This course will be taught through the experience of a trial attorney who has enforced rights and claims pursuant to negotiable instrumetns and who has defended numerous banks in several jurisdictions on claims brought under the Uniform Commercell Code Articles 3 and 4 over the past 25 years. Class discussion will include litigation and evidenciary issues and strategies pertaining to a legal claims involving a negotiable instrument, and you will review, analyze and discuss pleadings from actual cases filed in local courts. The course material will be the UCC and case law that will be assigned. You should expect to be challenged in your critical thinking and to apply your abilities to understand Articles 3 and 4 so that hopefully when it is time for you to take a bar examination, you will be familiar with the material. The final in this course will be based on information discussed in class.

The general outline that follows is not to be interprested as a chronological order of the material to be covered in class.

Introduction:

  What is commercial paper?
  How is it used?
  Why is commercial paper used?
  Who does it benefit?
  What are the rules for governing commercial paper?
  Who do the rules protect? (plaintiff v. defendant)
  How are users of commercial paper protected?

Negotiability:

  Requirements for Effective Negotiability
  Affects to Negotiability
Negotiability in the Present

Holder v. Holder in Due Course:
  What’s the difference?
  Preference and why?
  Who decides?
  Requirements to be Holder
  Requirements to be Holder in Due Course
  Defeat HDC Status

Liabilities, Upstream or Downstream?:
  Obligor
  Indorser
  Transferor
  Presentment
  Collection Process

Relationship Between Drawee and Drawer:
  Duties
  Contract Law Application?
  Tort Law Application?
  Authority to Pay?

Select Discussion of Article 4A Issues

Open Discussions/Review

Other Practical Applications

Overview/Exam Preparation