

**WESTERN STATE UNIVERSITY
COLLEGE OF LAW
SALES
FALL 2017
COURSE SYLLABUS, POLICIES AND READING ASSIGNMENTS**

Professor: Guillermo M. Tello
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Class meets: Mondays 6:30-9:30 p.m.

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

Required: 1. Edith R. Warkentine, Sales: A Context and Practice Casebook (“Warkentine”),
Second Edition
 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.]

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 closed-book three-hour final examination given at the end of the semester (100%).

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 downgraded for venturing an incorrect answer; however, you may be downgraded a full percentage point from your final examination for each instance you are deemed to have been “unprepared.” 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 below 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. These reading assignments are substantial. In fact, **please note that these reading assignments will require you, and you will be expected, to spend a minimum of 2 hours outside of class reading and preparing for class for every 1 hour of class.** Therefore, if the class meets for 3 hours per week, you will be expected to read and prepare outside of class for approximately 6 hours in the week leading to each class. **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 distribute Study Guides for more specific information about the reading assignment for each class and for additional problems for class discussion. The Study Guides, if distributed, 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 Students Services Suite 119. 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."

Argosy University – Institutional Learning Outcomes:

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

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.

Reading Assignments

| SALES READING ASSIGNMENTS¹ Spring 2017 | | |
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| 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 | Labor Day | NO CLASS |
| Week 4 | Warkentine Chapter 4 | Contract Formation (cont'd) |
| Week 5 | Warkentine Chapter 5 Warkentine Chapter 6 | Contract Defenses; Begin Contract Terms |
| Week 6 | Warkentine Chapter 6 | Contract Terms: Warranties, Warranty, Disclaimers and Remedy Limitations (cont'd) |
| Week 7 | NO CLASS (10/2/17) | NO CLASS (10/2/17) – time will be made up incrementally in remaining classes |
| Week 8 | Warkentine, Chapter 7 | Contract Terms: Express Terms, Interpretation and the Parol Evidence Rule |
| Week 9 | Warkentine, Chapter 8 | Contract Terms: Gap Fillers |
| Week 10 | Warkentine, Chapter 9 | Begin Contract Performance |
| Week 11 | Warkentine, Chapter 9 | Contract Performance |

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.**

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| Week 12 | Warkentine, Chapter 10 Warkentine, Chapter 11 | Excuses for Non-Performance Breach of Contract |
| Week 13 | Warkentine, Chapter 12 | Remedies |
| Week 14 | Warkentine, Chapter 13 | Advance Issues |
| Week 15 | Final Review | Chapter 14: Sales Problems – I will randomly select 2 problems that everyone must attempt |
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