

## MBA 610 Final Project Part I Guidelines and Rubric

### Overview

The first part of the final project for this course is the creation of a **memorandum**.

Legal situations arise frequently in everyday business practice, but the assessment of the key issues is not always clear. A working understanding of essential business law concepts is critical for the successful navigation of complex and diverse business environments. Successfully addressing real-world situations will sharpen your skills in spotting issues, identifying vulnerabilities that you may face as a member of the corporate world, and becoming more sensitive to legal dilemmas that commonly arise in business.

For your two-part summative assessment, you will be preparing two professional business memorandums related to the application of business law in specific hypothetical scenarios. For Final Project Part I, you will assume the role of an intern at the legal department at one of the two companies in the scenario (Greene or Howell) and compile a 10-page memo for your supervisor, which will be used to formulate an official executive brief of the lawsuits. Your findings and critical assessment of the cases will help shape the approach of corporate stakeholders to the legal matters raised, including each company's response to each situation.

The project is divided into **two milestones**, which will be submitted at various points throughout the course to scaffold learning and ensure quality final submissions. These milestones will be submitted in **Modules Two** and **Five**. **The final submission of Final Project Part I will be submitted in Module Eight.**

**In this assignment, you will demonstrate your mastery of the following course outcomes:**

- Assess the impact of business law on organizational decision making for informing strategic legal decisions
- Analyze pertinent facts of business client cases by effectively employing foundational law principles
- Select key legislation and legal precedents that impact client cases for informing legal decisions
- Assess the impact of public perception on companies in legal situations for informing business practices
- Assess the legal and ethical implications of United States companies doing business abroad for informing business decisions that are compliant with applicable domestic laws

### Prompt

You are an intern at the legal department at one of the companies in the following scenario (Greene or Howell) and tasked with compiling a memo for your supervisor, which will be used to formulate an official executive brief of these lawsuits.

#### Scenario

Mary Jane and Allen Greene, a married couple, own a high-end costume jewelry manufacturing and distribution company called Greene's Jewelry Wholesale, LLC. The principal place of business for Greene's Jewelry is in Derry, New Hampshire, where it owns a warehouse and two storefronts. Originally started in 1957,

the company expanded over five decades, and it now employs 502 individuals in a variety of departments, including sales and marketing, research and development, human resources, and manufacturing.

The primary asset of Greene's Jewelry is its process for creating a synthetic gold-colored material called "Ever-Gold," which is used in Greene's necklaces, rings, earrings, and bracelets. Ever-Gold is impervious to scratches, discoloration, oxidization, and is marketed as "everlasting gold." Greene's maintains this process as a trade secret.

Jennifer Lawson, who has been employed for three years as a junior executive secretary in the research and development department at Greene's Jewelry, has just learned that she is pregnant. She has earned high marks on each of her annual reviews with the company, with the exception of the fact that she routinely shows up 15 to 30 minutes late for work. Otherwise, she is deemed to be professional, articulate, diligent, and skilled in her role with the company. When Lawson advises the head of human resources, Lisa Peele, that she may have to take additional time off as a result of some high-risk factors that she will face during the course of her pregnancy, she is told that her position has been eliminated. The specific words are: "Congratulations Jennifer! That is exciting news for you. We do not need to worry about time off, though, because, regrettably, I was just going to let you know that we are downsizing and no longer have a need for any of our junior executive secretaries."

Jennifer is distraught, and immediately returns to her desk to clear it out as instructed. She removes all of her personal items, as well as the projects she was working on prior to her discussion with Lisa Peele. When she returns to her home, she realizes that she has inadvertently taken a draft letter to Greene's intellectual property attorney, which details the secret process for creating Ever-Gold.

Although Greene's Jewelry requires all of its executives to sign covenants not to compete and confidentiality agreements, Jennifer was only required to sign a confidentiality agreement, by which she agreed never to disclose any information that she might acquire from Greene's regarding the process used to create Ever-Gold.

Panicked, and knowing that she needs a job, she calls one of Greene's competitors, Howell Jewelry World, and advises its hiring manager that she is a former employee of Greene's, that she needs a job, and that she has confidential information about Ever-Gold that would help Howell compete with Greene's. The hiring manager at Howell, Naomi White, schedules an interview with Jennifer for the following day

At the end of the interview, Naomi makes an offer to Jennifer to begin work with Howell immediately, but she conditions the offer on Jennifer's execution of an employment contract. The contract contains two specific provisions that Naomi insists Jennifer read and initial, in addition to signing the contract as a whole. One of those provisions states that Jennifer will disclose the information she has regarding the Ever-Gold process prior to commencing work with Howell. The other provision is a covenant to not work for any competitor of Howell for two years after she leaves the employ of Howell, irrespective of the reason for leaving, and whether she quits or is fired. Jennifer initials both of the provisions, signs the contract for employment, and gives Naomi a copy of the letter that she removed from her desk at Greene's.

One week after she starts working with Howell, Jennifer is fired for chronic tardiness, and she thereafter gets a job working as a sales associate with the only other jewelry company in town, Triumph Jewels.

Meanwhile, Greene's learns that Howell has acquired knowledge of the secret process used to create Ever-Gold, and that Howell has tweaked the process slightly to create a product with similar characteristics and qualities to Ever-Gold. Howell, for its part, has learned that Jennifer is working for a competitor and fears that Jennifer will disclose the process to Triumph. Finally, one of Howell's customers had developed a disfiguring rash as a direct result of the new process Howell has begun using in its jewelry.

Greene's sues Jennifer for breach of the confidentiality agreement when it learns that she has given confidential information to Howell. Jennifer counter-sues Greene's for wrongful termination. Howell sues Jennifer for breach of the covenant not to compete, and Jennifer counter-sues for fraudulent inducement, believing that she was tricked into signing the employment contract with Howell and that Howell was never interested in hiring her, but was interested only in acquiring information on the process to create Ever-Gold. Howell also sues Triumph, claiming that it knew or should have known that Jennifer was subject to a covenant not to compete, and that Triumph should therefore be bound by its provisions.

**Specifically, the following critical elements must be addressed:**

- I. **Memo Introduction:** Articulate what you feel are the strengths of your company's legal claim or defense.
- II. Client's Case
  - A. **Facts and Laws**
    1. Analyze the facts related to employment discrimination or **unlawful termination** based on your company's perspective.
    2. Analyze the facts related to **contract issues** based on your company's perspective.
    3. Identify the operative employment and contract **laws** that apply to your company's case.
  - B. **Precedent**
    1. Select cases that support your company's position in terms of employment discrimination or **unlawful termination**. Justify why they support its case.
    2. Select cases that support your company's position in terms of **contract disputes**. Justify why they support its case.
  - C. **Facts to be Determined**
    1. Determine any **facts** that will help you better analyze your company's position. In other words, what questions do you need answered before you can proceed?
    2. Explain how the identified facts will help **establish** the legal rights and/or obligations of the defendant in relation to your company. In other words, how would those facts reflect on the propriety and legality of the decisions that were made?
  - D. **Application of the Law to the Facts:** Using the precedents you have selected in case law, regulations, and substantive law, assess the strengths and weaknesses of your company's arguments in court. Is it probable your company will win this legal dispute?
  - E. **Impact Assessment**
    1. Based on your analysis, how do you believe this situation may affect **public perception** of your selected company? Will the public discourse reflect possible legal outcomes? Be sure to use specific examples.
    2. Make suggestions on how to alleviate any **damages** to your selected company's public perception going forward. Will action(s) related to the other party be appropriate?
    3. Recommend how the company should modify specific **business practices** to avoid similar situations in the future.

## Milestones

Milestone One: Introduction, Facts and Laws, Precedent, and Facts to be Determined

In **Module Two**, you will submit your Memo Introduction, Facts and Laws, Precedent, and Facts to be Determined sections (Sections I, IIA, IIB, and IIC) of the memorandum. In the Memo Introduction, articulate what you feel are the strengths of your company’s legal claim or defense. In the Facts and Laws section, analyze the facts related to employment discrimination or unlawful termination based on your company’s perspective. Analyze the facts related to contract issues based on your company’s perspective. Identify the operative employment and contract laws that apply to your company’s case. In the Precedent section, select cases that support your company’s position in terms of employment discrimination or unlawful termination. Justify why they support its case. Select cases that support your company’s position in terms of contract disputes. Justify why they support its case. In the Facts to be Determined section, determine any facts that will help you better analyze your company’s position. In other words, what questions do you need answered before you can proceed? Explain how the identified facts will help establish the legal rights and/or obligations of the defendant in relation to your company. In other words, how would those facts reflect on the propriety and legality of the decisions that were made? This milestone should be 4–5 pages. **This milestone is graded with the Final Project Part I Milestone One Guidelines and Rubric.**

Milestone Two: Application of the Law to the Facts and Impact Assessment

In **Module Five**, you will submit the Application of the Law to the Facts and the Impact Assessment sections (Sections IID and IIE) of the memorandum. In the Application of the Law to the Facts section, use the precedents you have selected in case law, regulations, and substantive law, assess the strengths and weaknesses of your company's arguments in court. Is it probable your company will win this legal dispute? In the Impact Assessment section, based on your analysis, how do you believe this situation may affect public perception of your selected company? Will the public discourse reflect possible legal outcomes? Be sure to use specific examples. Make suggestions on how to alleviate any damages to your selected company’s public perception going forward. Will action(s) related to the other party be appropriate? Recommend how the company should modify specific business practices to avoid similar situations in the future. This milestone should be 4–5 pages. **This milestone is graded with the Final Project Part I Milestone Two Guidelines and Rubric.**

Final Submission: Memorandum

In **Module Eight**, you will submit your completed memorandum. It should be a complete, polished artifact containing **all** of the critical elements of the final product. It should reflect the incorporation of feedback gained throughout the course. **This submission will be graded using the Final Project Part I Rubric.**

## Deliverables

Milestone	Deliverable	Module Due	Grading
One	Introduction, Facts and Laws, Precedent, and Facts to be Determined sections	Two	Graded separately; Final Project Part I Milestone One Rubric
Two	Application of the Law to the Facts and Impact Assessment sections	Five	Graded separately; Final Project Part I Milestone Two Rubric
	Final Submission: Memorandum	Eight	Graded separately; Final Project Part I Rubric

## Final Project Part I Rubric

**Guidelines for Submission:** Your professional business memorandum should adhere to the following formatting requirements: 10 pages (not including title and reference pages), double-spaced, using 12-point Times New Roman font, and one-inch margins. You should use current APA style guidelines for your citations and reference list. Generally speaking, the best memos include references to at least two cases for each point of law that is mentioned. Students also earn high marks when they cite to cases that appear to support a different legal resolution than the one presented by the student, and then distinguishing that case from the scenario described in this assignment. Such distinctions demonstrate exemplary understanding of the course materials.

Critical Elements	Exemplary (100%)	Proficient (90%)	Needs Improvement (70%)	Not Evident (0%)	Value
<b>Memo Introduction</b>	Meets “Proficient” criteria and shows keen insight into the strengths of legal claims or defenses based on the facts of business situations	Articulates the strengths of company’s legal claim or defense	Articulates the strengths of company’s legal claim or defense, but with gaps in accuracy or detail	Does not articulate the strengths of company’s legal claim or defense	8
<b>Facts and Laws: Unlawful Termination</b>	Meets “Proficient” criteria and demonstrates a nuanced understanding of the relationship between established law and facts of legal cases	Analyzes facts related to employment discrimination or unlawful termination based on company’s perspective	Analyzes facts related to employment discrimination or unlawful termination based on company’s perspective, but with gaps in accuracy or detail	Does not analyze facts related to employment discrimination or unlawful termination based on company’s perspective	8
<b>Facts and Laws: Contract Issues</b>	Meets “Proficient” criteria and demonstrates a nuanced understanding of the relationship between established law and facts of legal cases	Analyzes facts related to contract issues based on company’s perspective	Analyzes facts related to contract issues based on company’s perspective, but with gaps in accuracy or detail	Does not analyze facts related to contract issues based on company’s perspective	8
<b>Facts and Laws: Laws</b>	Meets “Proficient” criteria and demonstrates a nuanced understanding of how foundational law applies to client cases in business law	Identifies operative employment and contract laws that apply to company’s case	Identifies operative employment and contract laws that apply to company’s case, but one or more operative laws are missing or there are inaccuracies	Does not identify operative employment and contract laws that apply to company’s case	8
<b>Precedent: Unlawful Termination</b>	Meets “Proficient” criteria and justification shows keen insight into how precedents impact client cases	Selects cases that support company’s position in terms of employment discrimination or unlawful termination, logically justifying selections	Selects cases that support company’s position in terms of employment discrimination or unlawful termination, justifying selections, but case(s) are inappropriate for supporting case or justification has gaps in logic or detail	Does not select cases that support company’s position in terms of employment discrimination or unlawful termination	8

<b>Precedent: Contract Disputes</b>	Meets “Proficient” criteria and justification shows keen insight into how precedents impact client cases	Selects cases that support company’s position in terms of contract disputes, logically justifying selections	Selects cases that support company’s position in terms of contract disputes, justifying selections, but case(s) are inappropriate for supporting case or justification has gaps in logic or detail	Does not select cases that support company’s position in terms of contract disputes	8
<b>Facts to be Determined: Facts</b>	Meets “Proficient” criteria and demonstrates a broad understanding of the law principles necessary for establishing pertinent facts of client cases	Determines facts needed for better analyzing company’s position	Determines facts needed for better analyzing company’s position, but with gaps in logic or detail	Does not determine facts needed for better analyzing company’s position	8
<b>Facts to be Determined: Establish</b>	Meets “Proficient” criteria and demonstrates a broad understanding of the law principles necessary for establishing pertinent facts of client cases	Explains how identified facts will help establish the legal rights and/or obligations of defendant in relation to company	Explains how identified facts will help establish the legal rights and/or obligations of defendant in relation to company, but with gaps in logic or detail	Does not explain how identified facts will help establish the legal rights and/or obligations of defendant in relation to company	8
<b>Application of the Law to the Facts</b>	Meets “Proficient” criteria and assessment shows keen insight into the implications of laws and precedents for business decisions related to legal situations	Logically assesses the strengths and weaknesses of company’s arguments in court based on selected laws and precedents, addressing likelihood of winning legal dispute	Assesses the strengths and weaknesses of company’s arguments in court based on selected laws and precedents, addressing likelihood of winning legal dispute, but with gaps in logic, detail, or relevance to selected laws or precedents	Does not assess the strengths and weaknesses of company’s arguments in court based on selected laws and precedents, addressing likelihood of winning legal dispute	8
<b>Impact Assessment: Public Perception</b>	Meets “Proficient” criteria and shows keen insight into the impact of legal situations on the public perception of companies	Logically evaluates how legal situation may affect public perception of company, providing specific examples	Evaluates how legal situation may affect public perception of company, providing specific examples, but has gaps in logic or detail	Does not evaluate how legal situation may affect public perception of company, providing specific examples	8
<b>Impact Assessment: Damages</b>	Meets “Proficient” criteria and suggestions reflect a nuanced understanding of how public perception of legal situations impacts company responses	Makes appropriate suggestions for how to alleviate damages to company’s public perception, addressing whether actions related to other party are appropriate	Makes suggestions for how to alleviate damages to company’s public perception, addressing whether actions related to other party are appropriate, but not all suggestions are appropriate or key details are missing	Does not make suggestions for how to alleviate damages to company’s public perception, addressing whether actions related to other party are appropriate	8

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<b>Impact Assessment: Business Practices</b>	Meets “Proficient” criteria and recommendations are especially appropriate for business decisions that are informed by public perception	Makes appropriate recommendations for how the company should modify specific business practices to avoid similar situations in the future	Makes recommendations on how the company should modify specific business practices to avoid similar situations in the future, but not all recommendations are appropriate or key details are missing	Does not make recommendations for how the company should modify specific business practices to avoid similar situations in the future	8
<b>Articulation of Response</b>	Submission is free of errors related to citations, grammar, spelling, syntax, and organization and is presented in a professional and easy-to-read format	Submission has no major errors related to citations, grammar, spelling, syntax, or organization	Submission has major errors related to citations, grammar, spelling, syntax, or organization that negatively impact readability and articulation of main ideas	Submission has critical errors related to citations, grammar, spelling, syntax, or organization that prevent understanding of ideas	4
<b>Total</b>					<b>100%</b>