CONSUMER LAW (SPRING '98) CHECKLIST

QUESTION 1

☐ Overview
☐ Claims against seller
☐ Does CPA apply against individual?
☐ "public interest" implicated?
☐ If so, remedies
☐ Common law fraud
☐ Scienter?
☐ Duty to disclose?
☐ Common law misrepresentation
☐ Duty?

☐ Liability of Realtor
☐ Common law misrepresentation
☐ Unnecessary b/c of CPA
☐ CPA
☐ "unfair or deceptive" practice
☐ liberal test
☐ "capacity" or "tendency" to mislead
☐ Reliance? Presumed?
☐ Remedies under CPA
☐ Damages
☐ Penalty
☐ Attorney Fees
☐ Punitive damages?

QUESTION 2

☐ Pro: Protect "gullible"; vulnerable
☐ Cliffdale Associates test
☐ Substantial # of consumers?
☐ Acting reasonably
☐ Damages?

☐ Con: Waste of resources
☐ 1st Amendment issues
☐ Hudson Gas test

QUESTION 3

☐ Overview
☐ CPA Theory
☐ "Unfair" practice
☐ offends public policy?
☐ immoral, unethical, oppressive?
☐ Potential for agency action

☐ Defenses
☐ Exhaustion of remedies/agency preemption
☐ Damages
☐ Property Loss - how calculated?
☐ Emotional harm
☐ Egregious conduct?
☐ Penalties
☐ Attorney fees
☐ Class Action?

Exam Number __________