

**Law 221.81 - Student Loan Law
Spring 2019**

Instructor Information

Instructor: *Suzanne Martindale*
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Office: *Café Zeb*
Office Hours: *One hour before class, or by appointment as needed*

Course Information

Meetings: *Th 6:25pm-8:15pm*
Location: *Room 12*
Prerequisites: *None*
Credit Hours: *2*

Course Materials

I will post everything you need on bCourses. Reading assignments will be made available approximately one week prior to each class.

bCourses

Our course site can be found here: <https://bcourses.berkeley.edu/courses/1477467>.

Course Description

If you're a Berkeley student, chances are overwhelming that you're taking out loans to pay for school. These days most people in the U.S.-roughly 7 in 10 students- leave post-high school education with debt. But do you know your legal rights as a student loan borrower?

In this course, students will develop a solid foundation in student loan law that helps them understand their own loans. The course will also cover ongoing litigation and policy developments at the state and federal level that touch on student debt.

Learning Outcomes

Students in the course will be expected to achieve the following Berkeley Law Learning Outcomes:

- Knowledge and understanding of substantive and procedural law;
- Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; and
- Using the law to solve real-world problems and to create a more just society.

Course-Specific Learning Outcomes

Students in this course will be able to identify and explain the overlapping legal frameworks that apply to student loans, as well as important concepts in consumer protection, administrative law, and federal preemption, among others. Students will develop legal research and writing skills, learn how to interpret statutes and regulations, and hone their capacity for creative thinking.

Evaluations and Grading

Students will be evaluated based on one short memo (due Week 7); a final research paper (due end of semester); and overall class participation.

The memo will be 3-5 pages, and constitute 20% of the final grade. The final paper will be 15-20 pages, and constitute 70% of the final grade. Class participation - including attendance, discussion and any other activities (e.g., quizzes or exercises) - will constitute the remaining 10% of the final grade.

School-wide Policies

1) A “credit hour” at Berkeley Law is an amount of work that reasonably approximates three to four hours of work per week for 15 weeks, including a) classroom time, b) time spent preparing for class, c) time spent studying for, and taking, final exams, d) time spent researching, writing, and revising papers and other written work, and e) time spent preparing for and completing any other final project, presentation, or performance. For the purposes of these calculations, 50 minutes of classroom instruction counts as one hour, and the 15 weeks includes the exam period. You can expect to spend this amount of time per unit per week on in-class and out-of-class, course-related work as described above.

2) Students who need classroom accommodations or want to discuss implementation of their accommodations in this class are advised to contact Kyle Valenti, Director of Student Services (kvalenti@law.berkeley.edu) as soon as possible.

3) The Academic Honor Code [[Academic Honor Code](#)] governs the conduct of all students during examinations and in all other academic and pre-professional activities at Berkeley Law.

4) If you are in need of economic, food, or housing support, you can find help at basicneeds.berkeley.edu. You may be eligible for money to buy groceries via calfresh.berkeley.edu or our [Food Assistance Program](#). If you are in need of food immediately, please visit our UC Berkeley Food Pantry at pantry.berkeley.edu.

Course Policies

Attendance is mandatory, and students are expected to show up and be active participants in class. Written assignments should be turned in on time. Repeated absences or missed assignments may, as you would imagine, impact your grade or even your ability to receive credit

for the course. If you have an emergency or need an accommodation, please contact me immediately so that we can develop a solution together.

We will have a successful semester if we maintain a classroom of mutual respect, transparency, and empathy. In other words, you are an adult human, and I am not interested in policing your behavior. I am, however, very interested in serving as a resource to help you advance your legal education and professional career. If you need something, ask!

Mid-Semester Course Evaluations

I will have everyone complete mid-semester evaluations during Week 8, to get a better sense for what is or isn't working so far (e.g., amount of reading, in-class discussion or structure). Please be candid and specific with your feedback, when the time comes.

Course Schedule

Each week, we'll examine an important theme by asking a question - and spend our class time discussing possible answers.

Please note that the ordering of specific topics and/or substance of weekly assignments may change, due to breaking developments or the availability of guest speakers (what fun!).

I will upload an agenda with assignments to bCourses a week before each class - and do my best to minimize the likelihood of any last-minute changes to assigned reading.

Introduction

- Week 1 (January 10) - Student loans are the new normal. How did we get here, and how bad is it?

Part I - Overview of legal framework(s)

- Week 2 (January 17) - How did "financial aid" become synonymous with student debt?
- Week 3 (January 24) - Are student loans like other financial products?
- Week 4 (January 31) - What rights do borrowers have while in repayment?
- Week 5 (February 7) - What happens when borrowers fall behind?

Part II - The regulators

- Week 6 (February 14) - Does the Department of Education bear primary responsibility for regulating student loans?

- Week 7 (February 21) - When can other federal regulators step in?
- Week 8 (February 28) - Do states play a role?

Part III - The industry players

- Week 9 (March 7) - How are for-profit schools contributing to the state of student debt?
- Week 10 (March 14): How are servicers contributing to the state of student debt?
- Week 11 (March 21) - What role does Wall Street play in higher ed finance?

[Spring Break, week of March 25]

Part IV - What's on the horizon

- Week 12 (April 4) - How are states responding to shifts in federal policy?
- Week 13 (April 11) - Which legal theories are currently being used in court to challenge student protections?
- Week 14 (April 18) - So...where do we go from here with student debt?

Here's to a great semester ahead!

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