



Course Description

When a debtor runs into financial trouble, the likelihood of a particular creditor getting repaid in whole or in part will often depend on whether the creditor lent on a secured or an unsecured basis. Compared to an unsecured creditor, a secured creditor possesses vastly superior legal rights in the collection and enforcement of debts.

This course will address the "elevated" legal rights of the secured creditor by focusing on Article 9 of the Uniform Commercial Code (the "UCC") — the law of secured financing. We will discuss the rights and remedies of the secured creditor and the unsecured creditor under state law, and we will also address the effect of bankruptcy upon these rights and remedies (no prior knowledge of bankruptcy is required).

The course is taught from a problem-solving approach; thus, we will discuss and analyze real-world legal problems.

Learning Objectives

- ◆ Learn business basics about loans.
- ◆ Understand how to create security interests.
- ◆ Become proficient in analyzing creditors' and debtors' rights outside of bankruptcy.
- ◆ Learn to read, understand, and apply statutes.

Course Materials

The required course materials are:

LYNN M. LOPUCKI & ELIZABETH WARREN, SECURED CREDIT: A SYSTEMS APPROACH (7th ed. 2012).

BANKRUPTCY AND ARTICLE 9: STATUTORY SUPPLEMENT (Elizabeth Warren ed., 2012). I will discuss other acceptable versions of the statutes on the first day of class.

Assignments and Course Materials

I will distribute lists of reading and problem assignments in class on a periodic basis. Before each class period you should read the assigned materials and complete the assigned problems. Please be sure to read any sections of Article 9 mentioned in the text or problems. Occasionally, it may be necessary for me to adjust the assignments. If this happens, I will announce the changes in class as soon as possible.

Because it takes practice to apply Article 9, it will be difficult to understand this course if you do not complete the assignments. In addition, failing to adequately prepare for class will negatively impact your grade. (See Class Participation and Grading sections for further information.)

The syllabus and reading assignments are available electronically on Westlaw's TWEN page. The password for the course is Hill. Slides used during class will also be available on TWEN after the class in which they are used. (For pedagogical reasons, I will not distribute the slides before class.)

Attendance

The Law Center requires students to attend at least 80% of the scheduled classes. I will pass around a seating chart. You should legibly write your name on the part of the seating chart that identifies your seat. Thereafter, you should sit in the seat you selected. I will pass around a roll sheet at the beginning of each class. If you are present and sitting in your assigned seat, you should initial next to your name. You should not initial the roll for any other student. If you would like to check your attendance for the semester, you may do so by contacting my secretary, Rose Verde, at rverde@central.uh.edu.

Rescheduled Classes

At some point during the semester, classes may be cancelled. This could happen for a variety of reasons (e.g., flooding, instructor illness, etc.). If class is cancelled, a make-up class will be scheduled. According to Law Center policy, make-up classes will likely be scheduled on Fridays. I will announce any necessary make-up days in class as soon as possible.

Class Participation

During each class session, we will discuss the problems assigned for that day. To facilitate that discussion, I will call on several students. I expect that you will have completed the assigned reading and problems prior to attending class and will be prepared to discuss the material. (See Assignments Section.) You are encouraged to volunteer comments and questions.

Consistent with Law Center Guidelines, I reserve the right to lower your grade by one notch (e.g., from a B to a B-) if you failed to adequately prepare for and participate in class. You will not be penalized for wrong answers, only for lack of preparation

Grading

Your grade in this class will be based on a final examination, with adjustment made for unacceptable class participation and/or attendance (as described above). During the three-hour final examination you may use any written material you like. Indeed, I expect that, at a minimum, you will want to refer to Article 9. The exam will consist of multiple choice and essay questions.

Office Hours and Contact Information

If you have questions or concerns about the class, please contact me.

Office: Bates Law Building #132
Hours: Monday and Wednesday, 4:00 to 5:00
E-mail: jahill3@central.uh.edu

You may also stop by my office at other times. However, if I am busy, I may ask that you schedule an appointment. You may schedule an appointment by e-mailing me. When e-mailing please propose at least one meeting time.

Accommodation of Disabilities

The Law Center strives to assure equal access and full participation to people with disabilities. If you require services because of a disability, you may notify Sharon Nellums-Goosby, Academic Records Coordinator, in the Office of Student Services, room 44A TU II, by e-mail at SNellums@central.uh.edu, or 713.743.2187. This voluntary self-identification allows the University to prepare any necessary and appropriate support services to facilitate your learning. Any requests for exam accommodations should be directed to Linda Lee at LLee@central.uh.edu or 713.743.1751 and should be made as soon as possible to allow adequate time to document and process the request.
