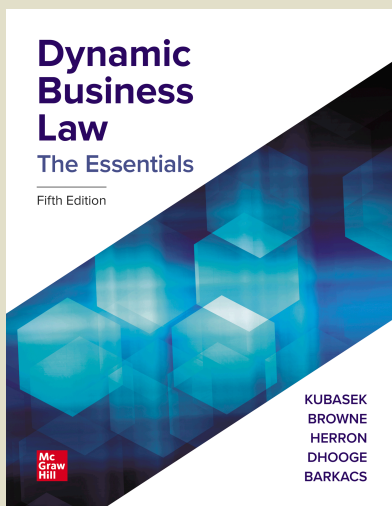


List of Changes



Dynamic Business Law: The Essentials 5th Edition

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Overall Updates Incorporated into Almost Every Chapter in the 5th Edition:

- **NEW Practical Tips for Business Managers** is a feature which emphasizes that this book is a BUSINESS Law book, full of helpful ideas for modern business leaders. These are the practical takeaways highlighting the usefulness of what was learned in the chapter.
- **A new major case** is an inclusion signifying our recognition that students want fresh cases.
- **A new Case Opener Wrap-up** feature which explains how courts handle the issues introduced in the Case Opener.
- **Three new case problems** are included in the Questions & Problems section in recognition of our pledge to include fresh materials throughout.
- **NEW Application-Based Activities** for Business Law provide students valuable practice using problem-solving skills to apply their knowledge to realistic scenarios. Students progress from understanding basic concepts to using their knowledge to analyze complex scenarios and solve problems. Application-Based Activities have been developed for the most often taught topics (as ranked by instructors) in the business law course. These unique activities are assignable and auto-gradable in McGraw-Hill Connect®.

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Chapter 1: An Introduction to the Fundamentals of Dynamic Business Law

- Clarified the meaning of “commercial” and “supreme law of the land” because reviewers said their students were not familiar with the terms.
- Broadened the treatment of the boundaries of “criminal law” in response to reviewer’s concern that the previous discussion of criminal law had focused too much on insider trading.
- Revised the discussion of the importance of comparative law by replacing the outdated material based on Google’s conflicts with China by discussing the restrictions on American firms resulting from the new 2017 cybersecurity law. This addition contributes to our expanded treatment of cyberlaw.
- Explained in the description of critical thinking the significance of the “But What If” feature in DBL5 for being alert to the impact of single facts on success or failure in a legal dispute.

Chapter 2: Business Ethics and Social Responsibility

- Added a discussion of Core Values because so many businesses tie their mission statements and discussions about new directions to their core values. Then the core values of CVS and Adidas are contrasted with those of American Express.
- Included a chart of well-known instances of ethical and unethical business behavior featuring CVS, Starbucks, Wells Fargo, Bernie Madoff, and Microsoft in response to reviewers’ desire for more visuals in the text.
- Made explicit the open-ended nature of ethical decisions. In other words, we should never expect universal agreement about how to answer ethical questions. But by learning the various ways that thoughtful people have learned to talk about ethical dilemmas, businesspeople can play a leadership role in sustaining an ethical market system.
- Emphasized the practicality of the WH approach to Business Ethics in response to reviewers’ requests.

Chapter 3: The U.S. Legal System and Alternative Dispute Resolution

- Removed discussion of quasi in rem jurisdiction at the suggestion of a reviewer who felt that this concept was complicated and beyond the needs of the typical business student.
- Deleted the older case 3-1 about in personam jurisdiction based on the internet and replaced it with a more current Case Nugget, Minimum Contacts Via the Internet, that illustrates the same point. Before the Nugget some additional commentary was added about minimum contacts related to a case involving a university, which should be of interest to students.
- Added a sentence to the E-Commerce Box making it clear to students why they should be concerned about the subject matter of the Box, the sliding scale for internet transactions.
- At the suggestion of a reviewer, added two new exhibits: a sample forum selection clause and choice of law clause. While these clauses may seem self-explanatory, it will be helpful for the students to see what they actually look like.
- Updated Exhibit 3-6 to include the newest Supreme Court Justice’s name and photo.
- Added a sentence clarifying that the map of the Circuit Courts of Appeal did not include the DC Circuit in response to a reviewer’s concern about a potential conflict between the text, which correctly specifies that there are 12 Circuit Courts of Appeal, and the map, that showed only 11 circuits.
- Added the potential defendant’s option of filing a motion to dismiss in lieu of an answer.
- Replaced the 1996 J.E.B. case with a 2016 case to provide a more current illustration of the concept of the Bateson challenge.

Chapter 4: Administrative Law

- Added NASA v. Nelson, focusing on agency background checks of employees and informational privacy, including the nondisclosure requirement of the Privacy Act of 1974.
- Included new Case Nugget, Open Communities Alliance v. Carson.
- Retitled section previously called “How Are Agencies Run?” to “How Do Agencies Operate?”

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- The new title, suggested by a reviewer, better reflects the content of that section.
- Changed Point/Counterpoint to “Is Administrative Regulation of Business a Good Thing?”

Chapter 5: Constitutional Law

- Inserted a new Case Nugget, “Can States Require On-line Sellers Without a Physical Presence in a State to Collect State Sales Tax?“, based on the 2018 Supreme Court case *South Dakota v. Wayfair*. This case is extremely important because it changes the conditions under which states can tax internet sales transaction.
- Replaced old case 5-3, *Riley v. California*, with a newer case that shows the continuing evolutions of Fourth Amendment protections related to cell phone usage. In *Riley*, which we now just discuss briefly in the chapter, the high court ruled that warrantless searches from a cell phone taken from an arrestee at the time of his arrest constitute a violation of the Fourth Amendment. In the new case 5-3, *Carpenter v. United States*, the high court now holds that authorities must now seek a warrant for cell tower location information.

Chapter 6: Criminal Law and Business

- Created examples of the different states of mind a defendant could have when committing a crime. These illustrations will help the students more clearly see the differences among the states of mind.
- Included a new case, *Salmon v. US*, that clarifies when the U.S. Supreme Court will find an insider liable of being a tippee. A new example of embezzlement of money from a Girl Scout troop, demonstrating how even nonprofit corporations can be victims of embezzlement.
- Created Case Nugget, “Can Corporate Executives be Charged with Murder or Manslaughter?“, highlighting the case recently filed against those responsible for the decapitation of a ten-year-old boy at a waterpark. Not only is this a current case that the students will find interesting, but it also raises an interesting and controversial issue that may lead to good classroom discussion.
- Changed the Point/Counterpoint to ask the question of whether insider trading should be legal. Insider trading is in the news a lot, and so students may be able to relate the discussion to situations they may have read about but which aren’t in their text.

Chapter 7: Tort Law

- Added new Case Nugget, *Jacobus v. Trump*, in response to a reviewer suggestion that we expand discussion of the distinction between fact and opinion. The case involves actions taken on Twitter, and thus is in line with our increased emphasis on cyber law.
- Provided a new case 7-1, *Mazda Motor Corporation v. Hurst*, providing a more updated scenario that shows the application of the Gore guideposts. a discussion about the innovative attempt by five California cities to use the tort of public nuisance to sue the Big 5 oil companies for damages caused by climate change, arguing that these firms created a public nuisance by misleading the public as to the effects of using fossil fuels.

Chapter 8: Real, Personal, and Intellectual Property

- Added new Exhibit 8-1 to illustrate types of property.
- Replaced the appellate decision with the new U.S. Supreme Court decision to have the latest holding in the case.
- Added an update after case 8-2 explaining how that Supreme Court case had affected a pending appeal by the Washington Redskins as to the legitimacy of their trademark, showing how U.S. Supreme Court cases not only affect the parties before the high court but may also affect other pending cases.
- Created new Exhibit 8-5, illustrating a few common trademarks.
- Added new Exhibit 8-6, which gives students some common ways to identify trademark and copyright protected materials.
- Designed new Global Box discussing liability in Japan of online providers for copyright violation. This

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addition is in keeping with our attempts to integrate more references to online activity.

Chapter 9: Introduction to Contracts and Agreement

- Replaced case 9-2 with a more current case, *Tripani v. Elliott*, demonstrating the elements of an implied contract. Offers and Acceptances in Saudi Arabia.
- Added a new Global Context box, “Offers and Acceptances in Saudi Arabia,” which illustrates a slightly different way of forming an agreement.
- Changed the Point/Counterpoint to, *Should the Business World Embrace Smart Contracts?* This issue introduces students to the smart contracts, which is a new development in contract law.

Chapter 10: Consideration

- Included new Case Nugget in “Promissory Estoppel” section: *Ruzicka v. Conde Nast Publishing*.
- Added Case in “Preexisting Duty” section: *Case 15-4: Margeson v. Artis*.

Chapter 11: Capacity and Legality

- Replaced Case 11-3 with *Riley v. Iron Gate*, a more recent case that illustrates how the courts determine whether an exculpatory clause violates public policy and therefore is illegal.
- Added a cartoon to the section about Legality, focusing on a severed contract. This image may help students remember the meaning of “severed contract.”
- Added a new Point/Counterpoint, “Should Minors Have Full Capacity to Enter into Binding Legal Contracts at the Age of 15?”

Chapter 12: Reality of Assent

- Added a cartoon to the Mistake section to get students thinking about what a mistake means.
- Expanded the discussion of undue influence and included four clarifying questions that can be used to determine whether undue influence exists.
- Replaced old case 12-3 with a new case, *Garage Solutions, LLC v. Monty J. Pearson*.

Chapter 13: Contracts in Writing and Third-Party Contracts

- Revised the Discussion of the Equal Dignities Rule in the Contracts Falling Within the Statute of Frauds Section. A reviewer thought the original version was somewhat confusing, and the revision is much clearer and contains an example to make the rule much more easily understandable.
- Added new Case Nugget, *Aurigem v. New Castle Care, LLC*, to illustrate the difficulty of knowing when a writing is needed.
- Deleted section “integrated contracts” and moved the information from that section into the parole evidence rule section where it fit better.
- Added a new case, *Barker v. Price*, to illustrate how making a slight error in terms of what you include in your contract can make a difference in whether the parole evidence rule applies to your written contract.

Chapter 14: Discharge and Remedies

- Inserted a new case 14-3, *Hemlock Semiconductor Operations, LLC v. Solarworld Industries Sachsen Gmbh*, which provides a more recent illustration of the discharge of a contract due to commercial impracticability.
- Added Exhibit 14-1, a new graphic, to highlight differences among types of conditions.
- Included new Global Context Box, “Damages for Breach of Contract: Not the Preferred Remedy in Latvia,” at the start of the remedies section. This box is an important addition because the preference in Latvia for equitable relief is the exact opposite of the preference in the United States for legal (non-equitable) relief.

Chapter 15: Formation and Performance of Sales and Lease Contracts

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- Wrote new Chapter opener based on Baker v. Zicron.
- Created Case Nugget “Risk of Loss—Seller Breach” based on Chicago Prime Packers, Inc. v. Northam Food Trading Co.

Chapter 16: Sales and Lease Contracts: Performance, Warranties, and Remedies

- Created new Chapter opener based on Accettura v. Vacationland, Inc.
- Designed new Case Nugget about customary and usual practices.
- Included new case about direct v consequential damages.

Chapter 17: Negotiable Instruments: Negotiability and Transferability

- Added case 17-1, Amplify Federal Credit Union v. Garcia. This case examines the elements determining whether a contract is a negotiable instrument.
- Created a Global Box explaining the unique understanding of negotiable instruments in India. A concurrent traditional form of negotiable instruments governs particular kinds of instruments, side by side with a system of negotiable instruments similar to those in the United States.

Chapter 18: Holder in Due Course, Liability, and Defenses

- Included case 18-1, Walker v. Probandt and Raynor. This case shows how defenses are affected by the transfer of a note, and how defenses come into play when deciding liability. It also discusses how holder in due course status affects defenses.
- Added a new graphic to visualize the requirements to acquire holder-in-due-course status to supplement the prose description.
- Included a new graphic describing the requirements that must be met for there to be notice of such a defect. To say that a negotiable instrument was accepted without notice of defects is to say that a party was not knowledgeable of any defects in the instrument at the time of acceptance.

Chapter 19: Secured Transactions and Bankruptcy

- Replaced Case Nugget with a case addressing the definition of the terms “intangibles” and “proceeds” in a financing statement and their effect upon a debtor’s subsequent award of damages (Bayer Cropscience, LLC v. Stearns Bank Nat’l Ass’n).
- Replaced case 19-2 with a case addressing the status of student loans in bankruptcy and maintenance of a “minimal standard of living” (In re Murray).
- Updated bankruptcy exemptions in Exhibit 19-4 and Chapters 13 and 12 filing requirements for individual repayment plans, family-farmer petitions, and family-fisherman petitions.

Chapter 20: Agency and Liability to Third Parties

- Added case 20-2, Doe v. Uber Technologies, Inc. This case provides a good illustration of how a court might determine whether a worker is an employee or independent contractor as well as whether an employer may be liable under respondeat superior.

Chapter 21: Forms of Business Organization

- Added new Point/Counterpoint: Should Aspiring Business Owners Form an LLC Instead of a Corporation?
- Included new case 21-2, Patterson v. Domino’s Pizza.

Chapter 22: Corporations: Formation and Organization

- Clarified that ultra vires is uncommon, but important, in response to a reviewer’s suggestion.
- Clarified the extent of the requirements of the Uniform Partnership Act in response to a reviewer’s suggestion.
- Added clarification as to why LLCs are now such a popular form of business in response to a reviewer’s

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suggestion.

- Inserted an additional description regarding franchises in response to a reviewer's suggestion.
- Added new case 22-2, KDW Restructuring & Liquidation v. Greenfield, which represents a clear statement of the contemporary application of the business judgment rule.

Chapter 23: Securities Regulation

- Added new case 23-2, Levista, Inc. v. Ranbaxy Pharmaceuticals, Inc.
- Added new Point/Counterpoint: Should Previous Dealings of the Parties Control the Contractual Relationship?

Chapter 24: Employment and Discrimination Law

- Added two new learning objectives and sections.
- Included the question in 24-7: "May employers use social media in employment decisions?" The issue of the use of social media by employers in hiring and firing decisions is a hot topic and one that is fraught with potential pitfalls. Savvy employers must be informed as to when and how using social media for such purposes is wise and when it should be avoided (privacy issue).
- Added the question in 24-8: What are the rights and responsibilities of employers when hiring foreign workers? The recent executive orders related to immigration have made this a hot topic. United States' employers want to be able to access the best talent worldwide but also avoid legal entanglements.
- Added two major developments in the law regarding sexual orientation discrimination – an agency case and a federal circuit court case extending the definition of "sex" discrimination under Title VII to include discrimination based on sexual orientation.
- Added new case 24-2, Donald Baldwin, Complainant v. Anthony Foxx, Secretary, Dept. Of Transportation (FAA), Agency, First time the EEOC (as an agency) interprets "sex" discrimination under Title VII as including discrimination based on sexual orientation.
- Included a new section re: U.S. Supreme Court's 2015 decision granting marriage equality.
- Provided a new case 24-3, Nickel v. Staples Contract and Commercial, an age discrimination case in which "substantial evidence" of discrimination prevailed over allegations of employee theft, resulting in \$16M verdict.
- Added new Case Nugget: Roe v. Teletech Customer Care Mgmt. (Colo.) LLC on whether an employee may be fired for using medical marijuana.
- Added new Point/Counterpoint: Should Employers Be Permitted to Use Social Media in Hiring and/or Firing Decisions?

Chapter 25: Consumer Law

- Clarified the rulemaking authority of the FTC in response to a reviewer's comment that the concept had not been introduced at the time it first appeared in the chapter.
- Added a section about data mining and privacy.
- Designed a discussion of the reduced regulations placed on data mining by legislation during President Trump's first hundred days.
- Included a new Point/Counterpoint: Should Prescription Drugs be Advertised Directly to Consumers?
- Added new case 25-2, Crawford v LVNV Funding.

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