

Consumer Law
The John Marshall Law School
Professor David E. Sorkin
Spring 2009

SYLLABUS

Overview

This course examines concerns particular to consumer transactions in formation, substance, and remedies. Topics include advertising; consumer sales practices and contracts; consumer credit practices; fraud; warranties; and product standards and safety. Regulatory, statutory, and common-law obligations and remedies (both state and federal) will be addressed, with an emphasis on federal consumer protection statutes.

The course meets on Mondays and Wednesdays from 3:30 to 4:50. The website for the course is located at www.consumerlawclass.com.

Instructor

David E. Sorkin, Associate Professor of Law
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Office hours: Mondays 2:00-3:30 and by appointment

Textbooks

- Douglas J. Whaley, *Problems and Materials on Consumer Law* (Aspen 4th ed. 2006) (ISBN-13: 978-0-7355-5809-0, list price \$128)
- John A. Spanogle et al., *Selected Consumer Statutes* (Thomson/West 2007 ed.) (ISBN-13: 978-0-314-18441-2, list price \$32)

Course Requirements and Grading

1. Attendance and Class Participation

Regular attendance, preparation, and active participation are expected. Only those students who are present both at the beginning of a class session and when the class is dismissed will be considered to have attended that session. Students who miss more

than the maximum number of class sessions as provided by law school policy will not be eligible to receive credit for the course. Class attendance and participation will account for 20% of the course grade.

2. Reports

Each student will be assigned to submit brief reports to supplement the assigned readings on one or more selected topics. The content and length of these reports will vary depending upon the topic. You may choose to present an overview of the topic, or you may prefer to focus on a particular aspect of the topic that is of interest to you. In either case, the report should *not* be a mere summary of the assigned readings. You should check whether there are significant Illinois state statutes or regulations that are not adequately covered in the assigned readings, and if so, you should summarize them in the report. You may also choose to report on recent legal developments related to your topic, such as new federal legislation, U.S. Supreme Court or other major court decisions, etc.

The reports may be submitted via e-mail or in hard copy. A sample report will be posted on the course website. You should be prepared to discuss the contents of your report in class; a formal presentation to the class is not expected unless you are absent when the topic is covered in class.

Unless otherwise announced, the reports should be submitted on or before the date on which the topic is covered in class. Late reports will receive at most partial credit, and in no event will any reports be accepted after the last class meeting.

The reports will account for 20% of the course grade.

3. Examination

The final examination will account for the remaining 60% of the course grade. The examination will be closed-book; any necessary statutes or other information will be included in the examination booklet. The examination will likely consist of between five and ten essay questions; additional information about the examination will be provided in class. If you wish to request a make-up examination or have any other concerns that may affect the anonymity of your examination, please contact the Registrar rather than speaking with me directly.

Schedule of Topics and Reading Assignments

We will address topics in the sequence outlined below, but it is likely we will get behind or even ahead of the schedule occasionally, so you should plan to stay ahead by at least one class session on the assigned readings. Additional required reading assignments may be announced in class. In addition to the pages listed below, you will need to consult relevant statutes and regulations, most of which will be referenced in the casebook. You should also attempt to find relevant Illinois statutes, especially when considering problems in the casebook that refer generally to applicable state law. Materials that are not in the casebook or statutory supplement will be posted at www.consumerlawclass.com.

- Wednesday, January 21** Fraud: Casebook pages 1-32
- Monday, January 26** Deceptive Practices—Odometers: Casebook pages 33-57
Unfair or Deceptive Sales Practices: Casebook pages 57-83
- Wednesday, January 28** Unfair or Deceptive Sales Practices, continued:
Casebook pages 83-122
- Monday, February 2** Interstate Land Sales: Casebook pages 119-158
RICO: Casebook pages 158-176
- Wednesday, February 4** Strict Product Liability: Casebook pages 177-194
State Warranty Law: Casebook pages 194-202
- Monday, February 9** No class meeting; make-up will be scheduled if needed
- Wednesday, February 11** Warranties and the Sale of Homes: Casebook pages 202-212
Magnuson-Moss Warranty Act: Casebook pages 213-222
- Monday, February 16** Consumer Product Safety Act: Casebook pages 222-259
- Wednesday, February 18** Promissory Notes: Casebook pages 261-272
- Monday, February 23** Credit Cards and Billing Disputes: Casebook pages 277-322
- Wednesday, February 25** Electronic Fund Transfers: Casebook pages 322-334
- Monday, March 2** Credit Reporting: Casebook pages 335-372
- Wednesday, March 4** Equal Credit Opportunity: Casebook pages 372-406

Monday, March 9	Usury: Casebook pages 407-421 Truth In Lending Act: Casebook pages 421-437
Wednesday, March 11	Finance Charge and APR: Casebook pages 437-459 Open-End Transactions: Casebook pages 459-482
March 15–21	Spring Break—no class
Monday, March 23	Closed-End Transactions: Casebook pages 482-502 Credit Insurance: Casebook pages 502-515
Wednesday, March 25	TILA Actions and Defenses: Casebook pages 517-534
Monday, March 30	Credit Practices and Predatory Lending: Casebook pages 548-553 and supplemental materials on website
Wednesday, April 1	Rescission Rights: Casebook pages 553-583
Monday, April 6	Arbitration: Casebook pages 534-548 and supplemental materials on website
Wednesday, April 8	Arbitration, continued
Monday, April 13	Class Actions: supplemental materials on website
Wednesday, April 15	Consumer Leasing: Casebook pages 585-592
Monday, April 20	Retail Installment Sales: Casebook pages 593-604
Wednesday, April 22	Debt Collection—Common Law: Casebook pages 605-612 Fair Debt Collection Practices Act: Casebook pages 612-642
Monday, April 27	Garnishment: Casebook pages 642-651 Repossession and Resale: Casebook pages 651-661
Wednesday, April 29	Consumers in Cyberspace: Casebook pages 663-681 and supplemental materials on website
Monday, May 4	Exam Review
Thursday, May 21	Final Examination