

“Dear Diary” Moments in the Semester of a UCC Law Professor

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Thursday, September 3

Secured Transactions (“Sadistic Transactions”) met for the first time today. After dispensing with preliminary matters, I discussed the disadvantages of being an unsecured creditor and, conversely, the benefits afforded by law to secured creditors. After informing the students that well-known banks occasionally make unsecured, multimillion dollar loans, I asked the class for a *five*-letter word often used to describe those banks (“naive”). Someone responded, “stupid.” It could be a long semester.

Monday, September 7

A student stopped by my office to inform me that he had dropped Advanced Oral Advocacy (catalog description: “This seminar offers practical advice on how to overcome bad facts through pretense and

* Associate Professor of Law, South Texas College of Law (affiliated with Texas A&M University). Except as noted in footnotes 1 and 2, this entire work (my tenure piece) is the result of a fertile imagination and, contrary to what readers may conclude, was written without the use of mind-altering drugs. My friend and mentor, James D. Gordon III, snorted 7-Up out his nose while commenting on the initial draft. Three colleagues—Paul E. McGreal, Francesca Ortiz, and Val D. Ricks—also offered encouraging words. But they had to. I outrank them.

While recently standing in a check-out line, I noticed that headlines of *Cosmopolitan*, *Glamour*, *Vogue*, and other reputable supermarket tabloids were proclaiming (based on “bedroom surveys”) that law professors who teach UCC courses have no humor and even less personality, not to mention atrocious table manners, repugnant grooming habits, offensive physical attributes, appalling taste in fashion, and stagnant libidos. I wrote this essay to shatter the prejudices such irresponsible journalism fosters in the soul of an all-too-gullible public. As these few pages so conclusively establish, none of the foregoing criticisms leveled at those of us who teach UCC courses—the few, the proud, the anointed—are true. All shameless lies. Well, most of them.

ostentation.”) and added Payment Systems. He asked to be placed on the seating chart. He was wearing military fatigues, a decorative button pledging allegiance to the NRA, a blood-stained fourteen-inch hunting knife, and a medical bracelet announcing that he suffered from “disgruntled postal worker syndrome.” I directed his attention to an empty seat strategically located on the back row behind a floor-to-ceiling pillar. Memo to self: pay life insurance premiums on time this semester.

Friday, September 11

I received a letter from the *Michigan Law Review* declining to publish my article entitled “*Great Expectations? or Much Ado About Nothing?—A Dialogue Between Charles Dickens and William Shakespeare on the Continued Viability of the UCC in the 21st Century.*” The letter was brief, and to the point: “To borrow a phrase from noted English author Samuel Johnson, your manuscript was both good and original, but the part that was good was not original and the part that was original was not good.” Ouch.

Tuesday, September 15

At today’s faculty meeting, the SBA representative announced that faculty members teaching UCC courses would not be eligible for the annual “Professor of the Year” award. Darn.

Monday, September 21

We began discussing collateral descriptions in Secured Transactions. To illustrate that the debtor’s intended use will dictate the label, I asked the class to classify a harp. One student correctly suggested that in the hands of a music store, the harp would be “inventory.” Another properly concluded that in the hands of a professional musician, a harp could be “equipment.” Yet a third student observed that in the hands of an elementary student taking music lessons, the harp would be a “consumer good.” Convinced that my point had been made, I was prepared to move on when someone on the back row suggested another, more obvious, UCC Article 9 term: an “instrument.” The class clown has been identified.

Saturday, September 26

I read the new UCC Article 11 on Grocery Coupons. The “official comments,” too. (Why “official”? Is someone circulating fake comments?) I now have read thirteen of the seventeen articles. Only four to go.

Unless ALI and NCCUSL add more. They probably will. They always do.

Friday, October 2

Last night I dreamed that I was a contestant on *Jeopardy!* (along with my childhood heroes, Gumby and Jonny Quest). As best as I can recall, the dream went something like this . . .

Alex: We have one category left, and you're in control of the board, Tim. Please make a selection.

Tim: Commercial Law for \$100, Alex.

Alex: This writing is usually filed by the secured party to perfect its security interest. Tim?

Tim: What is a financial statement?

Alex: No. Gumby?

Gumby: What is a financing statement?

Alex: Yes. A financing statement. Gumby, make a selection.

Gumby: Commercial Law for \$200, Alex.

Alex: The uninitiated might conclude that Erik Estrada had a hand in naming this popular wire transfer system. Jonny?

Jonny: What is CHIPS?

Alex: Correct. Pick again.

Jonny: Commercial Law for \$300, Alex.

Alex: UCC Article 9 was made possible, in part, by this "Grant." Tim?

Tim: Who was Hugh Grant?

Alex: No. Gumby?

Gumby: Who was Lou Grant?

Alex: No. Jonny?

Jonny: Who was Ulysses S. Grant?

Alex: No. We were looking for Grant Gilmore. Tim, you're still in control of the board.

Tim: Alright. Hmmmmm. Commercial Law for \$400, Alex.

Alex: This person, whose favorite number may be seven, represents the interests of unsecured creditors. Jonny?

Jonny: Who is the bankruptcy trustee?

Alex: Yes, or the "Prince of Darkness." And the final answer in the category: This legal doctrine attempts to preserve the integrity of written agreements. Jonny?

Jonny: What is the payroll evidence rule?

Alex: No. Tim?

Tim: What is the parole evidence rule?

- Alex:* Sorry. Gumby?
Gumby: What is the parole evidence rule?
Alex: Yes. The p-a-r-o-l evidence rule

And then I awoke, dazed and screaming. I need to make an appointment with Dean Williams to discuss a sabbatical. I'm working too hard.

Wednesday, October 7

In Payment Systems, we talked about the role of the Federal Reserve Banks in the check collection process. I informed the students that there are twelve Federal Reserve districts, with main offices located in Boston (district #1), New York (district #2, etc.), Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas, and San Francisco. I then asked for a volunteer to examine a dollar bill and tell me what capital letter appeared in the left-hand circle on the front of the bill. The student proclaimed, "F." Knowing that "F" is the sixth letter of the alphabet, I then asked if the border of the circle revealed that the dollar bill had been issued through the Federal Reserve Bank located in Atlanta. Excitedly, she said, "YES!" Looks of amazement appeared on the faces of those students still awake. For nearly thirty minutes, several students pulled bills from wallets and purses and tried to stump me, with no luck. The good news? My students now believe I have psychic powers. The bad news? The chair of my tenure committee was monitoring the class.

Tuesday, October 13

At today's faculty meeting, Dean Williams announced that, due to budgetary constraints, untenured faculty members teaching UCC courses would be asked to pay an extra \$5.00 per day to park in the school lot. Darn.

Thursday, October 15

We began slogging through the multistate provisions of UCC § 9-103 in Secured Transactions. At the start of class, I distributed complimentary tablets of Tylenol and Pepto-Bismol to the students. Within twenty minutes, they were all gone. The tablets. Not the students.

Monday, October 19

One of my students suggested that I not wear bow ties with button-down collars. I am so fortunate to have fashion-conscious pupils.

Friday, October 23

I met with other members of the Faculty Appointments Committee to review the AALS Faculty Appointments Register Forms received to date. Interest in becoming a law professor appears to be waning. So far, only 23,487 candidates have submitted forms. Dean Williams indicated a hiring need in the UCC area. Uh-oh. Lucky for me, 23,483 candidates listed "UCC" on the "Subjects Not Preferred" line. Whew! And I stack up pretty good against the other four candidates. One candidate had been the editor-in-chief of the *Stanford Law Review*, but two members of the committee had submitted manuscripts to that journal and had received rejection letters signed by this candidate. Payback time!! The second candidate indicated a strong interest in teaching UCC courses and Federal Income Tax. Verdict? Geek. The form submitted by the third candidate indicated prior work experience as a "Certified Public Accountant"—except a certain letter had been dropped from "Public." We all chuckled, but our committee frowns on tpyos. The fourth candidate was quite impressive: ivy-league education, Supreme Court clerkship (bonus points for liberal justice), excellent work experience, and articles published in the *Harvard Law Review* and the *Yale Law Journal*. If the candidate had listed only the citations, we probably would have extended an invitation to interview. However, the application disclosed the titles: "*Achieving Tenure Based Solely On Quality Teaching: Not Just a Pipe Dream*," and "*Beating the Dean at Poker and Other Violations of the 'Clearly Stupid' Rule: Some Personal Confessions*." Guess I'm safe for another year.

Wednesday, October 28

The current issue of the *Journal of Legal Education* arrived today. I picked up several pointers from an eighty-seven-page article entitled "*Teaching Bulk Sales: A Hermeneutics Approach*." I was disappointed that no one had contributed a humorous article to "On the Lighter Side." My tenure piece, which I've been working on for several months now (with the help of three research assistants and a generous grant), will be such a piece. The article, entitled "*Don't Care Much About The UCC*," will be a parody of one of Sam Cooke's greatest hits, "*Wonderful World (Don't Know Much About History)*." I have written the first four lines: "Don't care much about the UCC. Doesn't make a lot of sense to me. Never bring my statutes book to class. Think my teacher is a pompous ____." (Word intentionally omitted in case Mom reads this). Won't my colleagues be impressed! I bet my tenure vote is unanimous!!

Monday, November 2

Because I'm in class only six hours each week, and as I won't be required to produce any more scholarship after I'm tenured next semester, I'll have a lot of free time on my hands. So, I've decided to host my own talk show. A show with gritty and lurid stories. Stories with titles that grab you by the throat and say, "Switch channels, if you can." Titles such as, "I Married A Remitter," "My Pastor Is A Holder In Due Course," and "Lawyers Who File Financing Statements (And The Women Who Love Them)." The pathos. The drama. I better take my Valium; I'm getting chills.

Thursday, November 5

Borrowing an idea from my idols, the truck drivers of America, I ordered a T-shirt that said, "Don't like my teaching? Call 1-800-YOU-FAIL."¹ Knowing that students are submitting faculty evaluation forms this week, I wore the T-shirt to class today. Dean Williams thought it was pretty funny. Perhaps he'll give me a raise. Probably not.

Tuesday, November 10

At today's faculty meeting, those in attendance overwhelmingly approved a motion excluding UCC-related articles from the definition of "scholarship" for purposes of promotion, tenure, and retention. Darn.

Wednesday, November 18

I have finished drafting the Payment Systems exam. I'm very excited about a two-hour essay question: "Discuss the merits of the following statement: a cashless society leads to anarchy. (Bonus points will be awarded for using Venn diagrams in your answer.)"

Friday, November 27

I have written the essay question for my Secured Transactions exam. It's "perfect" (haha—an Article 9 pun)! For purposes of my memoirs, I am recording it here.

On December 1, FirstBank obtains an enforceable security interest in Debtor's inventory to secure repayment of a one-million dollar loan. FirstBank, located in Dallas, hires a local courier to drive to Austin and file its financing statement. The filing office is open from 9:00 a.m. until 4:30 p.m. on weekdays. The courier, driving a 1976 AMC Pacer, begins

1. Several months ago, I saw a comic strip character wear a similar T-shirt but cannot remember the comic strip.

the 180-mile journey on December 3 at 11:23 a.m., stopping once to fix a flat tire, twice for an oil change, and four times for gas. Determine, within fifteen minutes, the moment of perfection. Would your analysis change if the driver listened to eight-track cartridges of music by Barry Manilow and ABBA for more than fifty miles of the trip?

Tuesday, December 1

Today was the last day of class. Only three students stopped by during office hours this semester. Knowing that I won't be around the law school much during the exam period, I disclosed my home telephone number to each class. I doubt if anyone calls.

Thursday, December 3

Was I wrong! I've had so many calls that I finally changed the message on my machine: "Hello. This is Tim Zinnecker. If you are calling with a question about the Payment Systems exam, please press 1, followed by the # sign, and hang up now. If you are calling with a question about the Secured Transactions exam, please press 2, followed by the # sign, and hang up now. Otherwise, please stay on the line." The calls tapered off considerably, and this afternoon I wrote the chorus to my tenure piece. "I'm not going to be an A student. Quite the fantasy. But maybe by earning at least a C-, I'll still get my law degree — ee — ee." [Repeat: "Don't care much about the UCC"]

Monday, December 7

Many persons have voiced concerns about the inclement weather that El Niño is expected to bring to the area over the next few months. To address these concerns, Dean Williams called an emergency faculty meeting today. After considerable debate, the faculty approved a motion requiring untenured faculty members teaching UCC courses to provide around-the-clock valet parking service next semester. Darn.

Thursday, December 10

I have finished reviewing both sets of exams. It didn't take as long as I thought to grade the essays. Thank goodness for the Scantron machine.

Monday, December 14

I submitted my grades to the registrar today. She looked at them and then gave me the telephone number for the FBI's Witness Protection Program. She's so funny.

Tuesday, December 22

I received my faculty evaluation forms and reviewed them this afternoon. I don't have tenure yet, so I can still learn from them. My favorites were:

10. His use of a new text made it difficult for me to use last semester's outline that cost me a lot of money!
9. UCC—Unintelligible Commercial Crap!!!!
8. I bet his wife has lots of headaches.
7. Professor Zinkletter is one of my favorite professors. He made a horrible subject tolerable.
6. My only complaint is that he started class on time and kept us the entire period. He needs to take pointers from the other professors.
5. Dear Dean Williams: You will never see a dime of my money if this [words deleted] gets tenure!
4. Where White and Summers end, he begins.
3. Snappy dresser!
2. Professor Zimmerger is an amazing professor. He has psychotic powers.
1. He nods his head too much when listening to students recite. Makes me think I'm being taught by a chicken.²

With feedback like that, I can't wait for the new semester to begin!

2. My conscience (at the prodding of my therapist) forces me to admit that more than one of these comments have appeared on my evaluation forms. Readers who wish to commiserate can contact me at zinneck@stcl.edu.