CONSUMER LAW FINAL CHECKLIST (FALL 96)

QUESTION 1

☐ Fraud Claim  ☐ Negligent Misrep.
☐ Elements  ☐ Elements
☐ Was False statement made?  ☐ Negligence
☐ Bunzell: "It's all good"  ☐ Plaintiff actually contemplated?
☐ Laubinger: "good station"  ☐ UDAP claim
☐ Scienter?  ☐ coverage issue (capable of repetition?)
☐ Justifiable Reliance?  ☐ Unfair or deceptive?
☐ Measure of damages  ☐ measure of damages
☐ benefit of bargain  ☐ attorney fees
☐ punitive damages?  ☐
☐ Contractual remedies

QUESTION 2

☐ Protection of Consumer  ☐ Constitutional issues
☐ Choice?  ☐ commercial speech doctrine
☐ Deceptive Quality  ☐ test under Hudson
☐ "Unfair" under FTC Act  ☐ (1) Governmental Interest?
☐  ☐ (2) good fit?
☐  ☐ (3) advance the regulatory interest
☐  ☐ (4) not unduly restrictive?
☐  

QUESTION 3

☐ Is there a hidden finance charge  ☐ What about withdrawal refund
☐ appears that there is a "0% interest"  ☐ UDAP statute
☐ Yazzie  ☐ refund cases (e.g. rule of 78’s)
☐ Students paying cash are subsidizing  ☐ Katherine Gibbs case
☐ does this student have standing to challenge  ☐ reasonableness of schedule
☐ Is defendant attempting to circumvent TILA?  ☐ remedies if found actionable under TILA
☐ potential remedies  ☐ class action?
☐ Contract remedies  ☐ tightened TILA class action requirements
☐ Unconscionability

EXAM # ____________