

Representing the Pro Bono Client: Consumer Law Basics 2019

San Francisco, Live Webcast and www.pli.edu*, May 17, 2019

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

- Introduction to Fair Credit Reporting Act
- Overview of State and Federal Restraints on Debt Collection
- Assisting Student Loan Borrowers
- A Primer on Automobile Fraud
- Representing the Unsecured Debtor
- Mortgage Servicer Litigation
- 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.

AGENDA

Morning Session:

8:30

Networking Breakfast

9:00

Opening Remarks

Robert W. Murphy, Esq

9:15

Overview of State and Federal Restraints on Debt Collection

The speakers 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.

Adrienne D. McEntee, Esq., Ronald Wilcox, Esq.

10:15

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 w/statutory and regulatory analysis
- Collection practices specific to student loans
- Typical student loan problems
- Emerging problems with student loans
- Handling student loans in and out of bankruptcy
- Defending student loan lawsuits, including private loans

Joshua R.I. Cohen, 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

Ronald L. Burdge, Esq.

12:30 Lunch

Afternoon Session:

1:30

Representing the Unsecured Debtor

The speaker 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

Kathleen P. Hyland, 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
- Servicing issues in bankruptcy
- Ethical issues – settlement considerations

Linda Jun, Esq., Phillip Robinson, Esq.

3:30 Networking Break

3:45

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

Robert S. Sola, Esq.

4:45 Adjourn

Faculty:

Chair:

Robert W. Murphy, Esq.
Murphy Law Firm
Fort Lauderdale, Florida

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Burdge Law Office
Dayton, Ohio

Joshua R.I. Cohen, Esq.
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Senior Pro Bono Program Attorney: Christina Thompson