

Representing the Pro Bono Client: Consumer Law Basics 2015

San Francisco, Live Webcast and www.pli.edu,* July 24, 2015

Why You Should Attend

Volunteer lawyers are needed to help the many low income clients facing a wide assortment of consumer law matters who are unrepresented. Attend this program to learn the basics of consumer law so that you can competently represent a client in need and learn new advocacy skills.

What You Will Learn

- Overview of State and Federal Restraints on Debt Collection
- Introduction to Fair Credit Reporting Act
- A Primer on Automobile Fraud
- Representing the Unsecured Debtor
- Mortgage Servicer Litigation
- Representing the Student Loan Borrower
- Developing a Working Relationship with Legal Services Organizations

Who Should Attend

Attorneys who want to volunteer to help low income clients with consumer related issues and legal services advocates who want to enhance their skills in consumer litigation matters would benefit from attending this program.

Program Schedule

Morning Session: 9:00 a.m. – 12:30 p.m.

9:00

Program Overview & Introductions

Synopsis of the applicable consumer protection statutes in assisting financially distressed individuals and families and benefits of developing relationships with legal services organizations.

Robert W. Murphy, Esq.

9:15

Overview of State and Federal Restraints on Debt Collection

The speaker will provide a comprehensive review of the Fair Debt Collection Practices Act ("FDCPA") and state statutory authority, including:

- Scope of the FDCPA - what is a "consumer debt" and who is a "debt collector" under the FDCPA
- Mandated consumer disclosures under the FDCPA
- Prohibited practices under the FDCPA
- Investigating and preparing an FDCPA case
- Overview of Telephone Consumer Protection Act ("TCPA")
- Remedies under the FDCPA and TCPA, including class action claims

Robert W. Murphy, Esq.

10:15

Introduction to Fair Credit Reporting Act

The presentation will provide an overview of the Fair Credit Reporting Act (FCRA), including:

- Scope of the FCRA - what is a "consumer report" and what is a "consumer reporting agency"
- Common FCRA disputes, including inaccuracy and impermissible access claims
- How to dispute inaccurate and obsolete credit information through the "re-investigation" process
- Investigating and preparing a FCRA claim
- Disputes involving employment background reports
- Remedies under the FCRA for willful and negligent violations

Susan M. Rotkis, Esq., Stephanie Tatar, Esq.

11:15

Networking Break

11:30

A Primer on Automobile Fraud

The topic will cover the basic concepts of the representation of consumers, who may have been the victim of automobile dealership fraud/misconduct, including:

- Review of dealer terminology and practices
- Common auto dealer sales and financing scams
- Use of Truth-in-Lending Act and state consumer finance laws to address dealer misconduct
- Overview of federal and state odometer acts

Hyung S. Choi, Esq., Veronika Fabian, Esq.

12:30

Lunch Break

Afternoon Session: 1:30 p.m. – 4:45 p.m.

1:30

Representing the Unsecured Debtor

The speakers will review the practice skills necessary to assist consumers in defending unsecured debt collection matters, including:

- Review of discovery and motion practice
- Common evidentiary problems in collection actions
- Use of Fair Credit Billing Act
- Overview of trial, settlement and mediation skills
- Defending automobile deficiencies

Amy Clark Kleinpeter, Esq., Robert W. Murphy, Esq.

2:30

Mortgage Servicer Litigation

The speakers will discuss litigation of claims on behalf of homeowners against mortgage servicers including:

- Typical common-law claims against mortgage servicers
- Real Estate Settlement Procedures Act
- Pre-Litigation and investigation
- Developing a case plan and litigation strategy – identifying issues
- Discovery plan – propounding and defending
- Summary Judgment preparation – defending and obtaining
- Ethical issues – settlement considerations

Kevin Costello, Esq., Vicki King Taitano, Esq.

3:30

Networking Break

3:45

Representing the Student Loan Borrower

- The history of student loans
- Understanding key differences between federal, state, and private student loans
- The student loan life cycle
- In-depth discussion of the different stages with statutory and regulatory analysis
- Collection practices specific to student loans
- Typical student loan problems with issue spotting exercises
- Emerging problems with student loans
- Handling student loans in and out of bankruptcy
- Defending student loan lawsuits, including private loans

Joshua Cohen, Esq.

4:45

Adjourn

Faculty

Chairperson

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