

Representing the Pro Bono Client: Consumer Law Basics and COVID-19 Consumer Protections 2021

Live Webcast, All Faculty Presenting via Zoom

August 13, 2021

9:00 am – 5:15 pm PDT

11:00 am – 7:15 pm CDT

12:00 pm – 8:15 pm EDT

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.

Federal and state governments and businesses have protections in place to alleviate the financial stress caused by the COVID-19 pandemic. The protections include suspensions of some foreclosures and evictions, shut-off protections for utility and telecommunication services, forbearance and elimination of additional interest accrual on some student loans and limitations on debt collection and repossessions. The Program will provide training to assist consumers impacted by the pandemic.

What You Will Learn

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

9:00 am PDT/11:00 am CDT/12:00pm EDT

Opening Remarks

Robert W. Murphy, Esq

9:15 am PDT/11:15 am CDT/12:15 pm EDT

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.

Stacy M. Bardo, Esq., Adrienne D. McEntee, Esq.

10:15 am PDT/12:15 pm CDT/1:15 pm EDT

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 with issue spotting exercises
- Emerging problems with student loans
- Handling student loans in and out of bankruptcy
- Defending student loan lawsuits, including private loans
- CARES ACT forbearance

Joshua R.I. Cohen, Esq., Christina L. Henry, Esq.

11:15 am PDT/1:15 pm CDT/2:15 pm EDT

15 Minute Break

11:30 am PDT/1:30 pm CDT/2:30 pm EDT

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
- Repossession restraints as a result of COVID-19 pandemic

Ronald L. Burdge, Esq., Elizabeth A. Wells, Esq.

12:30 pm PDT/2:30 pm CDT/3:30 pm EDT

Hour Break

1:30 pm PDT/3:30 pm CDT/4:30 pm EDT

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
- CARES Act restraints on adverse credit reporting

James A. Francis, Esq., Robert S. Sola, Esq.

2:30 pm PDT/4:30 pm CDT/5:30 pm EDT

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
- CARES ACT protections and claims against servicers

Scott C. Borison, Esq., Linda Jun, Esq.

3:30 pm PDT/5:30 pm CDT/6:30 pm EDT

15 Minute Break

3:45 pm PDT/5:45 pm CDT/6:45 pm EDT

Partnerships Between Legal Services and the Private Bar

The presentation will review the benefits of *pro bono* referral relationships, including:

- Typical *pro bono* referral arrangements
- Co-counsel relationships in impact consumer litigation
- *Cy pres* awards from class litigation
- Legal service support of private litigation
- COVID-19 resources offered by legal services offices

Alison L. Baker, Esq.

4:15 pm PDT/6:15 pm CDT/7:15 pm EDT

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

Peter Holland, Esq., Sophia A. Romero, Esq.

5:15 pm PDT/7:15 pm CDT/8:15 pm EDT

Adjourn

Faculty:

Chair:

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

Alison L. Baker, Esq.
Watsonville Law Center
Watsonville, California

Stacy M. Bardo, Esq.
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Senior Pro Bono Program Attorney: Christina Thompson