

**WESTERN STATE UNIVERSITY
COLLEGE OF LAW**

**CONSUMER LAW & FINANCE (2 HOURS)
SPRING 2018**

SYLLABUS & POLICIES

PROFESSOR RENATO IZQUIETA, ESQ

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Class Time: Tuesdays 4:20 p.m. – 6:20 p.m.
Office Hours: By appointment

CLASS MATERIALS:

REQUIRED TEXT: Consumer Transactions (6th Edition, Michael M. Greenfield) (West Academic ISBN 9781609302771)

OBJECTIVE & METHODOLOGY:

1. To provide an overview of the common law, statutes and regulations that regulate consumer law, both from the creditor and consumer perspective;
2. To assess the effectiveness of the current law in protecting the interest of consumers and legal interests and rights of creditors;
3. To consider the policy positions underlying the law by looking at historical and constituent perspectives to identify if the law meets its intended goals;
4. To evaluate how public policy can impact the application of a rule to a legal issue;
5. To analyze and determine the intersectionality of legal issues and other areas of law; and
6. To provide practical tools for dealing with consumer law issues.

The case method: The textbook contains cases, notes and questions. Students are responsible for reading and briefing the case material in all assigned chapters.

The problem method: The textbook contains questions and problems. Students are expected to prepare responses for class discussion.

The application method: Problems will be presented during class that will require application of fact patterns to specific rules.

CLASS PARTICIPATION, ATTENDANCE & RULES:

Class Preparation and Participation:

1. Students are expected to complete the required reading and case questions/review problems.
2. Students are expected to brief for cases in the assigned reading.
3. Students are expected to have brief written outlines for the case questions/review problems.
4. Students are expected to orally brief the cases in the assigned reading when called upon.
5. Students are expected to provide in-depth analysis of case questions/review problems within the week's assigned reading
6. Students are expected to participate in all class discussions.

Pursuant to ABA Standard 310, you are expected to devote at minimum two (2) hours of out of class time preparing for each hour of class room instruction. The assigned readings and case book problems each week have been calibrated for you to achieve this minimum requirement.

This class meets for 2 hours per week, you will be expected to read and prepare outside of class for approximately 4 hours in the week leading to each class. Note: Class coverage of reading assignments is fluid. We may not always cover all of the assigned material during the scheduled class periods. However, it's your responsibility to make sure you are prepared for each class. In addition, I may distribute additional reading and other materials for additional review and class discussion.

Attendance:

1. A seating assignment will be created on the first day of class
2. Students must be in their assigned seat before the start of class.
3. Attendance will be taken every class.
4. Students must sign in.

Absences:

1. If students incur more than 2 (two) absences, you will be withdrawn from the course and receive a failing grade, which is in accordance with the policies of Western State College of Law.
2. Unpreparedness will be marked as an absence for the class.
3. Late to class will be marked as an absence.

Seating Chart:

1. A seating charted will be created on the first day of class.
2. If you wish to change your seat, please notify the professor to consider your request to make any appropriate changes.

Electronic Devices:

1. *Computer Use:* Students may use a personal computer during class for note taking only. Students are prohibited from being on the internet, checking email, playing games, texting, assessing social media, instance messaging, or the like. If a student violates this rule, the professor reserves the right to prohibit compute use in the class for the student.
2. *Cell Phones:* Students are required to shut-off or silent cell phones before the class begins. Students are prohibited from using cell phones in class. However, if you a genuine emergency requiring you to monitor your cell phone, please inform me in advance for the use.
3. *Audio/Video Recording and Photography:* Taking or transmitting photographic images during class or recording transmitting audio or video of any portion of any lecture, comments, or remarks by the professor is prohibited advance written permission.
4. *Commercial Materials:* Students may not recite from commercial outlines, briefs, or other commercial study aids.

EXAMS, PARTICIPATION AND GRADING:

Each student will receive a numeric grade based upon a midterm during week 8, a final exam during exam week, and class participation throughout the semester. The midterm will count 30%, the final exam will count 50% and class participation will count 20% towards the student's final grade.

Midterm Exam (30%): The midterm examination will consist of one essay question to be completed in-class in 1.5 hours. The examination will require analysis of the law and policy issues covered in the reading materials and class discussions. The exam will be closed book and notes. You will be expected to precisely cite to and paraphrase applicable case law, statutes and rules in your answer.

Final Exam (50%): The final examination will consist of one essay question to be completed in-class in 2 hours. The examination will require analysis of the law and policy issues covered in the reading materials and class discussions. The exam will be closed book and notes. You will be expected to precisely cite to and paraphrase applicable case law, statutes and rules in your answer.

Class Participation (20%): Each student will be required to participate in class. Participation will consist of either students briefing for cases in the assigned reading, providing an analysis and problem solving for the case questions/review problems, or providing an analysis on any question posed in class by the professor. The student's demeanor, professionalism, and how well they articulate the issues and their analysis will be factors considered in the grade for class participation.

Grading:

Class participation:	20% of your grade
Mid-term exam:	30% of your grade
Final exam:	50% of your grade

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

WESERN STATE COLLEGE OF LAW- PROGRAMMATIC LEARNING OUTCOMES.

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

Argosy University Institutional Learning Outcomes

1. Analytical Reasoning:

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

2. Effective Communication:

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

2. Information Competency:

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

3. Interpersonal Effectiveness:

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

4. Personal and Professional Integrity and Ethical Behavior:

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

5. Professional Competence:

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession

READING ASSIGNMENTS AND COURSE CALENDAR

Week	Topic	Reading
Week 1: January 16 th	Deception-The Response to Common Law	Chapter 1
Week 2: January 23 rd	Deception-Legislative Solutions at the Federal Level: Federal Trade Commission and the Bureau of Financial Protection	Chapter 2
Week 3: January 30 th	Deception-Legislative Solutions at the State Level	Chapter 3
Week 4: February 6 th	The Need for Information	Chapter 4
Week 5: February 13 th	Qualifying for Credit	Chapter 5
Week 6: February 20 th	Discrimination in Granting Credit	Chapter 6
Week 7: February 27 th	Quality Standards Midterm Review	Chapter 7
Week 8: March 6 th	MIDTERM	No Reading
Week 9: March 13 th	Limits on the Price of Credit	Chapter 8
Week 10: March 20 th	Other Limits on the Terms of the Deal	Chapter 9
Week 11: March 27 th	Credit Insurance	Chapter 10
Week 12: April 3 rd	Coercive Collection Tactics	Chapter 11
Week 13: April 10 th	Enforcement of the Security Interest	Chapter 12
Week 14: April 17 th	Other Contractual and Procedural Devices to Facilitate Collection	Chapter 13
Week 15: April 24 th	Against Whom?	Chapter 14
Week 16: May 1 st	Remedies	Chapter 15