

Sample
Course
Requirements

SYLLABUS
SECURED TRANSACTIONS
Spring 2008
PROF. VAN ALSTINE

Class Schedule:	Tuesdays and Thursdays:	6:10 p.m. – 7:15 p.m.
Office Hours:	Wednesdays:	3:00 p.m. – 5:00 p.m.
Contact Information:	Office No.:	260B
	Work No.:	410-706-1055

As a general proposition, I should be in my office at most times throughout the day if you have any questions about the course material. I have set the above office hours for you as times at which you can be assured that I will be available for consultations without an advanced appointment. If you have pressing issues or special concerns that you need to discuss at some other time and want to be certain that I will be available when you stop by, I recommend that you arrange an appointment either before or after a class session.

Required Text and Recommended Resource Materials:

Casebook: Lopucki & Warren, Secured Credit: A Systems Approach (5th ed. 2006).

Statutory Supplement: Some form of a U.C.C. statutory supplement is a necessity in a code course such as this one. Any recent supplement that contains the U.C.C. and its comments as well as the Bankruptcy Code will do.

There are numerous treatises on commercial law that may assist you in mastering some of the more difficult issues we will discuss in the course of the semester. The treatise I recommend is White & Summers, UNIFORM COMMERCIAL CODE. You are not required to buy this treatise for this course. It is available in the library.

Attendance, Preparation and Class Participation:

Regular class attendance is required by the academic rules and is essential to a clear and complete understanding of the course. Preparation for class is a must and I will expect each of you to be prepared for every class. If due to other responsibilities you are unable to prepare fully for a particular class, I will allow you simply to “opt out” by giving me *advance* notice (*i.e., before class*). If you do so, I will not call on you in that particular class. Otherwise, I will assume and expect that you are prepared to contribute to classroom discussion.

Examination and Grading:

Your grade in this course will be based primarily on performance on the final examination. This exam will be a limited open book exam, by which I mean that you may bring into the examination room the casebook, the statutory supplement, any handouts distributed by me either in class or via Blackboard (unless otherwise stated), and any notes or outlines prepared by you or to the preparation of which you have made a substantial

contribution as part of active, semester long participation in a study group of students in this class. No other materials (including, in particular, any electronically or photographically copied commercial or other outlines or portions thereof) may be brought into the examination room or otherwise accessed during the exam.

I may also take classroom participation into consideration in your final grade. Substantial, consistent, and valuable contributions to class discussions may raise your exam score by up to one full grade if you have regularly attended class. Although I certainly do not expect this to be a problem, I also reserve the right to lower your grade by up to one full grade for repeated absences and/or lack of preparation. **Extreme cases** of repeated absences and/or consistent lack of preparation also may result in a referral to the Administrative Committee of the law school, which (among other sanctions) has the authority to assign a failing grade for the course.

Course Content and Assignments:

Our review of the subject of secured transactions will generally follow the structure of our casebook and course packet to be distributed later in the semester. The casebook uses a problem method, which is somewhat different from the standard law school casebook. The authors have chosen to provide explanations and cases upfront, followed by problems that test your understanding of the material. These problems will be the focus of our class discussions and are not merely thought exercises. You **MUST** be prepared to explore these problems in detail in our class discussions. Note, however, that I have not assigned a number of these problems. You thus must pay careful attention to the assignments set forth below.

The casebook and the course packet are structured around “assignments” of between 15 and 20 pages in length that are designed for one class hour. Because we will be meeting for three hours each week, our general plan will be to cover three assignments per week. There nonetheless will be a number of instances—including specifically Assignments 5 and 19, see below—where the depth of our discussions will mean that we will not complete a full assignment in one class hour. Note that my headings (but not the structure) below differ slightly from those in the casebook in order to provide additional explanatory material on the structure of the course materials.

Finally, this is a course covered by a code and we will spend a substantial amount of each class examining the relevant sections of Art. 9 of the UCC. It is imperative, therefore, that you review in detail in your statutory supplement the sections of UCC Art. 9 and the Bankruptcy Code that are cited in the casebook.

SECURED TRANSACTIONS

I. THE CREDITOR-DEBTOR RELATIONSHIP: THE IMPORTANT DISTINCTION BETWEEN “UNSECURED” AND “SECURED” CREDITORS

PART A: INTRODUCTION TO THE UCC AND THE RIGHTS OF UNSECURED CREDITORS

- Introduction: Overview of the UCC: Structure, Substance, and Approach
- Assignment 1: The (Unfavorable) Position of Unsatisfied Unsecured Creditors
Assignment: pp. 3-19.

PART B: THE RIGHTS OF SECURED CREDITORS UNDER STATE LAW

- Assignment 2: The Nature of a “Secured” Interest and the Right of Foreclosure
Assignment: pp. 20-34. *Skip problems 2.5 and 2.6.*
- Note for Problem 2.2: We will cover the issue of leases vs. secured transactions (see § 1-201(37)) in more detail in Assignment 21.
- Assignment 3: The Power of Repossession; Art. 9’s Right of “Self-Help”
(two class hours) Repossession
Assignment: - pp. 35-54. *Skip problems 3.8 and 3.9.*
- Assignment 4: Realizing the Value of Security with Judicial Consent: Judicial or Trustee Sale, Deficiency, and the Right of Redemption
Assignment: - pp. 55-72.
- In Assignment 4 we will ONLY do problem 4.1.
- Assignment 5: a) Realizing the Value of Security for Art. 9 Personal Property:
(two class hours) Option 1: “Strict Foreclosure” (§§ 9-620—9-622);
Option 2: Non-Judicial Disposal (§§ 9-610—9-613).
b) Deficiency Claims; Right of Redemption; S/P’s Failure to Comply with Disposal Rules (§§ 9-925, 9-626, and 9-627).
Assignment: - pp. 75-88.
- Read the sections noted above carefully.
- *Skip problem 5.6.*

PART C: THE TREATMENT OF SECURITY INTERESTS IN BANKRUPTCY (FEDERAL LAW)

- Assignment 6: Overview of Bankruptcy: Structure, Process, and Goals
Assignment: - pp. 91-109.
- Assignment 7: Treatment of Secured Creditors in Bankruptcy
Assignment: - pp. 110-128.
- Please prepare ONLY Problem 7.7 in advance (The answers for Problems 7.1-7.6 will be made available and discussed in class).

Public Health and the Law Seminar Spring 2006

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Course Meetings: Mondays, 10:10 - 12:00 in Room 402.

Required Texts:

1. Lawrence O. Gostin, *Public Health Law: Power, Duty, Restraint* (2000) (“**Text**”);
2. Lawrence O. Gostin, *Public Health Law and Ethics: A Reader* (2002) (“**Reader**”);
3. Elizabeth Fajans and Mary R. Falk, *Scholarly Writing for Law Students* (3d. ed. 2005) (“**F&F**”).

Additional course materials will be posted on Blackboard or will be available through the companion web site to Professor Gostin’s books: <http://www.publichealthlaw.net/Reader>.

Reading Assignments, Class Participation, and Attendance:

You will be asked to complete a substantial reading assignment for each class and to come to class prepared to engage in a critical discussion of the topics covered. In addition, each of you will be required to post your thoughts to an on-line discussion forum at least twice over the course of the semester (see “on-line discussion requirement” below).

Because the reading materials are designed to provide a context from which a discussion of the relevant issues can take place, your attendance and participation are of vital importance to the seminar. I expect that you will not miss any of the sessions. Please notify me in advance if you will be absent from a class. I will contact you if your absences become a concern to me, and it may affect your class participation grade.

Research, Written Work, and Oral Presentations

You are required to complete significant research on a public health law topic of your choice. Your research will culminate in an oral presentation to the class and a written paper of at least 20 to 25 pages, exclusive of notes. (If you plan to use your paper to satisfy the Advanced Writing requirement, you must notify me of this intention by January 30. Advanced Writing Requirement papers must be a minimum of 30 pages, exclusive of notes.)

In an effort to assist you in the refinement of your paper, I will require several interim deadlines. Your topic proposal and preliminary thesis (along with Advanced Writing Requirement intent) are due on January 30. The paper’s introduction and thesis, together with a detailed outline,

organizational chart or preliminary draft, are due on February 27. The first complete draft of the paper is due on March 27, and the final draft is due April 24.

Oral presentations on the research papers are scheduled for the final four weeks of the semester. They begin on April 3, after the complete draft is due. I will take volunteers for presentation dates and assign them by lottery only if necessary. You should expect your presentation to be 15 minutes long, followed by approximately 10 minutes of questions. In order to assist your classmates in preparing for your presentation, you must supply the class with reading material at least one full week before you are scheduled to speak. The materials should include an excerpt of your paper and other related readings. As the time gets closer, I will provide you with more details on the oral presentation requirements – both for students presenting that week and for the rest of the class, who will be participating in the questions and discussion.

On-line Discussion Requirements

In addition to the formal writing requirement represented by the research paper, each student will be required to do some informal writing over the course of the semester in the form of participation in an on-line discussion forum. The purpose of this requirement is to get you thinking about – and writing about – questions posed by the assigned readings, and as a way to “jump-start” our class discussions about those readings. Here’s how it will work:

For each of the classes in weeks four through twelve, two to three students in the seminar will be assigned to post to the discussion forum some thoughts about the assigned readings. The responses should be posted by 7 PM the evening before that class meets. These postings need not be lengthy, they just need to express an opinion about what you have read or respond to a question posed by the reading; you can expect that the discussion will be further fleshed out in class. If you are not assigned to participate in the on-line discussion that week, you are certainly welcome – indeed encouraged – to contribute if you would like.

Each of you will be assigned (and hence required) to participate in the on-line discussion twice over the course of the semester. These assignments will be made randomly (most likely alphabetically). If you need to switch assigned weeks with another student, you must negotiate that on your own and notify me in writing in advance.

You are also encouraged to use the on-line discussion forum to continue discussions about a point raised in a class; to ask questions about the readings and the class; to express your opinions about what you are reading; or to answer questions posed by other students.

Grading

Your grade for the seminar will be based on your research paper, your oral presentation, your participation in seminar discussions, and your postings to the discussion forum. The grading percentages break down as follows: 60% for the research paper (20% for the complete draft and 40% for the final paper), 20% for the oral presentation, and 20% for in-class and on-line discussion.

Schedule of Classes

◆ Week 1

Jan. 9: Course Overview; Introduction to Public Health;
Legal and Ethical Foundations of Public Health Regulation

READINGS: Text, Chapter 1; Reader, pp. 6-15, 41-58, and 76-81.

◆ Week 2 **No Class: MLK Day**

◆ Week 3

Jan. 23: The Role of the Federal Government: Public Health Duties and Powers;
Introduction to Scholarly Writing: Choosing a Subject and Developing a Thesis

READINGS: Text, Chapter 2, pp. 25-31, 34-40, 47-59;
Reader, pp. 161-184; *Printz* excerpt (on Blackboard);
F&F, Chapters 1 and 2.

◆ Week 4

Jan. 30 State Police Powers and Constitutional Limitations;
Scholarly Writing: Developing Effective Research Strategies

READINGS: Text, Chapter 3; Reader, Chapter 7;
Dowell v. City of Tulsa (on Blackboard);
F&F, Chapter 3.

DUE: Paper Topic Proposal and Preliminary Thesis

(You should read Chapters 4 through 7 of Fajans and Falk at appropriate times as you are working on developing an outline and writing the various drafts of your paper.)

◆ Week 5

Feb. 6: The Science of Public Health: Epidemiology and the Law

READINGS: Text, Chapter 10, pp. 282-88, Chapter 7, pp. 185-87;
Reader, pp. 58-60; 275-290; *Cook & Sulesky* cases and
Swine Flu articles* (all on Blackboard). (*Read pages 1-9
only of the Berkeley Swine Flu Case Study, also available:
<http://www.stat.berkeley.edu/~census/546.pdf>).