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MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**PRELIMINARY SYLLABUS for UCC – Summer 2023**

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

**Professor Sullivan & Professor Dimitriadis**

**Instructor:** Professor Diane M. Sullivan
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**Text**: 1. Problems & Materials on Commercial Law, Whaley **(12th Edition NEW Edition – older editions should not be used as cases and problems have changed),** ISBN 978-1-5438-2590-9;

 2. UCC Official Text (2014 publication year or after will suffice).

**Class Times:** Tuesday & Thursday 9:00 a.m. – 1:00 p.m. in person on campus; or

Tuesday & Thursday 6:00 p.m. – 10:00 p.m. in person on campus.

UCC 3&4 Summer II 2023 will be in-person and on campus.

**Final Exam:** UCC 3&4 final exams will be administered through Examsoft, but students have the option of taking it by hand in a bluebook. The exam is three hours, in person. For exam schedule, see end of syllabus.

**Scope**: Article 3 (negotiability) and Article 4 (Bank deposits & collection).

**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, August 4 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;

07/11 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: 95-106, 108-115

 Cases Due: Good, Triffin, Heritage Bank, DZ Bank, Woodworth

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

07/13 (Holder, value, good faith, notice); 3-307; 3-304; 3-203; 3-305

 Shelter Rule

 **Problems Due: 116 - 129**

Cases Due: Heritage Bank v. Bruha, Falls Church, 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;

07/18 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: 130-140, 142, 144-149

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

07/20 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: 150-166

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;

07/25 Payable Rule; Wrongful Dishonor; 4-407; 3-411; 3-312; 3-415

 Stop-Payment; Certified Checks

 Problems Due: 167-178, 180, 181-183

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

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

07/27 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, 193-198, 202-205, 208-213

 Cases Due: Patriot Bank, Rock Island; First Nat’l Bank of Chicago, Wesseling

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

08/01 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: 214-235, 242

 Cases Due: Leeds, Price

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

08/03 Articles 3 & 4 Worth 100 points – 3 hours

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