

CONSUMER PROTECTION LAW SYLLABUS (LAW 584) (ONLINE COURSE)

Fall 2020

FIRST WEEK'S ASSIGNMENT:

Wed. 8/19 - Porter pp. xix – xxii (Preface), Porter Assignment 1 (pp. 1-16, including completing Problem Set 1), *Miller v. William Chevrolet/GEO, Inc.*, 326 Ill. App. 3d 642 (2001) (also posted on TWEN in Course Materials)

Fri. 8/21 – Assignment 2 (pp. 17-30, including Problems 2.1 and 2.2 (not 2.3)), *What You Need to Know About Debt Relief on Student Loans*, Wash. Post (May 16, 2020), <https://www.washingtonpost.com/business/2020/05/15/student-loan-debt-coronavirus/> (also posted on TWEN course page as word doc if you encounter a paywall) (when reading, consider the nature of emergency versus permanent relief measures and the impact on the consumer and business)

DAY/TIME/ROOM: W/F 10:30 – 11:20 am (Online)

INSTRUCTOR: Prof. Jennifer Brobst; Office 244, jbrobst@siu.edu, 618-453-8702

OFFICE HOURS: *Please feel free to email me anytime if you have questions. I am also happy to set up a zoom appointment. From time to time, I may contact you to set up an appointment to check in and see how you are doing.*

ZOOM & TWEN CLASSROOM: This course will be conducted online synchronously via zoom. Please see the TWEN home page for zoom access information. Please regularly check the TWEN course platform for online access to materials and assignments.

COURSE DESCRIPTION: This two-credit upper level course will provide law students with a basic understanding of some of the special protective legal mechanisms that have arisen at the federal and state levels in the context of consumer transactions, including the source of consumer law, contract formation and access to credit, legal limitations on terms and credit regulation, and rights and remedies upon consumer-business conflicts.

THE IMPORTANCE OF CONSUMER PROTECTION LAW: Consumer Protection Law is more critical than ever in the functioning of society. In a digital world, commerce is active and accessible at a level never seen before, giving rise to new opportunities for scams and fraud. With fluctuations in the economy due to the Housing Crisis in 2008 and the 2020 pandemic's serious impact on unemployment rates, the vulnerability of the consumer and small business has grown. In the last decade, as traditional common law tort and contract law remedies failed to sufficiently protect the public, statutory enactments have developed stronger consumer and market protections. The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 created a national Consumer Financial Protection Bureau. Every state has some form of a consumer protection bureau that parallels federal regulation. Some states continue to test Consumer Protection Law on their state essay portion of the bar exam. The course will enhance a student's education in the law of torts, contracts, remedies, statutory and regulatory analysis, and the interplay of public and private law.

LEARNING OBJECTIVES:

- Students will learn to effectively advocate for consumers and businesses within the legal system, both orally and in writing, such as the filing of individual and class action consumer complaints.
- Students will learn to interpret and apply the general principles of common law contracts and tort law to consumer contracts and disputes, including a focus on advertising, marketing, warranties, fiduciary duties, access to credit, and remedies.
- Students will learn to identify and apply the state and federal statutory and regulatory law that has developed to protect the consumer further, with particular emphasis on common transactions in home and auto purchases, credit cards, online purchases, student loans, and medical devices and drugs.
- Students will also learn to understand the social and policy dynamics that create tension between interfering with the marketplace and the need to address the power imbalance in consumer-business transactions.

REQUIRED TEXTBOOK: KATHERINE PORTER, MODERN CONSUMER LAW (2016, Wolters Kluwer) (available used and for rent), ISBN978-1-4548-2503-6

GRADED ASSIGNMENTS:

- Writing Assignment (10% of course grade)
- Class Project (30% of course grade)
- Final Exam (60% of course grade) [open-book multiple choice and essay]

ATTENDANCE: Attendance is enforced in law schools through accreditation standards by the American Bar Association. In accordance with [SIU School of Law Rule III](#), students may miss up to a maximum of four (4) classes in this course. There is no excused or unexcused absence policy at SIU; i.e., an absence is counted as an absence regardless of the reason. Students who exceed the maximum number of absences will be referred to the Associate Dean with the recommendation that the student be withdrawn from the course. Late arrival and clear lack of preparation may be counted as an absence.

WORKLOAD EXPECTATIONS: A student should study and prepare for approximately 2 hours before each class. Students should take extensive notes in class, in an organized and selective manner, and take time after each class to re-read, correct and clarify their notes. You'll know you've done enough of the right kind of preparation when you begin to anticipate the legal points of discussion in class and are able to argue either side of an issue. As you already know, law school is a lot more interesting when you are prepared for class.

LAPTOP POLICY AND NOTE-TAKING: Use of laptops, tablets, smartphones, and other electronic devices is permitted in this course during lectures, but only for academic purposes, such as review of notes or accessing assigned reading online. Research in adult learning has consistently shown that physically writing organized notes in class, which are later re-read, highlighted and organized in typed form is a proven strategy for better conceptual understanding and retention of material. Feel free to contact me or Academic Support for suggestions on refining your note-taking, outlining, and exam preparation strategies.

CLASS RECORDINGS: Unauthorized recording or distribution of class recordings and lectures will be prohibited.

CLASS EMAIL AND TWEN: Per the law school regulations, students must regularly check and be responsive to email communications with faculty. Students are expected to regularly check the TWEN course page for updates and assignments.

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

DISABILITY POLICY. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation request and renewal forms can be found here: <https://law.siu.edu/academics/>.

SALUKI CARES. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu,

COVID-19. As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the SIUC COVID-19 response.