HFT 2600

**Hospitality Law**

Valencia College – West Campus

Fall 2017

### Instructor

### **Rishi S. Bagga, J.D., LL.M.**

[rbagga@mail.valenciacollege.edu](mailto:rbagga@mail.valenciacollege.edu)

Mobile: (407) 808-8331

# Course Description

A study of hotel, restaurant, and travel law. This course will include discussion of historic and modern legal principles, important cases, and laws that affect the hospitality industry. The course will also include the discussion and development of best practices to minimize risks and prevent legal issues where possible.

**Credit Hours:** 3

**Class Meeting Room:** West Campus - 9-127

**Day/Time:** Tuesdays, 6:00-8:50pm

**Required Text**: Hotel, Restaurant, and Travel Law: A Preventive Approach, 7th Edition (by Norman G. Cournoyer, Anthony G. Marshall, Karen L. Morris). Additional assigned reading may be added to Blackboard.

# Course Organization and grading

|  |  |
| --- | --- |
| **Grading Criteria:**  Attendance/Participation: 10%  Legal Writing Exercise: 10%  Midterm Exam: 25%  Class Project:  Oral Presentation 15%  Written Submission 15%  Final Exam: 25% | **Grading Scale:**  A 90-100  B 80-89  C 70-79  D 60-69  F below 60 |

**General Information**:

Valencia Student Competencies can be found here: <http://valenciacollege.edu/competencies/>

All students are expected to adhere to the Student Code of Conduct. A copy of the Code of Conduct can be found here: <http://valenciacollege.edu/generalcounsel/policy/documents/Volume8/8-03-Student-Code-of-Conduct.pdf>

**PREPARING FOR CLASS**

**This is a law class.** There is really no way to study or understand the law without reading the law. Accordingly, you will be expected to read assigned case materials **prior** to class so that you are prepared to discuss them. I highly recommend setting aside 1-2 hours a week to read the materials before class to be prepared. If you want an A in this class, you will have to read.

**Classroom Policies**

**Attendance and Class Participation**: Punctual and regular attendance is mandatory in this course. Attendance does not only mean your physical presence; it also means that you are actively participating in and prepared for classroom discussion. Accordingly, all students are expected to arrive to class prepared. In order to be adequately prepared, **a student should have read the assigned materials prior to attending class and be prepared to discuss cases and concepts in order to participate in class discussion**. Students are responsible for all material covered in class. Students must attend the first class of the session; failure to do so will result in listing the student as a “no show” with the college.

You will be graded on your attendance and participation in the following manner:

0-1 absence = 100% for the attendance/participation grade

2 absences = 50% for the attendance/participation grade

3-3+ absences = 00% for the attendance/participation grade

**OR** absence during

Oral Presentation

Three partial attendances count as an absence. A partial attendance is defined as arriving tardy, leaving early, or not being an active participant in the class session. A maximum of one absence during the semester may be excused upon demonstration of good cause, which I reserve the right to determine. I reserve the right to withdraw or fail a student due to excessive absences, normally viewed as 4 or more.

**Academic Honesty**: Each student is expected to do his or her own work, unless otherwise specified. Cheating will not be tolerated and will result in an automatic “0” on that exam or project.

**Academic Accommodations**: Students with disabilities who qualify for academic accommodations must provide a letter from the Office for Students with Disabilities and discuss specific needs with the professor, preferably during the first two weeks of class. The Office for Students with Disabilities determines accommodates based on appropriate documentation of disabilities.

**Mobile Communication Devices:** While it may be necessary on occasion to communicate with others during class, please do not text, email, surf, talk, or anything else while class is in session. Feel free to leave the classroom for a moment to take care of any necessary communications.

**Examinations**: Failure to take the midterm will result in a grade of “0” for that exam. Failure to complete any portion of the Class Project will result in a grade of “0” for the project portion of your final grade. **Please note that failure to take the final exam will result in a grade of “F” for the course**. If an emergency prevents you from completing any of the above, it is **your responsibility** to **call me immediately** and, if at all possible, **prior** to the exam/deadline so that we can work to address the issue.

**Make-Up Exams**: Make-up exams will only be given in emergency situations and only when pre-arranged. The exam will be arranged in the testing center, and must be made up before the next class meeting. You **must** pre-arrange a make-up exam.

*The schedule, procedures, and assignments are subject to change in the event of extenuating circumstances. However, any such change will be clearly announced. Such changes are designed to deal with unforeseen circumstances that arise during the course. The changes will be intended to benefit the student and will not significantly add to the rigor of the course.*

# CLASS SCHEDULE

# \*\*\* A note re: reading assignments. Students are expected to have reviewed the chapter prior to class. Additionally, students are expected to have read Assigned Case Examples (Blue Boxes) and be prepared to discuss. \*\*\*

8/29 An Overview of the American Legal System Chapter 1

*The legal field and the development of strategies for studying legal material*.

9/5 Legal Procedures & Civil Rights Issues in Hospitality Chapters 2 & 3

Legal procedures and processes; the Civil Rights Act and its application to the hospitality industry

9/12 The Basics of Contract Law Chapter 4

The elements of a contract; breaches and contractual relations.

9/19 Negligence & Hospitality Practices Chapter 5

*Principles of negligence, duty, breach, and liability.*

9/26 Applications in Contract & NegligenceChapter 4-6

10/3 **Writing Assignment DUE at Beginning of Class**

Guests, Patrons, Properties & Review Chapters 7 & 8

*Relationships and responsibilities with guests and patron’s property*

10/10 Rights of Innkeepers & Guests / Chapters 9 & 10

**Writing Assignment Review**

*Rights of innkeepers and guests as it relates to refusing to serve or lodge, eviction, privacy, occupation, and other protections*

10/17  **Midterm Exam / Assignment of Project Groups**

#### Students responsible for material in chapters 1-8

10/24 Liability – Food & Alcohol Chapters 11 & 12

*Adulterated food, alcoholic beverages, and liquor regulations*

10/31 Employment (Part 1) Chapter 14

*Fair labor standards act; illegal job discrimination; disabilities*

11/7 Employment (Part 2) Chapter 14

11/14 Regulations & Licensing, Specialized Destinations Chapters 15 & 16

Marketplace regulation; trademarks, franchising; licensing; and zoning. The travel industry, rights of traveler and airlines, and liabilities; Gambling and casinos; theme parks; spas; and condominiums

11/21 Review / Project Preparation and Discussion

11/28  **Written Portion of Class Project DUE at Beginning of Class**

**Class Project – Oral Presentations Pt 1.**

\*\*\***Mandatory Class Attendance**\*\*\*

12/5  **Class Project – Oral Presentations Pt. 2.**

\*\*\***Mandatory Class Attendance**\*\*\*

12/12  **Final Exam -** Students responsible for chapters 9-12, 14-16

WRITING ASSIGNMENT

When dealing with legal issues, it is critically important to express yourself in clear, concise, precise language. This assignment will be a small written exercise to give you practice with analyzing a legal problem. You will be asked to provide a one (1) page, single-spaced written response to a problem. In your response, you must apply the IRAC methodology for legal analysis: Identify the **I**ssue, Identify the applicable **R**ule, **A**pply the rule to the facts at issue, and provide a **C**onclusion based upon your analysis. The problem will be given to you on the second or third week of class.

\*\***You must e-mail me your response to me in PDF format (see below) before class on 10/3**.\*\*

# Class Project: Mediation

Mediation is the attempt to settle a legal dispute through the active participation of a third party (mediator) who works to find points of agreement and make those in conflict agree on a fair result

In civil law suits, mediations are a common occurrence. They are often used during the course of a case (and are often required by law) as a means of resolving conflict prior to a trial. Mediations are vital for judicial economy – it would be bad for the justice system and bad for business if every case went to trial. You may very well be involved in a mediation or be called upon for input during your career.

The class will be divided into groups of 4-5 students, and each group will be assigned a fictional “case” involving a hospitality business. Although the group has the same set of facts, each member of the team will play the attorney for a unique party or interest involved in the case. For example, if your case involves a slip and fall case, one of you might represent the person who slipped, another might represent that person’s family, another might represent the hotel, and yet another might represent the company in charge of cleaning the floor. The case will be assigned to you on the day of the Midterm Exam.

There are two parts to this project – a written portion and an oral portion, each worth 15% of your grade.

**Written Portion \*\*Due on 11/28 before class – must be e-mailed to me in PDF format (see below)\*\***

Each student will be required to provide a 2-3 page, single-spaced memorandum to your client. Remember, you are your client’s lawyer and (s)he is paying you for your expert opinion – accordingly, this memorandum should be formal, well written (i.e., no spelling and grammar errors), well organized, and well analyzed. A good memorandum will apply the facts of the case to the law you have learned. Your paper should analyze the facts and the law at issue in your hypothetical **objectively** (in other words, it should analyze and discuss *all sides of the case*, not just your own side). You want your client to have as much information as possible so (s)he can understand what each side might win or lose in the case. The memorandum should also include a section that outlines your client’s goals, a plan to achieve your goals, and areas you are willing to compromise in. You **do not** need to do outside research – use the cases in the book to analyze the issues. As we get closer to the project, I will provide you with examples of legal memoranda. A good memorandum will allow an individual who knows nothing about the case to read it, understand the basic issues involved, and understand the possible outcomes.

**Oral Portion**

During the last two weeks of class, each group will hold a mock “mediation” in front of the class. I will play the role of “mediator”. Your group will sit at a table in front of the class, and at the beginning of the mediation, each student will make a brief (3-5 minute) Oral Presentation to the mediator and to the opposing side. This time, you are **advocating** for your client – you should present the best arguments in your client’s favor and argue that you have a good chance of prevailing if the case were to continue to trial. Remember, you are your client’s lawyer and (s)he is paying you for your work – a good lawyer will come well dressed and well prepared. Your grade will depend on how well you presented your best arguments, the organization of your presentation, and your knowledge of your facts.

Afterwards, the mediator will meet individually with each side and ask questions – it is important that you know the facts of the case! We will go back and forth a few times and see if we can come up with a settlement agreement both sides are happy with.

**PDF FORMAT REQUIRED FOR WRITTEN ASSIGNMENTS**

I require all written assignments to be submitted to me electronically in PDF format. This is so that I can grade your assignment electronically and e-mail it back to you even if I am traveling. This also makes sure that I see your document exactly as you intended it to look (i.e., it will not appear different on a different computer or device). If I receive a document that is not in PDF, I will reject it and tell you to send it back in PDF, as well as take 10% off for it being late.

To save as a PDF in Word, select “Save As…” in the File dropdown menu and select PDF in file format. To save as a PDF in Apple Pages, select “Export To” in the File dropdown menu and select PDF.

If you are having any trouble with this, please ask me **before** the assignment due date and I will be happy to walk you through the process.

**GRADING CRITERIA FOR WRITTEN PROJECTS**

Written assignments in this class are designed to gauge both (1) your grasp of the legal concepts taught in class, and (2) your ability to apply those concepts to a given set of facts. With any legal issues, there are many sides to the equation; accordingly, I care more that you show your work and explain your reasoning than whether or not your conclusion is correct. I expect college-level writing for these assignments. Valencia has several resources available if you need assistance with your writing.

The criteria below should give you an idea of how I grade your written work:

**A (90-100)** – An “A” paper has no spelling mistakes and no grammatical errors. It clearly identifies all of the legal issues involved and applies the facts to the law. It acknowledges both sides of the problem, addresses possible outcomes for all parties. It cites to cases or examples in the textbook to support assertions. It is balanced and takes a neutral, logical point of view and a professional tone.

**B (80-89)** – A “B” paper has a few or only minor errors in spelling and grammar. It identifies most of the legal issues involved and applies the facts to the law, though it does not address all of the issues involved. It has a professional tone and a logical point of view. It does not include citations for assertions.

**C (70-79)** – A “C” paper has multiple errors in spelling and grammar. It only identifies one or two issues involved. It does not address both sides of the argument. It makes a conclusion but does not explain how the writer came to that conclusion.

**D (60-69)** – A “D” paper has serious mistakes in spelling and grammar. It uses poor word choice. It only tells me the facts but does not discuss the law or how the facts apply to the law. It makes conclusions and assertions without backing them up. It adopts an unprofessional or argumentative tone.

**F (below 60)** – An “F” paper makes it clear that the writer did not give the assignment much thought.

**GRADING CRITERIA FOR ORAL PRESENTATIONS**

I do not expect your oral presentation to be perfect or that you will present your argument like a seasoned trial attorney. However, I do expect that you have thought about your presentation and prepared for it ahead of time

This criteria should give you some idea of how I grade your oral presentation:

**A (90-100)** – An “A” oral presentation is well-thought out and well-prepared. It sticks to the time limits provided. It presents the law in the facts in the most favorable way possible to its client and prioritizes the speaker’s strongest arguments first. The speaker has a professional appearance. The speaker cites to cases or examples in the textbook to support assertions. It is obvious that the speaker developed a presentation strategy with their project partner. The speaker advocates for their client without becoming argumentative or unprofessional.

**B (80-89)** – A “B” oral presentation makes good points and has a logical point of view, but does not present its strongest arguments first. The speaker misses some of the issues in the case or a few points they could have made. The speaker knows their case, but should have spent a little more time preparing a strategy or practicing. The speaker has a professional appearance. The speaker advocates for their client without becoming argumentative or unprofessional.

**C (70-79)** – A “C” oral presentation misses several arguments. The speaker knows some of the facts of their case but is missing several important facts. It appears as though the speaker did not practice their presentation and did not discuss it with their project partner much. The speaker adopts a tone and appearance that lacks professionalism.

**D (60-69)** – A “D” oral presentation misses major arguments. The speaker does not know their facts well at all. It is evident that the speaker did not practice their presentation and come in with a plan. The speaker appears unprofessional, and adopts an unprofessional, inappropriate or accusatory tone.

**F (below 60)** – An “F” oral presentation makes it clear that the speaker did not give the oral presentation much thought.