

**Texas Consumer Law  
Interession 2022  
Professor Richard M Alderman  
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## **Syllabus**

This course is a condensed version of the three-hour Texas Consumer Law course, taught during the regular semesters. Emphasis will be placed on those areas of law that are most useful to a Texas consumer attorney. Material that will not be covered in detail includes products liability, warranty, and federal debt collection. Note that until recently, consumer law was tested on the Texas Bar. That is no longer the case. The Bar problems remain in the text, however, because they are good questions to discuss.

Your grade will be based on a two-hour essay and objective exam, Saturday, January 14, 2022. Grades may be adjusted up at the professor's discretion based on exceptionally strong performance during classroom discussion.

Class will meet on January 10, 11, 12, 13, and 14. 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**, 2020-21 ed., with some additional handout material. The text of all statutory material may be found in the "Appendix" at:  
<http://www.imprimaturpress.com/Texas%20Consumer%20Law%20Appendix%202021.pdf>

## **Assignments**

Read all pages assigned. Think about and be prepared to discuss the answer for all of the problems and questions 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 assigned for that day. If we finish the material before the scheduled end of class, we will not go further.

**Monday, January 10:** Review Deceptive Trade Practices Act (current version) in Appendix. Introduction, history of Deceptive Trade Practices Act [DTPA], and its relationship to other Texas laws. Read pages 1-100, who may use the DTPA, who is excluded, who is a proper party defendant? Review section 17.46 and pages 100-132. 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. How does DTPA unconscionability differ from common law or the UCC?

**Tuesday, January 11:** Continuation from Monday. Skip pages 137-209. Read pages 219-303. When is notice required under the DTPA? What must it contain, how much should you ask for? 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 12:** Read pages 303 to 437, Arbitration, pages 357-408 will be covered primarily by lecture. What defenses are available to a DTPA defendant?

**Thursday, January 13:** Read pages 437-563. Read Texas Debt Collection Act and Federal Debt Collection Practices Act in Appendix.

**Friday, January 14:** 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](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. See: [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).