off the misleading narrative spun by the current antitrust establishment. Doing so is essential not only for supporting fair markets, but for preserving democracy itself.

Teaching Tip 2 (Related to Article 1 — "U.S., States Sue Facebook as an Illegal Monopoly, Setting Stage for Potential Breakup"): "Facebook Is Not a Monopoly, and Breaking It up Would Defy Logic and Set a Bad Precedent"

For an article opposing the breakup of Facebook, please refer to the following:

"Facebook Is Not a Monopoly, and Breaking It up Would Defy Logic and Set a Bad Precedent"

https://www.cnbc.com/2019/05/09/facebook-should-not-be-broken-up-commentary.html

Note: This is an opinion article written by CNBC columnist in response to Facebook co-founder Chris Hughes' argument that Facebook should be broken up under antitrust laws.

Facebook co-founder Chris Hughes laid out his arguments for breaking up the company in a lengthy op-ed for *The New York Times* recently.

The essence of his argument seems to be that a single person, Mark Zuckerberg, has too much control over the communications platforms, including Facebook, Instagram and WhatsApp, that billions of people use. Therefore, the government should force Facebook to divest its other communications platforms and create a new agency to regulate tech companies, particularly around privacy.

The break-up argument is compelling if you're predisposed to dislike Zuckerberg and Facebook after the last few years of blunders related to user data and misinformation, and Facebook's often tone-deaf or seemingly indifferent responses to these incidents. (Zuckerberg didn't do himself any favors by cracking an awkward joke about his company's privacy troubles in his speech at a company conference last week.)

It's also illogical, difficult and a waste of time.

Facebook is not a monopoly in its actual market — advertising — and the product it offers is not essential to the U.S. economy or society. Even worse, it's not clear that breaking Facebook up would solve the biggest problems with the platform, such as misinformation and data collection. Those problems would better be solved through targeted, strictly enforced regulation.

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Hughes seems to be defining the relevant market that Facebook dominates as “social networking.” But there’s no clear definition of the term. Is a social network any digital platform that allows users to establish and maintain lists of contacts and communicate with them? If so, then Apple iMessage is a social network. So are generalized mobile text messaging, or SMS, and email platforms such as Gmail.

I would argue that “social network” is an invented marketing term that was used to brand a set of new internet-based communications platforms that emerged in the wake of the dot-com bust. Those platforms didn’t serve any particular new need or function, they simply offered an easier and more fun way to communicate via the web. If you want to break up Facebook, call it what it is — a communications service. There are many of those.

While Facebook offers a communications service to end users, it does this simply to aggregate a huge audience whose attention it can sell to advertisers.

More than 99% of the company’s revenue comes from a single source: online advertising. While Facebook is strong and growing stronger, it’s not the leader in that market. Alphabet, which owns Google and YouTube, has about 37% of the U.S. digital advertising market, compared with 22% for Facebook, according to recent stats from eMarketer. Facebook and Google also face increasing competition from Amazon.

Hughes and others have cited historical precedents such as the government’s breakup of Standard Oil and AT&T as a justification for stricter antitrust regulation against tech giants. But these companies not only had clear monopolies with pricing power that hurt consumers, they also offered products that were vital to the economy.

Facebook, Instagram and WhatsApp are only three of many ways people can communicate digitally, and while many people spend hours every week using them, they are replaceable and inessential — and, in fact, getting away from Facebook and Instagram might make people happier. Even Hughes acknowledges, when he finds himself scrolling through Instagram at idle hours, “The choice is mine, but it doesn’t feel like a choice.”

I uninstalled Facebook from my phone over a year ago, and apart from missing the occasional photo or message that my wife or one of my friends later tells me about, it has not affected my life or happiness in any noticeable way. It’s hard to argue that it’s equivalent to oil or railroads or the phone system.

(To be fair — there have been successful antitrust cases against other arguably inessential businesses, but Hughes and other pro-breakup voices are the ones making the comparison with these gigantic historical break-ups. It’s a lot harder to make an argument about Facebook abusing pricing power, which underpins most of these other cases, since Facebook gives its product away to consumers for free.)

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Splitting the core Facebook app from Instagram and WhatsApp would reduce the power Zuckerberg has to decide certain issues that are important to society, like "what kinds of messages are acceptable to spread to a broad audience?" and "what kind of data should online services collect from users and how should they use it?"

But these problems did not arise because of Facebook's scale or power. They stem from its business model. Right now, the company relies on its billions of users to post the content that keeps everybody checking the site so it can serve ads to them. Even if the rules were perfectly just, smart and clear, there are not enough moderators in the world, and no easy silver-bullet artificial intelligence algorithms, that can effectively catch billions of people violating the rules or testing their limits.

Facebook is pivoting to private messaging, but there the problem of content moderation will be even worse — it's harder to stop a digital communications campaign spurring ethnic cleansing when you can't even see the messages being exchanged.

As far as data use, as long as Facebook is free and supported by advertising, its business model demands that it collect information about users so it can help advertisers target messages effectively. Google, Amazon and any other online advertising company does the same thing — although perhaps not as effectively, given how much information Facebook users share about themselves just by using the platform.

The United States is subject to the rule of law and shifts in politics. Breaking it up would not cost "next to zero," as Hughes argues. Facebook would fight any attempt vigorously and would appeal any ruling to break it up.

It took the federal government years of court fights before it won a ruling to break up Microsoft, and that was overturned on appeal. Then the administration of George W. Bush decided to settle the case without pressing for a breakup.

Hughes and others may resent Zuckerberg's personal wealth or the amount of power that Facebook has over its users, and there's no question that Facebook has been used in some ways that are harmful to society — as well as helpful.

But those problems can be addressed with targeted legislation and strict enforcement.

For instance, imagine if the government repealed or modified the section of the Communications Decency Act of 1996 that protects online platforms from liability for what their users posted. If Facebook were fined $1 million every time somebody posted a video of a murder, you can bet the company's reliance on user-generated content would disappear in a heartbeat. Instead, it would have to take an editorial model, like the traditional ad-selling media companies that Facebook actually competes against, where content is checked and edited *before* it's posted.

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Breaking up the company would be expensive, illogical, ineffective and sends a message that will discourage other entrepreneurs: Don’t get too big, or your success will be punished.

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	Hot Topics	Video Suggestions	Ethical Dilemma	Teaching Tips
Barnes et al., Law for Business	Chapters 1, 25 and 45	Chapter 4	Chapter 3	Chapter 45
Bennett-Alexander & Hartman, Employment Law for Business	Chapters 3, 8 and 10	N/A	N/A	N/A
Kubasek et al., Dynamic Business Law	Chapters 1, 43 and 47	Chapter 5	Chapter 2	Chapter 47
Kubasek et al., Dynamic Business Law: The Essentials	Chapters 1 and 24	Chapter 5	Chapter 2	N/A
Liuzzo, Essentials of Business Law	Chapters 1, 12 and 33	Chapter 5	Chapter 2	Chapter 12
Langvardt et al., Business Law: The Ethical, Global, and E-Commerce Environment	Chapters 1, 49, 50 and 51	Chapter 3	Chapter 4	Chapters 49 and 50
McAdams et al., Law, Business & Society	Chapters 1, 10, 11 and 13	Chapter 5	Chapter 2	Chapters 10 and 11
Melvin, et al., Business Law and Strategy	Chapters 1, 41 and 43	Chapter 3	Chapter 2	Chapter 43
Melvin, The Legal Environment of Business: A Managerial Approach	Chapters 1, 12 and 19	Chapter 2	Chapter 5	Chapter 19
Pagnattaro et al., The Legal and Regulatory Environment of Business	Chapters 1, 16 and 20	Chapter 6	Chapter 2	Chapter 16
Sukys, Business Law with UCC Applications	Chapters 2, 23 and 28	Chapter 2	Chapter 1	Chapter 28

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