INTRODUCTION TO CONSUMER LAW

Lynn Drysdale
Robert W. Murphy
Adjunct Professors of Law
University of Florida

SYLLABUS FOR “CONSUMER LAW”
COURSE NUMBER: 6040
THREE CREDIT HOURS

— CONTACT INFORMATION & OFFICE HOURS —
Please feel free to contact us anytime in person, by telephone, or by email message. We are available before and after class for office hours by appointment.

Lynn Drysdale: Telephone: (904) 356-8371, Ext. 306
Fax No.: (904) 515-2662
Email: lynn.drysdale@jaxlegalaid.org

Robert W. Murphy: Telephone: (954) 763-8660
Fax No.: (954) 763-8607
Email: rwmurphy@lawfirmmurphy.com

— CLASS MATERIALS & WEBSITE —
PORTER, MODERN CONSUMER LAW (Wolters Kluwer, 2016). Also, we will maintain a course website through Westlaw’s TWEN services. From time to time, we may post announcements, slides, answers to questions, syllabus amendments, and other materials on this site.

— COURSE DESCRIPTION —
This three credit hour course is an introduction to and survey of statutes and common-law doctrines protecting consumers in the American marketplace. Topics will include fraud, deceptive practices, predatory lending, equal access to credit, fair and accurate credit reporting, Truth-in-Lending law, fair debt collection, and enforcement of consumer rights.

The course will be taught by adjunct professors Lynn Drysdale and Robert Murphy.
You will meet both adjunct professors on the first day of class, August 15, 2017. Except for the first few weeks of class, Ms. Drysdale will teach the Tuesday classes and Mr. Murphy will teach the Thursday classes. Both professors will be present at the last class on November 14, 2017, which will include a short exam review.

Classes will be held on Tuesdays and Thursdays and begin promptly at 6:00 p.m. Classes will run until approximately 7:15 p.m. in Room 382. We plan to have two guest lecturers during the semester. As a result, the class start time may change to accommodate the travel plans of the guest lecturers.

Professor Murphy typically travels to Gainesville from Miami on an American Airlines flight that leaves Miami International at 1:35 PM with an arrival at Gainesville Regional Airport at 3:07 pm. As a result of airline and weather conditions, Professor Murphy may be delayed. If there is a potential flight delay or cancellation, a notice will be posted on TWEN. Students are responsible for monitoring TWEN for such notices.

-LEARNING OUTCOMES-

At the conclusion of the Consumer Law Course, students will be able to identify protections available to consumers, including common law and state and federal statutory protections. Students will recognize the evolution of consumer law from a historical perspective to present day. Students will be able to review sample “real world” consumer transactions and identify and analyze violations of these laws. Further students will demonstrate the ability to analyze the most effective method of addressing violations of the law. These methods include the administrative, legislative, litigation, mediation or arbitration processes. For example, at the conclusion of this semester the students will not only have knowledge of consumer protection laws but how these apply to day to day activities such as buying and financial an automobile or home.

— PROFESSIONALISM & COMPUTER USE POLICY —

We expect students to treat one another with mutual respect, professionalism and decorum. Please try to remember to turn off cell phones and pagers. Laptop computers are allowed (and encouraged) in our class primarily for note-taking and for access to course-related reading materials. However, misuse of computers can be distracting to your fellow students. Moreover, it is unprofessional and disrespectful to misuse a computer while a fellow student or professor is speaking. Please do not
play computer games, instant message, check email, surf the web, etc. during class. Finally, please do not pack up to leave until class is formally dismissed by the professor.

**NETIQUETTE: COMMUNICATION COURTESY**

All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats. Failure to follow these common courtesy mandates after sufficient warning shall result in a 10% reduction in grade. See the University Policy at http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf

**GETTING HELP**

For issues with technical difficulties for E-learning in Sakai, please contact the UF Help Desk at:

- Learning-support@ufl.edu
- (352) 392-HELP - select option 2
- https://lss.at.ufl.edu/help.shtml

**Any requests for make-ups due to technical issues MUST be accompanied by the ticket number received from LSS when the problem was reported to them. The ticket number will document the time and date of the problem. You MUST e-mail your instructor within 24 hours of the technical difficulty if you wish to request a make-up.**

Other resources are available at http://www.distance.ufl.edu/getting-help for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit http://www.distance.ufl.edu/student-complaints to submit a complaint.
— DISABILITY ACCOMMODATION POLICY —

Students requesting accommodation for disabilities should contact Student Affairs, Dean Rachel Inman, to seek accommodations for such disability. (inman@law.ufl.edu). The Dean of Student Affairs Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations. This policy is designed to allow for anonymity in grading.

— UF HONOR CODE ENFORCEMENT —

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php.

— EXAM —

The exam will be administered on Wednesday, December 6, 2017 beginning at 1:00 p.m. and ending at 4:00 p.m. You will be limited to a three hour period within which to complete the exam. The exam will consist of two long essay questions (60% of grade) and several multiple choice questions (30% of grade). All class participation will be considered for the remaining 10% of your grade. Class participation includes compliance with the class attendance policy set out below and participation in class discussion. Use of the creative thought process evidencing knowledge of the assigned material is encouraged and will be recognized.

— PREPARATION AND ATTENDANCE POLICY —

Requirements for class attendance and make-up exams, assignments and other work in this course are consistent with university polices that can be found at: https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx.

You are each required to be present and fully prepared to discuss the assigned materials each class. However, you will be “on call” on a date that will correlate with the seat you chose to occupy for the entire semester. Each of you must decide which weeks you prefer to be on call and each week the opposite side from the previous week will be “on call.” If you decide you want to be on call beginning on the first day of class, select a seat on the side of the room to the left (your right). Or, if you
prefer to wait until the following week, choose a seat on the side to the right (your left). We will circulate a seating chart on the third day of classes. Please legibly print your name on the chart for the seat you have selected, and occupy that seat throughout the semester.

If at some point you would need to switch an on-call day, you are allowed to do so. You may switch days as often as you like and for any reason. Requests to reschedule on-call days should be made to Professors Drysdale and Murphy, either by email, telephone, in person, or fax. In the subject matter line of an email, simply say “Consumer Law on-call change” or something similar.

Moreover, “switching” a day does not mean “skipping” a day — you must still be on call for the same aggregate number of days. Because in a typical semester there are fourteen weeks, each of you must be in your seat and prepared to discuss the material only fourteen times during the course. You are responsible for knowing what material we will cover on your on-call day.

Since this is a flexible and lenient participation policy, the penalty for an error on your part will be substantial. If you are absent or unprepared on more than one on-call days, we will levy a 10% penalty to your final exam score. One penalty may lower your course grade, and two penalties certainly will. Satisfactory preparation will include not only a basic familiarity with the assigned cases (which are primarily for illustration), but more importantly, that you are prepared to discuss each of the assigned cases and problems. We do not expect that you will know the answers to every problem, but you must be able to demonstrate a good faith effort to analyze the questions. If you cannot solve the problem, you must be able to articulate what is giving you difficulty.

-ABA STANDARDS ON WORKLOAD AND CLASS PREPARATION-

The University and the Consumer Law Class will adhere to the ABA Standards on Workload and Class Preparation ratios. As provided by ABA Standard 310, you should expect to spend two hours in preparation for every one hour (50 minutes) in class.

—ANNOUNCEMENTS—

We invite each of you to submit any announcements for law school activities or events at the beginning of the first day of class each week. This is a good way to
encourage involvement in student organizations, meetings, community events, etc.

— READING AND CLASS ASSIGNMENTS DURING SEMESTER —
As practicing attorneys must anticipate coverage in trials and hearings, part of your responsibility as a student is to keep track of where we are in the reading assignments, anticipating the material we will cover in class. Generally speaking, we will cover about three to four cases per period. In the event that we fall behind (which is likely), we may elect to omit some material later in the semester.

In so much as the class only meets once a week, the reading assignments will be substantial for each class, especially in the second half of the semester. Professor Murphy will post Power Point notes the morning after each class.

All students shall be responsible for checking TWEN periodically for schedule and course material changes.

At the beginning of each class you will be asked, as a class, what interesting event has occurred or court decision rendered which relates to the broadly-defined consumer law area. Extra credit points will be awarded based on participation in this and other class contributions over and above the designated reading materials.

— INFORMATION ON UF LAW GRADING POLICIES —

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<td>D (Poor)</td>
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The law school grading policy is available at: https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx#grades.

— STUDENT COURSE EVALUATIONS —

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will
receive notice of the specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/.

— COURSE SCHEDULE —

PLEASE NOTE THAT AN “*” DENOTES AN IRREGULAR START OR ENDING TIME FOR THE CLASS

I. Tuesday, August 15, 2017  LD/RWM
OVERVIEW OF CONSUMER LAW
Orientation and review of course materials and policy.
Reading assignment- Assignment 1: What is Consumer Law? (pp. 1-16); http://www.luc.edu/media/lucedu/law/centers/antitrust/pdfs/publications/workingpapers/USConsumerProtectionFormatted.pdf

II. Thursday, August 17, 2017  LD
OVERVIEW OF CONSUMER LAW - continued
Reading assignment- Assignment 2: Who is a Consumer? (pp. 17-31)

III. Tuesday, August 22, 2017  LD
OVERVIEW OF CONSUMER LAW - continued
Reading assignment- Assignment 3: Who makes Consumer Law? (pp. 32-47)
On this date, we will also discuss the status of the CFPB and why we care

IV. Thursday, August 24, 2017  RWM
PART TWO: CONSUMER MEETS BUSINESS- GETTING INTO THE DEAL
Reading assignment- Assignment 4- Solicitation (pp. 49-72)

V. Tuesday, August 29, 2017  RWM
Reading assignment- Assignment 5- Advertising (pp. 73-88)

VI. Thursday, August 31, 2017  LD
Reading assignment- Assignment 6- Consumer Privacy and Identity Theft (pp. 89-105)

VII. Tuesday, September 5, 2017  LD
Reading assignment- Assignment 8-Credit Discrimination (pp. 131-158)
VIII. Thursday, September 7, 2017   RWM
Reading assignment- Assignment 7- Credit Reporting (pp. 106-130)

IX. Tuesday, September 12, 2017   RWM
PART THREE- DOING THE DEAL: TERMS AND FINANCING
Reading assignment- Assignment 9- Unfair or Deceptive Acts and Practices (pp. 159-180); Department of Legal Affairs v. Father and Son Moving & Storage, Inc., 643 So. 2d 22 (Fla. 4th DCA 1994) and Fla. Stat. §§501.203, 501.204 and 501.211 (statutes for background only)

X. Thursday, September 14, 2017   LD
Reading assignment- Assignment 11- Usury Practices (pp. 204-217)
Cades v. H & R Block, Inc., 43 F 3rd 869 (4th Cir. 1994)

XI. Tuesday, September 19, 2017   LD
Reading assignment- Assignment 12- Credit Cost Disclosures (pp. 218-243)
***For weeks September 19 and 26, you will want to be familiar with, but not memorize, the Truth in Lending statutory provisions and regulations referenced in the reading assignments. Specifically for September 19 class, the definitional sections, the general disclosure requirements for open and closed end transactions, content of account opening and periodic disclosures for open end transactions and content of disclosures for closed end. Specifically for September 26 class, review the rescission statutes and regulations and HOEPA, 12 C.F.R. §1026.31, 32, 33).

XII. Thursday, September 21, 2017   RWM
Reading assignment- Assignment 10- Warranties (pp. 181-203) and Assignment 13 B- Home Purchases- Liability for Homes (pp. 258-271)

XIII. Tuesday, September 26, 2017   LD
Reading assignment- Assignment 13 A- Home Purchases- Anatomy of a Home Purchase (pp. 244-257) and Assignment 14 Home Mortgages (pp.272-298); Williams v. Homestake Mortgage Co. 968 F.2d 1137 (11th Cir. 1992)
Regulation X, Specifically 12 C.F.R. §1024.41
XIV. Thursday, September 28, 2017     RWM
Reading assignment- Assignment 15- Credit Cards (pp. 299-313)

XV. Tuesday, October 3, 2017     LD
Reading assignment- Assignment 17- Payday Loans (pp. 335-352)

MID TERM REVIEW AND CATCH UP – Professor Drysdale will address any questions that you may have regarding the materials covered so far. Please feel free to either submit your questions in advance. This may take place after the traditional class hours depending on how long the materials take but you are always welcome to ask questions between classes through our contact information above.

XVI. Thursday, October 5, 2017     RWM
Reading assignment- Assignment 16- Automobile Transactions (pp. 314-334)

XVII. Tuesday, October 10, 2017     LD
Reading assignment- Assignment 19- Banking Transactions (pp. 380-404)

XVIII. Thursday, October 12, 2017     RWM with Guest Lecturer, Josh Cohen, Esq.

***** NOTE THAT START TIME IS 5:00 PM to ACCOMMODATE TRAVEL PLANS OF GUEST LECTURER

Reading assignment- Assignment 18- Student Loans (pp. 353-379);
“Understanding Student Loans” by Josh Cohen, Esq., West Dover, VT - to be posted on TWEN.

XIX. Tuesday, October 17, 2017     LD
Reading assignment- Assignment 21- Creditor Remedies (pp. 425-429; 432-444); Assignment 22-Debtor Rights (pp. 445-468)

XX. Thursday, October 19, 2017     RWM
Reading assignment- Assignment 23- Debt Collection Abuses (pp. 469- 491)
XXI. Tuesday, October 24, 2017     LD
Reading assignment- Assignment 24- Public Enforcement (pp. 492-517)

XXII. Thursday, October 26, 2017     RWM
Reading assignment- Assignment 25- Private Enforcement (pp. 518-533; 535-537); Standard Guaranty Insurance Co., v. Quanstrom, 555 So.2d 828 (Fla. 1990)

XXIII. Tuesday, October 31, 2017     LD
Reading assignment- Assignment 26- Alternative Dispute Resolution (pp. 538-560)

XXV. November 2, 2017     RWM
Class Actions- Part 1: Consumer View

XXVI. November 7, 2017     LD
Guest Lecturer: State Enforcement of Consumer Laws
Laura Boeckman, Esquire
North Florida Bureau Chief
Consumer Protection Division
Office of the Attorney General
1300 Riverplace Blvd., Suite 405
Jacksonville, FL  32207
904-348-2720 ext 142
904-858-6918 (fax)
laura.boeckman@myfloridalegal.com

XXVII. November 9, 2017 RWM
Class Actions-Part 2: Business View
Reading assignment- Assignment 27- The Future of Consumer Law  (pp. 561-581)

XXVIII. November 14, 2017     LD/RWM
End of semester review