

Texas Consumer Law*
Professor Richard M Alderman
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Syllabus

This course is a condensed version of the three-hour Texas Consumer Law course, taught in the spring semester. Emphasis will be placed on those areas of law that are most useful to a consumer attorney, most of which will also be examined on the 2020 Texas Bar. Old bar questions will be reviewed. Material that will not be covered in detail includes products liability, warranty, and federal debt collection.

Your grade will be based on an in class exam, Saturday, January 11, 2019. Grades may be adjusted up at the professors discretion based on exceptional strong performance during classroom discussion.

Class will meet on January 6, 7, 8, 9 and 10. Class will meet from 9-12 and 1-2:50 with appropriate breaks each day.

The Text will be Alderman's **TEXAS AND CONSUMER LAW: CASES AND MATERIALS**, 2017-18 ed., with some additional handout material. The book may be purchased from the publisher, Imprimatur Press, <http://www.imprimaturpress.com/catalog.php?category=4>. The text of all statutory material may be found in the "Appendix" at: <http://imprimaturpress.com/Texas%20Consumer%20Law%20Appendix%202017.pdf>

Assignments

Read all pages assigned. Review the material. Think about and be prepared to discuss the answer for all of the problems in the text. When appropriate, review full text of relevant statutes at above link. If we do not complete our discussion of all the assigned material on the day assigned, it will be completed the following day. You also should prepare all the new material for that day.

Monday, January 6: Review Deceptive Trade Practices Act (current version) in Appendix. Introduction, history of Deceptive Trade Practices Act [DTPA], and its relationship to other Texas law. Read pages 1-100, who may use the DTPA, who is excluded, who is a proper party defendant? Review section 17.46 and pages 100-135. May a DTPA claim be filed as a class action? What constitutes a violation of the Act? The most common claim is a violation of the laundry list

Tuesday, January 7: Continuation from Monday. Skip pages 135-218. Read pages 218-326. When is notice required under the DTPA? What must it contain, how much should you ask for? Read Problem 13 carefully. What damages may a consumer recover? When may a consumer recover additional (punitive) damages? When

should a court award attorney's fees? Can a consumer recover under the DTPA as well as other causes of action?

Wednesday, January 8: Read pages 327 to 412 , skip 412 to 478, Arbitration, pages 412-478 will be covered by lecture] What defenses are available to a DTPA defendant?

Thursday, January 9: Read pages 478-492; 519-524; 541-565. Read Texas Debt Collection Act in Appendix. Read pages 613 to 617. Prepare for discussion of Problems 25, 26, 27, 28 and 29.

Friday, January 10: Pages 135-218 covered by lecture. Read Insurance Code handout. Catch-up in morning. Review in afternoon, if necessary.

* **Counseling and Psychological Services (CAPS):** 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. See: http://www.uh.edu/caps/outreach/lets_talk.html.