



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL OF LAW

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**CONSUMER RIGHTS**  
**COURSE NO. 711, SECTION 2**  
**FALL 2019**

**ADJUNCT PROFESSOR,**  
**LEA WILLIAMS, Esq.**



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**THE PROFESSOR**

**NAME:** Lea Williams

**TELEPHONE:** 703-517-9791

**EMAIL:** [rwilliams06@aol.com](mailto:rwilliams06@aol.com) / [learwilliams08@gmail.com](mailto:learwilliams08@gmail.com)

**LOCATION:** Room 210

**OFFICE HOURS:** Mondays and Wednesdays, 4:30 PM-5:30 PM in Room 235, the Adjunct Faculty Room . I am amenable to meeting with you by appointment as well. Please email me or call via mobile phone to schedule an in-person meeting or teleconference at a mutually convenient time. Contact information is listed above.

**Class Meeting Times:** This class meets on Monday and Wednesday from 5:30-6:45 p.m. in Room 210. Classes will begin promptly at 5:30:00PM. Please make every effort to be on time for class, since our time is limited.

**NOTE FROM THE PROFESSOR:**

Welcome to Consumer Rights! I look forward to working with you and having a productive experience. I implore you to ask questions, read the assignments, and participate in class discussions. I want you to be successful, and I am committed to helping all students excel in this course.

I will teach this course using a modified Socratic Method. I intend to supplement the question and answer model with power point presentations/lectures, classroom activities, and quizzes. Consistent with most traditional legal pedagogy, we will explore Consumer Rights through case and statutory analysis. Cases and statutory materials will be assigned for each class.

Consumer Rights touches every aspect of our daily lives. Not only is this course a great knowledge source for your legal toolkit, but this course is critical to successfully passing the Texas Bar exam. If you intend to take the Texas Bar Exam, this subject matter will cover at least one of your essay questions. Your dedication and focus will yield positive results on the Consumer Law portion of the bar exam.



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**COURSE BOOK MATERIALS/ COURSE ACCESS**

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

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

**COURSE DESCRIPTION & OBJECTIVE**

**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 under the DTPA.

**OBJECTIVES:**

1. Introduce students to the law governing consumer transactions.
2. Assist students in learning how to analyze and critically dissect judicial decisions--with emphasis placed on analyzing the case facts, identifying legal issues, and synthesizing complicated legal materials
3. Assist students in learning how to analyze and interpret statutes—with emphasis on important canons of statutory interpretation
4. Strengthen students' critical analysis and problem solving skills
5. Provide students with skills necessary to research and solve consumer transactions problems
6. Prepare students for the Consumer Law Section of the Texas Bar Exam
7. Provide pragmatic legal skills related to Consumer Rights



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**STUDENT LEARNING OUTCOMES**

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

1. Evaluate facts presented by a client to determine the key legal issues
2. Research key legal issues related to client's issues
3. Advise a consumer on the appropriate cause of action and remedies available in Texas
4. Identify and draft key components of a consumer petition
5. Identify key issues that corporations must address in order to protect the consumer and comply with Texas Consumer Protection Laws



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**GRADING**

25% CLASS PARTICIPATION/IN-CLASS ASSIGNMENTS/ QUIZZES

5% PRACTICE MIDTERM

15% MIDTERM {Two Essays: 1 major essay (80%) and 1 shorter essay(20%)}

5% PRACTICE FINAL EXAM

50% FINAL EXAM {Two Essays: 1 major essay (50%), 1 shorter essay(20%); Multiple Choice(20%); True/False (10%)}

\*Please note that the Midterm and Final Exam will be timed proctored exams.

**ACCOMMODATIONS**

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you as soon as it has been made aware of your situation.

Also, please contact Dean Virgie Mouton (Student Affairs) if you require any special accommodations regarding any of the assignments, including, but not limited to, extensions, note-takers, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton  
Assistant Dean for Student Development and Academic Support  
**Phone:** (713) 313-7909  
**Email:** [vmouton@tmslaw.tsu.edu](mailto:vmouton@tmslaw.tsu.edu)

**PARTICIPATION, ATTENDANCE & PROFESSIONALISM**

**CLASS PARTICIPATION:** You are expected to come to class prepared. You are also expected to actively participate in EVERY CLASS and offer thoughtful insight and questions about the subject matter. Although the nature of preparation may vary from class to class, the important element is for you to be actively engaged in the class. This class is intended to be collaborative to ensure that you 1) gain pragmatic skills that are marketable; and 2) are prepared to pass the bar exam. Missing class may impede your ability to participate during in class exercises or to be partnered with your fellow classmates for assignments. For this reason, your attendance and class participation will account for twenty-five (25%) percent of your total grade. Again, I reserve the right to adjust your grade downward to reflect excessive absenteeism/



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tardiness and to adjust your grade upward or downward to reflect the quality of your class preparation and classroom participation, including failure to complete any assigned tasks.

**CLASS ATTENDANCE:** I reserve the right to lower your class grade to the next lower grade (i.e. from a “B+ to a B”) if you are absent from three or more classes. Additionally, all students are expected to be on time for class and in their seat once class begins. If you need an “excused absence,” please contact Dean Virgie Mouton, who facilitates this process. Dean Mouton can be reached at: **Phone:** (713) 313-7909, **Email:** [vmouton@tmslaw.tsu.edu](mailto:vmouton@tmslaw.tsu.edu). This course will follow the guidelines outlined in the TSU Thurgood Marshall School of Law Student Rules and Regulations. Please refer to this document regarding class attendance.

**PROFESSIONALISM:**

A. **Electronic Devices:** Laptop computers, tablets, or mobile devices may be used for accessing your e-textbook, Texas codes, the UPC, or Uniform Trust Code and for class-related note taking and reference. During class, however, it is inappropriate to use these devices for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Use of a laptop, tablet, or mobile device in class is a privilege. In addition to any other sanction, I will rescind use of these devices, individually or collectively, if it is abused. Cell phones, smart watches, and similar devices must have the ringer turned off (or the volume muted).

B. **Classroom Conduct:** Also, as you well know, at all times, you must respect your fellow colleagues. Please refrain from excessive side conversations or other distracting conduct during class. Also, *please refrain from leaving the classroom during instruction*. Once class begins, you should remain seated and fully engaged in the discussion. If you have a medical condition that requires you to regularly leave after class has begun, please see Dean Mouton for approval. Otherwise, **such disruption of class will result in a loss of class participation points**. Further, any other conduct that displays a lack of professionalism will result in a loss of **class participation points**.

C. **Use of Technology in the Classroom:** Per school policy, the use of cell phones in class is prohibited unless you are using your phone to access a Texas code provision or your textbook or you have prior approval from me (for some other academic reason). Cell phones should be packed away during class time.



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**ACADEMIC CALENDAR**





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**POLICIES & PROCEDURES**

**ASSIGNMENTS IN GENERAL:**

If you have any questions regarding these guidelines or the guidelines on any individual assignments, please ask me. **All pages of each assignment must be stapled together** (in the upper left-hand corner). Any format guidelines provided for formal writing assignments are designed to further prepare you for the level of professionalism required in law practice. (Note: Case brief assignments must be handwritten, not typed.)

When directed to do so, you must use an EXAM NUMBER when submitting your assignments. If you are instructed to use an exam number, **DO NOT** put your name on the assignment, as preservation of your anonymity during grading is mandatory. **If you put your name on your assignment, your work will not be graded, and you will receive a zero for the assignment.** If you use the wrong exam number, you will lose points. Furthermore, you must submit these assignments on time. Lastly, if you submit your assignment on TWEN more than once, I will review and grade only the most recent submission (the last submission). **Please note that you may be required to submit a hard copy of your assignment (in class) in addition to your TWEN submission.**

**A. Syllabus and Reading Assignments**

This is a syllabus, not a contract. Set forth on the following pages is a tentative schedule for our class meetings, but additional required reading materials may be posted on TWEN and reading assignments may change as we make our way through the course. The class will generally follow the order of the textbook.

Any written assignments are listed under the day they are assigned and a separate due date will be listed, sometimes repeatedly as a reminder. ***It is your responsibility to follow the syllabus and be prepared for class. Review the syllabus periodically and be sure to note relevant due dates and times. You must submit all assignments on time.*** Modifications, including additions or deletions to the syllabus, will be announced in class, via e-mail, and/or posted on the course page on Westlaw's TWEN.

**B. Consequences for Late Assignments**

i. **Late Submission of Assignments:** You will be generally required to submit your assignments online using Westlaw's TWEN. If an assignment is to be submitted online using Westlaw's TWEN, then that assignment is due on the date and at the time indicated on the assignment, in the syllabus and/or by me. Be sure to review the assignment and the course syllabus carefully. If you submit an assignment after the relevant due date and time, but within one hour after the stated deadline, you will receive a 25% reduction in your grade. If you turn in your assignment more than one hour late, your grade on that assignment will be reduced by an additional 15% for each "day" that the assignment is late, up to two days. **You will not receive any credit for a writing assignment that is submitted more than two days after the relevant due date. Your TWEN submission provides the time-stamp for grading purposes, not your hard copy submission. Moreover, if you upload your assignment on TWEN multiple times, I will review only the most recent submission for time and grading purposes.**

For purposes of this section, a "day" ends at 5:00 p.m. For example, if an assignment is due using TWEN at 8:00 a.m. on a particular day and you submit the assignment at 8:59 a.m. on that day, you



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will lose 25% of the total available points. If you turn in the assignment at 11:00 a.m. on that day, you will lose 40% of the total available points for that assignment. If you turn in the assignment any time after 5:00 p.m. that day or any time before 5:00 p.m. the next day, you will lose 55% of the total available points for that assignment. If you turn in the assignment any time after 5:00 p.m. the second day after the due date, you will not receive any credit for the assignment. For purposes of this section, a "day" is further defined as a calendar day (including weekends and holidays), not a Texas Southern University or Thurgood Marshall School of Law business day. All calendar days, including weekends and holidays, will be counted in determining any grade reductions.

Also, please note that you will be required to turn in a hard copy of your assignment in class. **If you fail to bring a copy of your assignment to class, you will lose points on your grade for that assignment. You will also lose points on your assignment if you turn in the hard copy late.** It is very important that you adhere to all instructions and the rules for this course.

ii. Assignments Submitted in Class or by Email (and not on TWEN): If an assignment is to be submitted in class or by email (and not on TWEN) then that assignment is due at the beginning of class or on the relevant due date and time, respectively. If you submit the assignment after the beginning of class, but before the end of class, you will receive a 25% reduction in your grade. Assignments that are due in class may not be submitted after the class period concludes in which the assignment was due. **If you do not turn in your assignment before the end of class in which the assignment was due, you will not receive any credit for the assignment.** Also, be sure to bring an extra copy of your assignment for your use during class or for review or exam preparation. If you are absent or will miss class, you must make arrangements to have your assignment submitted in a timely manner; otherwise, you may not receive credit for the assignment. If you submit an assignment by email late, you will receive a 25% reduction in your grade. **If you turn in your assignment by email more than two hours late, you will not receive any credit for the assignment.**

#### C. Laptop Misuse

As mentioned, laptop computers may be used to access your e-textbook and code sections and for class-related note taking and reference. During class, however, it is inappropriate to use laptops for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Laptop use in class is a privilege. In addition to any other sanction (such as a deduction of PPA points), I will rescind laptop use, individually or collectively, if it is abused. Cell phones, blackberries, and similar devices must be turned off.

#### D. Plagiarism

Plagiarism in *any* form is strictly prohibited. You may not plagiarize any other written work, including, but not limited to, any sample answer, article or news report. Should an instance of plagiarism exist, the matter will be forwarded to the Dean for appropriate action.

#### E. Questions Sent by Email

I welcome your questions by email, provided you adhere to the following requirements. If you send me a question by email, you must (1) identify the steps you have taken to solve the problem or answer your specific question or issue and (2) include what you believe the solution or answer to be. In particular, you should identify the materials you have read or sources you have researched. Many times,



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the answer to a question (especially technical requirements for assignments) may be found in the Course Guidelines and Syllabus. Be sure to check this document first.

### **F. Campus Carry**

As you know, the State of Texas has recently passed legislation permitting you to carry a *concealed* firearm on campus if you have a concealed license permit recognized by the State of Texas, subject to the rules and regulations of Texas Southern University's ("TSU's) Campus Carry Policy. Under TSU's Campus Carry Policy, I have designated my office as a gun-free zone. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. (Conforme a la seccion 30.06 Del Còdigo Penal (traspasar portando armas de fuego con licencia), personas con licencia bajo del sub-capitulo 411, Còdigo Del Gobierno (ley de portar armas), no deben entrar a esta propiedad portando un arma de fuego ocultada.). For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit Texas Southern University's website at <http://www.tsu.edu/>. Please note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution but suspension or expulsion from school.



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**READING ASSIGNMENTS**

Below is a tentative reading assignment list for the Spring Semester. Please note that this list is a guide and is subject to modification at the professor's discretion.

DATE	TOPIC	TEXT PAGES
August. 19	INTRODUCTION/ CLASS EXPECTATIONS/ SYLLABUS REVIEW	
August. 21	PROPER PLAINTIFF: CONSUMER SEEK OR ACQUIRE PURCHASE OR LEASE	6-25
August 26	PROPER PLAINTIFF: CONSUMER: GOODS OR SERVICES BUSINESS CONSUMER	25-48
August 28	STATUTORY EXEMPTIONS	48-62
<b>SEPTEMBER 2</b>	<b>LABOR DAY—NO CLASS</b>	
September 4	SUIT ELIGIBILITY/CONSIDERATIONS: WHOM MAY YOU SUE?	62-89
September 9	THE LAUNDRY LIST	100-120
<b>September 11</b>	<b>REVIEW</b>	
September 16	UNCONSCIONABILITY/ ASSIGNEE LIABILITY	120-133
September 18	WARRANTIES: UCC	135-155
September 23	COMMON LAW WARRANTIES: REAL ESTATE	158-166
September 25	COMMON LAW WARRANTIES: SERVICES	166-199
September 30	ESTABLISHING A WARRANTY / REVIEW	199-217
<b>October 2</b>	<b>IN-CLASS WRITING EXERCISE— TIMED CONDITIONS</b>	
October 7	NOTICE/ SETTLEMENT / DAMAGES	219-270
October 9	TIE-IN STATUTES AND ADDITIONAL DAMAGES/ ATTORNEY'S FEES/ CUMULATIVE RECOVERY	270-326
October 14	<b>MID TERM REVIEW</b>	<b>Take Home Practice Midterm Due by Midnight October 14</b>



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October 16	<b>MIDTERM</b>	
October 21	STATUTORY DEFENSES	327-356
October 23	COMMON LAW DEFENSES I and COMMON LAW DEFENSES II	356-411
October 28	MIDTERM REVIEW/ LET'S DISCUSS	
October 30	WDC: STATUTORY REGULATION I/ STATUTORY REGULATION II	613-681
November 4	WDC: PROHIBITED CONDUCT/ WDC: PENALTIES	690-742/747-773
November 6	INSURANCE	
November 11	INSURANCE	
November 13	INSURANCE	
November 18	REVIEW	
<b>November 20</b>	<b>IN CLASS WRITING ASSIGNMENT (Timed Conditions)</b>	<b>Take Home Practice Final Exam due by midnight November 24, 2019</b>
November 25	REVIEW PRACTICE FINAL EXAM/ REVIEW	
<b>November 27</b>	<b>READING PERIOD - NO CLASS</b>	
<b>November 28-November 29</b>	<b>THANKSGIVING HOLIDAY</b>	
<b>TBD</b>	<b>FINAL EXAM</b>	