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MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**AMENDED SYLLABUS for UCC – Summer 2020**

**Summer Session II (Articles 3 and 4)**

**Professor Sullivan & Professor Dimitriadis**

**Instructor:** Professor Diane M. Sullivan   
Email:[dianes@mslaw.edu](mailto:dianes@mslaw.edu); Phone: 978.681.0800 ext 120; and  
Professor Amy Dimitriadis

Email:[amyd@mslaw.edu](mailto:amyd@mslaw.edu); Phone: 978.681.0800 ext 130

**Text**: 1. Problems & Materials on Commercial Law, Whaley (**11th Edition**);

2. UCC Official Text- - Selected Commercial Statutes – Use 1990 Version

**Class Times:** Tuesday & Thursday 9:00 a.m. – 12:30 p.m., or 6:00 p.m. – 9:30 p.m.

**COVID-19 UPDATE**

**Online**

**Component:** Due to the public health emergency caused by COVID-19, Summer Session II UCC will be conducted virtually through online platforms. In order to participate in the course, you will need to have access to the internet, an active TWEN account via MSLAW, ability to check your email regularly for course correspondence, access to a computer/laptop/smart device for in-class and home writing assignments, and a camera-enabled device in order to attend Zoom online classes. You may also need access to a printer.

**Scope**: Articles 2 (sales) and 9 (secured transactions) are taught in the first summer session. Article 3 (negotiability) and Article 4 (Bank deposits & collection) are taught in the second summer semester.

**Purpose:** The purpose of this course is to (1) provide some historical background by providing insight into why a particular section of the code was developed and how it was influenced by commercial practices; (2) to provide an understanding of UCC terminology; (3) have students deal with practical considerations underlying the UCC; (4) assist students in effectively dealing with the code and other common law principles not displaced by the code; and (5) keep students well-prepared.

**Course**

**Description**

**& Grading**

**Criteria**: Summer Session II (Articles 3 and 4)

A student will earn (2) credits for successful completion of this course. Each student is expected to attend all classes and be fully prepared for each class. The final examination will be on Thursday, July 30th at 6:00 p.m.

This UCC course is taught with an emphasis on solving problems. Cases are used to supplement the problems, but the main focus is on solving problems utilizing the code. Accordingly, classroom strategy is to call on particular students for problems, seeking solutions to the problems assigned. Additionally, we utilize role-playing to fully analyze problems. To keep the class well-prepared, I do not allow students to pass.

**ASSIGNMENTS DUE FOR EACH CLASS**

Code Topics Some Key Code Sections

**Article 3 -** Use 1990 Version

**Class 1** Types of Negotiable Instruments; 3-104; 3-103; 1-201(39); 3-401;

07/07 Elements of Negotiability(Signed, 3-106; 3-117; 3-112; 3-109;

Unconditional Promise or Order, Fixed 3-110; 3-115; 3-412; 3-204;

Amount of Money, Courier Without 3-306; 3-415

Luggage, Payable on Demand or

at a Definite Time; Payable to Order

or Bearer) Transfer & Negotiation;

Special and Blank Indorsement;

Forgery of Payee’s Name.

Problems Due: 91-102, 104-111

Cases Due: Good, Triffin, Heritage Bank, Woodworth

**Class 2** Holder-In-Due-Course 3-302; 3-303; 3-306; 4-210;

07/09 (Holder, value, good faith, notice); 3-307; 3-304; 3-203; 3-305

Shelter Rule

**Problems Due: 112 - 122**

Cases Due: Heritage Bank v. Bruha, Falls, In Re Dixon, Any Kind Checks Cashed, Winter, Dawda, Jones, Sullivan

**Class 3** Real and Personal Defenses; Procedural 3-305; 3-301; 3-206; 3-602;

07/14 Issues; Jus Tertii; The Underlying 3-310; 3-604; 3-116; 3-415;

Obligation; Liability on the Instrument 3-419; 3-603; 3-605

(Maker & Indorser); Surety’s Obligation;

The Accommodation Party; Strictissimi Juris

Problems Due: 123-137, 139, 141-146

Cases Due: Triffin, FDIC, Sea-Air, Kedzie, Virginia, Herzog, Gray 1, Ward, Floor

**Class 4** New Notes For Old; Drawer’s 3-310; 3-501; 3-502; 3-503

07/16 Obligation; Presentment and 3-504; 3-408; 3-401; 3-414;

Dishonor; Drawee’s Obligation; 4-402; 3-409; 3-413; 3-402

Non-Bank Acceptor; Certification;

Agent Liability

Problems Due: 147-163

Cases Due: Floor, Chemical, London, Messing, Makel, Norton, Gaylen, Mundaca, Nichols

**Article 4** – Use 1990 Revised

**Class 5** The Checking Account- Properly 4-401; 4-402; 4-405; 4-403;

07/21 Payable Rule; Wrongful Dishonor; 4-407; 3-411; 3-312; 3-415

Stop-Payment; Certified Checks

Problems Due: 164-174, 176, 178, 180, 181

Cases Due: Bank of America, Hogan, State St., Cincinnati, Twin City, Walter, Parr, Canty

**Class 6** Mortgages and Promissory Notes; 4-406; 4-104; 4-108; 3-502;

07/23 Bank Statement Rule; Bank Collection; EFAA; Reg cc 229.36; 4-214; Funds Availability; Check Return; 3-414(b); 3-203

Charge Back; Final Payment; Restrictive Indorsements; Forgery of Payee’s Name;

Warranty Liability

Problems Due: 184-186, 188, 191-196, 199-202, 205-213

Cases Due: Rock Island; First Nat’l Bank

**Class 7** Conversion Liability; Forgery of Drawer’s 3-414; 3-420; 4-208; 3-416;

07/28 Name; Validation; Imposter Rule; 3-310; 4-208; 3-403; 3-404;

Employee Indorsement Rule; Bank 3-405; 3-307; 3-406; 4-406;

Statement Rule; Alteration 4-208; 3-407

Problems Due: 214-232, 238

Cases Due: Leeds, Price

**Class 8** Final Exam: 6:00 p.m.- 9:00 p.m.

07/30 Articles 3 & 4 Worth 100 points – 3 hours

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