

Pat parker case study

Business



Parker case is about a lawyer who started his own firm concentrating on writing reports and conducting political opposition research for political candidates.

Parker successfully built a thriving business by providing political opposition research. His primary customer group has been the Democratic Party. Parker provided research for all levels of political campaigns in Florida. Parker developed a billing system based on the type of campaign.

This particular case is about how Parker devised a research report for one particular political candidate. Then two years later, the Trial Lawyers, who supported an incumbent Republican candidate, wanted to buy the report on the Republican Attorney General.

The believed purpose of this was to offer the report to the candidate, which would allow him to prepare defenses for the upcoming campaign. Parker was unsure on how to proceed knowing that this could potentially jeopardize the Democratic Party's candidate or even worse, the Republican candidate could be arrested for soliciting the information.

Would Parker be violating contract law? Would Parker be infringing the copyright law? Would Parker be violating campaign statutes and other codes of ethics? These ethical questions of this case seem quite simple. The fact that Parker initially accepted the request from the Trial Lawyers, and then began to have second thoughts about it shows that Parker is having an ethical dilemma. Parker knew that there were both ethical and legal concerns about this action.

The legal questions of this case are what are of interest here.

Caring Lens In using this lens to evaluate the ethical issues of this case we must address the universal morals of the society when the dealing with those who rely on us. Parker must look at their customers and how they treated them. Looking at only the ethical Issues outlined in this case, Parker showed poor caring ethic. It was stated in the case that Parkers' primary customers where the Democratic Party.

It is stated that the business had been built on word of mouth throughout the Democratic Party. Parkers' first response should have been to protect the customers that where already with the company.

Regardless of the second thoughts and the legal research after the fact, Parker failed in caring ethic by saying yes to the Trial Lawyers. This put the company in a very poor ethical position moving forward, and could actually cost the company their largest customer base. In the interview Parker stated that no Republican group to the date of the case had contacted the company.

It seemed by the information provided in the case that Parker reacted to the allure of the " quick buck. " This was research that was two years old, and was not acted upon when it was initially produced.

This is further proof that Parker showed poor caring ethic to the primary customers to the company, and extremely poor caring ethic to the company itself. Utilitarian Lens The utilitarian ethics approach is to maximize the greatest good to the largest number of members of a society, while

minimizing the impact to the smallest group possible. The technique is a simple balance sheet of good verses bad when evaluating the impact of an ethical question.

Using this lens, Parker again failed ethically to the primary customers of the company.

As stated previously, Parker was trying to sell the report that was produced previously. If Parker wanted to maximize his utility ethic to his primary customers, the Democratic Party should have been notified prior to telling the Trial Lawyers “ yes. If the Democratic Party was notified and they where able to make the decision to sell the report or not, the utility ethic of the company would have been served. Rhea company was built on word of mouth advertising. The advantage of this type of advertising is that the companies’ performance is passed to potential customers from current customers.

This is extremely power advertising. The downside of this technique is that it is fragile. Any misstep with any current customers will have a direct impact on all other current customers and the ability to gain future customers. He next steps of Parker are not outlined in the case, but regardless, Parkers’ actions placed the company and its future in a poor position. Rights and Duties Lens Ones principals drive duty ethic.

What drives an individual to take action when there is not a legal reason to do so? Parker had two sets of duties to act upon.

The first was Parkers' duty ethic is to the current customers of the company. It was there "word of mouth" advertising efforts and their loyalty to Parker that allowed Parker to start the company. It was their order for a research report that provided Parker the opportunity to sell it to the Trial Lawyers. It is clear that Parkers loyalties to the Democratic Party had been the primary success driver of the company. Given that Information Parker failed mightily in duty ethic to the primary customers of the company.

Rhea second duty that Parker has was to company.

Again Parker failed this duty ethic test. It is stated in the case that the company had a staff. Parker had a duty to these people to ensure that the company is acting in good faith to provide future employment for its' staff. This is a basic principal of owning a business and hiring people to work for you.

By placing the company in a questionable position, Parker ailed duty ethic to the employees of the firm. Lustier Lens Treating all members of a society equally. That is the focus of the Justice ethic. Parker failed in this ethic test completely.

Parker put the financial concerns of the Rim above the concerns to the customers to the company . When a business is built around one group of customers, the company must treat this entire group equally.

Parker failed this ethic lens because he didn't treat the customers of the firm equally. In fact Parker didn't treat the customers of the firm fairly. You as a customer expect a certain level of support from your vendors. In this case,

expecting your vendor to keep your information private unless you give the approval to make the information available to the public.

Parker failed to get consent of the Democratic Party to resell the report. Therefore, Parker failed his Justice ethic because he failed to treat any of the companies' customers fairly.

Legal Issues The Pat Parker Case study illuminates the legal and ethical issues involved in the resell of research material, which was originally contracted from a campaign analyst, Pat Parker, and the Democratic Party. Considering the implications of this research it just be taken into consideration that the Democratic Party could potentially already hold copyright interest in the research.

This determination could only be made based on an examination of Parser's contract for the initial Job (Exhibit 8 of the Parker Case Study), an examination for which the determination of copyright ownership apparently varies according to who is conducting the investigation. Parker interprets the contract as awarding him ownership of the research, an interpretation that would include the right to resell. Copyright law provides that "work for hire" be expressly agreed on in writing as being "specifically ordered or commissioned".

While a contract was completed between Parker and the Democratic Party, the terms of that contract are subject to debate as to how copyright should be interpreted.

If the Democratic Party does indeed hold copyright interest to the research conducted by Parker, any subsequent sale by Parker of the material in question would be illegal. If this were the case, the consideration of whether it is legal for the Trial Lawyers to give the research to the Party would be moot. Perhaps the most convincing argument which can be made in regard to the rightful copyright holder of

Parker's research is that Parker had the foresight to include the notification in the original work that: ' Pursuant to the Agreement for research and consulting services between the campaign and the consultant these materials are for the use of the campaign during the present campaign cycle only' Irish notification goes on to specify the limitation of use as the year of the election and against the specific opponent the research was collected to place question on. Rhea notification also prohibits the campaign from allowing the research to be used for any " other purpose, campaign, or person.

The fact that this notice was posted at the back of each of the research notebooks Parker had originally provided to meet the terms of his contract is really irrelevant as, in actuality, copyright became his at the moment Parker created the original work in the absence of any contract specifying that work was work for hire. The postcards in question, however, are a littered consideration of the original research.

Someone other than Parker produced the postcards. While Parker reviewed them to insure they accurately reflected the facts Parker had unearthed in his research, they were not his artistic reduction.

While Parser's research could be considered his to do with as Parker chooses, the postcards do not belong to him and Parker has no right to sell them. I believe this also raises an issue regarding intellectual property. Parker acted as though he owned the rights to this information since he created the report. Once the report was completed and turned over to the Democratic candidate, it rightfully became his intellectual property.

Parker should never have considered re-selling the data since it was not his decision.

He could have asked permission to sell it but I live he truly knew it was illegal, but was motivated by the additional money he could make by "double dipping" and selling the research again. With any non-disclosure agreements, the contractor [in this case Parker] agrees to maintain strict confidentiality in all areas of work performed for the client. There are no legal shortcuts that Parker could have taken. I think Parser's success was motivated by greed and risked the livelihood of his reputation and business.

There are several other considerations, which must be made in this case as well.

If, under the terms specified in the contract between Parker and the Party for the initial search, the Democrats do not hold copyright interest then the Trial Lawyers would have to find some way around the \$500 limit which is placed on contributions to a particular candidate by the state campaign financing statute. Under that same statute, in fact, Parker himself could be charged since Parker valued the research in question at more than the \$500 limit and, according to the terms of any subsequent sale or release of the

<https://assignbuster.com/pat-parker-case-study/>

research, Parker could potentially be viewed as making an indirect contribution to the campaign.

Given that the Trial Lawyers had offered to pay Parker the same price Parker had charged the Democratic party, minus his expenses, this possibility, however, appears unlikely. There are many legal issues to analyze in this case.

First, would Parker be violating contract law? The original agreement with the Democratic party candidate specifically stated the “ use of reports” which essentially said that the research and the publications used in the research shall not be used “ for any other purpose, campaign, or person” and that the research was to be used “ during the present campaign cycle only. This type of bilateral contract basically promised that the two parties would maintain the terms of the contract between them only. If Parker opted to sell the research, he would be breaching the contract and depending on how much of the research and other materials the Republican Party used to perhaps win the elections, the Democratic Party would have the right to sue for damages. You also need to ask whether Parker would be infringing the copyright law?

According to the copyright law, the holder has the right to control the material covered by the copyright. In this case, the Democratic Party candidate owns the copyright since Parker provides a service to produce this data for them.

Therefore, the Democratic Party candidate is the only one who can decide how the materials are used, distributed, reproduced, and displayed to the

<https://assignbuster.com/pat-parker-case-study/>

public or to individuals. If the research and other materials were sold to the Republican candidate the Democratic candidate could sue in violation of the copyright.

Remedies for the violation could include damages, jail time, an injunction, and/or destruction of the infringing items. Parker would have violated campaign statutes by reselling the research. Though the campaign statutes were not explicitly mentioned, they probably would have stated that selling a Party intellectual capital was not only unethical but against campaign practices.

Though the research was constructed of various news clippings and other factual data, the research was produced for the Democratic Party.

The fact that Parker was concerned with the illegal nature of reselling the research proves that he knowingly would have made a terrible decision. Conclusion Parker agreed to a business deal without fully thinking through the situation. This is evident by the actions Parker took after the telephone call was finished. Parker began looking for legal loopholes that would allow the report to be resold. The information provided in the case only made what would be a simple ethical decision, legally unclear.

Without being legally trained, it seems that the cause at the end of report is in direct conflict with intellectual property law. On the other hand, the Democratic Party agreed to the clause on the report, and then Parker could resell the report. This fails to address the ethical issues with reselling the report. I wished that I knew more about the outcome of this case, and what are the actual legal findings of it. Pat parker case study.

<https://assignbuster.com/pat-parker-case-study/>

(n. D.). Retrieved from <http://forecasted.Wordless.Com/2011102/13/pat-parker-case-study/>