
TABLE OF CONTENTS

PART I: BUSINESS ENTITIES	1
Chapter 1: Overview of Business Entities	3
I. Introduction	3
II. Sole Proprietorships	4
III. Partnerships	4
IV. Limited Liability Companies	7
V. Corporations	8
VI. S Corporations	9
Chapter 1: Test Your Knowledge	11
Chapter 1: Solutions and Suggested Responses	13
Chapter 2: Formation of Business Entities	15
I. Introduction	15
II. General Partnership	17
III. Limited Partnerships	20
IV. Limited Liability Partnerships	21
V. Limited Liability Companies	23
VI. Corporations	24
VII. Subchapter S Corporations	28
Chapter 2: Test Your Knowledge	29
Chapter 2: Solutions and Suggested Responses	31
Chapter 3: Rights and Duties of Business Owners	33
I. Partnerships	33
II. Limited Liability Companies	34
III. Corporations	42
Chapter 3: Test Your Knowledge	49
Chapter 3: Solutions and Suggested Responses	51
Chapter 4: Management and Control of Business Entities	53
I. Single-Owner Entities	53
II. Partnerships	54
III. Limited Liability Companies	56
IV. Corporations	62
Chapter 4: Test Your Knowledge	67
Chapter 4: Solutions and Suggested Responses	69
Chapter 5: Liability of Owners	71
I. Partnerships	72
II. Limited Liability Companies	79
III. Corporations	82
Chapter 5: Test Your Knowledge	91
Chapter 5: Solutions and Suggested Responses	93

PART II: CIVIL LIABILITY AND UNFAIR COMPETITION IN BUSINESS	95
Chapter 6: Civil Liability	97
Chapter 6: Test Your Knowledge	109
Chapter 6: Solutions and Suggested Responses	111
Chapter 7: Unfair Business Practices	113
I. Trade Libel	113
II. Interference with Business or Contractual Relations	117
III. Unlawful Advertising	122
Chapter 7: Test Your Knowledge	131
Chapter 7: Solutions and Suggested Responses	133
Chapter 8: Federal AntiTrust Laws	135
I. Introduction to Antitrust Laws	135
II. Dealing with Competitors	136
III. Mergers	142
IV. Enforcement of Federal Antitrust Laws	149
Chapter 8: Test Your Knowledge	151
Chapter 8: Solutions and Suggested Responses	153
PART III: INTELLECTUAL PROPERTY	155
Chapter 9: Trademark Law	157
I. Introduction to Trademark Law	157
II. Choosing a Mark	157
III. Trademark Searching	160
IV. Private Trademark Attorneys	161
V. Should I Register My Mark?	162
VI. Information to Include in the Application	162
VII. Depiction of the Mark (“The Drawing”)	163
VIII. “Use-in-Commerce” vs. “Intent-to-Use”	164
IX. Grounds for Refusal of Registration	165
X. Infringement	169
Chapter 9: Test Your Knowledge	173
Chapter 9: Solutions and Suggested Responses	175
Chapter 10: Patent Law	177
I. Overview	177
II. What Can Be Patented?	177
III. Who May Apply For A Patent	179
IV. Nature of Patent and Patent Rights	180
V. Infringement of Patents	181
Chapter 10: Test Your Knowledge	183
Chapter 10: Solutions and Suggested Responses	185

Chapter 11: Copyright Law	187
I. Overview	187
II. Copyright Registration	195
III. Duration of Copyright	198
IV. Infringement	199
V. International Copyright	201
Chapter 11: Test Your Knowledge	203
Chapter 11: Solutions and Suggested Responses	205
PART IV: EMPLOYMENT LAW	207
Chapter 12: Overview of Selected Federal Employment Law	209
I. Introduction	209
II. Fair Labor Standards Act	211
III. Americans with Disabilities Act	224
IV. Title I of the Americans with disabilities act: Employment Provisions	226
V. Age Discrimination in Employment Act	227
VI. Worker Adjustment and Retraining Notification Act (WARN)	231
VII. Family and Medical Leave Act (FMLA)	235
VIII. Occupational Safety and Health Act	240
IX. Employee Polygraph Protection Act (EPPA)	244
X. National Labor Relations Act	246
XI. Immigration and Reform and Control Act (IRCA)	247
XII. Employee Retirement Income Security Act (ERISA)	248
Chapter 12: Test Your Knowledge	257
Chapter 12: Solutions and Suggested Responses	259
Chapter 13: Title VII of the Civil Rights Act of 1964	261
I. Introduction	261
II. Protected Classes	262
III. Illegal Discrimination	265
IV. Covered Parties	267
V. Filing a Complaint	280
VI. Standing	287
VII. Summary – Lilly Ledbetter Fair Pay Act	289
Chapter 13: Test Your Knowledge	291
Chapter 13: Solutions and Suggested Responses	293
Chapter 14: Fringe Benefits	295
I. Overview	295
Chapter 14: Test Your Knowledge	327
Chapter 14: Solutions and Suggested Responses	329

Chapter 15: Overview of Federal Employment Taxes	331
I. Federal Employment Taxes	331
Chapter 15: Test Your Knowledge	341
Chapter 15: Solutions and Suggested Responses	343
PART V: THE LAW OF INDEPENDENT CONTRACTORS	345
Chapter 16: Introduction to the Law of Independent Contractors	347
I. Introduction	347
II. The Gig Economy	352
Chapter 16: Test Your Knowledge	357
Chapter 16: Solution and Suggested Responses	359
Chapter 17: The Current Three Part Test and the Historic IRS 20-Factor Test	361
I. Overview	361
Chapter 17: Test Your Knowledge	377
Chapter 17: Solutions and Suggested Responses	379
Chapter 18: Statutory Classes of Workers	381
I. Overview	381
Chapter 18: Test Your Knowledge	395
Chapter 18: Solutions and Suggested Responses	397
Chapter 19: Employer’s Good Faith Defense	399
I. Overview	399
Chapter 19: Test Your Knowledge	415
Chapter 19: Solutions and Suggested Responses	417
Chapter 20: Employment Tax Penalties	419
I. Penalties	419
Chapter 20: Test Your Knowledge	431
Chapter 20: Solutions and Suggested Responses	433
Chapter 21: State Workers’ Compensation Coverage	435
I. Overview of the Workers’ Compensation System	435
II. Review of Selected States	440
III. Special Issues in Worker Classification for Workers’ Compensation	451
Chapter 21: Test Your Knowledge	459
Chapter 21: Solutions and Suggested Responses	461
PART VI: BANKRUPTCY LAW FOR BUSINESSES	463
Chapter 22: Liquidation Under Chapter 7 of the Bankruptcy Code	465
I. An Overview of Chapter 7 Bankruptcy	465
II. Alternatives to Chapter 7 Relief	465
III. How Chapter 7 Works	466
IV. Role of the Case Trustee	468

Chapter 22: Test Your Knowledge	471
Chapter 22: Solutions and Suggested Responses	473
Chapter 23: Reorganization Under Chapter 11 Bankruptcy	475
I. An Overview of Chapter 11 Bankruptcy	475
II. How Chapter 11 Works	477
III. The Small Business Case and the Small Business Debtor	487
Chapter 23: Test Your Knowledge	489
Chapter 23: Solutions and Suggested Responses	491
Chapter 24: Taxes and Bankruptcy	493
I. Introduction	493
II. Partnerships and Corporations	493
III. Determination of Tax	495
IV. Debt Cancellation	496
V. Court Jurisdiction Over Tax Matters	498
Chapter 24: Test Your Knowledge	501
Chapter 24: Solutions and Suggested Responses	503
Glossary	505
Index	511
Final Exam Copy	513