

CONSUMER LAW (SPRING '98) CHECKLIST

QUESTION 1

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|---|--|
| <input type="checkbox"/> Overview | <input type="checkbox"/> Liability of Realtor |
| <input type="checkbox"/> Claims against seller | <input type="checkbox"/> Common law misrepresentation |
| <input type="checkbox"/> Does CPA apply against individual? | <input type="checkbox"/> Unnecessary b/c of CPA |
| <input type="checkbox"/> "public interest" implicated? | <input type="checkbox"/> CPA |
| <input type="checkbox"/> If so, remedies | <input type="checkbox"/> "unfair or deceptive" practice |
| <input type="checkbox"/> Common law fraud | <input type="checkbox"/> liberal test |
| <input type="checkbox"/> Scienter? | <input type="checkbox"/> "capacity" or "tendency" to mislead |
| <input type="checkbox"/> Duty to disclose? | <input type="checkbox"/> Reliance? Presumed? |
| <input type="checkbox"/> | <input type="checkbox"/> Remedies under CPA |
| <input type="checkbox"/> Common law misrepresentation | <input type="checkbox"/> Damages |
| <input type="checkbox"/> Duty? | <input type="checkbox"/> Penalty |
| <input type="checkbox"/> | <input type="checkbox"/> Attorney Fees |
| <input type="checkbox"/> | <input type="checkbox"/> Punitive damages? |

QUESTION 2

- | | |
|--|--|
| <input type="checkbox"/> Pro: Protect "gullible"; vulnerable | <input type="checkbox"/> Con: Waste of resources |
| <input type="checkbox"/> <i>Cliffdale Associates</i> test | <input type="checkbox"/> 1st Amendment issues |
| <input type="checkbox"/> <i>Substantial</i> # of consumers? | <input type="checkbox"/> <i>Hudson Gas</i> test |
| <input type="checkbox"/> <i>Acting reasonably</i> | <input type="checkbox"/> |
| <input type="checkbox"/> <i>Damages?</i> | <input type="checkbox"/> |
| <input type="checkbox"/> | |

QUESTION 3

- | | |
|--|--|
| <input type="checkbox"/> Overview | <input type="checkbox"/> Defenses |
| <input type="checkbox"/> | <input type="checkbox"/> Exhaustion of remedies/agency
preemption |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> CPA Theory | <input type="checkbox"/> Damages |
| <input type="checkbox"/> "Unfair" practice | <input type="checkbox"/> Property Loss - how calculated? |
| <input type="checkbox"/> offends public policy? | <input type="checkbox"/> Emotional harm |
| <input type="checkbox"/> immoral, unethical, oppressive? | <input type="checkbox"/> Egregious conduct? |
| <input type="checkbox"/> | <input type="checkbox"/> Penalties |
| <input type="checkbox"/> Potential for agency action | <input type="checkbox"/> Attorney fees |
| <input type="checkbox"/> | <input type="checkbox"/> Class Action? |
| <input type="checkbox"/> | <input type="checkbox"/> |

Exam Number _____