

**Texas Southern University
Thurgood Marshall School of Law**

**Consumer Rights Syllabus
Spring 2018**

**Professor Okezie Chukwumerije
Office: Room 231G
Tel: (713) 313-1128
Email: omerije@tmslaw.tsu.edu**

Course Description

The course is designed to introduce students to the law governing consumer transactions. Primary focus will be placed on the law and practice of the Deceptive Trade Practices Act (DTPA), with particular emphasis on the causes of action, remedies, and defenses available under the Act. The course will also cover the law dealing with wrongful debt collection. The course will conclude with an examination of the insurance claims and defenses obtainable under the DTPA.

Course Objectives

The course objectives are as follows:

- To introduce students to the law governing consumer transactions.

- To assist students in learning how to read and analyze judicial decisions. In this regard, emphasis will be placed on how to analyze facts, identify legal issues, and synthesize legal materials.

- To assist students in learning how to analyze and interpret statutes. In this regard, attention will be drawn to the important canons of statutory interpretation.

- To strengthen students' critical analysis and problem solving skills.

- To provide students with skills necessary to research and solve problems involving consumer transactions.

Learning Outcomes

At the conclusion of the course, students should be able to do the following:

- Evaluate the facts presented by a client to determine the key legal issues to be researched.

- Understand the basic legal framework governing consumer protection in Texas.
- Advise a consumer on the appropriate cause of action and remedies available in Texas.

- Identify and be able to draft key components of a consumer petition.

Course methodology

The course will be taught using a modified Socratic method. The question and answer model will be supplemented with lectures and classroom activities.

The course will be primarily taught through case and statute analysis. Cases and statutory materials will be assigned for each class. Students are required to read the assigned materials and to be prepared to answer questions arising from them.

I will give lectures to highlight important principles of law, to provide a structure for class discussions, to summarize principles already taught, and to provide a map of crucial aspects of the course.

Students will be required to participate actively in class discussions. Class participation will account for 10% of the final grade.

My primary responsibility is to assist students in learning the course materials. I will assist students in finding the answers to their questions. It is important to bear in mind that a good lawyer is not necessarily one who has an encyclopedic knowledge of the law, but one who understands the fundamentals and methodology of the law, and who has the skills for researching legal problems and finding creative solutions to them.

Requirements

The following are expected of students in this course:

- Class Preparation: Students **MUST** read assigned materials and attempt assigned problems.

- Active Participation: The teaching methodology for this course is based on the assumption that students learn best when they read critically and participate actively in classroom activities. Readings are assigned for each class. From time to time particular students may be selected to provide an overview of cases or to provide

answers to assigned problems. Class participation will be graded based on class attendance, preparation for class, contributions to class discussions, and participation in class activities.

→ Professionalism: Students are required to conduct themselves professionally, both in relation to the professor and in relation to each other.

Class Attendance

Class attendance is mandatory. No student will be allowed into the class after the scheduled time for the commencement of the class. Any student who fails to be present at the commencement of class will be counted as absent for that class period. Additionally, any student found to be disruptive in class will be excused from class and counted as absent for that class period.

Please note that the grade reduction rule for excessive absences from classes will be enforced. Furthermore, class attendance will be taken into account in assessing the points for class participation.

Please read carefully the TMSL Students Rules and Regulations Handbook. Section 9 of the handbook provides, *inter alia*:

“Class attendance is required of all students. Excessive absence from classes may result in the following: (a) administrative withdrawal from the course; or (b) grade reduction of up to two letter grades in courses required to be taken in sequence (where a student may not be withdrawn from a class).”

Computer Use Policy

Students are permitted to use their computers during class meetings. However, computers are to be used only for note taking. Other uses are prohibited. Each violation of this rule will lead to a reduction in the class participation points of the affected student.

Examination

There will be two examinations in this course, a mid-term and a final examination. Both examinations will be closed-book, essay examinations. No materials will be allowed inside the examination hall. Cell phones and similar electronic devices will not be allowed inside the examination hall.

The examinations will be designed to test knowledge of the basic principles of consumer law and ability to analyze and solve basic legal problems. Students are required to refer to relevant judicial decisions in answering the examination questions. Answers should contain a statement

of the issues, the applicable rules, an application of the rules to the issues, and a conclusion. Points will be awarded for organization, clarity of presentation, knowledge of applicable rules, and analytical ability.

Cumulative Course Grade

The points for the professor's part of your final grade will be computed as follows:

Class Participation:	10%
Mid-term Examination:	30%
Final Examination:	60%

Consultation

My formal office hours are as follows:

- Mondays, Wednesdays, and Fridays: 11 am – 12 noon, 2 pm – 3 pm.
- I will also be available for consultation outside these hours by appointment.

Course Materials

- Richard Alderman, Texas Consumer Law: Cases and Materials (2017-2018).

TSU Blackboard

You are required to register for this course on the TSU Blackboard website (<http://texsu.blackboard.com>). Please ensure that you change the default email address from your student email address to your personal email address.

Reading Assignments

A tentative list of reading assignments for the fall semester is annexed to this syllabus. Please note that the list is intended as a guide and is subject to modification at the discretion of the professor.

**APPENDIX
READING ASSIGNMENTS**

DATE	TOPIC	TEXT PAGES
Jan 8	INTRODUCTION	
Jan. 10	PROPER PLAINTIFF: CONSUMER SEEK OR ACQUIRE PURCHASE OR LEASE Martin v. Lou Enterprises [7] Kennedy v. Sale [15]	6-25
Jan. 12	PROPER PLAINTIFF: CONSUMER: GOODS OR SERVICES BUSINESS CONSUMER Riverside National Bank [32] Flenniken v. Longview Bank [36]	25-48
Jan. 15	MLK HOLIDAY	
Jan. 17	STATUTORY EXEMPTIONS Retherford v. Castro [50]	48-62
Jan. 19	WHO MAY YOU SUE? Amstadt v. United States Brass [67] Miller v. Keyser [78]	62-89
Jan. 22	THE LAUNDRY LIST Pennington v. Singleton [104]	101-120

Jan. 24	REVIEW	
Jan. 26	UNCONSCIONABILITY ASSIGNEE LIABILITY	120-133
	Chastain v. Koonce [121]	
	Latham v. Castillo [124]	
Jan. 29	WARRANTIES: UNIFORM COMMERCIAL CODE	133-157
	Plas-Tex v. U.S. Steel [152]	
Jan. 31	COMMON LAW WARRANTIES: REAL ESTATE	158-166
	Humber v. Morton [158]	
	Davidow v. Inwood [164]	
Feb. 2	COMMON LAW WARRANTIES: SERVICES	166-199
	Melody Home v. Barnes [168]	
	Centex Homes v. Buecher [175]	
Feb. 5	ESTABLISHING A WARRANTY / REVIEW	199-217
	Southwestern Bell v. FDP [199]	
	Head v. U.S. Inspect [209]	
Feb. 7	IN-CLASS WRITING EXERCISE	
Feb. 9	NOTICE / SETTLEMENT	219-239
	Richardson v. Foster [222]	

Feb. 12	DAMAGES Parkway v. Woodruff [248] Latham v. Castillo [252]	239-270
Feb. 14	TIE-IN STATUTES & ADDITIONAL DAMAGES Digangi v. 24 Hour Fitness [272]	270-290
Feb. 16	ATTORNEY'S FEES CUMULATIVE RECOVERY Arthur Andersen v. Perry [294] Tony Gullo v. Chapa [316]	290-326
Feb. 19	STATUTORY DEFENSES Sorokolit v. Rhodes [339] Sanders v. Construction Equity [351]	327-356
Feb. 21	COMMON LAW DEFENSES I Prudential Ins. V. Jefferson [367]	356-386
Feb. 23	COMMON LAW DEFENSES II Larsen v. Carlene Langford [379] Italian Cowboy v. Prudential [395]	386-410
Feb. 26	REVIEW	
Feb. 28	REVIEW	
Mar. 2	MID-TERM EXAMINATION	

Mar. 5-9	Mid-Term Week. No formal classes during mid-term week.	
Mar. 12-16	SPRING BREAK	
Mar. 19	REVIEW OF MID-TERM EXAMINATION	
Mar. 21	WDC: STATUTORY REGULATION I Miller v. McCalla [620] Henson v. Santander [626]	613-647
Mar. 23	WDC: STATUTORY REGULATION II Zimmerman v. HBO [656] Bass v. Stolper [660] Swanson v. Southern Oregon [666]	648-681
Mar. 26	WDC: PROHIBITED CONDUCT Brown v. Oaklawn Bank [708] Shorty v. Capital One Bank [724] Sheriff v. Gillie [740]	690-742
Mar. 28	WDC: PENALTIES Nancy McHugh v. Check Investors [749] Watson v. Citimortgage [764]	747-773
Mar. 30	GOOD FRIDAY	
Apr. 2	REVIEW: WDC	
Apr. 4	IN-CLASS WRITING EXERCISE	

Apr. 6 INSURANCE: CHAPTER 541 INSURANCE
CODE
(Materials to be distributed in class)

Apr. 9 INSURANCE: CHAPTER 542 INSURANCE
CODE

Apr. 11 INSURANCE: COMMON LAW

Apr. 13 **REVIEW: INSURANCE**

Apr. 16 **REVIEW: INSURANCE**

Apr. 18 **REVIEW: DTPA CLAIMS**

Apr. 20 **REVIEW: DTPA DEFENSES AND
REMEDIES**

Apr. 23 **REVIEW: WDC**