

Consumer Rights (LAW 711-1)

Fall 2017

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

Professor Michael C. James, J.D., LL.M.

Office: 236-M

Office Hours: MWF 12-1, 2-4 PM

and via appointment.

E-mail: mijames@tmslaw.tsu.edu

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 210 from 1:00 – 1:50 PM on Mondays, Wednesdays and Fridays. 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 and Learning Outcomes

1. Achievement of a critical understanding of the essential tenets of consumer protection law, such as the proper parties of a civil action, the available remedies and defenses, etc.
2. Effective exhibition and development of fundamental legal skills required for the effective practice of consumer protection law.
3. Further enhancement of law student abilities to digest legal scholarship and jurisprudence, while simultaneously maintaining the ability to reason deductively, inductively, and with the use of analogies.
4. Refinement of the law student ability to construe relevant statutory provisions and the legislative intent which underlies statutory law.
5. Recognition and summation of the Bar Examiners’ (TBLE) collective focus with respect to topical coverage on the Bar Exam.

Books and Readings

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

Alderman, *Texas Consumer Law*, Imprimatur Press.

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 (Cornell Univ. Legal Information Institute, recent SCOTUS Opinions), supreme.lp.findlaw.com (FindLaw's SCOTUS Database), and 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.

Course Coverage

Dates	Topic	Chapter(s)
21AUG17	Course Introduction	
	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
20OCT17	Mid-Term Examination	
	DTPA Defenses	Chapter 4, Sections 1-4
	DTPA Remedies & Defenses (Review)	Key Sections of Chapters 3 & 4
	Products Liability and the DTPA	Chapter 5, Sections 1-3
	Wrongful Debt Collection & Relevant Insurance Code Provisions	Chapter 6, Sections 1-3 and Supplemental Materials
29NOV17	Last Class Day	
TBA	Final Examination	

**The above schedule represents an estimate of the amount of time that I anticipate devoting to a corresponding chapter or topic discussion. During the semester, the course schedule will be adjusted as necessary.*

TMSL Fall 2017 Academic Calendar

FALL SEMESTER 2017 (SEVENTY DAYS OF CLASSES)

First Day of Class	Monday August 21, 2017
Last Day to ADD/DROP	Friday August 25, 2017
Labor Day (NO CLASSES)	Monday September 4, 2017
Purge of all unpaid course selections	Thursday September 20, 2017
Mid Term Examinations	Mon–Fri October 16-20, 2017
VETERANS DAY (NO CLASSES)	Friday November 10, 2017
Thanksgiving	Th–Fri November 23-24 2017
Last Day of Classes	Thursday November 30, 2017
Last Day to Drop a Class	Thursday November 30, 2017
Reading Period (NO CLASS)	Fr-Sun December 1-3, 2017
Final Examinations	Mon–Fri Dec 4 -Dec. 15, 2017
Commencement Saturday	December 16, 2017