Teaching Tiger King

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TEACHING TIGER KING†

F. E. GUERRA-PUJOL*, CHRISTIANA CHAMPNELLA**, BENJAMIN MAYO***, MORGAN TRAVERS**** & ANTONELLA VITULLI*****

ABSTRACT

When our home institution moved all instruction online in response to the pandemic, we began redesigning our business law survey course from scratch. Specifically, we decided to use the popular docuseries Tiger King: Murder, Mayhem, and Madness to explore the legal and ethical environments of business with our undergraduate students. We deliberately chose this surprise-hit television show in order to make our online course as relevant, timely, and engaging as possible. The remainder of the paper will describe the contents of each module of the course, explore their relation to Tiger King, and explain the logic of our design choices.

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† This paper is dedicated to Jane Goodall and to the memory of Erasmus of Rotterdam. In addition, F. E. Guerra-Pujol and his teaching assistants would also like to thank Howard Baskin, who responded to our correspondence, invited us to Big Cat Rescue, and took the time to meet with us via Zoom and answer our questions.

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He (Joe Exotic) was like a mythical character living out in the middle of bumfuck
Oklahoma who owned 1200 tigers and lions and bears and shit.
--Rick Kirkman, former producer of Joe Exotic TV¹

You can see how they go from being so sweet to tearing your face off, just like
that ....
--Carole Baskin, owner of Big Cat Rescue²

I’m sure y’all got a story to tell.
--John Reinke, former manager of the G.W. Exotic Zoo³

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¹ Tiger King: Murder, Mayhem, and Madness (Netflix 2020).
² Id.
³ Id.
INTRODUCTION

Are you Team Carole or Team Joe? When most of the world came to an abrupt halt in the spring of 2020 amid the COVID-19 pandemic, millions of people somehow ended up watching the unorthodox Netflix docuseries Tiger King: Murder, Mayhem, and Madness. My students, teaching assistants, and I were no exception. So, when our home institution moved all instruction online in response to the pandemic, the lead instructor (F. E. Guerra-Pujol) began redesigning our undergraduate business law survey course from scratch in preparation for the Summer A session. Specifically, given these unprecedented times and sudden change in teaching format, we decided to use all seven episodes of the Tiger King docuseries to explore the legal and ethical environments of business with our undergraduate students. Why Tiger King? We deliberately chose Tiger King in order to make our new online course as relevant, timely, and engaging as possible.

In summary, since Summer A was a six-week session, we divided the course into six separate modules—one module per week—and proceeded as follows. During the first week of the course (Module 1), we assigned Tiger King and asked our students to identify the most salient legal and ethical issues in the docuseries (Module 1). Next, Module 2 was devoted to the main sources of law—state, federal, and international—that could apply to a roadside zoo like Joe Exotic’s G.W. Exotic Animal Park or to a wildlife sanctuary like Harold and Carole Baskin’s Big Cat Rescue. Module 3 then explored various areas in the Common Law, including torts, property, and contracts, while Module 4 introduced our students to the “Law of Ideas” or intellectual property rights. Module 5 covered the civil and criminal cases featured on Tiger King, and last but not least, Module 6 was devoted to ethics, including the relation between law and morality, the moral status of animals, and corporate social responsibility. In addition, we recorded short videos for five of the six modules, posted these videos to YouTube, and embedded the relevant videos into their corresponding modules.

The remainder of this paper is organized as follows: Parts I through VI describe the contents of the six modules of this course in greater detail, explore the relation of each corresponding module to Tiger King, and explain the logic of our design choices in each module. Next, Part VII describes the Final Project that was assigned to students in this course. Before concluding, Part VIII considers the sexist aspects of Tiger King. Part IX then concludes with some observations on how we might improve future iterations of this course, while

4. The docuseries was released by the streaming service Netflix on March 20, 2020.
5. The University of Central Florida (UCF).
6. For Module 4 on the Law of Ideas, we used videos by Aiden Durham, a business law attorney in Denver, Colorado. See infra notes 62–63 and accompanying text.
Part X contains several appendices with relevant materials from the course, including the syllabus and the guidelines for the final project.

I. MODULE 1: WELCOME TO THE JUNGLE (COURSE INTRO)

Pictured above is the banner for the homepage of the course. Beginning on Monday, May 11, 2020 (the first day of the Summer A session), we posted a new homepage banner every Monday to signal the start of each new module. The first module of the course contains three parts as follows:

1. Syllabus, Academic Activity, and Theme Song
2. Three Introductory Videos
3. “Tiger King Stuff”

The first few items students will see in this welcome module are the official course syllabus (see Appendix A), perhaps the most beautiful college syllabus we have ever produced; an academic activity (see Appendix B), which our university requires all students to complete during the first week of classes; and a theme song for the course.7 Links to the Syllabus and the Academic Activity are also prominently displayed on the homepage of the course. The theme song and the section on “Tiger King Stuff” are little surprises that await those students who actually bother to go into Module 1. The idea behind the theme song, which also happens to be one of the lead instructor’s favorite rock songs from his college days, is to stimulate everyone’s “animal spirits” and build up some goodwill at the start of the course.8

7. The theme song is “Welcome to the Jungle” by Guns N’ Roses.
8. “Animal spirits” refers to the “spontaneous optimism” that drives human behavior as described by the economist John Maynard Keynes. See John Maynard Keynes, The General
The second part of this welcome module contains three introductory videos. (We posted these videos on YouTube and also embedded them within this module.) In the first video, the lead instructor (F. E. Guerra-Pujol) introduces himself and his teaching assistants. The second video explains the academic activity, which consists of watching Tiger King and writing up a short report. Lastly, the third video walks students through the syllabus. To set a serious and somber tone, the lead instructor wore a jacket and tie and used his bookcase as a background. Also, because we are now teaching online/remotely, we created a YouTube channel for the course and called it “Tiger King Prof.” Later, at the suggestion of one of my students (Thomas Diaz Valdez), we also created a separate playlist for each module of the course.

The third and last subsection of Module 1 is devoted to all things Tiger King. Among other things, this part of the module contains the official trailer of the docuseries, two critical reviews published in The Atlantic and The New Yorker, and two Wikipedia articles—one on Joe Exotic’s “Greater Wynnewood Exotic Animal Park” and another on Carole Baskin’s “Big Cat Rescue.”

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9. As an aside, during the second half of the semester the instructor decided to shoot some of his videos outdoors and to feature guest speakers as well. We will discuss these strategic decisions further below.

10. One of the advantages of posting these videos to an online platform like YouTube is that YouTube generates captions for the hearing-impaired. Also, we are now able to keep track, at least by approximation, of how many students are watching the videos.

11. We embedded a link to the trailer into Module 1. The official Tiger King trailer is available on YouTube. See Netflix, Tiger King: Murder, Mayhem and Madness: Official Trailer, YouTube (Mar. 10, 2020), https://www.youtube.com/watch?v=acTdxsa428 [https://perma.cc/NVD4-RNCR].


II. MODULE 2: THE SEAMLESS WEB (SOURCES OF LAW)

(Module 2 is devoted to the main sources of law in the U.S. legal system: state, federal, and international law. The goal of this module is to provide our students the big picture and to inspect some of the trees of this legal forest, so we introduce our students to F. W. Maitland’s beautiful metaphor of “law as a seamless web,” as well as to the vagueness and standing doctrines. Specifically, the module was divided into six parts as follows:)

1. The Big Picture: Intro Video, Textbook Chapters, and Theme Songs
2. The Center of the Web (State Law)
3. The Expanding Web (Federal Law)
4. The Outer Edges (International Law)
5. Bonus Section: Law’s Little Spiders and the Problem of Interpretation
6. Quiz & Discussion Post

Because of our Tiger King theme, this module also features problems, questions, and materials relating to some aspect of the animal kingdom or to the protection of animals, including songs by the popular singer Doja Cat and the reggae artist Super Cat, a Florida case challenging the constitutionality of Florida’s animal cruelty law,\(^\text{14}\) the federal Endangered Species Act of 1973,\(^\text{15}\) as well as a proposed international animal rights treaty, the International Convention for the Protection of Animals. In addition to these animal-related materials, this module contains a series of short videos.\(^\text{16}\)

The introductory video for this module begins with one of the most perplexing questions of all time: what is “law”? Next, we introduce our students to the great English legal historian F. W. Maitland, who once famously described

\(^{14}\) Wilkerson v. State, 401 So.2d 1110, 1110 (Fla. 1981).
\(^{16}\) In all, the lead instructor (Guerra-Pujol) recorded 11 short videos for this module on the sources of the law, posted these videos on YouTube, and embedded them within the module.
the law as “a seamless web.” Maitland’s spider web analogy has to be one of the most beautiful metaphors for describing the interconnectedness of the law. Think of an intricate and ever-growing spider’s web, for example; every part of the web is connected to every other part, and the sum is greater than its individual parts. (Also, if you are prey, you do not want to get ensnared in the web!)

Also, because our laws are so interconnected, it turns out there are many different ways of defining and classifying the law. For this survey course, we decided to keep things as simple as possible by breaking U.S. law down into three major geographic or spatial components, with state and local law at the center of the web, federal or national law occupying the middle of the web, and international law on its outer edges.

Our state law section contains two videos, a Florida case, and a link to Florida’s animal cruelty law. In one sentence, the main takeaway of this part of the module is this: Although state governments have a general “police power” to protect the health, safety, and welfare of its residents, courts will refuse to enforce criminal laws that are too vague for the average person to understand. To illustrate the vagueness doctrine, we introduce our students to the case of Wilkerson v. State, a case in which the constitutionality of Florida’s animal cruelty statute was called into question on vagueness grounds. Before we discuss the case, we ask our students, “What would you do if you were caught breaking a law, caught red-handed?” In the Wilkerson case, for example, the defendant was charged with animal cruelty under a state statute. Instead of disputing the facts of the case, the defendant decided to challenge the legality of Florida’s animal cruelty law on vagueness grounds.

According to the defendant’s lawyer, the word “animal” was not strictly defined in the statute, so how could a potential defendant know whether the law in question would apply to the killing of a wild raccoon, the type of animal the defendant was accused of harming? Although the Florida Supreme Court ultimately rejected this argument, a strong case could be made that the defendant should have won. Florida’s animal cruelty law defines the term “animal” to include “every living dumb creature,” but is a crafty nocturnal mammal like a raccoon really a “dumb creature”? What about domestic pets like cats or dogs? Ask any ethologist (ethology is the science of animal behavior), and they will

18. Wilkerson, 401 So.2d at 1110.
20. Cf FLA. STAT. § 828.02 (2019) (defining the word “animal” to include “every living dumb creature”).
tell you most, if not all, non-human animals are, in fact, very intelligent creatures indeed!21

The next part of Module 2 is devoted to the dominant bulk of our vast and complex legal system, the ever-expanding domain of federal law. To capture our students’ attention, we begin our videos on federal law by asking our students to guess the total number of federal laws and regulations “on the books.” It turns out that this number is so large that no one knows for certain the total number of extant federal crimes.22 So, how could we possibly tame this massive federal legal beast in one module?

Here is where our *Tiger King* theme came in handy! *Tiger King* allowed us to focus on just one small corner of this ever-expanding federal legal universe—namely, those laws like the Endangered Species Act (a landmark law enacted in 1973) and the Preventing Animal Cruelty and Torture Act (a more limited law enacted in 2019).23 In addition, we included excerpts from a presidential executive order implementing this landmark law24 as well as excerpts from *Lujan v. Defenders of Wildlife*,25 a controversial Supreme Court case deciding whether private parties could sue to enforce the Endangered Species Act. We also inserted two timely items into our federal law subsection: a link to a Twitter account called “A Crime a Day,”26 as well as a copy of a recent newspaper report


of former President Donald J. Trump signing the Preventing Animal Cruelty and Torture Act into law on November 25, 2019.27

The first of our four videos on federal law explains the fundamental constitutional principle of federalism, the idea that government power is divided between two levels of government in the United States: the States and the Feds. In theory, at least, the powers of the federal government are supposed to be, in the words of James Madison, “few and defined,” while the states retain a general “police power” to protect the health, safety, and welfare of their residents.28

Our second video on federal law poses a timely and controversial legal question, is the Preventing Animal Cruelty and Torture Act constitutional? Although this law was recently enacted with broad bipartisan support and signed into law by President Trump, does the Congress really have the power to make animal cruelty a federal crime? We then discuss the power of Congress to regulate interstate, tribal, and foreign commerce under the Commerce Clause of the Constitution, probably the single-most important power that Congress possesses under the Constitution.

Our third video on federal law then introduces the Endangered Species Act of 1973, one of several historic federal laws that are supposed to protect wildlife. We then pose another important question: can you sue the government when it fails to comply with its own laws? Here is where we introduce the case of Lujan v. Defenders of Wildlife, a landmark case that involves this very question. Our fourth and last video on federal law explains how the Lujan case played out and how SCOTUS used the so-called “standing doctrine” to give the federal government immunity from its own laws.

The next part of Module 2 is devoted to the third major source of law: “The Law of Nations.” International law is a broad domain of law that encompasses such disparate things as treaties, customs, and human rights. Again, in keeping with the Tiger King theme of our course, we narrowed this section down to one video, where we discuss a proposed umbrella treaty dealing with animal welfare—the International Convention for the Protection of Animals or “ICPA”29—and a student law review article exploring the many loopholes in the International Whaling Convention.30

28. THE FEDERALIST NO. 45 (James Madison).
Bonus Section: Law’s Little Spiders

Thus far, we have described law as a “seamless web” and have explored three major areas of this massive, tangled cobweb: State law, federal law, and international law. But Maitland’s memorable and poignant metaphor has one big blind spot: who are the adroit and cunning little spiders weaving such a large and intricate legal cobweb? Accordingly, the next-to-last part of Module 2 is devoted to this creative aspect of the seamless web: the courts or what we like to call “the problem of legal interpretation.” If my students have been paying close attention to my videos and reading materials on State, federal, and international law, they will have noticed that, in addition to existing treaties like the International Whaling Convention or actual laws like Florida’s animal cruelty law or the federal Endangered Species Act, I have also talked about legal disputes and courts, cases like Wilkerson v. Florida (the State case in which Florida’s animal cruelty law was challenged under the vagueness doctrine) and Lujan v. Defenders of Wildlife (the federal case that tells us when a private party can sue the government to enforce its own laws).

In short, legislatures, autocrats, and customs are not the only sources of law; we also need courts and judges to help us interpret inevitable ambiguities in the law and to help fit each individual part of the law into the seamless whole. As a result, our courts are also, for all practical purposes, a major source of law. Accordingly, to further illustrate the indispensable role that courts play in our legal system, the next-to-last part of Module 2 introduces students to one of my favorite fish tales of all time—Yates v. United States, a case involving the Sarbanes-Oxley Act of 2002, a federal anti-fraud law often referred to as the “SOX Act” or just “SOX” for short—as well as two videos on the problem of legal interpretation, one in which we lay out the facts of Yates v. U.S., a case involving a commercial fisherman, and another in which we explain how this case was decided by the Supreme Court of the United States.

Lastly, we conclude this module on the sources of law with an open-book quiz and a short discussion post. The quiz focuses on the three assigned cases in this module, Wilkerson, Lujan, and Yates, while the discussion post asks our students whether Congress has the constitutional authority to enact the Big Cat Public Safety Act.

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33. Because the lead instructor may recycle some of his quiz questions and discussion-post prompts in future iterations of this course, feel free to email him (fegp@ucf.edu), as he would be happy to share his questions with fellow faculty.
III. Module 3: Saucy Intruders, Rewards, and Cattle Trespass (The Common Law)

The next course module covers three major areas of the Common Law—Property, Torts, and Contracts—and is divided into six sections as follows:

1. Intro Video, Textbook Chapters, and Theme Songs
2. Property Rights and the Case of the Saucy Intruder
3. Promise as Contract? Pepsi vs. Joe Exotic
4. Torts: Beware of the Cow
6. Quiz & Discussion Post

Because of our Tiger King theme, every section in this module features problems, questions, and materials involving wild or domesticated animals, such as the classic case of *Pierson v. Post*, involving a dispute over the ownership of a wild fox, as well as a cattle trespass case out of Florida to illustrate the difference between strict liability and negligence. Even the bonus section contains a book chapter devoted to outlaw contracts with vampires. In addition to these classic common law cases, this module also contains picture prompts and video clips about several incidents in “Tiger King” that raise important legal issues under the common law, like Joe Exotic’s $10,000 reward offer and the time when one of his employees (Saff) got his arm chewed off by a tiger.

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36. *See F. E. Guerra-Pujol, Buy or Bite?, in The Economics of the Undead* 123–30 (Glen Whitman & James Dow eds., 2014).
37. In all, F. E. Guerra-Pujol recorded 12 short videos on various aspects of the common law and then posted these videos on YouTube and embedded them within the module.
We introduce our students to the Common Law with the following famous quotation from Oliver Wendell Holmes: “The life of the law has not been logic; it has been experience.” In our view, the Common Law is not only one of the greatest intellectual achievements of the Anglo-American world; it also permeates almost every aspect of our lives and is probably the single most important area of law for most business firms. Why? Because without property rights, without contract rules for being able to transfer or rearrange these rights, and without rules of tort liability for intentional and accidental injuries, we could not have markets, and without markets, we would not have business firms.

The next part of Module 3 is devoted to Property. Here, we introduce our students to the classic case of *Pierson v. Post*, which is considered by many students of the common law to be the most famous property case in North American legal history. One of the reasons this case is deservedly famous is because it poses a fundamental question: how can something of value be first owned by a human being? The majority opinion in this case refers to a wide variety of historical sources, which gives us the opportunity to introduce our students to some greatest legal treatises of all time, including the *Institutes of Justinian* from the 5th century A.D. as well as the writings of Henry de Bracton in the 13th century and Samuel von Pufendorf in the 17th century. Also, because this case generated a dissenting opinion—the dissenting judge refers to one of the parties as a “saucy intruder” and relies on social norms instead of history to decide the case—this case allows us to explore deeper questions about law.

Putting aside the particulars of this property dispute for a moment, we assigned this case to emphasize a larger lesson about the law. In brief, this case is important not only for its substantive ruling but also because it illustrates the two main ways judges decide cases. On the one hand, the majority chose to apply a simple bright-line rule to decide the case (the rule of physical possession), while the dissent would have applied a flexible standard (the rule of hot pursuit) based on local customs. Both of these approaches to judging have their advantages and disadvantages. For example, although a bright-line rule is easier to apply than a general standard, it can produce unfair results in murky cases.


General standards, on the other hand, are more flexible and fair, since they can be tailored to each individual case, but if a standard is too general and flexible, it can produce indeterminate results. How much time and effort, for example, must be expended to create a property right in a wild animal? Does it depend on the type of animal being hunted? Unlike a simple rule like first possession, the rule of hot pursuit can give way to endless disputes and thus invite greater amounts litigation.

The next part of our common law module covers the Law of Contracts. Alas, contract law is one of the most complex and cumbersome areas of the common law. Therefore, rather than get bogged down in the technical minutiae of this area of law (this is a survey course, after all), we have decided to focus on one of the most basic yet intriguing issues of contracts. Inspired by Charles Fried’s *Contract as Promise*, we have decided to focus on the following fundamental question: when is a promise legally binding? Simply put, not all promises are legally binding, for one of the most well-established principles of the common law is that a promise, in order to be judicially enforceable, must be supported by “bargained for” consideration. In plain English, this principle means that each party to a contract must offer the other party “something of value” in exchange for the other’s promise. This “something of value” can be money, services, or anything else, as long as it is lawful and offered with a serious intent, not in jest.

Another important maxim of the common law of contracts is that courts do not inquire into the adequacy of consideration, only its existence. That is, judges are not supposed to second guess the business acumen of the parties; their role is limited to making sure that the substance of a party’s promises is lawful and serious. In the case of a promise consisting of a reward offer, one’s performance of the requested service constitutes both an acceptance of the offer and the transfer of something of value to the person making the offer. But how does one decide whether an offer is a serious one or made in jest?

By way of example, Pepsi once ran a TV ad that offered a Harrier Jet to any customer who accumulated seven million Pepsi points. While most television viewers may have taken Pepsi’s TV ad in jest, a 21-year-old, John Leonard, took it seriously. He rounded up five investors, and together, they purchased seven million Pepsi points for $700,000 as per the rules of Pepsi’s offer. (At the time,
a Harrier Jet cost $33.8 million, but remember, courts do not inquire into the adequacy of consideration, only its existence! Leonard’s group then demanded the jet as offered in the Pepsi commercial or its monetary equivalent; they took the cola giant to court when Pepsi refused to perform or pay. Now, compare Pepsi’s TV ad with Joe Exotic’s infamous offer made in Episode 4 of the Tiger King docuseries, when Joe Exotic offers a $10,000 cash reward for any information leading to the arrest and conviction of the individuals responsible for burning down his zoo’s studio facilities. (Joe Exotic’s business partner Jeff Lowe later clarified that the offer was also for any information leading merely to the arrest, not necessarily conviction, of Joe Exotic’s rival Carol Baskin.) If Joe Exotic’s reward offer is a legally enforceable one, why isn’t Pepsi’s?

The next part of Module 3 is devoted to the Law of Torts—specifically, the key choice between Strict Liability and Negligence. To capture everyone’s attention, we begin this part of the module with a recording of the 911 emergency call Joe Exotic made when one of his employees, Saff, got his arm mauled by a tiger, and then we pose a general but important legal liability question that haunts all business firms, especially now in the age of COVID-19: When is a firm legally liable to its employees or its clients for their accidental injuries?

It turns out that the answer to this all-important question depends on which of the two major theories of tort liability is used by the courts to evaluate the conduct of the firm: Strict Liability or Negligence. To illustrate the main differences between these two general theories of legal liability, we introduce my students to the Florida case of Rockow v. Hendry, a cattle trespass case involving a crop farmer and a cattle rancher.

Why a cattle trespass case? For two reasons. First off, both rules of legal liability have been applied to the problem of stray cattle, so what better way of illustrating the difference between Strict Liability and Negligence—as well as the interplay between the common law and legislation—than cattle trespass? Historically speaking, for example, cattle trespass was considered a “strict liability tort” by the courts. In practice, this meant that the owner of the cattle

was always legally liable for any damages caused by his cattle, no matter how much care the owner used to keep his cattle fenced in. At first glance, this rule makes good common sense. The rancher should be legally liable; after all, they are his cattle.

But what about car accidents caused by stray cattle? Eventually, the historical rule of strict liability gave way to a general negligence standard in some places. How and why did this happen? Some localities in the U.S. began enacting so-called “open range” laws that favored cattle ranchers. Instead of strict liability, these laws required courts to apply a negligence standard to the problem of cattle trespass. Stated as simply as possible, under a negligence standard, you are legally liable for the injuries suffered by a stranger only if you owed that stranger a duty of care and only if you failed to exercise due care and that failure on your part is what caused the injury to the stranger. The bottom line is this: if you are plaintiff, you would rather sue under a strict liability theory than a negligence theory because it is generally easier to recover under strict liability.

This temporal rule-switch takes us to the other reason why we assigned a cattle trespass case to illustrate the law of torts. It turns out that cattle trespass was the same example an English economist (the late Ronald H. Coase) originally used to illustrate an important point about most legal disputes.48 Instead of pre-judging the legal liability issue, we invite our students to do what Ronald Coase did and take a deeper look at the cattle trespass problem. At a deeper level, isn’t the farmer just as responsible as the rancher for the problem? After all, the problem of stray cattle is foreseeable to both parties, so one could put as much blame on the farmer as the rancher. For example, why didn’t the farmer plant cattle-resistant crops or build a fence to keep the cattle out? Why should it be up to the rancher to fence his cattle in?49


49. To appreciate the simplicity, elegance, and originality of Coase’s insight, we ask our students to imagine that the cattle ranch and the crop farm were owned by the same business firm.
Since my business law course is now based on *Tiger King*, and since Joe Exotic was accused of hiring a hitman to knock off a rival, we added a bonus section to our common law module. This bonus section addresses the problem of illicit promises, i.e., agreements that are either illegal or immoral or both. Although the idea of an “illicit promise” may sound esoteric, exotic even (pun intended), in reality, illicit promises are everywhere. All you have to do is look around you! By way of example, in addition to the alleged conspiracy between Joe Exotic and Allen Glover in *Tiger King*, many high-profile individuals have recently been accused of making illicit promises. Consider the prominent actress Lori Loughlin, one of many wealthy parents who have pled guilty of participating in the college admissions scandal.\(^50\) Although, legally speaking, Ms. Loughlin and dozens of other parents were charged with mail fraud and honest services fraud,\(^51\) their alleged wrongdoing consists of making multiple illicit promises, including bribes and illicit schemes to fraudulently inflate SAT scores. Or consider the stagnant criminal prosecution of Robert K. Kraft, the owner of the New England Patriots football team, who was charged by the State Attorney’s Office of Palm Beach County, Florida with two counts of soliciting prostitution at a massage parlor.\(^52\) Prostitution, sex for hire, and human trafficking are paradigm cases of illicit agreements.\(^53\)

In short, many forms of wrongdoing often involve immoral promises or illegal agreements, especially given the expansion of federal regulatory crimes as well as our evolving and expanding conceptions of morality, such as animal rights. In this bonus section we ask, What is the legal and moral status of illicit promises? Once again, common law judges have developed a sophisticated body of legal principles to solve a real-life problem, a body of common law that in our humble opinion is far more polished and practical than anything academic moral philosophers have ever come up with.\(^54\)


53. These and many more examples of illicit promises are explored in greater depth in the lead instructor’s upcoming book “Breaking Bad Promises.” See F. E. GUERRA-PUJOL, BREAKING BAD PROMISES (forthcoming).

54. In summary, courts generally classify illicit agreements into two broad categories: (1) those that are inherently wrongful and immoral or *mala in se*, e.g., murder, rape, kidnapping, etc.,
IV. MODULE 4: THE LAW OF IDEAS (COPYRIGHTS & TRADEMARKS)

The fourth week of the course is devoted to intellectual property rights— or what we like to call “The Law of Ideas.” Any introductory business law textbook chapter on intellectual property will work with this module. We decided to focus

and (2) those that are merely illegal or mala prohibita, e.g. regulatory crimes and technical violations of the law. Richard L. Grey, Note, Eliminating the (Absurd) Distinction Between Malum in Se and Malum Prohibitum Crimes, 73 WASH. U. L. Q. 1369, 1370 (1995). Specifically, promises involving some form of moral turpitude are said to be mala in se and are thus void ab initio, while illicit agreements in violation of a commercial statute or an economic regulation are said to be merely mala prohibita and are treated as “voidable” by the party that stands to benefit from enforcing the illegal agreement. See 17A AM. JUR. 2D Contracts § 298 (2020), Westlaw AMJUR CONTRACTS § 298 (“[W]here a contract prohibited by law is not malum in se but malum prohibitum, relief is not always denied….Some authorities, however, support the general rule that an act of either character nullifies the agreement.”); cf. 5 RICHARD A. LORD, WILLISTON ON CONTRACTS § 12:1 (4th ed.), Westlaw WILLSTN-CN § 12:1 (database updated Nov. 2020) (“Generally, whenever the performance of an act would be either a crime or a tort, a promise or agreement to do that act would also be illegal and void or unenforceable. Conversely, however, many acts which are themselves neither criminal nor tortious may not be made the subject of a contract, and an executory agreement to do them is illegal.”) See also, for what it is worth, the following memorable scene from the movie Legally Blonde (MGM 2001): https://www.youtube.com/watch?v=EK6Xa11z-8w [https://perma.cc/KR2D-VFUB].

55. Cf. Guerra-Pujol, Buy or Bite?, supra note 36.
on copyrights and trademarks, so this module is divided into seven parts as follows:

1. The Big Picture (Intro Video, Textbook Chapter, & Theme Song)
2. How Many Selfies Have You Taken Today? (Copyrights)
3. Trademarks Are Magic
4. Live Case: USPTO v. Booking.com
5. Tiger King Artifacts
6. Bonus Section: Creators vs. Copiers (Fair Use)
7. Quiz & Discussion Post

Also, to shake things up a bit, we did not record any new videos for this module. Instead, we wrote to Aiden Durham, a business lawyer in Denver, Colorado, and asked for her permission to use some of her videos for this module, which she promptly and generously gave us.

But why did we allocate an entire module to this area of law? One reason involves *Tiger King*. After all, the epic legal battles between Carole Baskin and Joe Exotic depicted in the docuseries center around trademark and copyright infringement, so one of the sections of this module features materials that are specific to the docuseries. The other reason, however, is even more important. In order to succeed in the world of business, you have to have a good idea. That is, you have come up with a product or service that people would want to use.

Alas, a good idea alone is not enough to succeed in business. In addition to having a good idea, you also have to figure out a way of capturing some of the value of your idea, or in the words of Peter Thiel: “you have to create X dollars of value for the world, and you have to capture Y percent of X.” The problem, however, as Mr. Thiel himself makes clear, is that X and Y are completely independent variables. Here is where the “Law of Ideas” comes into play. Whether it be trade secrets, design patents or utility patents, copyrights, or trademarks or service marks, this area of law is what allows inventors and

56. E-mail from F. E. Guerra-Pujol to Aiden Durham (May 23, 2020, 3:03PM) (on file with author and Saint Louis University Law Journal). Mrs. Durham’s YouTube channel, which is called “All Up in Yo’ Business,” contains a series of accessible and entertaining videos on various aspects of business law, including intellectual property law. Aiden Durham, All Up in Yo’ Business with Aiden Durham, YOUTUBE, https://www.youtube.com/user/AidenKramerLaw [https://perma.cc/W7PY-HHF6].
57. E-mail from Aiden Durham to F. E. Guerra-Pujol (May 23, 2020, 4:16PM) (on file with author and Saint Louis University Law Journal).
59. Id.
business firms to capture some of the value generated by their ideas. In plain English, to succeed in business, one must not only come up with an original idea; one must also find a way of excluding others from copying the substance of one’s idea (or the expression of that idea). It is at this stage where the Law of Ideas comes into play.

The next section of this module covers copyright law. We always like to begin our analysis of the law of ideas by asking our students whether they have ever created any intellectual property, like a musical recording, a painting, a business logo, etc. It turns out that almost everyone in the world has created some form of intellectual property under copyright law. If you have ever written a love letter, drawn a doodle, or taken a selfie on your phone, then yes, you too have created intellectual property, since any original work that can be expressed in a tangible means of expression (i.e., printed or drawn on a piece of paper) automatically belongs to the creator of the work under the common law. And that is why we like to begin the law of ideas with copyright law—to show our students that every single one of them has the brain power and creativity to create intellectual property!

The next three parts of our intellectual property module focus on various aspects of trademark law. The first part contains an infographic explaining how the trademark registration process works as well as a series of how-to videos by the excellent and entertaining Aiden Durham. Among other things, Durham explains the difference between a trademark and a service mark (not much!) and whether LeBron James can register the phrase “Taco Tuesday” (it depends!). The next part of the trademark section is devoted to Patent and Trademark Office v. Booking.com B.V., a case that was argued before the Supreme Court.


61. Although Thiel does not discuss intellectual property rights in his remarks (see Thiel Interview, supra note 58), the lead instructor (Guerra-Pujol) drew this crucial connection one day after reading “Finding the Right Corporate Legal Strategy” by his colleagues Robert Bird and David Orozco, supra note 60. Also, shout out to Sean P. Melvin, who brought this beautiful paper to his attention many years ago.

62. Before you proceed, let us ask you a modified version of the same question, Have you created any intellectual property today?


of the United States one week before the start of the Summer A session. We embedded the official transcript as well as an audio recording of the oral arguments in this case to give our students a small sample of how the U.S. legal system works. Although this particular case is not that important in the grand scheme of things, we wanted to teach our students a larger lesson. Most law courses focus on cases that are already decided, making the law appear static and stable. A live dispute, by contrast, shows us how the meaning of law can be contested and that it’s not always easy to predict the outcome of a live case.

The third and last trademark subsection includes legal artifacts that are specific to the *Tiger King* docuseries, including the original trademark registration of the “Big Cat Rescue” logo as well as a new trademark application for a Joe Exotic Halloween costume set. Since Module 5 of the course is devoted to criminal and civil cases, we will delve into the details of the epic legal battles between Carole Baskin and Joe Exotic in the next module (Module 5).

### Bonus Section: Creators vs. Copiers (Fair Use)

Last but not least, we also added a bonus section on the fair use doctrine. In brief, fair use operates as a common law and statutory defense to copyright infringement, and we devote the concluding IP section on fair use because we want to impart an important lesson to our students: even exclusive property rights are not absolute. To put it in the most stark and dramatic terms: fair use is not only about fairness; it is also about finding the “optimal level” of piracy or copyright theft! Specifically, one of the questions we like to pose to our students is, How can an illegal act like theft or piracy ever be “optimal” or legally or morally okay? To answer this counter-intuitive question, we must first realize that copyrights are not absolute. Instead, courts use the fair use doctrine to balance the interests of creators and copiers, of innovators and imitators, of intellectual owners and intellectual squatters. In other words, creators, innovators, and intellectual owners are not the only ones who are morally worthy or legally deserving of legal protection; so too are copiers, imitators, and intellectual squatters!

We conclude this module on the law of ideas with an open-book quiz and a short discussion post. The quiz focuses on the assigned materials in this module, while the discussion post is devoted to the world of tattoos and has two parts. The first part asks our students to opine on whether tattoos are more like art (and thus deserving of copyright protection) or more like fashion designs (not deserving of such protection). We focus on tattoos, since many of our students have tattoos of their own and since this particular legal issue is still an open

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65. The oral argument in this case occurred on May 4, 2020, and this case was decided on June 30, 2020, four days after this course had closed. *See id.*
one. The second part of the discussion posts asks our students whether property rights in tattoos, assuming that such rights exist, should be allocated to the tattoo artist or to the person who paid for the tattoo. The purpose of this assignment is to highlight the importance of property rights and the creative aspects of law. Property rights don’t just fall out of the sky; they must first be defined and allocated.

V. MODULE 5: CIVIL AND CRIMINAL CASES (DUE PROCESS & BURDENS OF PROOF)

When most people think of “law” they probably conjure up images of criminal or civil trials, so Week 5 of the course is devoted to “Civil and Criminal Cases.” Tiger King is especially on point here, since two of the main protagonists of the docuseries, Joe Exotic and Carole Baskin, were involved in protracted civil litigation and since Joe Exotic himself was convicted of murder-for-hire. Accordingly, Module 5 of our Tiger Law course explores the civil and criminal cases portrayed in Tiger King and is divided into seven parts as follows:

1. The Big Picture: Intro Video, Textbook Chapters, & Theme Song
2. Civil Actions Against Joe Exotic
3. Criminal Charges Against Joe Exotic
4. Don Lewis Cold Case
5. Due Process & the Burdens of Proof
6. Settle or Go to Trial?
7. Quiz & Discussion Post

Any introductory business law textbook chapters on civil litigation and criminal law will work with this module. The remaining sections, however, contain artifacts, reading materials, and video clips that are specific to Tiger King.

67. It was a student of the lead instructor’s (Guerra-Pujol), Talina Santiago, who first brought this question to our attention in 2007, and this issue has fascinated him ever since.
68. Among other things, we included in this module Mike Masnick’s deep dive into the trademark and copyright lawsuits in Tiger King. See Mike Masnick, From Tiger King to Censorship
second section of this module, for example, begins with the civil actions for trademark and copyright infringement against Joe Exotic. Since most cases settle out of court, we decided to focus on the pre-trial aspects of modern civil litigation: the pleadings, the discovery stage, and summary judgment. In addition, the lead instructor enlisted his wife Sydjia Robinson, who is a successful trial attorney and expert litigator, to record three videos explaining these aspects of litigation.

Also, because a court—midway through our Summer A semester!—granted Big Cat Rescue full control of Joe Exotic’s roadside zoo, an extraordinary remedy to say the least, the lead instructor hastily recorded a fourth video explaining the difference between equitable remedies and legal remedies. We also included a copy of the complaint in the Tiger King trademark case (Big Cat Rescue, Inc. v. Big Cat Rescue Entertainment, LLC.) as well as a link to the court’s docket in the trademark case. Notice, however, there are absolutely zero videos about juries or civil trials per se in this part of the Week 5 module on “Civil and Criminal Cases.” This omission was diabolically intentional on our part. Why? Because this is a survey course, so instead of focusing on “bullshit details” (as the lead instructor is fond of saying), we wanted to convey three larger lessons to our students: (a) how time-consuming and costly the process of suing someone is; (b) the legal reality, for better or worse, that very few civil cases ever go to trial anymore; and (c) the legal reality that the first two items (a) and (b) are directly related.

The next two sections of this module explore the criminal side of the American legal system, and Tiger King is a veritable gold mine here. Among other things, these sections contain the original criminal indictment against Joe Exotic as well as newspaper clippings about the Don Lewis cold case.

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72. We provided a link to Joe Exotic’s original murder-for-hire criminal indictment, which is only five pages long. See Indictment, United States v. Joseph Maldonado-Passage, No. CR 18-227-SLP (W.D. Okla. Sept. 5, 2018), https://www.documentcloud.org/documents/4844380-Joe-Exotic-Indictment.html [https://perma.cc/8T3B-ZDBD].

73. See Christopher Spata, Tiger King: Read our stories on Don Lewis, Carole Baskin, and Joe Exotic from Netflix’s hit series, THE TAMPA BAY TIMES (March 27, 2020), https://www.tampa
addition, the lead instructor recorded a video in which he poses the following question, “What do Joe Exotic and Carole Baskin have in common?” To the point, whether we are talking about Joe Exotic’s criminal conviction for murder-for-hire or the lingering allegations against Carole Baskin surrounding Mr. Lewis’s mysterious disappearance, everyone is entitled to “due process of law.”

What is due process of law, and why is this legal ideal worth studying in a business law survey course? To the point, it is our belief that due process of law is the single-most important ideal of the Anglo-American legal tradition, so we spend a lot of time (four additional videos in all) exploring not only the operational meaning of due process but also the historical origins of this concept of law, going back to the Magna Carta of 1215 A.D. Specifically, we emphasize the following two “takeaways” regarding due process: (1) whenever someone is accused of misconduct (civil or criminal), he must be given a chance to defend himself, and (2) it is the party who is making the accusation (the plaintiff in a civil case or the prosecutor in a criminal one) who has the burden of proving the truth of those allegations.

Personally, two of us (Guerra-Pujol & Travers) think Joe Exotic’s criminal conviction should be commuted by President Trump, but as we explain to our students, due process is not about outcomes; it is about the way people are treated by the legal system, and Joe Exotic was tried by a jury of his peers and given the opportunity to defend himself against the charges against him. As for Carole Baskin, *Tiger King* raises many legitimate questions about her role in the disappearance of Don Lewis; legally speaking, however, Mrs. Baskin is not required to prove her innocence. Instead, it is up to the accusing party to bring formal charges or file a civil complaint and to prove his or her case in a court of law.

### Bonus Section: Settle or Go to Trial?

The last part of the module on civil and criminal cases explores a strategic question that all litigants, civil or criminal, must eventually contend with: when should you cop a plea or settle out of court, and when should you go to trial? It turns out that most criminal cases (like most civil cases) never go to trial; most criminal charges result in plea bargains. (And when we say most, we mean over 98% of all civil and criminal cases, State or federal.) Joe Exotic’s jury trial, for example, was an extremely rare event. Why is that? First off, we reiterate to our students how getting your “day in court” (i.e., a jury trial), especially in civil cases, is costly and time-consuming because of

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the discovery process. But cost is just one part of the settle-or-go-to-trial equation. The other key variable we emphasize is uncertainty. That is, even if you have all the time and money in the world to fight your case in court, do you really want to take your chances with a jury? Alas, this is not a rhetorical question. Whenever a case goes to a jury, it is next to impossible to predict with any degree of certainty what the outcome of that case will be. Why? Because of another aspect of due process: the burden of proof. In a criminal case, for example, the prosecution must prove its allegations beyond a reasonable doubt, a demanding standard of proof. Even in civil cases, where the plaintiff’s burden of proof is much lower (preponderance of the evidence or “more likely than not”), the defendant is still able to prevail in the case of a tie, i.e., if the jury believes the defendant as much as it believes the plaintiff. To sum up, the interplay between these two variables—cost and uncertainty—is the main reason why so many civil cases settle out of court and why so many criminal cases end up in plea bargains.

Lastly, we conclude this module on civil and criminal cases with an open-book quiz and a short discussion post. The quiz focuses on the assigned materials in this module, while the discussion post is open-ended. Because this is the last discussion post of the semester, we ask our students, “What was the most important, original, or unexpected idea that you have learned in this course thus far?”

VI. MODULE 6: DO LIONS HAVE MORAL RIGHTS? (ETHICS, ANIMALS, & CSR)

The last module of our survey course is devoted to ethics, and we cover a lot of ground in this module, including not just business ethics or “corporate social responsibility” but also deeper questions like the relation between law and morality as well as some of the major theories of ethics—including consequentialism, Kantian duty ethics, and virtue ethics—and because of our *Tiger King* theme, we also explore the moral status of animals. Specifically, this module is divided into six parts as follows:
1. The Big Picture: Intro Video, Textbook Chapter, & Theme Song
2. Natural Law vs. Legal Positivism
3. Theories of Ethics
4. The Moral Status of Animals
5. Business Ethics (Corporate Social Responsibility)
6. Final Project

Why do we introduce our students to the major theories of ethics in a business law survey course? For two reasons. One is to present the leading alternatives to consequentialism, but the other (more important) reason has to do with the way in which we conceive the role of a university as well as our role as scholars. To the point, at a minimum the role of a university should be to cultivate what the great Erasmus of Rotterdam referred to as *bonae litterae* (or “good learning”), and what better way of imparting this good learning by spending time on one of the most important aspects of the liberal arts tradition: ethics and morality, right and wrong, good and bad.

Our introductory video for this module jumps into one of the most contentious questions in political philosophy: *What is the relation between law and morality?* Are they two separate and distinct domains (the “legal positivist” view), or is law a branch of morality (the “natural law” or Dworkian view)? After we explore both sides of this philosophical question, we then identify a blind spot in these eternal discussions. The blind spot is this: even if there is such a thing as a timeless or universal higher law, how do we go about discovering the scope and content of these natural rights? For the record, legal positivists will also need to heed this blind spot. The leading legal positivist, the late great H.L.A. Hart, famously pictured the law from “the internal point of view”—i.e. the subjective viewpoint of judges and other public officials. This internal point of view therefore allows ethics and morality to slip into the positivist legal picture through the backdoor, so to speak.

In short, whether one is a legal positivist or a natural lawyer, we are still going to need a substantive theory of ethics to tell us the difference between right and wrong and thus help us figure out what man-made rules and behaviors are consistent with natural law. Accordingly, our next set of videos explore several major theories of ethics—or what we like to call collectively “The Big Three”--

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76. This blind spot hits especially close to home for the lead instructor of this course (Guerra-Pujol), who considers himself a classical natural lawyer in the tradition of the great St Thomas Aquinas.

beginning with crude consequentialism and utility maximization, then proceeding with hardcore Kantian duties and categorical imperatives, and concluding with ancient Aristotelian virtue ethics. We not only introduce our students to these three major theories of ethics; we also discuss the main strengths and weaknesses of each moral theory.

The next part of our ethics module contains short videos that explore the moral status of animals in light of the “Big Three” moral theories. First, we consider the position that our moral duties (however defined) extend to non-human animals, and we attribute this view of “animal moral rights” to Kantian ethics—the idea that morality imposes obligations or duties on us. Although Kant himself did not extend his influential moral theory to the animal kingdom, there is no logical reason why we should exclude animals from Kant’s “categorical imperative.” This Kantian view, however, if taken to its logical conclusion, contains radical and perhaps untenable implications: entire industries like factory farming, medical research, horse racing, etc., would have to shut down!

Next, we present the more “pragmatic” and malleable multi-factored consequentialist perspective, which attempts to balance the competing claims of animals and humans. Alas, even if we could somehow measure or weigh these competing claims, all consequentialist theories must at some point confront the late Derek Parfit’s famous “repugnant conclusion.” Stated crudely, for example, which of the following is a more desirable (morally speaking) state of affairs:

- State A. The existence of 1,000 lions, all of whom are free to roam in a large and protected wildlife preserve full of prey and most of whom live long, healthy lives (say, 10 years on average), or
- State B. The existence of 100,000 lions, all of whom live in cramped cages and are fed subsistence diets and most of whom live short and brutish lives (say, 5 years on average).

To borrow Professor Parfit’s haunting phrase, a consequentialist would have to defend the “repugnant conclusion” that state B is a morally superior state of affairs to state A because 100,000 times five (500,000 lion years) is several


79. See, e.g., Nelson T. Potter, Jr., Kant on Duties to Animals, 13 JARBUCH FÜR RECHT UND ETHIK 299 (2005).

orders of magnitude greater than 1,000 times 10 (10,000 lion years), even
discounting for the low quality of life of the captive lions. A Kantian, by
contrast, would have no trouble choosing state A over state B, since unjustified
captivity itself deprives animals of their moral right to live in the wild. (But a
Kantian would still have to ask, what about the rights of the unborn? What about
the right to exist?)

Lastly, we discuss the moral status of animals from a virtue ethics
perspective. Whereas a consequentialist must ask, *What are the consequences of
acting in a certain way or of following a certain rule*, and whereas a Kantian
must ask, *What are our moral duties in a given situation*, a virtue theorist asks a
different question altogether: *What would a morally virtuous person do in that
same situation?* In other words, consequentialism and duty ethics both focus on
the acts and omissions of human actors, i.e., on the consequences of our acts or
omissions or on our moral duties to act, or refrain from acting, in a specified
way. Virtue ethics, by contrast, focuses on the actor himself, on his motivations
and intentions, on his moral character.

Alas, one of the things that struck us the most about *Tiger King* is the utter
lack of moral virtue of many of the protagonists in that docuseries. But at the
same time, what exactly is “virtue,” and how do we know whether a particular
act or person is virtuous? Alas, all theories of virtue ethics eventually slide into
this tragicomic tautology. Our point, however, is not to debunk virtue ethics or
to champion any of the other “big three” moral theories; our point is simply to
show how hard it is to apply general moral principles to a specific scenario like
factory farming or medical research. With this foundational work in moral
theory now out of the way, the next part of our ethics module is devoted to
business ethics and CSR (“corporate social responsibility”).

We begin the CSR part of our module with the so-called “Friedman
Doctrine,” the idea championed by the late great economist Milton Friedman
that the social responsibility of corporations is to increase their profits (or to put
it more euphemistically, to maximize shareholder value), a consequentialist-
inspired theory that Professor Friedman first enunciated in his classic book on
“Capitalism and Freedom” in the early 1960s. Because this thesis has now
become so controversial and so roundly condemned by all respectable people in
academia and in the business world, we spend a considerable amount of time
defending the Friedman Doctrine!

81. See MILTON FRIEDMAN, CAPITALISM AND FREEDOM 133–36 (40th anniversary ed. 2002)
(1962). Milton Friedman elaborated further on his profit-maximization view of business ethics in
a now-famous essay that was published in *The New York Times Magazine* in 1970. See Milton
Friedman, *A Friedman doctrine–The Social Responsibility of Business Is to Increase Its Profits*,
To begin with, as a normative matter, the simple but powerful idea that “greed is good”—to quote the immortal words of Gordon Gekko, the villain in the classic 80s movie “Wall Street”—is the intellectual basis of Adam Smith’s “invisible hand” theorem, perhaps the single-most influential idea in the entire history of economics. Furthermore, whether you are a hardcore Communist or just a progressive do-gooder, if we examine what corporations actually do (and not what they say they do in their puffery-laden social ads and corporate mission statements), the Friedman Doctrine as a descriptive matter provides us with the most simple explanation of past corporate decisions as well as with the most accurate predictions of future business decisions.

But wait; there’s more! After mounting this rigorous defense of greed and invisible hands and cynical acid, we then refute the Friedman Doctrine with a single meme: a picture of the so-called “Pharma Bro” Martin Shkreli, who at one time was the most hated man in the USA.

With this emotive refutation of the Friedman Doctrine, we then introduce the influential “stakeholder theory” of CSR. Under this theory of business ethics, a business should first identify all of its stakeholders, i.e., all groups or communities who might be impacted by a given business decision, and then take into account the competing interests of these various stakeholders. For example, remember back in 2016 when presidential candidate Donald J. Trump was calling out major companies like Carrier and Ford for shipping their factories overseas? We cannot think of a more dramatic illustration of the stakeholder theory in action!

Lastly, in place of a quiz or discussion post, we conclude this module with a set of guidelines for the Final Project. We describe these guidelines in greater detail in the next section of this paper.


83. See generally TYLER COWEN, BIG BUSINESS: A LOVE LETTER TO AN AMERICAN ANTI-HERO (2019).

84. The lead instructor (Guerra-Pujol) also posted this “Pharma Bro” meme on his WordPress blog (https://priorprobability.com). See F. E. Guerra-Pujol, Milton Friedman against the world, PRIOR PROBABILITY (June 17, 2020), https://priorprobability.com/2020/06/17/milton-friedman-against-the-world/ [https://perma.cc/S5MR-CJNB].


86. See infra Appendix C.
VII. THE FINAL PROJECT

The last assignment of this course consists of a comprehensive Final Project.\(^\text{87}\) In place of a final exam, we prefer to assign a take-home research report—the ominous sounding “Final Project”—because, as we explain further below, we want our students to start thinking about their career prospects, and we also want them to see the “big picture” of law and ethics instead of cramming for an exam.\(^\text{88}\) Specifically, the Final Project is designed to serve two fundamental goals. One is to give students a chance to see the big picture by applying what they have learned in the course to a business firm of their choosing. The other goal is to invite students to imagine their future selves after they graduate from college.

Regarding this second goal, our ulterior motive is strategic. Simply put, we want our students to use this assignment strategically to improve their overall career prospects in the following three ways: (1) by researching a company they really want to work or intern at; (2) by reaching out to someone at that company via telephone or email—not only to get the information they need to complete the project but also to make themselves known to the company—; and (3) by knowing the legal and ethical sides of their chosen company inside and out in the event they are ever invited to a screening interview for a job or internship at that company.

VIII. POSTSCRIPT: IS *TIGER KING* SEXIST?

During the last week of the course, we posted an ungraded survey on the course homepage: “Now that the semester is almost over, are you Team Joe or Team Carole?”\(^\text{89}\) In all, almost 60% of the class has participated in the survey (244 out of 406 students). “Team Joe” won by a wide margin with 56.1% of the vote (137 out of 244 votes), while “Team Carole” obtained 39.4% (96 out of 244 votes). Eleven students (4.5% of the final tally) abstained by voting for an unmarked answer choice, although we suspect the number of abstentions would have been far higher if we had made this option explicitly available.

These survey results puzzled us. On the one hand, we expected Joe Exotic to win by a wider margin, since he is portrayed sympathetically in *Tiger King*, while Carole Baskin is cast as the villain of the docuseries. But at the same time, in a previous assignment (the discussion post for module 2, to be more precise), most of our students (by at least a 20 to 1 margin) had written short essays in which they expressed their support of the Big Cat Public Safety Act, a proposed

\(^\text{87}\) Id.

\(^\text{88}\) In summary, the Final Project is the last graded assignment of the course and is worth 1/3 of one’s final grade. The weekly quizzes and discussion posts, combined, are worth the other 2/3 of one’s grade. See infra Appendix A (detailing the course syllabus).

\(^\text{89}\) See infra Appendix D (providing a screenshot of the survey). We conducted this ungraded survey at the suggestion of one of our students, Mindy Prince.
piece of federal legislation favored by Carole Baskin and animal rights groups. Also, Joe Exotic was convicted of murder-for-hire by a jury of his peers. So, why did “Team Joe” win by such a wide margin?

One possibility is that *Tiger King* elicits sexist emotions. After all, *Tiger King* contains many unflattering depictions of Carole Baskin, implies that she played a role in the mysterious disappearance of her second husband Don Lewis, and glorifies many instances of Joe Exotic’s violent and over-the-top hatred of Mrs. Baskin. These poignant observations, in turn, pose a delicate question: should we be assigning *Tiger King* at all, let alone in a business law survey course? On the other hand, one could argue that *Tiger King* is simply a reflection of the male-dominated nature of the big cat industry, i.e., an unfortunate effect, not the cause, of gender inequality in academia, business, and society as a whole. Also, for what it’s worth, *Tiger King* appears to pass (at least barely) the infamous Bechdel Test, a simple rule for evaluating the portrayal of women in film. To pass this test, a movie or TV show must have at least two women in it, and they must talk to each other at least once about something besides a man.

So, were we wrong to assign the *Tiger King* docuseries to our students? Should we just forget *Tiger King* altogether and play it safe, sticking with a less controversial popular culture production or a standard business law textbook instead? In two words: absolutely not! The docuseries no doubt has some acute blind spots and many serious flaws. Among these are the shameful and shabby way in which Carole Baskin is portrayed, but ignoring this haunting production is no cure for these evils.

**IX. THE CUTTING ROOM FLOOR (CONCLUSION)**

Although we covered a lot of ground in this six-week “Tiger Law” course, we were forced to make a lot of hard choices about what to leave on the cutting room floor, so to speak. In the end, we left out a lot of topics that are often included in a business law survey course. Among other things, for example, we did not have sufficient time to address such important business law topics as the employment-at-will doctrine, principal-agent law, fiduciary duties, and the forms of doing business—e.g., sole proprietorships, general and limited partners, partnerships, corporations, and limited liability companies. Check out *Tiger King* for even more insights into the business of big cats.

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91. This test is named in honor of its inventor, graphic artist Alison Bechdel. See generally Bechdel Test, MERRIAM-WEBSTER DICTIONARY, https://www.merriam-webster.com/dictionary/Bechdel%20Test [https://perma.cc/D3NF-RXVP].

92. Id. It is also worth noting that one of the executive producers of *Tiger King* (Rebecca Chaiklin) is a woman. *Tiger King* (2020): Full Cast & Crew, IMDb, https://www.imdb.com/title/tt11823076/fullcredits [https://perma.cc/G2LS-DBHG].
partnerships, limited liability companies, public and private corporations. Nevertheless, we intend on including these important topics in future iterations of this course.
X. APPENDICES

Appendix A: Tiger King Syllabus (link)
Appendix B: Week 1 Academic Activity (one screenshot)
Appendix C: Final Project Guidelines (two screenshots)
Appendix D: End-of-Semester Survey (one screenshot)

APPENDIX A: TIGER KING SYLLABUS

The course syllabus is available online via https://priorprobability.com/2020/04/30/summer-syllabus/ [https://perma.cc/8W7G-YBND].

APPENDIX B: WEEK 1 ACADEMIC ACTIVITY

APPENDIX C: FINAL PROJECT GUIDELINES
APPENDIX D: END-OF-SEMESTER SURVEY

4. Litigation Risk (100 words max):
- What is the single most important lawsuit (past, present, or future) that could affect the future of your firm?
- Is the lawsuit likely to be favorable or unfavorable to this case?
- If your question, is this case more likely to go to trial or settle out of court?

5. Contracts (500 words max):
- What is the firm’s most important contract in its contractual relationship?
- Who is the other party to the contract, and when was the contract made?
- What problems is the contract designed to solve?

6. Intellectual Property (100 words max):
- What is the firm’s single most valuable asset of intellectual property? Specifically, is it a trade secret, a patent, a copyright, or a trademark?
- How did the firm acquire the legal rights to this intellectual property?
- How did the firm acquire the legal rights to this intellectual property, i.e., did it create the IP in-house or did it acquire the rights to the IP from another firm?

7. Pandemic or “Black Lives Matter” Posts (500 words max):
- Logically speaking, how has the coronavirus pandemic or the Black Lives Matter movement affected the firm?
- How has the firm reacted to the pandemic or to the Black Lives Matter movement?

8. Bibliography

Lastly, be sure to include links or references to any outside sources you may have consulted in preparing the report, such as newspaper articles or legal and academic articles. Wikipedia, YouTube, and any other Internet sources.

SUBMISSION GUIDELINES

Be sure to include the names and ID numbers of all group members on the cover page of your report. (One report per group.)

Be sure to save your report for downloading. After you save your report, be sure to upload an electronic copy of the report via UCF Webcourses by June 3rd deadline. Please be advised that this is a firm and hard deadline. June 3rd is the last day of the Spring A semester.

Note for Groups: If you are in a group, each member of the group should individually submit this journal research report on behalf of the entire group.