BLAW 529: Commercial Law

Summer 2022 (May 16 – June 27) Syllabus

COURSE INFORMATION

Credit Hours: 3

Course Overview: This course covers the substantive regulatory framework governing commercial transactions in the United States. Topics include common law contracts, sales under the Uniform Commercial Code (UCC) and the Convention on the International Sale of Goods (CISG), negotiable instruments, secured transactions, and bankruptcy.

Course Catalog: For more information on the business law curriculum at the College of Charleston School of Business, see the course catalogue here: http://catalog.cofc.edu/

Program Objectives: For information on the School of Business mission and learning goals, click here: http://sb.cofc.edu/officeofthedean/facultyresources/mission.php

Course Prerequisites: As dictated by graduate program requirements.

Course Location and Time: This course will be delivered entirely online. Synchronous class meetings will be held on Zoom M/W 2:00 pm - 5:15 pm.

FACULTY INFORMATION

Professor: Richard L. Kilpatrick, Jr.

Office Location: JC Long Building 311

Office Hours: By appointment

Phone: (843) 953-3374

Email: kilpatrickrl@cofc.edu
**COURSE MATERIALS**


Lecture notes, cases, activities, and other materials posted on Oaks.

**GRADE CRITERIA**

Grades for the course are determined by student performance on 3 exams, 5 case presentations, and attendance/participation.

**Exams**

Each exam is worth 25% of the final grade. Exams use a combination of multiple-choice and short discussion formats.

**Case Presentations**

Case presentations are cumulatively worth 15% of the final grade. Guidelines for case presentations will be posted on Oaks. Students will be assigned cases at the beginning of the course.

**Attendance/Participation**

Attendance and participation is worth 10% of the final grade.

**Letter Grades**

Letter grades are assigned at the end of the course using the following formula:

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<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>94% - 100%</td>
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<tr>
<td>A-</td>
<td>90% - 93%</td>
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<tr>
<td>B+</td>
<td>87% - 89%</td>
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<tr>
<td>B</td>
<td>84% - 86%</td>
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<tr>
<td>B-</td>
<td>80% - 83%</td>
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<tr>
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<td>77% - 79%</td>
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<td>C-</td>
<td>70% - 73%</td>
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<td>D</td>
<td>60% - 69%</td>
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<tr>
<td>F</td>
<td>0% - 59%</td>
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COURSE POLICIES

Exam Dates

Tentative exam dates are listed below in the course outline. Students must take exams on the dates and times they are scheduled. A student who does not take an exam on the date and time it is scheduled will receive a “zero” for that exam. Make up exams are not available. The sole exception is an extraordinary and legitimate emergency as determined by the Professor's sole discretion. In such circumstances, the emergency must be properly documented and the student must inform the Professor immediately. The circumstances are analyzed on a case-by-case basis by the Professor with possible consultation of CofC administrators. Legitimate emergencies do not include employment obligations, schedule conflicts, minor illnesses, or other similar circumstances.

Computer and Internet Access

Students will need consistent internet and computer access to complete this course.

Zoom Policy

During live zoom meetings, please activate the video feed to foster a group learning environment.

Attendance

Attendance and participation is mandatory for this course. Exceptional circumstances may be discussed with the Professor on a case-by-case basis.
CofC Honor Code and Academic Integrity Statement

Lying, cheating, attempted cheating, and plagiarism are violations of our Honor Code that, when identified, are investigated. Each incident will be examined to determine the degree of deception involved.

Incidents where the instructor determines the student’s actions are related more to a misunderstanding will handled by the instructor. A written intervention designed to help prevent the student from repeating the error will be given to the student. The intervention, submitted by form and signed both by the instructor and the student, will be forwarded to the Dean of Students and placed in the student’s file.

Cases of suspected academic dishonesty will be reported directly by the instructor and/or others having knowledge of the incident to the Dean of Students. A student found responsible by the Honor Board for academic dishonesty will receive a XF in the course, indicating failure of the course due to academic dishonesty. This grade will appear on the student’s transcript for two years after which the student may petition for the X to be expunged. The student may also be placed on disciplinary probation, suspended (temporary removal) or expelled (permanent removal) from the College by the Honor Board.

Students should be aware that unauthorized collaboration—working together without permission—is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer), copying from others’ exams, fabricating data, and giving unauthorized assistance.

Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Students can find the complete Honor Code and all related processes in the Student Handbook at: http://studentaffairs.cofc.edu/honorsystem/studenthandbook/index.php

Reasonable Accommodation Statement:

The College of Charleston abides by section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. If you have a documented disability that may have some impact on your work in this class and for which you may require accommodations, please see an administrator at the Center of Disability Services/SNAP (843) 953-1431.

Syllabus Amendments

The policies and information contained in this syllabus are subject to amendment at the sole discretion of the Professor.
TENTATIVE COURSE OUTLINE

Part I

May 16 – Introduction; Common Law Contracts

Chapter 9

May 18 – Common Law Contracts

Chapters 10, 11

Cases:

Catamount Slate
Lefkowitz
Osprey LLC
Sherrod
Thor Properties
Norcia
Berardi
Neugebauer
Maroun
Reed
Burningham

May 23 – Common Law Contracts

Chapters 12, 13, 14

Cases:

Vanegas
Denney
New England Rock Services
DiLorenzo
Alcoa Concrete
Bibi
Payroll Advance
Anderson
Bagley
Berg
In Re the Scoreboard
Zelnick
First State Bank of Sinai

*Exam 1 (available May 23-24 only)
Part II

May 25 – Common Law Contracts

Chapters 15, 16, 17, 18

Cases:
  Rosewood Care Center
  Mackay
  Kalas
  Dahan
  Jenkins
  In Re Magness
  Aldana
  Mountain Peaks Financial Services
  Federal Insurance
  First Bank
  Silvestri
  Hochster
  McDowell
  Northern Corp
  Merritt
  Arrowhead School District
  Prestenbach
  Madison Square Garden

May 30 – No class for Memorial Day

June 1 – Agency and Third Parties

Chapters 19, 20

Cases:
  Alexander
  Miller
  Detroit Lions
  Gaddy
  Schoenberger
  Parlato
  Connes
  AE Robinson Oil
June 6 – UCC Sales

Chapters 21, 22

Cases:

Carter
Pittsley
Coleman
Commerce & Industry Insurance
Wilson
Furlong
Waddell
Donald R Hessler

June 8 – UCC Sales

Chapters 23, 24, 25

Cases:

Deiter
Robinson
Heinrich
Martin
Belden
In Re LB Trucking
Womco
O’Neil
Kelso
Greene
Peace River
Bigelow-Sanford
Midwest Hatchery
Coastal Leasing

June 13 – No class (Professor out at conference)

*Exam 2 (available June 13-14 only)
Part III

June 15 – Negotiable Instruments

Chapters 26, 27, 28 29

Cases:

Heritage Bank
Nationsbank of Virginia
Cooperative Centrale
Hyatt Corporation
State of Qatar
Georg
Any Kind Checks Cashed
Triffin
Mark Line
Davis
Traveler’s Indemnity
Dixon
Leibling
Union Planters

June 20 – Secured Transactions

Chapter 37; Supplemental material on Oaks

Cases:

Border State Bank of Greenbush
Kimbrell’s of Sanford
Chapa
American Manufacturing Mutual

June 22 – Bankruptcy

Chapter 38, Supplemental material on Oaks

Cases:

Husky International
Radlax Gateway Hotel
Harris
Hamilton

*Exam 3 (June 22-23 only)