

CONSUMER LAW FINAL CHECKLIST, SPRING 2008 (DeWolf)

QUESTION 1

- Overview**
- Common Law** claims
- Preempted** by FCRA
- FCRA** in general
- Permits** use of information
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- Requires **firm offer**
- Perry / Cole** cases
- Is there **substantial** credit?
- Are conditions to credit **reasonable**?
- Was **TILA** violated?
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- Traditional **bait & switch**
- UDAP** statute
- ECOA**
- Reverse redlining**?
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- Gramm-Leach-Bliley**
- Did they get the info w/o **disclosure**?
- But **no private** cause of action
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- Remedies** under FCRA
- Does MV have any **damages**?
- Attorney fees**
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- Class Action?
- Requirements
- Federal Class Action reform (**Removal**)?
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- Injunctive** relief
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QUESTION 2

- Overview**
- State **UDAP** Statute
- Requirements**
- In trade or commerce**
- Unfair or deceptive**
- Damage** to consumer
- What **standard** for unfair/deceptive?
- Is it **exempt** because profession?
- What **criteria** for exemption
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- Common law **fraud**
- Requirements** of fraud
- Negligent** misrepresentation
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- Remedies**
- How large are **damages**?
- Damages may be **trebled**
- Attorney Fees**
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- Class Action**?
- Requirements for **certification**
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- Other Remedies**
- Injunctive
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QUESTION 3

- Pro:** Email spam is big problem
- Spam might **decrease**
- CANSPAM is **inadequate**
- Protects the **internet**
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- Con:** List would be misused
- Is **Private** enforcement preferable?
- CANSPAM is **working**
- 1st Amendment** concerns
- Pre-emption** by CANSPAM
- Cost**