

UNIVERSITY OF SOUTH CAROLINA
JOSEPH F. RICE SCHOOL OF LAW
CONSUMER LAW – LAWS 618

FALL 2025

COURSE & CONTACT INFORMATION

Professor: Dave Maxfield

Email: dave@consumerlawsc.com (Please, *don't* use my USC email unless you want your message to vanish into the void.)

Cell: 803.466.3127 (Text first so I know you're not a telemarketer, unless you want a taste of consumer law justice.)

Office: I don't have one on campus. For meetings, let me know and we'll meet after class or at my Lady Street office.

Class Schedule:

Mondays & Wednesdays, 9:10–10:35 AM

Room 284

Credits: 3

COURSE MATERIALS

- **Nickel & Dimed, by Barbara Ehrenreich**
- **Bad Paper, by Jake Halpern**
- **The Color of Law, by Richard Rothstein**

COURSE DESCRIPTION

Consumer Law has done some impressive time-traveling over the last 50 years. We started with caveat emptor (“buyer beware”), moved into a golden age of consumer protections in the 1960s, and now we’re back in a world where forced arbitration, waivers, and “pro-business reforms” are taking the spotlight. Sprinkle in the 2008 crisis (new consumer protections! A shiny new agency—the CFPB! ...immediately under attack), plus courts now focusing hard on proving “actual harm,” and you’ll see why this area of law is never boring.

This course introduces you to the statutes, cases, and remedies that matter in consumer protection—federal and state laws, common law, and just enough history to keep things spicy.

COURSE GOALS

By semester's end, you should be able to:

1. **Understand the Law:** Know the statutes, cases, and remedies connected to consumer protection, and the road we've taken to get here.
2. **Lawyer Up:** Spot consumer law issues, research effectively, and find real solutions for clients.
3. **Protect Yourself:** Prepare to survive—and thrive—in the worlds of car-buying, credit, and mortgages.
4. **Think Big:** Question the economy, its assumptions, and your own consumer habits.

GRADING & ASSIGNMENTS

Assignment	Weight	Notes
Class Participation	30%	Show up, speak up, engage—every class counts!
Paper (18 pages)	40%	Topic of your choosing, due Nov. 7—see below for details.
Paper Presentation	20%	Present your paper to the class (last two weeks—yes, we all go).
Quizzes (3 total)	10%	Each quiz worth 3.33%. Short, topical, and virtually painless.

Grades are “normalized” per school policy. Sorry, I do not have a magic wand.

What Counts as Class Participation?

- Attend class (*yes, I take attendance; if you miss class because of illness or jackal attack injury, email me*).
- Prepare assigned readings and problems.
- Share thoughts/questions in discussion.
- Group work and case discussions.
- The more engaged you are, the better for your grade **and** your learning.

THE 18-PAGE PAPER

Purpose:

- Deep dive into any consumer law issue.
- Strong legal research and analysis.
- Show off your argument and/or research skills.

Requirements:

- Choose a topic: position paper, report, legislative/case analysis, or another angle (just get my okay first).
- Must relate to consumer law (tie it to class topics or pitch something else for approval).
- Use quality *primary* and *secondary* sources.
- Proper Bluebook citations (footnotes preferred).

Format:

- 18 pages, +/- 1
- Double-spaced, 12-point font, 1-inch margins
- Submit as PDF (email to dave@consumerlawsc.com)

Grading Criteria:

- Clarity & organization
- Persuasiveness & sound reasoning
- Research breadth and quality
- Factual accuracy & citation compliance
- Professional polish (grammar, spelling, etc.)

Due: Friday, Nov. 7, by 5:00 PM (PDF via email!)

WEEKLY SCHEDULE & READINGS

*Readings marked "Pre-Class Reading" must be finished **before** the class session.*

Week 0 – Wed, Aug 20: COURSE INTRODUCTION

- **Reading:** Nickel and Dimed (Ehrenreich) – Complete book before first class!

- **Discussion:** What IS Consumer Law? Goals, themes, and course roadmap.

Week 1 – Mon, Aug 25 & Wed, Aug 27: DEBT COLLECTION

- **Reading:** Bad Paper (Halpern, Ch. 1–6), Henson v. Santander (2017), Rotkiske v. Klemm (2019)
- **Guest:** Chad Echols, Esq.

Week 2 – Wed, Sept 3: RENTAL HOUSING

- **Reading:** SC Residential Landlord and Tenant Act §§ 27-40-10+, Watson v. Sellers (1989), Robinson v. Code (2009), Wright v. PRG Real Estate Mgt (2019), Nedrow v. Pruitt (1999)
- **Topics:** Rights, digital housing, rental trends

Week 3 – Mon, Sept 8 & Wed, Sept 10: RENTAL HOUSING II / TRUTH IN LENDING

- **Reading:** Jesinoski v. Countrywide Home Loans (2015), TILA Reg. Z, Rothstein, The Color of Law Ch. 1–2
- **Quiz 1:** Debt Collection & Landlord-Tenant Law

Week 4 – Mon, Sept 15 & Wed, Sept 17: SUBPRIME & MORTGAGE LENDING

- **Reading:** Rothstein, The Color of Law Ch. 3–5
- **Guest:** TBD

Week 5 – Mon, Sept 22 & Wed, Sept 24: MORTGAGE LENDING II & SERVICING

- **Reading:** Mincey v. World Savings Bank (2008), Boone v. Quicken Loans (2017), RESPA §6, major mortgage fraud actions (In re LoanCare 2025), Rothstein Ch. 7
- **Watch in Class:** House of Cards (not binge-worthy, but worth it)

Week 6 – Mon, Sept 29 & Wed, Oct 1: CREDIT REPORTING & THE FCRA

- **Reading:** FCRA, ECOA, Sloane v. Equifax (2007), Johnson v. MBNA (2004), Trans Union v. Ramirez (2021), recent cases and trends
- **Guest:** TBD

Week 7 – Mon, Oct 6: PAYMENT SYSTEMS, BANK FRAUD & BILLING DISPUTES

- **Reading:** FCBA, EFTA, Am. Express v. Koerner (1981), Gray v. AmEx (1984), digital/AI fraud cases, Howell vs. Wells Fargo (2024), Walling vs. Bank of America (2025), recent fintech settlements
- **Guest:** Peter Barry, Esq.
- **Quiz 2:** Mortgage Lending & Credit Reporting

Wed, Oct 8: WARRANTY LAW

- **Reading:** Magnuson-Moss Warranty Act, Soaper v. Hope Industries (1992), Simpson v. MSA (2007), SC Lemon Law, recent cases

Week 8 – Mon, Oct 13 & Wed, Oct 15: FRAUD & UNFAIR TRADE PRACTICES

- **Reading:** SC UTPA, selected cases (see extended PDF)

Week 9 – Mon, Oct 20 & Wed, Oct 22: VEHICLE SALES & AUTO FRAUD

- **Reading:** Brewer v. Stokes Kia (2005), Wright v. Craft (2006), Henderson v. Summerville Ford (2013), recent FTC actions
- **Guest:** C. Steven Moskos, Esq.
- **Quiz 3:** Warranty, Payment, Fraud, Unfair Trade

Mon, Oct 27: TELEPHONES & DIGITAL FRAUD

- **Reading:** TCPA, SC Telephone Privacy Protection Act, Reyes v. Lincoln Automotive, Facebook v. Duguid (2020)
- **Guest: Remote:** Anthony Paronich, Esq.

Wed, Oct 29: DIGITAL SUBSCRIPTIONS & DARK PATTERNS

- **Reading:** FTC “Click-to-Cancel” Rule, ROSCA, sample cases, dark patterns enforcement, recent FTC actions

Week 11 – Mon, Nov 3: TBA (possibly Student Loans)

Wed, Nov 5: ARBITRATION & WAIVERS

- **Reading:** FAA, AT&T Mobility v. Concepcion (2011), Henry Schein v. Archer & White (2019), recent cases & trends

- **PAPER DUE:** All 18-page papers due by **Friday, Nov. 7 at 5:00 pm!**

Week 12 – Mon, Nov 10 & Wed, Nov 12: STUDENT PRESENTATIONS – YOU’RE THE PROFESSOR!

Week 13 – Mon, Nov 17 & Wed, Nov 19: MORE STUDENT PRESENTATIONS / COURSE REVIEW

KEY DATES (Mark Your Calendar!)

- **Classes begin:** Wed, August 20
- **Labor Day (no class):** Mon, Sept 1
- **Fall Break (no class):** Thurs–Sun, Oct 9–12 (doesn’t help us, though, just FYI)
- **Final Paper Due:** Fri, Nov 7, by 5:00 pm
- **Last class:** Wed, Nov 19

QUESTIONS? ISSUES? JACKALS?

If you need anything—academic, administrative, or otherwise—get in touch by email or text. Life happens; just let me know.

Welcome to Consumer Law!

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