

Consumer Law
The John Marshall Law School
Professor David E. Sorkin
Spring 2010

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 Tuesdays and Thursdays 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 4:00 to 6:00, and by appointment

Textbooks

- Douglas J. Whaley, *Problems and Materials on Consumer Law* (Aspen 5th ed. 2009) (ISBN 978-0-7355-7711-4, list price \$144)
- John A. Spanogle et al., *Selected Consumer Statutes* (Thomson/West 2009 ed.) (ISBN 978-0-314-20815-6, list price \$36)

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 normally will be made available at www.consumerlawclass.com.

Tuesday, January 19	Fraud: Casebook pages 1-34
Thursday, January 21	Deceptive Practices—Odometers: Casebook pages 35-60 Unfair or Deceptive Sales Practices: Casebook pages 60-83
Tuesday, January 26	Unfair or Deceptive Sales Practices, continued: Casebook pages 84-126
Thursday, January 28	Interstate Land Sales: Casebook pages 127-166 RICO: Casebook pages 166-184
Tuesday, February 2	Strict Product Liability: Casebook pages 185-202 State Warranty Law: Casebook pages 203-211
Thursday, February 4	Warranties and the Sale of Homes: Casebook pages 211-222 Magnuson-Moss Warranty Act: Casebook pages 223-232
Tuesday, February 9	Consumer Product Safety Act: Casebook pages 233-273
Thursday, February 11	Promissory Notes: Casebook pages 275-286 Credit Cards: Casebook pages 287-308
Tuesday, February 16	Billing Disputes: Casebook pages 308-340
Thursday, February 18	Electronic Fund Transfers: Casebook pages 340-353
Tuesday, February 23	Credit Reporting: Casebook pages 355-411
Thursday, February 25	Equal Credit Opportunity: Casebook pages 411-447
Tuesday, March 2	Usury: Casebook pages 449-464 Truth In Lending Act: Casebook pages 465-482

Thursday, March 4	Finance Charge and APR: Casebook pages 482-507
Tuesday, March 9	Open-End Transactions: Casebook pages 507-532
Thursday, March 11	Closed-End Transactions: Casebook pages 532-558
March 14–20	Spring Break—no class
Tuesday, March 23	Credit Advertising: Casebook pages 558-560 Credit Insurance: Casebook pages 560-574
Thursday, March 25	Truth In Lending Damages: Casebook pages 575-594
Tuesday, March 30	Arbitration: Casebook pages 594-609 and supplemental materials
Thursday, April 1	Home Equity Lending: Casebook pages 609-618 and supplemental materials
Tuesday, April 6	Rescission Rights: Casebook pages 618-643 The Ultimate Penalty: Casebook pages 643-651
Thursday, April 8	Consumer Leasing: Casebook pages 653-660
Tuesday, April 13	Retail Installment Sales and Loans: Casebook pages 661-673
Thursday, April 15	Debt Collection—Common Law: Casebook pages 675-683
Tuesday, April 20	Fair Debt Collection Practices Act: Casebook pages 683-716
Thursday, April 22	Garnishment: Casebook pages 716-726 Repossession and Resale: Casebook pages 726-738
Tuesday, April 27	Consumers in Cyberspace: Casebook pages 739-759
Thursday, April 29	Exam Review
Wednesday, May 19	Final Examination