

Consumer Protection

Elon Law School
Winter 2019
Mondays & Wednesdays, 3:00 - 4:45 pm
Room 206

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Description

This course surveys federal and state laws regulating consumer purchases and finance. After completing the course, you should be familiar with the statutory and regulatory framework of consumer protection law, including the types of transactions and activities covered, private and public 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.

Materials

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

The course website, emfink.net/ConsumerProtection, has subject outlines, visual aids, practice problems, and links to statutes and other resources.

Policies

Grading

Your final grade for the course will be based on written problem assignments (60%) and in-class performance (40%). There will be no final exam for this course.

The in-class performance component depends on your preparation before class (completing all assigned reading and reviewing problems), regular and prompt class attendance, and constructive engagement during class. Elon Law School’s standards and ABA guidance for awarding course credit assume at least two hours of out-of-class student work for each hour of classroom instruction.

Attendance

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.

Excessive absences (more than 2 classes) may result in a reduction of your grade.

Disability Accommodations

For disability accommodation requests, contact the [Elon Law Registrar's Office](#).

Honor Code

The Law School [honor code](#) applies to all activities related to your law school study, including conduct during class and examinations.

Outline & Assignments

1 Overview of Consumer Law

January 6 & 8

- Casebook, Chapters 1, 2, & 3

2 Communicating With Consumers

2.1 Solicitations

January 13

- Casebook, Chapter 4

2.2 Advertising

January 15

- Casebook, Chapter 5

Problems 4.I & 5.I (Due January 17)

3 Consumer Information

3.1 Consumer Privacy & Identity Theft

January 22

- Casebook, Chapter 6
- Kelly Gates, [The Securitization of Financial Identity](#), 20 *Journal of Communication Inquiry* 1 (2010)

3.2 Credit Reporting Discrimination

January 27

- Casebook, Chapter 7
- Josh Lauer, [The Good Consumer: Credit Reporting & the Invention of Financial Identity in the United States, 1840-1940](#), 11 *Enterprise & Society* 686 (2010)

3.3 Credit Discrimination

January 29

- Casebook, Chapter 8
- ARTICLE ON CREDIT DISCRIMINATION

Problems 6.I, 7.I, & 8.I (Due January 31)

4 Getting What You Pay For

4.1 Unfair or Deceptive Acts or Practices

February 3

- Casebook, Chapter 9

4.2 Warranties

February 5

- Casebook, Chapter 10

Problems 9.I & 10.I (Due February 7)

5 Consumer Finance

5.1 Usury & Credit Cost Disclosures

February 10

- Casebook, Chapters 11 & 12

5.2 Credit Cards

February 12

- Casebook, Chapter 15

5.3 Banking Transactions

February 17

- Casebook, Chapter 19

5.4 Online Transactions

February 19

- Casebook, Chapter 20

Problems 12.I, 15.I, & 19.I (Due February 21)

6 Special Issues

6.1 Automobile Purchases

February 24

- Casebook, Chapter 16

6.2 Payday & Student Loans

February 26

- Casebook, 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)

Problems ??? (Due February 28)

7 Enforcement & Remedies

7.1 Creditor Remedies

March 2

- Casebook, Chapter 21

7.2 Debtor Rights

March 4

- Casebook, Chapter 22

7.3 Debt Collection Abuses

March 9

- Casebook, Chapter 23

7.4 Public & Private Enforcement

March 11

- Casebook, Chapters 24, 25, & 26

8 The Future of Consumer Law

March 12

- Casebook, Chapter 27

Problems 21.I, 22.???, 23.I, due March 13