

**WESTERN STATE UNIVERSITY  
COLLEGE OF LAW  
SALES §§ 321A and B  
FALL 2013  
COURSE SYLLABUS, POLICIES AND READING ASSIGNMENTS**

Professor: Edith R. Warkentine  
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Class meets: §321A: TuTh 1-2:30 p.m.  
§321B: Th 6-9:45 p.m.

**Texts**

Required: 1. Edith R. Warkentine, Sales: A Context and Practice Casebook (“Warkentine”)  
2. William D. Warren and Steven D. Walt, Commercial Law: Selected Statutes,  
(Foundation Press) (the “Code”) [Any compilation of the Code dated after 2010  
will work. You cannot use a supplement that you used in your Contracts class;  
you need a complete version of Articles 1 and 2, including the Official Comments.  
Some on-line versions of the Code do not contain the Official Comments. I  
strongly recommend a hard copy of the Code because you cannot easily “mark up”  
electronic copies.]

**Please bring the required texts to all classes**

**Objectives**

This course has two primary objectives. First, the course will help you further develop your analytical skills, with a particular emphasis on statutory interpretation, thus emphasizing major components of Skill Set A (Legal Analysis and Legal Reasoning) from WSU’s Educational Purposes Outline. Specific competencies addressed include issue spotting, applying rules to facts, making policy-based arguments, and evaluating legal arguments. Second, the course will provide you with an opportunity to master the substantive law of Article 2 of the Uniform Commercial Code.

**Examinations and Grading**

Each student will receive a numeric grade based upon a take-home midterm examination (15%), and a closed-book three-hour final examination given at the end of the semester (85%).

**Attendance and Class Participation**

**Please read the following information very carefully.**

Students must attend class regularly, prepare written case briefs and/or written answers to problems, and participate in discussions. In this class, being prepared means that you can analyze each exercise and chapter problem in the current reading assignment. Please note that there is a significant difference between being unprepared and being unable to answer a particular question. You will not be down graded for venturing an incorrect answer. There is no “free pass” policy for

this course.

If you are absent for more than **three (3)** classes during the entire semester, **you will be dropped from the course and receive a failing grade.** You are responsible for keeping an accurate count of your absences. Students who are **late** to class or who are **unprepared** when called on may be marked “absent” in the discretion of the professor.

### **Promptness**

Classes will begin promptly at the scheduled time. Please be in your seat for the start of the class. Students who arrive late disrupt the learning process for others. If you are unavoidably late, please enter quietly through the rear entrance and take a seat in the back of the room. Once class begins, please do not leave the room except for emergencies or medical reasons.

### **Cell Phones and Pagers**

Disable cell phones and pagers and store them before class begins.

### **Food and Drinks**

Do not bring food into the classroom. You may have drinks in covered containers.

### **Commercial Outlines**

You may not recite from commercial outlines, briefs, or other commercial study aids. If you bring these materials into the classroom, they must be closed at all times.

### **Computer Use**

You may use a personal computer during class **for note taking only.** You may not be on the Internet, check email, play games, etc. If students violate this rule, I reserve the right to prohibit computer use in class. If you use your computer for case briefing and writing your answers to exercises and problems, please have the document open before we begin class discussion so as not to waste time bringing it up.

### **Seating Chart**

I will distribute a seating chart at the beginning of the first class meeting in Week 2 of the semester. Please print your name legibly in the seat of your choosing. This will be your permanent seat. I strongly encourage you to choose a seat near the front of the room. Educational studies show that students who sit near the front benefit most from the classroom experience. If you are not on the seating chart, I will drop you from the class. Because I randomly select student to recite, your seat choice will not enhance or reduce the likelihood of your being chosen to recite.

## **Office Hours**

My office hours are TuTh from 11-12:30 and from 3-5. Sign up for these office hours in the book maintained by the third floor secretaries. I can also meet with students outside of my posted office hours by e-mail appointment. To make such an appointment, send an e-mail to ewarkentine@wsulaw.edu and suggest three convenient meeting times. I will pick one and reply via e-mail. Of course, you are also welcome to stop by my office and knock on the door; if I am available, I would be happy to meet with you.

## **Assignments**

The following assignments are from the text. You are expected to read the Code sections and their Official Comments that correspond to the material being studied each week. **Note:** **Class coverage of reading assignments is fluid, i.e., we may not always cover all of the assigned material during the scheduled class periods. It is your responsibility to make sure you are prepared for each class. Always review the current assignment before coming to class. IN ADDITION, review the weekly Study Guide posted in the Web Course, for more specific information about the reading assignment for each class and for additional problems for class discussion. The Study Guides, not this list of Reading Assignments, contain the most accurate information about how to prepare for class each week.**

## Reading Assignments

<b>SALES §§ 321A, B</b> <b>READING ASSIGNMENTS<sup>1</sup></b> <b>Fall 2014</b>		
Week	Assignment	Discussion Topic(s)
Week 1 Th 8/21*	Warkentine Preface, Chapters 1-3	Introduction to Course, Introduction to the Uniform Commercial Code, Statutory Analysis; Article 2 Overview, Article 2 Scope
Week 2 Tu 8/26 Th 8/28	Warkentine Chapter 4	Contract Formation
Week 3 Tu 9/2 Th 9/4	Warkentine Chapter 4	Contract Formation (cont'd)
Week 4 Tu 9/9 Th 9/11	Warkentine Chapter 5 Warkentine Chapter 6	Contract Defenses; Begin Contract Terms
Week 5 Tu 9/16 Th 9/18	Warkentine Chapter 6	Contract Terms: Warranties, Warranty, Disclaimers and Remedy Limitations (cont'd)
Week 6 Tu 9/23 Th 9/25	Warkentine, Chapter 7	Contract Terms: Express Terms, Interpretation and the Parol Evidence Rule
Week 7 Tu 9/30 Th 10/2	Warkentine, Chapter 8	Contract Terms: Gap Fillers
<b>Take-Home Midterm Exam: 6:00 p.m. Saturday, 10/4 – 6:30 p.m. Sunday, 10/5</b>		
Week 8 Tu 10/7 Th 10/9	Warkentine, Chapter 9	Contract Performance
Week 9 Tu 10/14 Th 10/16	Warkentine Chapter 10 Warkentine Chapter 11	Excuses for Non-Performance Breach of Contract
Week 10 Tu 10/21	Warkentine, Chapter 12	Remedies

<sup>1</sup> References to “Warkentine” are to Edith R. Warkentine, *Sales: A Concept and Practice Casebook*. Always read U.C.C. code sections referenced in Warkentine reading assignment before each class. **Note: Class coverage of reading assignments is fluid, i.e., we will not always cover all of the assigned material during the scheduled class periods. Often, particularly at the beginning of the semester, we will carry over the assignments to the next week. It is your responsibility to keep track of how far we have gone in each class and make sure you are prepared for the next class. Always review the current assignment before coming to class.**

Th 10/23		
Week 11 Tu 10/28 Th 10/30	Warkentine, Chapter 12 (cont'd) Warkentine, Chapter 13	Remedies (cont'd)  Advanced Issues
Week 12 Tu 11/4 Th 11/6	Warkentine, Chapter 14	Sales Problems
Week 13 Tu 11/11 Th 11/13	Review	Web course – “real life” problems
Week 14 Tu 11/18 Th 11/20	Review	Web course problems (cont'd)
Tu 11/25 Th 11/27	NO CLASS	