

TEXAS CONSUMER LAW

Spring 2018 - Rick McElvaney

Tuesdays and Thursdays

Class: 6:00 p.m. - 7:30 p.m.

Course Description

In Texas, injured consumers can seek relief under a variety of statutory and common law sources. The primary focus of this course is the main Texas consumer protection statute: 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 discuss Texas warranty law, Texas and federal debt collection law, Texas tie-in statutes, and overview several related federal consumer laws.

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 discuss some 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. Consumer Law is a part of the Texas Bar Exam.

Course Material (Required)

Richard M. Alderman, *Texas Consumer Law: Cases & Materials* (2017 ed.).

Other materials will be posted under “Texas Consumer Law” on “Blackboard”, which may be accessed on the ‘UHLC webpage” under the “Students” link.

Online Statutes

You can access Texas statutes online at: <http://www.statutes.legis.state.tx.us/>

Attendance

Regular course attendance is required! The Law Center requires students to attend at least 80% of the scheduled classes. You need to attend 22 of the 27 classes to meet the 80% requirement. 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.

In the event that class needs to be rescheduled at any time, I will give you advance warning on the online “Blackboard”. We will meet 27 times - all postponed/cancelled classes will be rescheduled

Final Exam

The **final exam** is scheduled **Thursday May 10, 2018 from 6:00 p.m. until 9:00 p.m.** In the event you have a conflict with the final exam date, you should follow the Law Center policy to request rescheduling the final exam. The final examination will consist of multiple choice questions, short answer questions, and essay questions. There will be a total of 180 points on the exam.

Grading

This is an ordinary University of Houston Law Center course. Accordingly, Law Center policy requires the final grade average for the course be 2.90 – 3.10 on a 4.0 scale. Your grade will be based on a final examination. Additionally, 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 sections and call on people within the designated sections.

Contact Information/Office Hours

My office phone is (713) 743 -1236

My email is: RMcElvaney@central.uh.edu.

My office is TUII-45F (In the Hallway headed toward Clinic Office)

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

Counseling Services Available to Students

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus.

http://www.uh.edu/caps/outreach/lets_talk.html

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 Academic Records Coordinator in the Office of Student Services, in person in room 44A TU II, 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.