

**TEXAS CONSUMER LAW**  
**Professor Jim Hawkins**  
**Spring 2020**

**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.

**Learning Outcome**

Through and as a result of this course, students will: (1) demonstrate understanding of the rules and doctrines of Texas Consumer Law; and (2) demonstrate knowledge of the principles used to interpret Consumer Protection laws in Texas.

**Course Material**

The required text for this course is:

Richard M. Alderman, *Texas Consumer Law: Cases & Materials* (2017-2018 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.

## **Assessment**

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.

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:	By appointment
Telephone:	713-743-5018
E-mail:	<a href="mailto:jrhawkins@uh.edu">jrhawkins@uh.edu</a>

Please feel free to stop by my office, 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 Derrick Gabriel, Director of Student Affairs, in person in room 46 TUII, by e-mail at [dgabriel@central.uh.edu](mailto:dgabriel@central.uh.edu), or by phone at 713-743-2189. 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 Mr. Gabriel and should be made as soon as possible to allow adequate time to document and process the request.

## **Counseling and Psychological Services**

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](http://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](http://www.uh.edu/caps/outreach/lets_talk.html)

## **Assignments**

### ***I. The Deceptive Trade Practices Act***

**Assignment 1:** 1-11

**Assignment 2:** 11-31

**Assignment 3:** 32-55

**Assignment 4:** 55-77

**Assignment 5:** 78-89; 100-104

**Assignment 7:** 104-120

**Assignment 8:** 120-133

**Assignment 9:** 135-157

**Assignment 10:** 158-175

**Assignment 11:** 175-193

**Assignment 12:** 194-217

**Assignment 13:** 219-239

**Assignment 14:** 239-257

**Assignment 15:** 257-276

**Assignment 16:** 277-293

**Assignment 17:** 294-310

**Assignment 18:** 311-326 (focus on the Bar Exam question on p.319)

**Assignment 19:** 327-342

**Assignment 20:** 342-360

**Assignment 21:** 360-383

**Assignment 22:** 383-403

**Assignment 23:** 403-420 (focus on the Bar Exam question on 411)

**Assignment 24:** 420-441

**Assignment 25:** 441-462

**Assignment 26:** 479-491

### ***II. Debt Collection***

#### ***Assignment 27:***

617-621

652-665

706-710

#### ***Assignment 28:***

720-721

723

747-749

763-773