

CONSUMER LAW FINAL CHECKLIST, SPRING 2005 (DeWolf)

QUESTION 1

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|--|--|
| <input type="checkbox"/> Overview | <input type="checkbox"/> Requirements for Class Action |
| <input type="checkbox"/> Federal Pre-emption ? | <input type="checkbox"/> (1) Numerosity |
| <input type="checkbox"/> Other federal authority that controls? | <input type="checkbox"/> (2) Common Qs of Law / Fact |
| <input type="checkbox"/> "Fraud" seems extreme - 9 elements | <input type="checkbox"/> (3) Typicality - diff. phones / reliance |
| <input type="checkbox"/> Is practice "Unfair" ? | <input type="checkbox"/> (4) representativeness (hard to say) |
| <input type="checkbox"/> Standard under Intl. Harvester | <input type="checkbox"/> (5) common Qs predominate |
| <input type="checkbox"/> (1) Harm to consumers | <input type="checkbox"/> Federal Class Action reform (Removal)? |
| <input type="checkbox"/> (2) Violation of public policy | <input type="checkbox"/> |
| <input type="checkbox"/> (3) Unscrupulous/Unethical | <input type="checkbox"/> Punitive damages—standard? |
| <input type="checkbox"/> | <input type="checkbox"/> Evidence of conduct deserving punishment ? |
| <input type="checkbox"/> <i>Harm</i> to consumers | <input type="checkbox"/> |
| <input type="checkbox"/> (1) Substantial (like fuel geysering)? | <input type="checkbox"/> Reimbursement Remedy—authority? |
| <input type="checkbox"/> (2) Does risk exceed benefit? | <input type="checkbox"/> Attorney fees—available via UDAP / LCSPA |
| <input type="checkbox"/> (3) can consumer avoid the harm? | <input type="checkbox"/> Can we restrain fee award? |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

QUESTION 2

- | | |
|--|---|
| <input type="checkbox"/> Pro: Return \$\$ to consumers | <input type="checkbox"/> Con: Customers may actually lose |
| <input type="checkbox"/> Rebates reward savvy ; exploit gullible | <input type="checkbox"/> Like Fairmont Ford |
| <input type="checkbox"/> Chas. of the Ritz vs. IH / Cliffdale | <input type="checkbox"/> Enforcement incr. cost to consumer |
| <input type="checkbox"/> Fewer deceptive rebate offers | <input type="checkbox"/> Would Notice requirement suffice? |
| <input type="checkbox"/> | <input type="checkbox"/> Are autos same as soda pop ? |
| | <input type="checkbox"/> Reducing consumer choice |

QUESTION 3

- | | |
|---|--|
| <input type="checkbox"/> Overview | <input type="checkbox"/> Remedies |
| <input type="checkbox"/> Application of FDCPA | <input type="checkbox"/> Under FDCPA |
| <input type="checkbox"/> (1) Is Hutton a debt collector ? | <input type="checkbox"/> Actual Damages (P&S) |
| <input type="checkbox"/> Do they <i>regularly</i> collect debts? | <input type="checkbox"/> Up to \$1000 |
| <input type="checkbox"/> | <input type="checkbox"/> Attorney Fees |
| <input type="checkbox"/> Violations of FDCPA | <input type="checkbox"/> |
| <input type="checkbox"/> (a) Failure to provide notice | <input type="checkbox"/> Class Action ? |
| <input type="checkbox"/> Opportunity to dispute debt | <input type="checkbox"/> Requirements for certification |
| <input type="checkbox"/> (b) deceptive or improper threats ? | <input type="checkbox"/> |
| <input type="checkbox"/> Threat of legal action (actually filed) | <input type="checkbox"/> Other Remedies |
| <input type="checkbox"/> | <input type="checkbox"/> UDAP / LCSPA |
| <input type="checkbox"/> (c) unfair practices | <input type="checkbox"/> |
| <input type="checkbox"/> Use of Letterhead | <input type="checkbox"/> |
| <input type="checkbox"/> | |
| <input type="checkbox"/> LCSPA | |
| <input type="checkbox"/> Would FCRA apply? | |
| <input type="checkbox"/> | |

EXAM # _____