

**WESTERN STATE UNIVERSITY
COLLEGE OF LAW
SALES
FALL 2015
COURSE SYLLABUS, POLICIES AND READING ASSIGNMENTS**

Professor: Guillermo M. Tello
Telephone: (714) 800-7916
E-mail: guillermo.tello@ogletreedeakins.com
Class meets: Thursday 6:30-9:30 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 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 **two (2)** 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

Office hours will be determined shortly after the first class. All appointments must be made with me by e-mail. Your e-mail should read in the subject: **SALES Appointment [Your Name]**.

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, I may post a Study Guide in the Web Course, for more specific information about the reading assignment for each class and for additional problems for class discussion. The Study Guide, if posted, may contain more specific instructions.**

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Reading Assignments

SALES §§ 321A READING ASSIGNMENTS¹ Fall 2015		
Week	Assignment	Discussion Topic(s)
Week 1	Warkentine Preface, Chapters 1-3	Introduction to Course, Introduction to the Uniform Commercial Code, Statutory Analysis; Article 2 Overview, Article 2 Scope
Week 2	Warkentine Chapter 4	Contract Formation
Week 3	Warkentine Chapter 4	Contract Formation (cont'd)
Week 4	Warkentine Chapter 5 Warkentine Chapter 6	Contract Defenses; Begin Contract Terms
Week 5	Warkentine Chapter 6 Selected Statutes, Magnuson Moss	Contract Terms: Warranties, Warranty, Fed. Magnuson Moss (scope), Disclaimers and Remedy Limitations (cont'd)
Week 6	Warkentine, Chapter 7	Contract Terms: Express Terms, Interpretation and the Parol Evidence Rule
Week 7	Midterm Exam	
Week 8	Warkentine, Chapter 8 Warkentine, Chapter 9	Contract Terms: Gap Fillers Begin Contract Performance
Week 9	Warkentine, Chapter 9	Contract Performance
Week 10	Warkentine, Chapter 10 Warkentine, Chapter 11	Excuses for Non-Performance Breach of Contract
Week 11	Warkentine, Chapter 12	Remedies
Week 12	Warkentine, Chapter 12 (cont'd)	Remedies (cont'd)

¹ 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.**

	Warkentin, Chapter 13	Advance Issues
Week 13	Warkentin, Chapter 14	Sales Problems
Week 14	Review	Web course problems (cont'd)