

Law 254: Consumer Law
Loyola University Chicago School of Law
Professor David E. Sorkin
Fall 2016

SYLLABUS

Overview

The course surveys consumer law from a transactional perspective, beginning with issues of deception, including false advertising, related to consumer purchases. There is coverage of the law of consumer credit, including issues of discrimination, overpriced credit and deceptive credit practices, and standard form contracts of adhesion and recent Supreme Court rulings covering binding arbitration and class actions. Consumer remedies and special issues of consumer fraud on the Internet complete course coverage. The course is especially recommended for students interested in public interest law.

The course meets on Mondays from 3:00 to 4:50 in Corboy Law Center, room 1102, from August 22 through November 28.

The final examination will be held on Monday, December 5, at 9:00 am.

Instructor

David E. Sorkin (Associate Professor, The John Marshall Law School)

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Office hours: Before and after class, by phone Wednesdays 4:00–6:00 pm, and by appointment

Textbook and Course Materials

Douglas J. Whaley, *Problems and Materials on Consumer Law* (7th ed., Wolters Kluwer 2013) (ISBN 978-1-4548-3683-4, list price \$219)

Course website: <http://sakai.luc.edu/>

In lieu of a statutory supplement, we will use online resources for relevant statutes, regulations, and other supplementary materials.

Learning Outcomes

Students will gain an understanding of state and federal consumer protection concepts, statutes, and regulations. Students will recognize common problems involving consumer transactions; identify relevant statutes and regulations; and apply them to specific problems. Students will critically evaluate policy justifications for consumer law rules and predict likely effects of changes in the law. More generally, students will develop skills in locating, interpreting, and applying statutes and regulations.

Code of Conduct

The Loyola University Chicago School of Law Code of Conduct shall govern all aspects of this class. Laptop computers and other electronic devices are to be used in the classroom only for legitimate class-related purposes.

Course Requirements and Grading

1. Attendance and Class Participation

Regular and punctual attendance, preparation, and active participation are expected. Students who regularly miss class violate ABA rules and may be precluded from taking the final examination. Students are expected to complete the assigned reading material, including statutes and regulations referenced in the readings. We will use online discussion forums to supplement in-class discussion. Class attendance and participation (in class and online) will account for 20% of the course grade.

2. Topical Reports

Each student will be assigned to submit brief reports to supplement the assigned readings on one or more selected topics. The content and length of these reports will vary depending upon the topic. The report may take the form of a traditional written report, or a PowerPoint or similar presentation, or (with the instructor's advance approval) some other format.

You may choose to present an overview of the topic, or you may prefer to focus on a particular aspect of the topic that is of interest to you. In either case, the report should *not* be a mere summary of the assigned readings. If you find that there are significant state statutes or regulations that are not adequately covered in the assigned readings, you may address them in the

report. You may also choose to report on recent legal developments related to your topic, such as new federal legislation, U.S. Supreme Court or other major court decisions, etc.

You should be prepared to discuss the contents of your reports in class; a formal presentation to the class is not required.

The reports will account for 20% of the course grade.

3. Examination

The final examination will account for the remaining 60% of the course grade. The exam will be an open-book exam consisting of between five and ten essay questions.

Outline of Topics and Reading Assignments

You are responsible for completing all of the assigned readings, regardless of whether they are directly discussed in class. In addition to the casebook readings listed below, you will need to consult relevant statutes and regulations, most of which will be referenced in the casebook. You should also attempt to find relevant Illinois statutes, especially when considering problems in the casebook that refer generally to applicable state law.

We will address topics in the sequence outlined below. I will attempt to keep to this schedule, but it is possible that we will occasionally fall behind or even get slightly ahead of the schedule, so you should prepare for class accordingly.

Aug. 22	Introduction 1. Fraud	pp. xxiii–xxviii pp. 1–39
Aug. 29	2. Deceptive Practices	pp. 41–76, 88–134
Sept. 12	3. Product Quality Generally	pp. 193–220
Sept. 19	4. Federal Quality Control Statutes	pp. 233–279
Sept. 26	5. Payment and Consumers	pp. 281–302, 309–331, 348–362
Oct. 3	6. Qualifying for Credit	pp. 363–382, 389–396, 420–456

Oct. 10 & 17	7. Truth in Lending: Disclosure	pp. 457–523, 529–530, 538–565
Oct. 24	8. Truth in Lending: Remedies	pp. 571–615
Oct. 31	9. Mortgages	pp. 617–659
Nov. 7	10 & 11. Leasing; Installment Sales	pp. 667–682
Nov. 14	12. Debt Collection	pp. 691–745
Nov. 21	13. Consumers in Cyberspace	pp. 747–768
Nov. 28	Review	
Dec. 5	Final Examination	