



MASSACHUSETTS SCHOOL OF LAW at ANDOVER

PRELIMINARY SYLLABUS for UCC – Summer 2024
Summer Session II (Articles 3 and 4)
Professor Sullivan & Professor Dimitriadis

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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 2024 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 1 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 07/09	Types of Negotiable Instruments; Elements of Negotiability (Signed, Unconditional Promise or Order, Fixed Amount of Money, Courier Without 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.	3-104; 3-103; 1-201(39); 3-401; 3-106; 3-117; 3-112; 3-109; 3-110; 3-115; 3-412; 3-204; 3-306; 3-415
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Problems Due: 95-106, 108-115

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

Class 2 07/11	Holder-In-Due-Course (Holder, value, good faith, notice); Shelter Rule	3-302; 3-303; 3-306; 4-210; 3-307; 3-304; 3-203; 3-305
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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 07/16	Real and Personal Defenses; Procedural Issues; Jus Tertii; The Underlying Obligation; Liability on the Instrument (Maker & Indorser); Surety's Obligation; The Accommodation Party; Strictissimi Juris	3-305; 3-301; 3-206; 3-602; 3-310; 3-604; 3-116; 3-415; 3-419; 3-603; 3-605
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Problems Due: 130-140, 142, 144-149

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

Class 4 07/18	New Notes For Old; Drawer's Obligation; Presentment and Dishonor; Drawee's Obligation; Non-Bank Acceptor; Certification; Agent Liability	3-310; 3-501; 3-502; 3-503 3-504; 3-408; 3-401; 3-414; 4-402; 3-409; 3-413; 3-402
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Problems Due: 150-166

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

Article 4 - Use 1990 Revised

Class 5 07/23	The Checking Account- Properly Payable Rule; Wrongful Dishonor; Stop-Payment; Certified Checks	4-401; 4-402; 4-405; 4-403; 4-407; 3-411; 3-312; 3-415
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Problems Due: 167-178, 180, 181-183

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

Class 6
07/25 Mortgages and Promissory Notes; 4-406; 4-104; 4-108; 3-502;
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
07/30 Conversion Liability; Forgery of Drawer's 3-414; 3-420; 4-208; 3-416;
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
08/01 Final Exam: 6:00 p.m.- 9:00 p.m.
Articles 3 & 4 Worth 100 points – 3 hours