

**WESTERN STATE UNIVERSITY  
COLLEGE OF LAW**

**SALES--FALL 2018**

**SYLLABUS & POLICIES**

**PROFESSOR SCOTT FEIG, ESQ.**

**PROFESSOR:** Scott Feig, J.D., M.A.  
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**CLASS TIME:** Thursday; 6:30-9:50 PM (3 hours)  
**OFFICE HOURS:** By appointment

**CLASS MATERIALS:**

**REQUIRED TEXT:** Edith R. Warkentine, Sales: A Context and Practice Casebook, Second Edition. (hereinafter referred to as “Warkentine”).

William D. Warren and Steven D. Walt, Commercial Law: Selected Statutes, (Foundation Press) [However, note that any compilation dated after 2010 that includes a complete version of Article 1 and Article 2 of the UCC, including Official Comments, will satisfy this text requirement (hereinafter the “Code”). You cannot use a supplement that you used in your Contracts course. These do not contain the official comments of the Code.]

**OBJECTIVES & METHODOLOGY:**

1. To understand the substantive law of Article 2 of the Uniform Commercial Code;
2. To develop the skill of statutory analysis;
3. To develop analytical skills that require each student to think, write, and problem-solve;
4. To identify the factual and legal issues implicated by a fact pattern and to appropriately use the Code, cases, and rules to predict how a court would decide an issue;
5. To identify and evaluate public policy-based arguments and evaluate how public policy can impact the application of a rule to a legal issue;
6. To locate relevant legal authority, such as specific Code sections, and properly cite to such legal authority; and,
7. To engage in correct conventions of grammar to write succinctly and effectively.

*The case method:* The textbook contains cases, notes, and questions. Students are responsible for reading and briefing the case material in all assigned chapters.

*The problem method:* The textbook contains problems in each chapter. Specific problems will be assigned but may not be discussed in class. Students are required to prepare answers to all assigned problems.

*The statutory method:* Sales is a “statutory” intense course. Students will be dealing with selected sections of the Code in each class. In order to assist each student to develop statutory interpretation skills, the Code will be reviewed and discussed during class.

*The application method:* Problems will be presented during class that will require application of fact patterns to specific Code sections.

### **CLASS PARTICIPATION & ATTENDANCE:**

(A) ***Class Participation:*** Students are expected to be prepared for class, which includes:

1. Students are expected to complete the required reading and assigned problems.
2. Students are expected to prepare a WRITTEN BRIEF for each of the cases in the assigned reading. “Book Briefing” is not a “written brief.”
3. Students are expected to prepare written responses to all of the problems in the assigned reading.
4. Students are expected to be able to recite/brief a case in front of the class from the assigned reading.
5. Students are expected to participate in all class discussions.

**Note:** Unpreparedness will be marked as an “absence” for that class period. Late to class will be marked as an “absence” for that class period.

(B) ***Attendance:*** You must be in your assigned seat before the start of the class. Attendance will be taken daily in class by circulation of an attendance sheet for students to sign. Once class begins, please do not leave the room except for emergencies or medical reasons. It is imperative that you ensure that you sign the attendance sheet when you are present and on-time. If you are late to class, do not sign the attendance sheet. You must not sign the attendance sheet for any other student. You are responsible for keeping track of your own absences.

If you incur **more than 2 (two) absences**, you will be withdrawn from the course and receive a failing grade, which is in accordance with the policies of Western State College of Law.

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## **ADDITIONAL RULES:**

(A) **Seating Chart:** A seating chart will be circulated. Please print your name legibly for the permanent seat that you choose. If you later wish to change your seat, please notify me in advance so I can consider your request and make any appropriate changes to the chart.

(B) **Electronic Devices:**

1. **Computer Use:** You may use a personal computer during class for note taking only. Students are prohibited from being on the Internet, checking email, playing games, texting, accessing social media, instant messaging, or the like. If a student violates this rule, the professor reserves the right to prohibit computer use in class for every student. If your class assignments, such as briefed cases and written problems, are on your computer (and not printed), you must have the document open at the start of the class.
2. **Cell Phones:** Shut-off or silent cell phone before the class begins. Students are prohibited from using cellphones in class. However, if you have a genuine exigency requiring you to monitor your cellphone for an urgent text or email message, please seek my permission in advance off that particular class.
3. **Audio/Video Recording and Photographs:** Taking or transmitting photographic images during class, or recording or transmitting audio or video of any portion of any lecture, comments, or remarks by the instructor is prohibited absent the instructor's advance written permission.
4. **Commercial Materials:** You may not recite from commercial outlines, briefs, or other commercial study aids. If you bring these materials to the classroom, they must be closed at all times.

**Note:** A violation of any of these policies may result in ejection of an offending student from the class, his or her being deemed "absent" and/or a negative "class-participation" grade, in addition to any other remedy or penalty available under the rules of the university or under state and/or federal law.

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"ASSIGNMENTS" ON FOLLOWING PAGE

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**ASSIGNMENTS:** Below are the following assignments for Sales—Fall 2017. You are expected to read the Code sections and the Official Comments that correspond to the material being studied each week. In addition, the CALI lesson must be completed before the start of that week's class. **The assignments are designed so you are expected to complete at least two hours of preparation for every one hour of class time.**

**Note:** Class coverage of the reading assignments is fluid, which means that we may not always cover all of the assigned material during the scheduled class period. As such, it is your responsibility to make sure you are prepared for each class. Always review the current assignment before arriving to class. Also, it is your responsibility to check the TWEN site for changes to the Assignments, as the Assignments are subject to change.

<b>SALES READING ASSIGNMENTS Fall 2017</b>			
<b>Class</b>	<b>Reading Assignment</b>	<b>Class Discussion Topic(s)</b>	<b>Recommended CALI Lesson</b>
Class 1	Warkentine Preface, Chapters 1-3	Introduction to Course, Introduction to the Uniform Commercial Code, Statutory Analysis; Article 2 Overview, Article 2 Scope	
Class 2	Warkentine Chapter 4	Contract Formation	Formation of Contracts under UCC Article 2
Class 3	Warkentine Chapter 4	Contract Formation (cont'd)	
Class 4	Warkentine Chapter 5 Warkentine Chapter 6	Contract Defenses; Begin Contract Terms	
Class 5	Warkentine Chapter 6 Selected Statutes, Magnuson Moss	Contract Terms: Warranties, Warranty, Fed. Magnuson Moss (scope), Disclaimers and Remedy Limitations	Warranties
Class 6	Warkentine, Chapter 7	Contract Terms: Express Terms, Interpretation, and the Parol Evidence Rule	The Parol Evidence Rule
Class 7	Warkentine, Chapter 8	Contract Terms: Gap Fillers	

Class 8	<b>Midterm Exam</b> Warkentine, Chapter 9	Covers all chapters to date Begin Contract Performance	
Class 9	Warkentine, Chapter 9	Contract Performance	
Class 10	Warkentine, Chapter 10 Warkentine, Chapter 11	Excuses for Non-Performance Breach of Contract	
Class 11	Warkentine, Chapter 12	Remedies	UCC Remedies: An Introduction
Class 12	Warkentine, Chapter 12 (cont'd) Warkentine, Chapter 13	Remedies (cont'd)  Advance Issues	UCC Remedies: Buyer's Remedies When the Seller is in breach.  UCC Remedies: Seller's Remedies When the Buyer is in Breach.
Class 13	Warkentine, Chapter 14	Sales Problems	Exploring Article 2.
Class 14	Review	Sales Problems (cont'd)	

### **EXAMINATIONS AND GRADING:**

1. Mid-Term Exam: 20% (twenty percent) of your grade for the course; and,
2. Final Exam: 80% (eighty percent) of your grade for the course.

All exams are closed-book. You will not be permitted to use the Code during the exam. So, it behooves you to start your outline early and to update it regularly so you can quickly reference the Code sections from your memory to apply to specific issues raised in the exams. The mid-term exam will be a 1 ½ or 2 hour exam scheduled during Week 8 of the class. The final exam will be scheduled for 3 (three) hours.

### **WESTERN STATE COLLEGE OF LAW—PROGRAMMATIC LEARNING OUTCOMES:**

**Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:**

1. **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business

Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

**2. Practice Skills**

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

**3. Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

**4. Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**5. Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**6. Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as

well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

7. **Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

8. **Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

**ARGOSY UNIVERSITY—INSTITUTIONAL LEARNING OBJECTIVES:**

1. **Analytical Reasoning:** Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems.
2. **Effective Communication:** Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation.
3. **Information Competency:** Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action.
4. **Interpersonal Effectiveness:** Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals.
5. **Personal and Professional Integrity and Ethical Behavior:** Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.
6. **Professional Competence:** Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.

**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 Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto: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 Allen Easley at [saeasley@wsulaw.edu](mailto:saeasley@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."