

TEXAS CONSUMER LAW
Professor Jim Hawkins
Spring 2014

Course Description

In Texas, injured consumers can seek relief under a variety of laws, some of which come from statutory sources and some of which come from the common law. The primary focus of this course is the most important consumer protection statute in Texas: the Texas Deceptive Trade Practices Act (DTPA). We will study who may sue under the DTPA; whom may be sued; what conduct the statute prohibits; what defenses defendants can raise; and what remedies the statute provides. In addition to the DTPA, we will look closely at Texas warranty law under Texas' version of the Uniform Commercial Code (for sales of goods) and under the common law (for sales of services and real estate). Finally, we will examine Texas state law and federal law concerning debt collection.

This course will reach beyond substantive Texas consumer law. Many of the cases we will discuss involve courts interpreting the DTPA, so this course provides an opportunity to study how courts interpret statutes. Also, we will engage the policy issues that arise in formulating optimal consumer protection law.

The objectives of the course are for you to learn the rules and doctrines of Texas Consumer Law; for you to understand the ethical and professional issues that arise in connection with Texas Consumer Law; and for you to be able integrate the information you learn in this class with other practical and analytical skills necessary to the practice of law.

Course Material

The required text for this course is:

Richard M. Alderman, *Texas Consumer Law: Cases & Materials* (2013-2014 ed.).

The textbook has a CD in the back that contains the Texas Deceptive Trade Practices Act. It is important that you print a copy of the Act out for use in class.

Attendance

The Law Center requires students to attend at least 80% of the scheduled classes. Students who do not attend 80% of the classes can be automatically dropped from the course. I will keep track of attendance by passing around a sign-in sheet after class starts. It is an Honor Code violation to sign in for another student.

If a class has to be rescheduled, I will notify you as soon as possible and schedule a makeup class at a time during which you do not have any other classes.

Grading

Your grade will be based on a final examination consisting of multiple choice questions, short answer questions, and essay questions. The only material you may use during the examination is a single sheet of 8.5 x 11 inch paper. The final examination will take place May 1st from 6:00 pm to 9:00 pm.

Class participation will also be part of determining your grade and is important to learning the material. I will call on students each day to discuss the assigned material. I will divide the class into two sections based on where your last name falls in the alphabet. Names starting A - J will be on call on Tuesdays, and K - Z will be on call on Thursdays. I will call on people within the designated section randomly. If you are in class but unprepared on two occasions that I call on you, I will lower your grade by one step (e.g., from a B to a B-).

Contact Information/Office Hours

| | |
|---------------|--------------------------------------------------|
| Office: | Bates Law Building #130 |
| Office Hours: | Tuesday 2:30 – 3:30pm Tuesday 5:00pm – 6:00pm |
| Telephone: | 713-743-5018 |
| E-mail: | jrhawkins@uh.edu |

Please feel free to stop by my office during office hours or anytime, to e-mail me, or to set an appointment in order to discuss the class material or anything else of interest to you.

Accommodation of Disabilities

The University of Houston Law Center strives to assure equal access and full participation by people with disabilities. If you require services because of a disability, you may notify Sharon Nellums-Goosby, Academic Records Coordinator in the Office of Student Services, in person in room 44A TU II, by e-mail at SNellums@central.uh.edu, or by phone at 713-743-2187. This voluntary self-identification allows the University to prepare any necessary and appropriate support services to facilitate your learning.

Any requests for exam accommodations should be directed to Linda Lee at LLee@central.uh.edu or 713-743-1751 and should be made as soon as possible to allow adequate time to document and process the request.

Assignments

The following is the first set of reading assignments. I will provide subsequent assignment lists in class.

I. Introduction

Assignment 1: 1-11

II. The Deceptive Trade Practices Act

A. The Proper Plaintiff

Assignment 2: 11-31; also read pages 533-538 of *Mother & Unborn Baby Care of N. Tex., Inc. v. State*, 749 S.W.2d 533 (Tex. App—Fort Worth 1988)

Assignment 3: 32-62

B. The Proper Defendant

Assignment 4: 62-77

Assignment 5: 77-89

C. Violations of the Act

1. The Laundry List

Assignment 7: 100-119

2. Unconscionability

Assignment 8: 119-132

3. Warranty Law

Assignment 9: 133-154

Assignment 10: 154-177

Assignment 11: 178-194

Assignment 12: 195-210

D. Remedies (forthcoming)

E. Defenses (forthcoming)

III. Debt Collection (forthcoming)