

Consumer Protection

Elon Law School
Winter 2021
Mondays & Wednesdays, 3:15 - 5:00 pm
Room 204

Eric M. Fink
efink@elon.edu
336-279-9334
Office Hours: calendly.com/emfink

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 Statutory Supplement to the Casebook ([download PDF](#)) contains the relevant statutory and regulatory provisions for each chapter.

The course website, emfink.net/ConsumerProtection, has supplemental readings and materials, along with links to statutes, regulations, and other resources.

Policies

Grading

Your final grade for the course will be based on written problem assignments (80% total) and in-class performance (20%). There will be no final exam for this course.

Written problem assignments are due on the dates indicated in the "Schedule & Assignments" section below. Please submit your completed problems to me by email (efink@elon.edu) as PDF documents, with file names in this format: **LastName-ProblemSetX.pdf**.

Class sessions will be devoted primarily to discussion of problems from the Casebook. The in-class performance component depends on your preparation before class (completing all assigned reading and reviewing problems for class discussion), 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.

Schedule & Assignments

Overview of Consumer Law

January 4

Casebook, Chapters 1, 2, & 3

Solicitations

January 6

Casebook, Chapter 4

Advertising

January 11

Casebook, Chapter 5

Advertisements (preview before class):

- L'Oreal
- Winston
- Pepsi
- Silver Solution USA
- Stephanie Haney, Televangelist Jim Bakker is now hawking a 'silver gel' he claims can cure 'all venereal diseases' for \$25 per bottle, The Daily Mail (June 24, 2018)

Problem Set 1: 4.1 & 5.1 (Due January 15)

Consumer Privacy & Identity Theft

January 13

Casebook, Chapter 6

Credit Reporting

January 20

Casebook, Chapter 7

Credit Discrimination

January 25

Casebook, Chapter 8

Unfair or Deceptive Acts or Practices

January 27

Casebook, Chapter 9

Warranties

February 1

Casebook, Chapter 10

Problem Set 2: 9.1 & 10.1 (Due February 5)

The Cost of Credit

February 3

Casebook, Chapters 11 & 12

Credit Cards

February 8

Casebook, Chapter 15

Banking Transactions

February 10

Casebook, Chapter 19

Online Transactions

February 15

Casebook, Chapter 20

Automobile Purchases

February 17

Casebook, Chapter 16

Payday & Student Loans

February 22

Casebook, Chapters 17 & 18

Problem Set 3: 16.1 & 17.1 (Due February 26)

Creditor Remedies

February 24

Casebook, Chapter 21

Debtor Rights

March 1

Casebook, Chapter 22

Debt Collection Abuses

March 3

Casebook, Chapter 23

Public Enforcement*March 8*

Casebook, Chapter 24

Private Enforcement & Arbitration*March 10*

Casebook, Chapters 25 & 26

Problem Set 4: 21.1 & 23.1 (Due March 12)

The Future of Consumer Law*March 15*

Casebook, Chapter 27