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**Region: Africa, Europe and the EU**

## **Course information and description:**

This module can be incorporated in both LEX 220-Corporate Law and LEX 150-Commercial Law, as those courses are offered concurrently, and use the same textbook. Students simultaneously register and take both courses during the same semester.

### **LEX 220-Corporate Law**

This course covers the legal aspects of forming, operating, and maintaining a business. Emphasis is on the business corporation with additional coverage of sole proprietorships and partnerships. Upon completion, students should be able to draft basic partnership and corporate documents and file these documents as required.

### **LEX 150-Commercial Law**

This course covers legally enforceable agreements, forms of organization, and selected portions of the Uniform Commercial Code. Topics include drafting and enforcement of contracts, leases, and related documents as well as selection and implementation of business organization forms, sales, and commercial papers. Upon completion, students should be able to apply the elements of a contract, prepare various business documents, and understand the role of commercial paper.

## **Description of module:**

This global module will focus specifically on Europe and the European Union. Students will learn about the European Union, as it relates to corporate law, international commerce, and corporate criminal liability. Students will learn specifically about the connections between the corporate enterprise and organized criminal activity, within international commerce, and the global market. The concepts of international dispute resolution and diplomacy will be covered. Students will identify various laws, such as the Organized Crime Control Act, in particular the Racketeer Influenced and Corrupt Organizations Act (RICO), the Counterfeit Access Device and Computer Fraud And Abuse Act (CFAA), and Information Infrastructure Protection Act (IIP), analyzing how these laws can be used to pursue civil and criminal penalties by the United States, various European nations, and countries included within the European Union. As a result of completing this module, students will become better equipped to understand the role of international commerce within corporate enterprise, and commercial law.

## **Student Global Learning Outcomes:**

Through this module, students will:

1. Identify and understand the major goals, concepts, values, and countries that comprise the European Union, as it relates to uniform contract law, and international commerce
2. Understand the importance of international dispute resolution, in conjunction with the doctrine of sovereign immunity and the Foreign Sovereign Immunities Act of 1976, as they relate to corporate enterprises and international commerce

3. Explain the role of international organizations and multinational corporations in Europe and the European Union, as they relate to the World Trade Organization
4. Describe the governance and function of the United Nations, the Foreign Commerce Clause, the Treaty Clause of the U.S. Constitution, the North American Free Trade Agreement (NAFTA), and the Association of Southeast Asian Nations (ASEAN), as they relate to international trade and commerce
5. Identify, discuss, and analyze organized criminal activity within international commerce, as it relates to the Organized Crime Control Act, in particular the Racketeer Influenced and Corrupt Organizations Act (RICO), and the Counterfeit Access Device and Computer Fraud Act (CFAA)
6. Understand and explain the role of constitutional protection, as it relates to extradition treaties within the international corporate market

## Student Global Learning Activities

### Activity 1

#### Title:

*International and World Trade Law: Up Close and Personal*

#### Objective:

Students will explore the U.S. government's power under the Foreign Commerce Clause and Treaty Clause of the U.S. Constitution. In particular, students will analyze a nation's court jurisdiction over international disputes, including the following components: the United Nations, North American Free Trade Agreement (NAFTA) and Association of Southeast Asian Nations (ASEAN). Finally, students will learn about the "commercial activity exception" as it relates to the Foreign Sovereign Immunities Act of 1976.

#### Procedure:

Students will read the chapter on "International and World Trade Law." Students will be provided an overview of the Foreign Commerce Clause and Treaty Clause of the U.S. Constitution, describing a nation's court jurisdiction over international disputes. An overview of the North American Free Trade Agreement (NAFTA) and Association of Southeast Asian Nations (ASEAN) will be provided, as well. Then students will review the Foreign Sovereign Immunities Act (FSIA), which governs suits against foreign nations in the United States. Students will learn the exceptions to the FSIA, including the "commercial activity exception", and how that exception can bring international corporations within the jurisdiction of the United States.

A discussion will take place regarding the legislative history of the FSIA, and how the nature of the commercial activity, as initiated through an enforceable contract, governs the jurisdictional issue of sovereign immunity. Lastly, students will learn how a "forum selection clause" within a contract between foreign corporations can determine jurisdiction, and the historical view that forum selection clauses have had according to public policy. Afterwards, students will participate in a debate regarding the *M/S Bremen and Unterweser Reederei, GMBH v. Zapata Off-Shore*

*Company* case which deals primarily with a contract dispute between corporations doing business in international waters.

### **Debate Guidelines and Instructions:**

The class will be divided into teams and will do a comparison debate on the following case regarding the “forum selection clause”: *M/S Bremen and Unterweser Reederei, GMBH v. Zapata Off-Shore Company*

The class will be divided into Team A (for *Zapata*) and Team B (for *Unterweser*). Both teams will need to draft and articulate an argument for their respective client. The argument will need to address the following:

- A logical synopsis argument regarding why the court should rule in favor of the respective client (*Zapata v. Unterweser*)
- Specific rationale that supports the respective client’s position
- Evidence and examples of case precedent that support the respective client’s position
- Provide a list of counterarguments for any specific rationale points used in support of the client’s position

### **Case Facts:**

Zapata Off-Shore Company (*Zapata*) was a Houston, Texas–based U.S. corporation that engaged in drilling oil wells throughout the world. *Unterweser Reederei, GMBH* (*Unterweser*), was a German corporation that provided ocean shipping and towing services. *Zapata* requested bids from companies to tow its self-elevating drilling rig *Chaparral* from Louisiana to a point off Ravenna, Italy, in the Adriatic Sea, where *Zapata* had agreed to drill certain wells. *Unterweser* submitted the lowest bid and was requested to submit a proposed contract to *Zapata*, which it did. The contract submitted by *Unterweser* contained the following provision: “Any dispute arising must be treated before the London Court of Justice.” *Zapata* executed the contract without deleting or modifying this provision.

*Unterweser*’s deep sea tug *Bremen* departed Venice, Louisiana, with the *Chaparral* in tow, bound for Italy. While the flotilla was in international waters in the middle of the Gulf of Mexico, a severe storm arose. The sharp roll of the *Chaparral* in Gulf waters caused portions of it to break off and fall into the sea, seriously damaging the *Chaparral*. *Zapata* instructed the *Bremen* to tow the *Chaparral* to Tampa, Florida, the nearest port of refuge, which it did. *Zapata* filed suit against *Unterweser* and the *Bremen* in U.S. District Court in Florida, alleging negligent towing and breach of contract. The defendants asserted that suit could be brought only in the London Court of Justice.

*M/S Bremen and Unterweser Reederei, GMBH v. Zapata Off-Shore Company*, 407 U.S. 1, 92 S.Ct. 1907, 1972 U.S. Lexis 114 (Supreme Court of the United States)

### **Resources:**

Cheeseman, Henry. (2016). *Business Law*. New York: Pearson.

Council on Foreign Relations. 2018. ASEAN: The Association of Southeast Asian Nations. Retrieved from <https://www.cfr.org/background/asean-association-southeast-asian-nations>.

*Foreign Sovereign Immunities Act*, 28 U.S.C. Sections 1602-1611.

*GMBH v. Zapata Off-Shore Company*. United States Supreme Court. 1972.

Office of the United States Trade Representative. 2018. [www.ustr.gov](http://www.ustr.gov).

United Nations. 2018. [www.un.org](http://www.un.org).

World Trade Organization. 2018. <https://www.wto.org>.

**Assessment:**

Students will be assessed on the debate through the attached rubric within Appendix A entitled “Classroom Debate Rubric.”

The debate will be included within the “Assignment” category, which is 20% of the student’s final grade.

**Follow-up:**

Students will follow up with a review of the material and resources covered within this lesson in a post- debate class discussion. Students will reflect on arguments made by both teams, and analyze which team provided the best of counterarguments with specific rationale points used in support of the respective client’s position. Lastly, students will follow-up on summary points learned regarding a nation's court jurisdiction over international disputes, and best practices for corporate enterprises conducting business within a global market.

## Activity 2

### **Title:**

*International Dispute Resolution: An Inside Look at Diplomatic Relations through the Eyes of Contract Negotiations*

### **Objective:**

Students must analyze the concept of international dispute resolution, and diplomatic relations in a global market from the chapter “International and World Trade Law.” First, students will review the elements of a valid contract, and use those elements to draft an enforceable contract between two companies, from different countries. Students will play the role of an assigned diplomat from a respective country, sent to negotiate the terms of a contract that involves international commerce. The goal of this activity is to bridge the nature of traditional contracts with international commerce. Students will focus on how diplomatic intercourse can serve as an effective tool to increase contractual relations between different countries, and integrate the concept of international dispute resolution with drafting a traditional contract.

### **Procedure:**

After review of the chapter and lesson information, students will then do an assignment that requires them to play the role of an assigned diplomat sent to negotiate the terms of a contract involving international commerce. This assignment will take place as part of a lesson about the elements necessary to form a traditional contract. Students will begin the lesson by learning how to define a contract. Students will learn the necessary elements to forming a valid contract, including: agreement, which is comprised of offer and acceptance; consideration; contractual capacity; and lawful object. Students will analyze how a contract can be formed, including express versus implied-in-fact contracts, as well as void, voidable, and unenforceable contracts.

Next, students will be introduced to the United Nations, as one of the most important international organizations involved in today’s global market. Students will be given an overview of the goal of the United Nations, which is to “maintain peace and security in the world, promote economic and social cooperation and protect human rights.” Students will then be provided an overview of the General Assembly, and the role that it places in adopting resolutions concerning human rights, trade, finance, and economics within the scope of the United Nations. Lastly, students will integrate the concepts learned into a contract negotiation assignment focusing on a hypothetical case presented. This hypothetical case is scripted from the actual case of [\*Texas Trading and Milling Corp. v. Federal Republic of Nigeria.\*](#)

### **Guidelines and Instructions:**

1. The background facts for this assignment include the following:

**Nigerian Global Builders (Nigeria)**-Nigerian Global Builders is a Nigerian based company hired by the Nigerian government to build and improve the country’s infrastructure. Nigeria has been experiencing a recent “boom period” as a result of increased oil exports. Thereby, Nigeria has subsequently decided to hire Nigerian Global Builders. Nigerian Global Builders has been

hired to purchase necessary materials and oversee the building of several bridges and highways within major cities in the country. These bridges and highways serve as the gateway to a majority of commerce within the country. Therefore, it is important that this contract negotiation process goes well as it affects national and international commerce, overall.

**American Central Trading Corporation (United States)**-American Central Trading Corporation is an American based company that deals primarily with selling and trading materials needed for the construction of highways and bridges. The primary material sold and traded by American Central Trading Corporation is cement. As American Central Trading Corporation is one of the largest sellers and traders of cement in the United States and abroad, Nigerian Global Builders ultimately contracted them for the bridges and highways project.

However, unbeknownst to American Central Trading Corporation, Nigerian Global Builders miscalculated the resources needed for the project and overbought cement. Nigerian Global Builders original contracted for \$30 million worth of cement, but now calculates it only needs about \$17 million worth of cement instead. As a result, Nigerian docks and harbors have become clogged with ships waiting to unload the cement. They have been unable to keep up with the acceptance of delivery. As a result, Nigerian Global Builders repudiated its original contract with American Central Trading Corporation. American Central Trading Corporation is now threatening to sue Nigerian Global Builders as a result of the contract repudiation.

In addition, other corporations from United States were also contracted with Nigerian based companies for the bridges and highways project. As a result of the contract repudiation, these corporations are also threatening to sue, as their respective contracts have subsequently been affected.

2. You have now been assigned as a diplomat for (\_\_\_\_\_). As the original contract has been repudiated, Nigeria has asked that the United States confer with them to draft another contract, mediating the circumstances of this dispute. Diplomats from both countries have agreed to meet. Your role as a diplomat is to draft parts of the provisions to form a valid and enforceable contract with (\_\_\_\_\_) a.k.a. the other country.
3. You must ensure that each of the necessary elements of the contract will not result in additional potential conflict, as the other country will have the opportunity to review your suggested terms and make counteroffers.
4. In addition, you must include reasonable negotiable terms within your offer to ensure that the other country's company will more than likely agree to your suggested terms.
5. Remember, your role as a diplomat for your country is to negotiate the terms of a contract involving international commerce, but also promote economic and social cooperation.
6. Students will receive a contract template and suggested term options in class. As a diplomat from your respective country, you must utilize the contract template and suggested term options to the best of your ability to complete the draft of your contract negotiations by the imposed deadline of (\_\_\_\_\_).

**Resources:**

Cheeseman, Henry. (2016). *Business Law*. New York: Pearson.

Discover Diplomacy. 2018. *Who is a diplomat.* Retrieved from <https://www.state.gov/discoverdiplomacy/diplomacy101/people/170305.htm>.

*Texas Trading and Milling Corp.v. Federal Republic of Nigeria.* United States Court of Appeals for the Second Circuit. 2018.

United Nations. 2018. [www.un.org](http://www.un.org).

United Nations. 2018. *General Assembly*. Retrieved from <http://www.un.org/en/ga/>.

**Assessment:**

Students will be assessed on the contract negotiation assignment in the following manner:

**Necessary Elements of Contract-30%**

**Reasonableness of Negotiable Terms-25%**

**Items Included that Promote Economic and Social Cooperation-20%**

**Adherence to Contract Template and Assignment Instructions-15%**

**Completion of Assignment by Deadline-10%**

**Total Score: 100%**

**Follow-up:**

Students will follow-up with a class discussion regarding the feasibility of contract negotiations between different countries, and what role diplomatic relations has within an international contract dispute. Students will discuss potential ways that the contract dispute could have been avoided, by both countries. In addition, students will suggest ways that corporations involved in international commerce can learn from the mistakes made within this hypothetical fact pattern. Finally, students will review and discuss the *Texas Trading and Milling Corp. v. Federal Republic of Nigeria* case, as that case was used as a basis for this hypothetical fact pattern and assignment.

### Activity 3

**Title:**

*The European Union, International Commerce and Organized Crime:  
Exploring Extraterritorial Application of the Racketeer Influenced and Corrupt Organizations  
Act (RICO)*

**Objective:**

Students will articulate the connections between the European Union, international commerce and organized crime, as well as corporate enterprises in the global market. In particular, students will learn the goals and values of the European Union, as it relates to diplomacy and world trade. Students will be introduced to various components comprising the European Union, including the countries that make up the European Union. Lastly, students will analyze the Racketeer Influenced and Corrupt Organizations Act (RICO), and the effect this act has on civil and/or criminal penalties pursued by foreign nations.

**Procedure:**

Within a research report, students will analyze extraterritorial application of the Racketeer Influenced and Corrupt Organizations Act (RICO) on civil and/or criminal penalties pursued by the European Union, against a United States of America corporation. This research report will take place as a part of a lesson about the European Union. This lesson will provide a comprehensive overview of the European Union including the European countries, the value that the European Union has on international commerce. In particular, students will learn the goals and values of the European Union, as it relates to diplomacy and world trade. Students will be introduced to various components comprising the European Union, including the countries that make up the European Union, and countries that have selected to opt out of the union.

Next, students will review the concepts of organized crime or white-collar crime through chapter material, and analyze the connections between organized crime within the corporate enterprise and international commerce, and the various laws that apply. Thereafter, students will be provided additional resources that provide an overview of how corporate laws could be applied extraterritorially to organized criminal activity related to the United States, and how that affects disputes that arise between various countries.

Students will then do a research report including the following guidelines and instructions:

**Guidelines:**

The total length of the research report should be at least 2-3 pages.

- The body of the report should be double-spaced, 12 point font, Times New Roman.
- The summary section of your report should be at least one page, minimum.
- The analysis section of your report should be at least two pages, minimum.



## **I. Summary**

### **A. European Union**

Provide a summary of the major concepts, goals, and values of the European Union. Include within your summary the following:

- a. list of European countries included
- b. role European Union has in international trade with corporate enterprises
- c. define and discuss the concept of diplomacy
- d. role of European Union in diplomacy

### **B. *RJR Nabisco, Inc., et.al. v. European Community et. al.***

Provide a summary of the following case:

*RJR Nabisco, Inc., et.al. v. European Community et.al.*

### **Components:**

Your summary should include the following:

- parties of the case [Plaintiff(s) and Defendant (s)]
- synopsis of case facts
- summary of violations alleged
- court's holding and rationale

## **Part II: Analysis**

Answer the following questions:

A. Does this case meet the criteria of a federal crime under the Racketeer Influenced and Corrupt Organizations Act (RICO)? Why or why not?

B. Based upon the alleged case facts and elements of the Racketeer Influenced and Corrupt Organizations Act (RICO) was there racketeering activity involved? Explain your answer.

C. Based upon your reading of the case, do you agree or disagree with the court's decision? Why or why not?

D. One goal of the European Union is to "offer freedom, security and justice without internal borders." Compare this goal of the European Union with the court's rationale in the *RJR Nabisco* case. What suggestions would you offer as an alternative outcome that promotes diplomacy and world trade between international corporations? Explain your answer.

E. Identify specific ways that the court's holding in *RJR Nabisco, Inc., et.al. v. European Community et.al.* could potentially effect international trade between corporate enterprises.

### **Resources:**

Cheeseman, Henry. (2016). *Business Law*. New York: Pearson.

European Commission. 2018. [The European Union](file:///C:/Users/Precious-pc/Downloads/NA0118045ENN.en.pdf). Retrieved from <file:///C:/Users/Precious-pc/Downloads/NA0118045ENN.en.pdf>.

European Union. 2018. [Goals and values of the EU](https://europa.eu/european-union/about-eu/eu-in-brief_en#from-economic-to-political-union). Retrieved from [https://europa.eu/european-union/about-eu/eu-in-brief\\_en#from-economic-to-political-union](https://europa.eu/european-union/about-eu/eu-in-brief_en#from-economic-to-political-union).

Mulligan, Stephen. 2018. [Can Corporations be Held Liable Under the Alien Tort Statute](https://fas.org/sgp/crs/misc/LSB10025.pdf). Retrieved from <https://fas.org/sgp/crs/misc/LSB10025.pdf>.

[\*RJR Nabisco, Inc., et.al. v. European Community et.al.\*](#) United States Supreme Court. 2018.

**Assessment:**

Students will be assessed on the research report through the attached rubric within Appendix A, entitled “Rubric for the Assessment of the Argumentative Essay”.

The research report will be included within the “Assignment” category, which is 20% of the student’s final grade.

**Follow-up:**

Students will follow up with a review of the material and resources covered within this lesson included on a quiz, as well as extra credit assignment. On the lesson quiz, students will complete multiple choice, matching, true/false and short answer questions that will assess their knowledge of the material.

## Activity 4

### **Title:**

*Corporate Criminal Liability: An Analysis of the Russian Indictment, the Counterfeit Access Device and Computer Fraud and Abuse Act, and the 2016 Presidential Election (Project Paper)*

### **Objective:**

Students will articulate the connections between the corporate enterprise, Counterfeit Access Device and Computer Fraud and Abuse Act, (CFAA), and criminal activity from a global perspective. Within this project, students will analyze how this law is used to pursue civil and/or criminal penalties by the United States, in lieu of a recognized extradition treaty.

### **Procedure:**

This project paper will take place as a part of a lesson about corporate white-collar crimes and cybercrimes, with the chapter entitled "Criminal Law and Cybercrime." Students will be provided chapter material that contains an overview of criminal liability and various white-collar crimes. Students will learn about the Information Infrastructure Protection Act (IIPA), and the Counterfeit Access Device and Computer Fraud and Abuse Act (CFAA), and the various types of punishment applicable to these laws.

Next, students will learn about the role of extradition, and how extradition treaties impact pursuit of civil and/or criminal penalties. Students will discuss the concept of "dual criminality" as it relates to criminal conduct that violates laws of both countries in question. The concept of "dual sovereignty", sovereign immunity, and international dispute resolution will be reviewed. Students will also be provided an overview of the extradition process through U.S. Department of State and the Department's role in individual extradition cases.

Lastly, students will review the current case, *United States of America v. Dmitry Dokuchaev, et.al.* (a.k.a. the Russian indictment), and discuss the facts surrounding the 2016 Presidential election. Students will then do a two part analysis project paper including the following guidelines and instructions:

### **Guidelines:**

- The total length of the project paper should be at least 2-3 pages.
- The body of the paper should be double-spaced, 12 point font, Times New Roman.
- The summary section of your paper should have at least two paragraphs minimum.
- The case analysis section of your paper should be at least four paragraphs minimum.

### **Part I: Case Summary**

**Instructions:** Provide a summary of the following case: *United States of America v. Dmitry Dokuchaev, et.al.*

**Components:**

Your summary should include the following:

- parties of the case [Plaintiff(s) and Defendant (s)]
- synopsis of case facts
- summary of violations alleged

**Part II: Case Analysis****Answer the following questions:**

- A. Does this case meet the criteria of a federal crime under the Counterfeit Access Device and Computer Fraud and Abuse Act? Why or why not?
- B. Explain how the Counterfeit Access Device and Computer Fraud and Abuse Act can be used to pursue civil and/or criminal penalties by the United States against Russian officials and/or citizens, in lieu of a recognized extradition treaty.

**Instructions:**

1. Explain your answer to the above questions by providing a written analysis of the case facts that support your answer.
2. Include within your answer the definition of any applicable terms and/or business laws/relevant statutes, such as:
  - Counterfeit Access Device and Computer Fraud and Abuse Act
  - Information Infrastructure Protection Act
  - Intent crime and criminal intent
  - The 1893 extradition treaty
3. Include within your answer a discussion of the following elements:
  - Restricted federal government information
  - Financial records of financial institutions
  - Consumer reports of consumer reporting agencies
  - Use of counterfeit or unauthorized access devices, such as cards or code numbers, to obtain things of value, transfer funds, or traffic in such devices
4. Summarize your written analysis with a conclusion that restates the main idea of your analysis and the main subpoints of your essay.
5. Cite any citations used to support your answer.

**Resources:**

American Constitution Society. 2018. [Russian Indictment and Extradition](https://www.acslaw.org/acsblog/russian-indictment-and-extradition/). Retrieved from <https://www.acslaw.org/acsblog/russian-indictment-and-extradition/>.

Cevallos, Danny. 2018. [How Would the U.S. put the Indicted Russians on Trial](https://www.nbcnews.com/news/us-news/how-would-u-s-put-indicted-russians-trial-n891581). Retrieved from <https://www.nbcnews.com/news/us-news/how-would-u-s-put-indicted-russians-trial-n891581>.

Cheeseman, Henry. (2016). *Business Law*. New York: Pearson.

*H.R.5112 - Counterfeit Access Device and Computer Fraud and Abuse Act of 1984*, 18 U.S.C. § 1030 of 1984.

*S.982 - National Information Infrastructure Protection Act of 1996*, 18 U.S.C. § 1030 of 1996.

United States Department of the State. 2018. [Extradition](https://www.state.gov/s/l/c66984.htm). Retrieved from <https://www.state.gov/s/l/c66984.htm>.

[\*United States of America v. Dmitry Dokuchaev, et.al.\*](#) United States Department of Justice. United States District Court for the Northern District of California (2018).

**Assessment:**

Students will be assessed on the project paper through the attached rubric within Appendix A entitled “Rubric for the Assessment of the Argumentative Essay”.

The project paper will be included within the “Exam” category, which is 30% of the student’s final grade.

**Follow-up:**

Students will do a follow-up self-reflection journal activity. Within the journal activity, students will reflect on the role of the internet and cybercrime on the global market. Students will provide reflection on the impact that extradition treaties, as well as the role of human rights protected by international agreements, have on corporate enterprises within the global market.

## Activity 5

### **Title:**

*Corporate Criminal Liability: An Analysis of the Russian Indictment, the Counterfeit Access Device and Computer Fraud and Abuse Act, and the 2016 Presidential Election* (Discussion Board)

### **Objective:**

Students will articulate the connections between the corporate enterprise, Counterfeit Access Device and Computer Fraud and Abuse Act, and criminal activity from a global perspective. Within this lesson activity, students will analyze how this law is used to pursue civil and/or criminal penalties by the United States, in lieu of a recognized extradition treaty.

### **Procedure:**

(\**This lesson is a continuation of the objective and procedure from Activity 4.*)

This lesson will take place as a part of a unit about corporate white-collar crimes and cybercrimes. Students will be provided chapter material that contains an overview of criminal liability and various white-collar crimes. Students will learn about the Information Infrastructure Protection Act (IIPA), the Counterfeit Access Device and Computer Fraud and Abuse Act (CFAA), and the various types of punishment applicable to these laws.

Next, students will learn about the role of extradition, and how extradition treaties impact pursuit of civil and/or criminal penalties. Students will discuss the concept of "dual criminality" as it relates to criminal conduct that violates laws of both countries in question. The concept of "dual sovereignty", sovereign immunity, and international dispute resolution will be reviewed. Students will also be provided an overview of the extradition process through U.S. Department of State and the Department's role in individual extradition cases.

Lastly, students will review the current case, *United States of America v. Dmitry Dokuchaev, et.al.* (a.k.a. the Russian indictment), and discuss the facts surrounding the 2016 Presidential election, and complete a project paper (Activity 4). Students will follow up with an online course discussion on the analysis generated through research for the project paper. This course discussion will take place within the discussion board forum, and include the required guidelines, as detailed below. This follow-up activity will include viewing news videos and documentaries that supplement the project paper's objectives, as well as chapter material on white-collar crimes, cybercrimes, and applicable laws.

### **Guidelines:**

- Please review the Class Participation-Discussion Board Instructions. Pay particular attention to the length requirements for each post, the grading rubric, as well as the due date.
- The deadline for this class participation item is \_\_\_\_\_, prior to 11:55 pm.
- Class Participation is allocated as 20% of the final course grade.

- For your initial post to the instructor, you must have at least two paragraphs, or ten sentences or more, answering each of the items addressed within the instructor's prompt.

### Questions:

1. Extradition for potential criminal liability generally requires an extradition treaty. Based upon your reading of the lesson material, does the United States have an extradition treaty with Russia? Why do you think that is so?
2. How would an extradition treaty affect the outcome of the Russian indictment and the 2016 presidential election? Explain your answer.
3. What role should extradition treaties play with corporate enterprises participating in white collar crime, within the global market? Explain your answer.
4. If you were given the opportunity to draft an extradition treaty between Russian and the United States that included a clause on cybercrimes, what necessary elements and/or factors would you include within that the clause regarding cybercrimes? Explain each element and/or factor included, providing a rationale for your answer.

### Resources:

American Constitution Society. 2018. [Russian Indictment and Extradition](https://www.acslaw.org/acsblog/russian-indictment-and-extradition/). Retrieved from <https://www.acslaw.org/acsblog/russian-indictment-and-extradition/>.

Cevallos, Danny. 2018. [How Would the U.S. put the Indicted Russians on Trial](https://www.nbcnews.com/news/us-news/how-would-u-s-put-indicted-russians-trial-n891581). Retrieved from <https://www.nbcnews.com/news/us-news/how-would-u-s-put-indicted-russians-trial-n891581>.

Cheeseman, Henry. (2016). *Business Law*. New York: Pearson.

*H.R.5112 - Counterfeit Access Device and Computer Fraud and Abuse Act of 1984*, 18 U.S.C. § 1030 of 1984.

*S.982 - National Information Infrastructure Protection Act of 1996*, 18 U.S.C. § 1030 of 1996.

*United States of America v. Dmitry Dokuchaev, et.al.*. United States Department of Justice. United States District Court for the Northern District of California (2018).

### Assessment:

Students will be assessed using the “Class Participation-Discussion Board Rubric”, as attached in Appendix A.

This online course discussion will be included as part of the class participation grade (20%) and course attendance for lesson(s).

**Follow-up:**

Students will do a follow-up optional extra credit activity. This extra credit activity will involve the material and resources covered within this lesson which will be included on the extra credit activity. On the extra credit activity, students will complete multiple choice, matching, true/false and short answer questions that will assess their knowledge of the material. Students can apply these extra credit points to the project paper (Activity 4), if they choose to do so.



**Appendix A**  
**Classroom Debate Rubric**

Classroom Debate Rubric						
Criteria	5 points	4 points	3 points	2 points	1 point	Total Points
Respect for Other Team	All statements, body language, and responses were respectful and were inappropriate language	Statements and responses were respectful and used appropriate language, but once or twice body language was not	Most statements and responses were respectful and in appropriate language, but there was one sarcastic remark	Statements, responses and/or body language were borderline appropriate. Some sarcastic remarks	Statements, responses and/or body language were consistently not respectful	
Information	All information presented in this debate was clear, accurate and thorough	Most information presented in this debate was clear, accurate and thorough	Most information presented in the debate was clear and accurate, but was not usually thorough	Some information was accurate, but there were some minor inaccuracies	Information had some major inaccuracies OR was usually not clear	
Rebuttal	All counter-arguments were accurate, relevant and strong	Most counter-arguments were accurate, relevant, and strong	Most counter-arguments were accurate and relevant, but several were weak	Some counter arguments were weak and irrelevant	Counter-arguments were not accurate and/or relevant	
Use of Facts/Statistics	Every major point was well supported with several relevant facts, statistics and/or examples	Every major point was adequately supported with relevant facts, statistics and/or examples	Every major point was supported with facts, statistics and/or examples, but the relevance of some was questionable	Some points were supported well, others were not	All points were not supported	
Organization	All arguments were clearly tied to an idea (premise) and organized in a tight, logical fashion	Most arguments were clearly tied to an idea (premise) and organized in a tight, logical fashion	Most arguments were clearly tied to an idea (premise) and organized in a tight, logical fashion	Most arguments were clearly tied to an idea (premise) and organized in a tight, logical fashion	Most arguments were clearly tied to an idea (premise) and organized in a tight, logical fashion	
Understanding of Topic	The team clearly understood the topic in depth and presented their information forcefully and convincingly	The team clearly understood the topic in depth and presented their information with ease	The team seemed to understand the main points of the topic and presented those with ease	The team seemed to understand the main points of the topic, but didn't present with ease	The team did not show an adequate understanding of the topic	
<b>Total Points:</b>						
<b>Comments:</b>						

## Rubric for the Assessment of the Argumentative Essay

Rubric for the Assessment of the Argumentative Essay					
	3	2	1	0	Score
<b>A.</b> <b>Introduction</b> Background/history Define the problem Thesis Statement  <b>Conclusion</b>	Well developed introductory paragraph contains detailed background, a clear explanation or definition of the problem, and a thesis statement  Conclusion summarizes the main topics without repeating previous sentences; writer's opinions and suggestions for change are logical and well thought out.	Introductory paragraph contains some background information and states the problem, but does not explain using details. States the thesis of the paper.  Conclusion summarizes main topics. Some suggestions for change are evident.	Introduction states the thesis but does not adequately explain the background of the problem. The problem is stated, but lacks detail.  Conclusion summarizes main topics, but is repetitive. No suggestions for change and/or opinions are included.	Thesis and/or problem is vague or unclear. Background details are a seemingly random collection of information, unclear, or not related to the topic.  Conclusion does not adequately summarize the main points. No suggestions for change or opinions are included.	_____
<b>B.</b> <b>MAIN POINTS</b> Body Paragraphs Refutation	Three or more main points are well developed with supporting details. Refutation paragraph(s) acknowledges the opposing view and summarizes their main points.	Three or more main points are present but may lack detail and development in one or two. Refutation paragraph(s) acknowledges the opposing view but doesn't summarize points.	Three or more main points, but all lack development. Refutation paragraph(s) missing and/or vague	Less than three main points, with poor development of ideas. Refutation missing or vague.	_____
<b>C.</b> <b>ORGANIZATION</b>	Logical, compelling progression of ideas in essay; clear structure which enhances and showcases the central idea or theme and moves the reader through the text. Organization flows so smoothly the reader hardly thinks about it. Effective, mature, graceful transitions exist throughout the essay.	Overall, the paper is logically developed. Progression of ideas in essay makes sense and moves the reader easily through the text.  Strong transitions exist throughout and add to the essay's coherence	Progression of ideas in essay is awkward, yet moves the reader through the text without too much confusion. The writer sometimes lunges ahead too quickly or spends too much time on details that do not matter. Transitions appear sporadically, but not equally throughout the essay.	Arrangement of essay is unclear and illogical. The writing lacks a clear sense of direction. Ideas, details or events seem strung together in a loose or random fashion; there is no identifiable internal structure and readers have trouble following the writer's line of thought. Few, forced transitions in the essay or no transitions are present.	_____
<b>D.</b> <b>WORKS CITED</b>	Source material is smoothly integrated into the text. All sources are accurately documented in the desired format both in the text and on the Works Cited page.	Source material is used. All sources are accurately documented, but a few are not in the desired format. Some sources lack credibility.	Source material is used, but integration may be awkward. All sources are accurately documented, but many are not in the desired format or lack credibility.	Lacks sources and/or sources are not accurately documented. Format is incorrect for all sources.	_____
<b>E.</b> <b>MECHANICS</b> Sentence Structure Punctuation & Capitalization	Sentence structure is correct. Punctuation and capitalization are correct.	Sentence structure is generally correct. Some awkward sentences do appear. There are one or two errors in punctuation and/or capitalization.	Work contains structural weaknesses and grammatical errors. There are three or four errors in punctuation and/or capitalization.	Work contains multiple incorrect sentence structures. There are four or more errors in punctuation and/or capitalization.	_____
				<b>TOTAL</b>	_____

Comments:

Grade Equivalent: A= 13 - 15 points  
 B= 10 - 12 points  
 C = 7 - 9 points  
 D = 4 - 6 points  
 F = 3 or less

Grade: \_\_\_\_\_

## Class Participation-Discussion Board Instructions

### Class participation: Discussion Board Forums

The purpose of the discussion board is to frame and promote collaborative learning within the online learning environment. Within this course, discussion board forums will count towards your Class Participation grade. Class Participation is allocated as 20% of the final course grade.

Please review the questions and answers below, as each provides additional detail about Class Participation within this course.

### How do I receive credit for my class participation?

For class participation items, to receive full credit, please make sure to provide an initial post and a response post. The initial post is the response to the prompt posted by the instructor. The response post is your response to a classmate's post within the course.

The [attached rubric](#) outlines how the class participation items are graded.

**\*\*Due note that class participation measures your attendance in this course. Therefore a failure to participate and complete class participation items will affect both the course grade and your attendance within the course.**

### When is Class Participation due?

The deadline for graded items each week is Sunday, prior to 11:59 pm.

### What are the length requirements?

For your **initial post** to the instructor, you must have at least **two paragraphs**, or **ten sentences** or more, answering each of the items addressed within the instructor's prompt.

For the **response post**, you should have at least **one paragraph**, or **five sentences** or more.

### How do I organize my posts?

You should organize your posts in a logical and consistent way. For example, if there are questions 1 and 2, and each question has parts a, b, and c, you should organize your answer as such:

1. "Copy and paste" the instructor prompt, in the initial post, into Notepad or Wordpad, or a blank Microsoft Word document.
2. Type your response below each of the questions.

3. Then “copy and paste” everything into the discussion board forum.
4. “Save” your document, naming it “Week 1-Class Participation” for future reference.

Using this method will ensure that the response to the instructor is organized for maximum credit, and all items are addressed within your initial post.

Additionally, the student should organize his or her response post in the same manner.

**How can I ensure that I receive maximum credit for Class Participation within the Discussion Board forum?**

1. Adherence to the [due date](#)
2. Responding to both the initial and response post
3. Proper grammar, spelling, and punctuation
4. Adherence to the [length requirements](#) for both the initial and response post
5. Be organized in your thoughts and ideas, fully responding to each part of the prompt
6. Being respectful and courteous your communication within the forum

## **Class participation: Discussion Board Forums-Grading Rubric**

**Maximum amount of points: 10 points**

### **Score of 9-10 points**

- Are made in a timely fashion, giving others an opportunity to respond
- Are thoughtful and analyze the content or question asked
- Make connections to the course content and/or other experiences
- Free of grammatical errors (i.e. spelling, grammar usage, punctuation)
- Adheres to the length requirement for both the initial and/or response post
- Includes both an initial and response post

### **Score of 6-8points**

- Are made in a timely fashion, giving others an opportunity to respond
- Are thoughtful and analyze the content or question asked
- Make connections to the course content and/or other experiences, but connections are unclear, not firmly established or are not obvious
- Contain novel ideas, connections, and/or real-world application but lack depth, detail and/or explanation
- Contains a few grammatical errors (i.e. spelling, grammar usage, punctuation)
- Includes 50-75% of the length requirement, but does not fully adhere to the length required for the initial and/or response post
- Includes both an initial and response post

### **Score of 3-5 points**

- Are usually, but not always, made in a timely fashion
- Are generally accurate, but the information delivered is limited
- Make vague or incomplete connections between class content and posting by other students
- Summarize what other students have posted and contain few novel ideas
- Demonstrates marginal effort to become involved with forum

- Contains several grammatical errors (i.e. spelling, grammar usage, punctuation)
- Includes 25-50% of the length requirement, and does not fully adhere to the length required for the initial and/or response post
- Does not Include both an initial and response post

**Score of 1-2 points**

- Are not made in timely fashion, if at all
- Are superficial, lacking in analysis or critique
- Contribute few novel ideas, connections, or applications
- Contains a numerous grammatical errors (i.e. spelling, grammar usage, punctuation)
- Includes 0-25% of the length requirement, and does not fully adhere to the length required for the initial and/or response post
- Does not Include both an initial and response post

**Score of 0 points**

- Failed to post both an initial and response post, as instructed within the directions; no participation within the forum

## Resources and References used in the creation of the module (e.g. books, articles, etc.)

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