CONSUMER LAW FINAL CHECKLIST, SPRING 2000 (DeWolf)

**QUESTION 1**

☐ Claim v. Space Age
☐ Pyramid scheme / referral sales
☐ Did the product have underlying value?
☐ (Legitimate to offer bonuses for "higher level marketing" if underlying transaction makes sense)
☐ No value in carpet cleaner
☐ Questionable value in salad spinner
☐ UDAP claim

☐ Powers of the AG
☐ Rulemaking vs. Enforcement
☐ AG may have Cease & desist power
☐ Commercial speech issues?

☐ Additional Remedies
☐ Must be Obtained from Judge
☐ May include restitution
☐ May include fines
☐ May include attorney fees

**QUESTION 2**

☐ Defendant's case
☐ Keeps state law consistent with federal law
☐ Avoids overenforcement
☐ Likely to mislead
☐ Reasonable consumer
☐ Suffering injury

☐ Plaintiff's case
☐ consistent with federalism
☐ legislative intent for "liberal" construction of statute?
☐ Protects from tendency to mislead
☐ Even gullible consumer
☐ With liberal standard of proof

**QUESTION 3**

☐ Overview
☐ TILA violations?
☐ Failure to disclose?
☐ Timing of disclosure is critical
☐ Writing must be one consumer can keep (12 C.F.R. § 226.17(a)(1)
☐ This appears to be violated
☐ Arbitration provision
☐ Procedurally unconscionable
☐ Substantively unconscionable
☐ Credit discrimination?

☐ Class Action remedy
☐ numerosity OK
☐ common questions -- OK
☐ who will be class representative?
☐ Forum: State vs. federal court
☐ Which judges seem more open?
☐ What damages have been suffered?
☐ Attorney fees recoverable -- TILA
☐ Reforms require substantive violation
☐ Here substantive claims are promising

EXAM # ______________