

INTRODUCTION TO CONSUMER LAW (Fall 2018)

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SYLLABUS FOR “CONSUMER LAW”
LAW NUMBER: 6040 – CLASS NUMBER: 17707
Fall 2018 – Thursday Class 5:00 p.m. – 7:45 p.m.
Room 270
THREE CREDIT HOURS

— CONTACT INFO. & 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.

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— CLASS MATERIALS & WEBSITE —

SPANOGLE, ROHNER, PRIDGEN, SOVERN & PETERSON, CONSUMER LAW, CASES AND MATERIALS, FOURTH EDITION (American Casebook Series, West, 2013); SPANOGLE, ROHNER, PRIDGEN, SOVERN & PETERSON, SELECTED CONSUMER STATUTES, 2015 EDITION. (West 2015). 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, private and public enforcement of consumer rights, and consumer remedies.

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 16, 2018. Unless otherwise noted, Ms. Drysdale will teach the first part of the semester and Mr. Murphy will teach the second part of the semester. The professor's initials on the calendar below will indicate which professor will be teaching. Both professors will be present at the November 15, 2018 class which will include a short exam review.

Classes will be held on Thursdays and begin promptly at 5:00 p.m. Classes will run until approximately 7:45 p.m., depending on the necessity of breaks.

-COURSE OBJECTIVES AND 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.

These objectives will be accomplished through:

- Reviewing sample “real world” consumer transactions to identify and analyze violations of consumer laws;
- Reviewing common types of consumer transactions and develop the ability to analyze the most effective method of addressing violations of consumer laws;
- Reviewing and analyzing the differing forum for addressing consumer issues whether administrative, legislative, litigation, mediation or arbitration processes; and
- Recognizing and becoming well versed in consumer protection laws and how these laws 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 show up to class on time and remember that we all come from different backgrounds and perspectives. Students do not have to agree with the

respective opinions of others but should respect each person's right to have differing views.

Please try to remember to turn off cell phones and pagers. Computers are allowed (and encouraged) in our class. However, misuse of computers can be distracting to your fellow students. Moreover, it is unprofessional and disrespectful to misuse a computer while your fellow students are 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 dismissed.

-ACADEMIC HONESTY-

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

— DISABILITY ACCOMMODATION POLICY —

The University of Florida seeks to provide equal access to its programs, services and activities for people with disabilities. If you have a disability requiring accommodation, please contact and register with the University of Florida Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/). The University of Florida Office of Disability Resources will provide documentation for you to submit to the Law School Office of Student Affairs when requesting an accommodation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

— EXAM —

The exam will last for three hours and will be held on Thursday, December 13, 2018 beginning at 1:30 p.m. 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** —

You are each required to be present and fully prepared to discuss the assigned materials each class. 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.

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 during each class.*

If you are absent or unprepared on more than three 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.

The law school policy on attendance can be found at:

<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#3>).

Requirements for class attendance and make-up exams, assignments and other work in this course are consistent with university policies that can be found at:

<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

— **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 ASSIGNMENTS DURING SEMESTER** —

Much like 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 assignment, 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. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom” hour of in-class instruction. This translates to six hours of preparation for each class.

INFORMATION ON UF LAW GRADING POLICIES

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

STUDENT COURSE EVALUATIONS

Students can 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/>.

- I. Thursday, August 16, 2018 LD/RWM**
 - INTRODUCTION TO CONSUMER LAW**
 - Introduction, pp. 1 - 14
 - REGULATION OF VOLUNTARY DISCLOSURE**
 - A. The Common Law Approach, pp. 15 - 46
 - B. Prepare to Discuss Adam and Brynne’s Dilemma

- II. Thursday, August 23, 2018 LD**
 - REGULATION OF VOLUNTARY DISCLOSURE - continued**
 - A. The Statutory Approach - the FTC, pp. 46 – 63 (stop at Problem 1-6),

- also read *FTC v. QT, Inc.* (pages 72-77)
- B. State Regulation - “UDAPS” and “Little FTC Acts,” pp. 97 - 119 (ending at Notes)
- C. *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)
- D. Discussion regarding the Consumer Financial Protection Bureau

III. Thursday, August 30, 2018 LD

COMPULSORY DISCLAIMER OF INFORMATION - TILA

- A. Introduction, pp. 149 - 160
- B. Disclosure in Credit Transactions, TILA Basics, 161 – 183 (Stop at Mortgages)
- C. *Bragg v. Bill Heard Chevrolet, Inc.*, 374 F.3d 1060 (11th Cir. 2004);
- D. Truth in Lending Regulations, Appendix H-1, H-2 and H-3 (Selected Consumer Statutes).
- E. Please make sure to read and be prepared to discuss the comparisons referenced in Problem 2-1, you do not need to read the "notes" beginning on pages 159 and 160. I will also focus on problems 2-2, 2-4, 2-5, 2-8, 2-9.

***For both weeks (August 30, 2018 and September 6, 2018) you will want to be familiar with, but not memorize, the Truth in Lending statutory provisions and regulations in Selected Consumer Statutes, 2015. Specifically for August 30, 2018, you should be familiar with 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. With respect to class on September 6, 2018, review the rescission statutes and regulations and HOEPA, 12 C.F.R. §1026.31, 32, 33).

IV. Thursday, September 6, 2018 LD

COMPULSORY DISCLAIMER OF INFORMATION - TILA

- A. Mortgage Disclosures – TILA and RESPA, pp. 183 – 201
- B. Disclosures in Credit Transactions: Beyond TILA’s Basics, pp. 201 – 238
- C. *Williams v. Homestake Mortgage Co.* 968 F.2d 1137 (11th Cir. 1992)
- D. An Evaluation – Effectiveness of Mandatory Disclosures, pp. 262 – 267
- E. RESPA, pp. 893 – 902 and 12 C.F.R. §1024.30 through 12 C.F.R.

§1024.41

- V. Thursday, September 13, 2018 RW**
 - ASSURING ACCESS TO THE MARKET**
 - A. Introduction and Credit Reporting, pp. 337 – 406, P 4-1, 4-12**