

**Consumer Rights (LAW 711-1)**  
**Spring 2018**  
**Texas Southern University**  
**Thurgood Marshall School of Law**

**Professor Michael C. James, J.D., LL.M.**  
**Office: 236-M**  
**Office Hours: Mon-Thur, 2:00–4:00,**  
**and via appointment.**  
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**Catalog Description:** “Based on Texas Deceptive Trade Practices Act (DTPA), this course examines consumer transactions and considers how the law protects consumers when dealing with merchants, lenders and other providers of products and services. Areas covered are false and deceptive advertising, unconscionability, warranties, credit regulation, informal debt collection, relevant sections of the Insurance Code, and judicial enforcement procedures.”

**This class meets in room 208 from 4:00–4:50 PM on Mondays, Tuesdays and Thursdays. This course carries 3 hours of credit.**

### **Course Description**

This course serves as a primer on the subject of consumer protection law. Special emphasis will be placed on the major consumer protection statute in Texas, the often-amended Texas Deceptive Trade Practices and Consumer Protection Act (“DTPA”), and the remedies provided therein. We will also address relevant “cross-over” topics such as products liability, debt collection practices and insurance considerations.

### **Course Objectives**

1. Achievement of a critical understanding of the essential tenets of consumer protection law, such as the proper parties of an action, the available remedies and defenses, etc.
2. Effective exhibition and development of fundamental legal skills (i.e., critical analysis of case law and efficient construction/interpretation of statutes).
3. Development of the capacity to digest legal scholarship and jurisprudence, while simultaneously maintaining the ability to reason deductively, inductively, and with the use of analogies.

## **Books and Readings**

The following textbook is **required** for this course:

***Alderman, Texas Consumer Law, Imprimatur Press, 17<sup>th</sup> Ed. 2016-2017.***

**You may buy the previous year's edition or this year's edition. It is my understanding that the campus bookstore has numerous used copies of the previous year's text available!**

Additional readings will occasionally be required and will be announced and/or distributed in class or via **TWEN**.

## Course Policies

1. **Attendance & Conduct:** **Attendance is NOT optional!** Per the Law School's attendance policy, students are expected to attend all classes unless you are prevented from doing so by severe medical or other unexpected trauma. **Absences will affect your course grade adversely (See Student Rules and Regulations for details on absences and corresponding grade reductions).** Should a medical or other urgent situation arise, you must inform me A.S.A.P. DO NOT sit back and allow time to elapse and expect me to make arrangements for you at the end of the semester! If you have a problem that you know will intrude on your studies, speak to me about it as early as you can. Remember, I am here to help you learn, not to further hinder you . . . but you must handle your affairs in a professional manner. **If you own a cellular telephone or pager, you must not have it operating during any class session; otherwise, you risk being asked to leave class if it rings! Similarly, use of personal computers for activities unrelated to our course is prohibited!**
2. **Make-up Examinations:** You should be present at each scheduled examination. **Only students with exceptional explanations for their absence will be given an opportunity to sit for a make-up exam.**
3. **Evaluation:** Your final grade will be based on the outcome of several homework essays and "professionalism points" (15%), a mid-term examination (35%) and a final examination (50%).
4. **Class Discussions:** Wherever possible, I will seek to engage the class in a thoughtful discussion pertaining to various relevant topics. Keeping abreast of the latest events (Legal and Political) will allow you to more seriously participate in class discussions on current affairs, cases and controversies. It is up to you to decide whether you want to read news sources in print or on the Internet. As students of law, you should monitor current events (both domestic and international) by reading a national daily newspaper (e.g., *The Washington Post* or *The New York Times*), a major local newspaper (i.e., *The Houston Chronicle*), or a weekly news journal (e.g., *Time*, *U.S. News & World Report*, or *Newsweek*). Additionally, you should also consult the following websites regularly to stay abreast of current case law and judicial trends: [www.law.cornell.edu](http://www.law.cornell.edu) (Cornell Univ. Legal Information Institute, recent SCOTUS Opinions), [supreme.lp.findlaw.com](http://supreme.lp.findlaw.com) (FindLaw's SCOTUS Database), and [www.supremecourtus.gov](http://www.supremecourtus.gov) (official website of SCOTUS). **Topical and relevant questions are welcome during class!**
5. **Reasonable Accommodation & Disabled Students:** *"TSU adheres to federal and state law that prohibits discrimination in programs for students with disabilities. When the disability is documented, a notice will be given to all instructors."* **Students with any disabilities should contact the Office of Disability Services at (713) 313-4210.** Make certain that you personally discuss this situation with me promptly in order to arrange for any appropriate accommodations that will become necessary as the semester proceeds.

## **Other Useful Policies to Know**

### **Academic Honesty Policy Statement**

“Students must maintain a high standard of honesty in their academic work. They should avoid all forms of academic dishonesty, **especially the following: Plagiarism, Collusion, Cheating and Impersonation.**” Any violations of the honesty policy will result in course failure.

### **Statement of Non-Discrimination**

“Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs or activities that receive federal financial assistance. It is the policy of Texas Southern University not to discriminate on the basis of race, color, national origin, or sex in its educational programs, activities, or employment.”

### **Counseling Center**

The University Counseling Center is available to help you maximize your health and effectiveness at home, school or work. Through this program, you receive confidential, personal support for a wide range of issues, from everyday concerns to serious problems. Their offices are located in the Student Health Center Building. Their phone number is (713) 313-7804.

## Preliminary Course Program and Schedule

| Dates   | Topic                                                         | Chapter(s)                                           |
|---------|---------------------------------------------------------------|------------------------------------------------------|
|         |                                                               |                                                      |
| 08JAN18 | <b>Course Introduction</b>                                    |                                                      |
|         | What is Consumer Protection Law?                              | Chapter 1, Section 1                                 |
|         | The Texas DTPA                                                | Chapter 1, Sections 2, 3, 4 and 6                    |
|         | Warranty and the DTPA                                         | Chapter 2, Sections 1-5                              |
|         | DTPA Remedies                                                 | Chapter 3, Sections 1-7                              |
|         |                                                               |                                                      |
| 08MAR18 | <b>Mid-Term Examination</b>                                   |                                                      |
|         |                                                               |                                                      |
|         | DTPA Defenses                                                 | Chapter 4, Sections 1-4                              |
|         | DTPA Remedies & Defenses ( <b>Review</b> )                    | Key Sections of Chapters 3 & 4                       |
|         | Products Liability and the DTPA                               | Chapter 5, Sections 1 & 2                            |
|         | Wrongful Debt Collection & Relevant Insurance Code Provisions | Chapter 6, Sections 1 & 3 and Supplemental Materials |
| 25APR18 | <b>Last Class Day</b>                                         |                                                      |
| TBA     | <b>Final Examination</b>                                      |                                                      |

*\*The above dates represent an estimate of the amount of time that I anticipate devoting to a corresponding chapter or topical discussion. During the semester, the actual course schedule will be adjusted as necessity dictates.*

## TMSL Spring 2018 Academic Calendar

### **SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)**

|                                              |                  |                           |
|----------------------------------------------|------------------|---------------------------|
| School Opens                                 | Tuesday          | January 2, 2018           |
| First Day of Class                           | Monday           | January 8, 2018           |
| <b>Last Day to ADD/DROP</b>                  | <b>Wednesday</b> | <b>January 10, 2018</b>   |
| <b>M L K Holiday (No Classes)</b>            | <b>Monday</b>    | <b>January 15, 2018</b>   |
| <i>Purge of all unpaid course selections</i> | Wednesday        | February 7, 2018          |
| Mid Term Examinations                        | Mon – Fri        | March 5– 9, 2018          |
| Spring Break                                 | Mon – Fri        | March 12 – 16, 2018       |
| <b>Spring Break (University Closed)</b>      | <b>Mon-Wed</b>   | <b>March 12- 14, 2018</b> |
| <b>Good Friday (No Classes)</b>              | <b>Friday</b>    | <b>March 30, 2018</b>     |
| Last Day of Classes                          | Wednesday        | April 25, 2018            |
| Last Day to Drop a Class                     | Wednesday        | April 25, 2018            |
| First Year Professors' Grades due            | Wednesday        | April 25, 2018            |
| Reading Period ( <b>No Classes</b> )         | Thur. – Sun      | April 26 - 29, 2018       |
| Final Examinations                           | Mon- Fri         | April 30 – May 11, 2018   |
| Hooding Ceremony                             | Friday           | May 11, 2018              |
| Commencement                                 | Saturday         | May 12, 2018              |