



WESTERN STATE COLLEGE OF LAW
AT WESTCLIFF UNIVERSITY

**SECURED TRANSACTIONS IN PERSONAL PROPERTY
SECTION 495A
FALL 2024
PROFESSOR JAMES A. HAYES, JR.**

COURSE SYLLABUS & POLICIES

TEXTS

Required:

Secured Transactions in Personal Property, Eleventh Edition,
Steven D. Walt
Foundation Press

Selected Commercial Statutes for Secured Transactions Courses
2024 Edition
Chomsky, Kunz, Schiltz, and Lawton
West Academic Publishing

Recommended:

Principles of Secured Transactions
2018/2nd Ed. (Concise Hornbook Series)
White, Summers, Barnhizer, Barnes, and Snyder
West Academic Publishing

SCOPE OF COURSE

This course is a survey of the law of secured transactions in personal property under Article 9 of the Uniform Commercial Code, including the 2022 amendments. Its purpose is to acquaint students with the fundamental elements of creating, perfecting and enforcing security interests in various types of personal property.

Finally, this course will examine some of the types of commercial practices and economic policies that have shaped Article 9.

EXAMINATIONS AND GRADING

Each student will receive a numeric grade based upon (1) eight (8) weekly graded written assignments, worth a total of 200 points and (2) a final examination consisting of two or three essay questions worth a total of 300 points. The written assignments will be administered and completed through the course LexisNexis Webcourse site. The final examination will be administered in-class. The examination will require analysis of the law and policy issues covered in the reading materials and class discussions. The assignments and final examination will be “open book.”

PREPARATION REQUIREMENTS FOR CLASS

Please bring the required texts to all classes. The reading assignments refer to the Walt casebook ("CB" in the assigned reading list). I have also assigned recommended readings from *Principles of Secured Transactions* (“White” in the assigned reading list). Assigned rules and statutes may be found in your statute book. .

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Pursuant to ABA Standard 310, you are required to devote at minimum two (2) hours of out-of-class time preparing for each hour of classroom instruction. The assigned readings each week have been calibrated for you to achieve this minimum requirement.

ATTENDANCE AND PARTICIPATION

In this course, the statutes, rules, and cases will be analyzed and illuminated through students' responses to questions during class. This can lead to spirited and stimulating discussion, but only if the students are thoroughly prepared. You will, therefore, be expected to have carefully read and briefed each case and reviewed the applicable model statutes in the weekly assigned reading.

Unless otherwise instructed, you are responsible for all materials assigned in the reading list and you are expected to prepare the readings assigned on the syllabus, regardless of where we are on the syllabus in the class discussions.

ATTENTION:

Your attendance and participation in all classes are required. It is solely the responsibility of the individual student to personally sign the attendance sheet for each class. Failure to prepare for a class will count as an absence. Students who are absent from more than THREE (3) classes will be academically withdrawn from the course. THESE ATTENDANCE AND PARTICIPATION POLICIES WILL BE STRICTLY ENFORCED.

OFFICE HOURS

My office hours on campus are by appointment only. You may make an appointment by e-mail by contacting me at jhayes@wsulaw.edu. The purpose of an appointment should be to discuss questions you may have about the substantive law of the course.

COURSE WEBSITE- MANDATORY ENROLLMENT

I have prepared a course website on Lexis/Nexis Webcourses. *You are required to enroll on the website as soon as possible after the beginning of the semester.* I will be regularly updating the website with articles, study materials, practice exams, links to sites of interest, etc. throughout the semester. *You are responsible for checking the website regularly and you will be responsible for all materials posted on it.*

CLASSROOM POWERPOINT SLIDES

I will post any PowerPoint presentations I use during class on the course website. **The PowerPoint presentations are solely for the purpose of guiding classroom discussion and are not intended to substitute for a student outlining, reading, briefing or otherwise preparing for class.**

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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 Library Building, Room 275-B. 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 Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

SECURED TRANSACTIONS IN PERSONAL PROPERTY
SPECIFIC LEARNING OUTCOMES

Students will achieve the following specific competencies in the law of secured personal property transactions:

- (1) Understand The Nature Of Secured Credit And The Commercial And Policy Justifications For Rules In Article 9 Of The Uniform Commercial Code (UCC Article 9)**
(Links to Programmatic Learning Outcomes: Legal Analysis and Legal Research)
- (2) Understand The Sources Of The Law Secured Credit In Personal Property: State Statutes And UCC Article 9**
(Links to Programmatic Learning Outcomes: Legal Analysis and Legal Research)
- (3) Understand How To Create A Legally Enforceable Security Interest**
(Links to Programmatic Learning Outcomes: Practice Skills, Legal Analysis and Legal Research)
- (4) Understand How To Perfect A Security Interest In Various Types Of Personal Property**
(Links to Programmatic Learning Outcomes: Practice Skills, Legal Analysis and Legal Research)

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- (5) **Understand How To Determine The Priority Of A Security Interest In Various Types Of Personal Property And In Various Commercial Contexts**
(Links to Programmatic Learning Outcomes: Practice Skills, Legal Analysis, Legal Research)
- (6) **Understand How To Enforce A Security Interest under UCC Article 9**
(Links to Programmatic Learning Outcomes: Practice Skills, Legal Analysis, Legal Research, Communication, Advocacy of Legal Argument, and Legal Ethics)

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

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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.

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COURSE CONTENT AND ASSIGNED READING:

Week	Topic(s)	Casebook and Supplement Readings	Recommended Readings
1 8/21	Nature of the Security Interest - Introduction to Article 9 Creating a Security Interest - Attachment –	CB, pp. 1-9 CB, pp.9-13 CB, pp. 13-52	White, Chapters 1 and Chapter 2 pp. 47-60
2 8/28	Perfection by Filing	CB, pp. 53-102	White, Chapter 2 pp 60-129
3 9/4	Perfection by Possession Perfection by Control Consumer Goods Choice of Law	CB, pp. 102-150	
4 9/11	Priority - First-to-File-or-Perfect Rule - Purchase-Money Priority - Lien Creditors - Future Advances - Buyers and Lessees	CB, pp. 151-201	White, Chapters 4
5 9/18	Priority (cont'd) -Rights to Payment -Accounts and General Intangibles -Controllable Electronics Records and Controllable Payment Rights -Chattel Paper -Deposit Accounts	CB, pp. 201- 252	
6 9/25	Priority (cont'd) -Cash Proceeds -Federal Tax Liens	CB, pp. 252 - 280	
7 10/2	Leases and Consignments	CB, pp. 280-320	
8 10/9	Leases and Consignments (cont'd)	CB, pp. 320-341	

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Week	Topic(s)	Casebook and Supplement Readings	Recommended Readings
9 10/16	Security Interests in Intellectual Property -Copyrights -Trademarks - Patents	CB, pp.343-388	
10 10/23	Security Interest in Investment Securities -Certificated Securities -Uncertificated Securities	CB, pp. 389-430	
11 10/30	Security Interest in Fixtures	CB, pp.431-454	
12 11/6	Default and Enforcement	CB, pp. 455-493	White, Chapter 5
13 11/13	Default and Enforcement (cont'd)	CB, pp. 493-524	
14 11/20	Catch-Up and Review		