

STARTING AND MAINTAINING A CONSUMER LAW PRACTICE

Spring - 2013~~2~~

Professors Jim McMillen and Dana Karni

Syllabus

Text: The Practice of Consumer Law, 2nd Edition

The Professors have accumulated forms, articles, significant cases, software and other extensive materials through the years in the different areas of consumer law. A CD-ROM or DVD containing the materials will be passed out to participants. New materials will be forward to class participants throughout the semester by email.

The objective of this course is to teach the practical side of starting a consumer law practice. You will learn the ethical issues encountered by consumer lawyers, to set up and maintain office systems, marketing, client screening and relations, formal and informal discovery, expert witnesses, protective orders, settling cases, tax consequences to clients, trial of consumer cases, common defense and defense tactics, consumer class actions, damages, non-monetary relief, and fee shifting.

Each assignment is the assigned reading for a class except for the four assignments described below. Stay one assignment ahead of where we finish. If we finish an assignment before the end of class we will end early. We will not start another assignment. Always stay one full assignment ahead of where we finish in class. (For example, if we finish class in the middle of assignment # 4 one week, read assignment #5 for the next week) Note some of the assignments will take more than one class. There are 13 class meetings.

The classes are high paced consisting of three segments including: 1) coverage of the topics contained in the text materials; 2) Nationally recognized speakers on their topics of expertise , either in person or video conferencing, with class participants on the topics being discussed (the speakers contributed to the materials contained in the text); and 3) causes of action, defenses with inventive approaches to problem solving by class participants. Presentation of the materials to complete assignments will be given well in advance of assignment due dates. The class schedule precludes repetition of materials; however the professors and the speakers are available to assist students with their questions and concerns to complete the assignments. Class participants are encouraged to rely on their own efforts seeking limited advice from others preparing to meet the challenges of self reliance they will encounter in private practice.

It is expected that you will attend and be prepared for every class. You are permitted two absences. Positive class participation will be considered in establishing grades. (There will be no reduction in grades based on class participation). The classes are designed to encourage participation at all levels.

When a Problem is assigned, it must be turned on the date given. Failure to turn in a mid-term assignment will count as an absence. No excuse will be allowed for failure to turn the final business plan on time. One printed copy must be turned in and an electronic copy mailed to each professor in Word or PDF format.

There will not be a final exam. You will be expected to complete four assignments during the semester. These are the assignments:

1. Research the cost of radio, television, print media and Yellow Page advertisement and create a budget for a sole practitioner for a year. This paper should be about three pages long and should have information on the advertising and promotions that will cost money and how you would promote your law firm without spending money (or on a very limited budget). This paper is due February ~~16~~14th.
2. Develop the set up costs and budget for a law practice for a year. This paper is due [February 28th](#) ~~March 1st~~.
3. Interview a consumer lawyer and do a report on how they run their practice. This paper should be about three pages long. This paper is due on March ~~7~~8th.
4. Prepare a business plan for a law office you would like to open. The business plan is due on April ~~19~~18th and will take the place of a final exam. This is the last day of class.

The class is designed to prepare the participants to enter private practice with confidence they have a sufficient background to start and maintain a consumer law practice without supervision of others to guide them. The materials covered in class, the problem solving, along with the forms and materials should prepare them to represent their clients in litigation without relying on others for supervision. The classes present realistic guidance on them to establish and maintain a healthy law practice. The business plan submitted for the final grade in the class should assist them to quickly gain the confidence of lenders and obtain necessary financing,

The class schedule is as follows:

1. January ~~19th-17~~ -- First day introduction – An overview of the practice of consumer law. Read pages 1-28 and 103-108.
2. January ~~26th-24~~ –Discussion on how to create a business plan for your law practice. The guest speaker is a member of SCORE. . SCORE (Senior Core of Retired Executives) acts as the advisory unit of the Small Business Administration. It is offers significant business advice to new businesses. Class participant should seek their assistance of review of materials they prepare to verify the accuracy of the information and to assure they have not failed to address significant areas that should be discussed. No reading assignment
3. ~~February 2nd~~[January 31](#) –Making money in the practice of consumer law. Read pages 29 – 37
4. February ~~9~~7th- We will discuss the various paths a lawyer can take in the consumer law field. We will talk about opening a law practice, going to work for someone else, working for legal aid, working for the government. Read pages 39-54.
5. February ~~16~~14th-We will discuss the basics of setting up a consumer law practice. We will be talking about the ethics of practicing consumer law. Read pagers 55-69. First assignment due.
6. February ~~23~~21rd-How to get clients. We will cover all the ways to generate clients from advertising and marketing to networking for referrals. We will also discuss 50 ways to lose a winning case, common mistakes new lawyers make. Read pages 71 – 75.
7. ~~March 1st~~ [February 28th](#) We will talk about what software and books you will need to start a law practice. No reading assignment.
8. March ~~8~~7th- Preparation of a consumer case. This class will go through the process of handling a consumer case paying attention to how to prosecute it cheaply. This will cover how to do discovery at a low cost. Read pages 95 -101. Second assignment due.

9. March ~~21st~~^{28th}-Picking your consumer law niche. We will cover the various areas of consumer law. This is a chance to see what one or two areas of consumer law you would like to specialize in. Read pages 77 – 92.
10. March ~~29th~~^{28th}-Retainer agreements and pre-trial settlement negotiations. Read pages 153 – 170. You were asked to read these pages for a previous class, so review them. Third assignment due.
11. April ~~5th~~^{4th}-Attorney fees, fee applications and everything else you need to know to get paid in a consumer case. Read Appendix A.
12. April ~~12th~~^{11th}--Discussion of the “Paperless Office”. No reading assignment.
- 13.** April ~~19th~~^{18th}-Litigating the consumer case. It is important that you realize to do consumer cases you have to litigate. Read pages 129-162 and pages 171-178. The last assignment, the business plan, is due.