

CONSUMER LAW FINAL CHECKLIST, SPRING 2000 (DeWolf)

QUESTION 1

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|--|--|
| <input type="checkbox"/> Claim v. Space Age | <input type="checkbox"/> Powers of the AG |
| <input type="checkbox"/> Pyramid scheme / referral sales | <input type="checkbox"/> Rulemaking vs. Enforcement |
| <input type="checkbox"/> Did the product have underlying value? | <input type="checkbox"/> AG may have Cease & desist power |
| <input type="checkbox"/> (Legitimate to offer bonuses for "higher level marketing" if underlying transaction makes sense) | <input type="checkbox"/> Commercial speech issues? |
| <input type="checkbox"/> No value in carpet cleaner | <input type="checkbox"/> Additional Remedies |
| <input type="checkbox"/> Questionable value in salad spinner | <input type="checkbox"/> Must be Obtained from Judge |
| <input type="checkbox"/> | <input type="checkbox"/> May include restitution |
| <input type="checkbox"/> UDAP claim | <input type="checkbox"/> May include fin s |
| <input type="checkbox"/> | <input type="checkbox"/> May include attorney fees |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

QUESTION 2

- | | |
|---|---|
| <input type="checkbox"/> Defendant's case | <input type="checkbox"/> Plaintiff's case |
| <input type="checkbox"/> Keeps state law consistent with federal law | <input type="checkbox"/> consistent with federalism |
| <input type="checkbox"/> Avoids overenforcement | <input type="checkbox"/> legislative intent for " liberal " construction of statute? |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Likely to mislead | <input type="checkbox"/> Protects from tendency to mislead |
| <input type="checkbox"/> Reasonable consumer | <input type="checkbox"/> Even gullible consumer |
| <input type="checkbox"/> Suffering injury | <input type="checkbox"/> With liberal standard of proof |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

QUESTION 3

- | | |
|--|---|
| <input type="checkbox"/> Overview | <input type="checkbox"/> Class Action remedy |
| <input type="checkbox"/> TILA violations? | <input type="checkbox"/> numerosity OK |
| <input type="checkbox"/> Failure to disclose ? | <input type="checkbox"/> common questions -- OK |
| <input type="checkbox"/> Timing of disclosure is critical | <input type="checkbox"/> who will be class representative ? |
| <input type="checkbox"/> Writing must be one consumer can keep (12 C.F.R. § 226.17(a)(1)) | <input type="checkbox"/> |
| <input type="checkbox"/> This appears to be violated | <input type="checkbox"/> Forum: State vs. federal court |
| <input type="checkbox"/> | <input type="checkbox"/> Which judges seem more open? |
| <input type="checkbox"/> Arbitration provision | <input type="checkbox"/> |
| <input type="checkbox"/> Procedurally unconscionable | <input type="checkbox"/> What damages have been suffered? |
| <input type="checkbox"/> Substantively unconscionable | <input type="checkbox"/> Attorney fees recoverable -- TILA |
| <input type="checkbox"/> | <input type="checkbox"/> Reforms require substantive violation |
| <input type="checkbox"/> Credit discrimination ? | <input type="checkbox"/> Here substantive claims are promising |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

EXAM # _____