

Consumer Law

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Winter 2018
Room B106
Tuesdays & Thursdays, 8:30 - 10:30 am

Description

This course surveys federal and state laws regulating consumer purchases and finance. After completing the course, you should have a general understanding of consumer law (including sources of law, scope of coverage, enforcement mechanisms, and available remedies). The problem-solving approach is intended to develop practical skills for advising and representing clients in consumer transactions and disputes.

Requirements & Grading

Class sessions will be devoted primarily to problem-solving exercises based on the assigned reading. This format depends on every student's thorough preparation before class and active participation during class. Final grades will be based on in-class performance (40%) and written problem assignments (60%).¹ Excessive absences (3 or more), lack of preparation, or inattention during class may result in a grade reduction. The Law School honor code applies to all activities related to your law school study, including class meetings and exams.

Elon Law School has adopted the following attendance policy for all courses:

The Law School administers a policy that a student maintain regular and punctual class attendance in all courses in which the student is registered, including externships, clinical courses, or simulation courses. Faculty members will give students written notice of their attendance policies before or during the first week of class. These policies may include, but are not limited to: treating late arrivals, early departures, and/or lack of preparation as absences; imposing grade or point reductions for absences, including assigning a failing grade or involuntarily withdrawing a student from the class; and any other policies that a professor deems appropriate to create a rigorous and professional classroom environment.

In case of illness or emergency, students may contact the Office of Student and Professional Life, which will then notify the student's instructors. A student may notify the faculty member directly of a planned absence and should refer to individual faculty members regarding any policy that may apply. In the case of prolonged illness or incapacity, the student should contact the Office of Student and Professional Life.

¹See Course Outline & Assignments.

Required Materials

Katherine Porter, *Modern Consumer Law* (Aspen 2016) (“Casebook”)

Additional resources are available on the course website: emfink.net/ConsumerLaw

Outline & Reading Assignments

1 Overview of Consumer Law

January 4

Chapters 1, 2, & 3

2 Communicating With Consumers

Problems 4.1 & 5.1 (due January 15)

2.1 Solicitations

January 9

Chapter 4

2.2 Advertising

January 11

Chapter 5

3 Consumer Information

Problems 6.1, 7.1, & 8.1 (due January 22)

3.1 Consumer Privacy & Identity Theft

January 16

Chapter 6

Kelly Gates, *The Securitization of Financial Identity*, 20 *Journal of Communication Inquiry* 1 (2010)

3.2 Credit Reporting & Discrimination

January 18

Chapters 7 & 8

Josh Lauer, *The Good Consumer: Credit Reporting & the Invention of Financial Identity in the United States, 1840-1940*, 11 *Enterprise & Society* 686 (2010)

4 Getting What You Pay For

Problems 9.1 & 10.1 (due January 29)

4.1 Unfair or Deceptive Acts or Practices

January 23

Chapter 9

4.2 Warranties

January 25

Chapter 10

5 Consumer Finance

Problems 12.1, 15.1, & 19.1 (due February 19)

5.1 Usury & Credit Cost Disclosures

January 30

Chapters 11 & 12

5.2 Credit Cards

February 1

Chapter 15

5.3 Payday & Student Loans

February 6

Chapters 17 & 18

CFPB, Payday Loans & Deposit Advance Products (2013)

Louise Seamster & Raphaël Charron-Chénier, Predatory Inclusion & Education Debt: Rethinking the Racial Wealth Gap, 4 *Social Currents* 199 (2017)

5.4 Banking Transactions

February 8

Chapter 19

6 Perilous Purchases

6.1 Automobile Transactions

February 13

Chapter 16

6.2 Online Transactions

February 15

Chapter 20

7 Enforcement & Remedies

Problems 21.1, 23.1, & 26.1 (due March 11)

7.1 Creditor Remedies

February 20

Chapter 21

7.2 Debtor Rights

February 22

Chapter 22

7.3 Debt Collection Abuses

February 27

Chapter 23

7.4 Public Enforcement

March 1

Chapter 24

7.5 Private Enforcement

March 6

Chapter 25

7.6 Alternative Dispute Resolution

March 8

Chapter 26

8 W(h)ither Consumer Law?

8.1 The Future of Consumer Law

March 13

Chapter 27