

A thick black L-shaped bar, with a vertical segment on the left and a horizontal segment extending to the right.

## Week 1 – Introduction

### 5:30 Today's agenda

Class survey

Consumer attorneys

### 6:00 Break

Consumer cases

Consumer themes

### 7:00 Break

Class grading

Final exam

### 7:20 Next week's agenda



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What do you want to  
do **after law school?**

## What do you want to do after law school?

Practice law in  
Portland

Practice law in Oregon  
outside of Portland

Practice law outside of  
Oregon

Other



What **type of lawyer** do you want to be?

## What type of lawyer do you want to be?

Corporate in-house  
counsel (\$167,000) (8%)

Private practice  
(\$150,000) (67%)

Government lawyer  
(\$94,000) (15%)

Private non-profit  
(\$66,000) (6%)



What **areas of law** interest you?

## What areas of law interest you?

Plaintiff litigation - personal injury (\$204,000) (8%)
Business or corporate litigation (\$192,000) (6%)
Business or corporate transactional (\$180,000) (8%)
Defense litigation - insurance (\$171,000) (8%)
Defense litigation other than insurance (\$159,000) (5%)
Criminal defense (\$134,000) (5%)
Tax or estate planning (\$124,000) (9%)
Plaintiff litigation other than personal injury (\$116,000) (6%)
General practice (\$100,000) (10%)
Family law (\$99,000) (12%)





**Why** did you sign up for consumer law?

## Why did you sign up for consumer law?

I want to help consumers sue Wall  
Street and Corporate America

I want to help defend Wall Street  
and Corporate America

I want to know my financial rights  
as a consumer

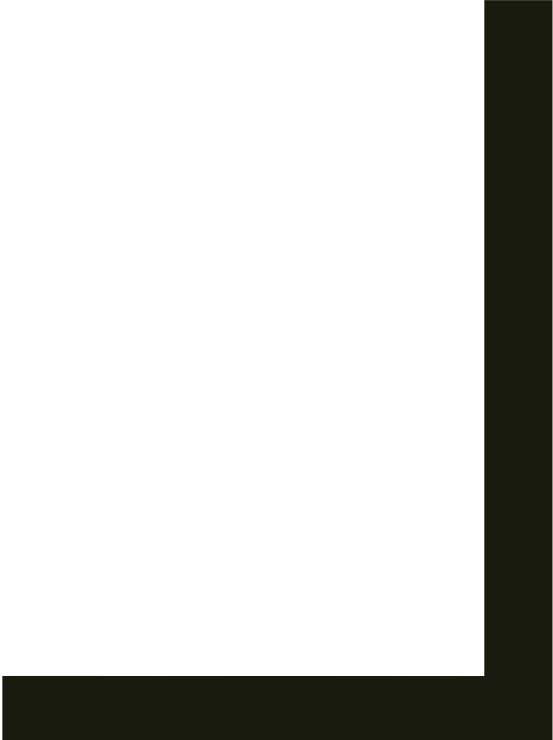
The class fit my schedule and  
seemed somewhat interesting

Honestly, I don't really care about  
consumer law

Other

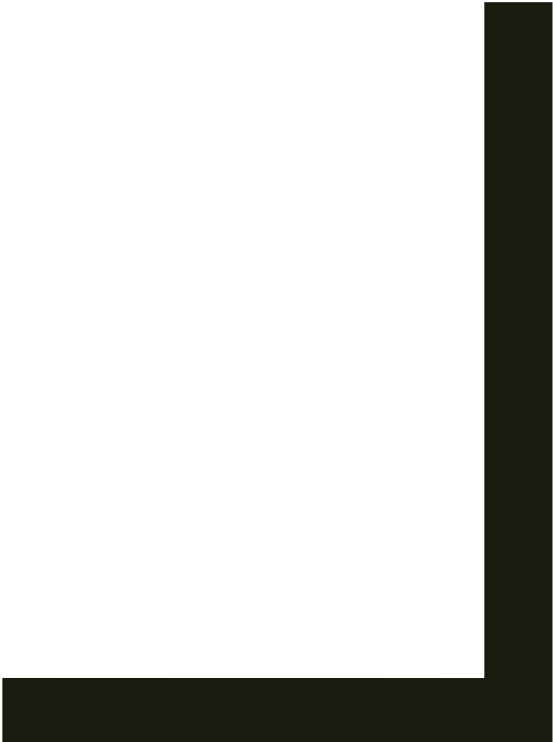


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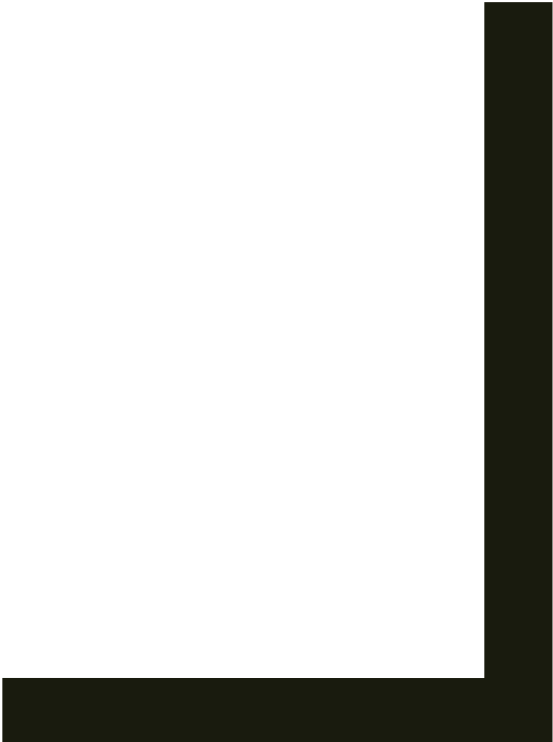
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### **Type of Employment – Private**

Bankruptcy	\$138,906	\$83,900
Business/Corporate – Litigation	\$192,715	\$140,000
Business/Corporate – Transactional	\$180,403	\$149,500
Civil Litigation, Defendant (excludes Insurance Defense)	\$159,125	\$125,000
Civil Litigation, Insurance Defense	\$171,418	\$96,000
Civil Litigation, Plaintiff (excludes Personal Injury)	\$116,309	\$82,000
Civil Litigation, Plaintiff – Personal Injury	\$204,786	\$150,000
Criminal – Private Bar	\$134,779	\$100,000
Family Law	\$99,637	\$71,000
Real Estate/Land Use/Environmental Law	\$165,051	\$150,000
Tax/Estate Planning	\$124,827	\$82,000
Workers, Compensation	\$139,419	\$93,000
General (no area over 50%)	\$100,060	\$85,000
Other	\$184,405	\$131,000

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# Attorney General



Ellen Rosenblum

DOJ

# Federal Courts



**Michael Simon**  
**District Court Judge**



**Bethany Coleman-Fire**  
**Bankruptcy Court Clerk**



# Plaintiff's Class Action Counsel



David Sugerman  
David Sugerman PC



Jen Wagner  
Stoll Berne

# Defense Trial Work



Pilar French  
Lane Powell



Derek Ashton  
Sussman Shank

# Defense Litigation



Julie Engbloom  
Lane Powell



Marcel Gesmundo  
Greenspoon Marder

# Plaintiff's Litigation



Young Walgenkim  
Hanson & Walgenkim



James Sinclair  
Blarion Law



Kelly Jones  
Law Office of Kelly Jones



Justin Baxter  
Baxter & Baxter LLP

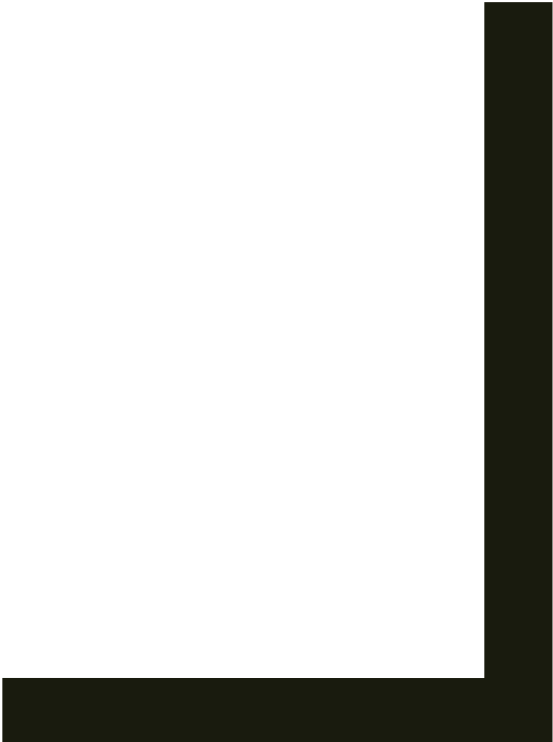
# Underdog Lawyer



Michael Fuller  
Olsen Daines PC

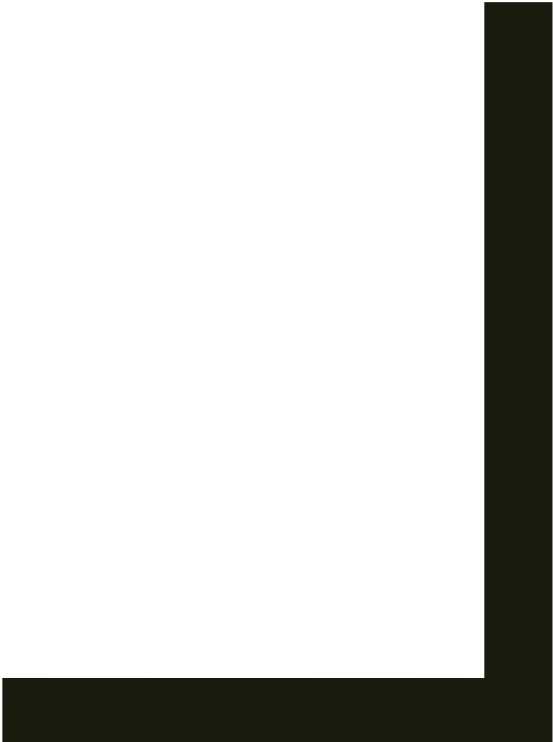


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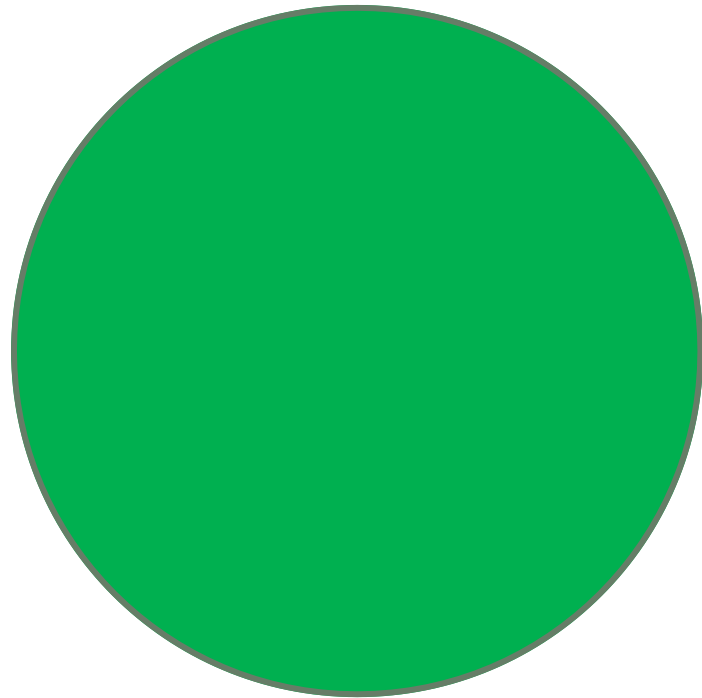
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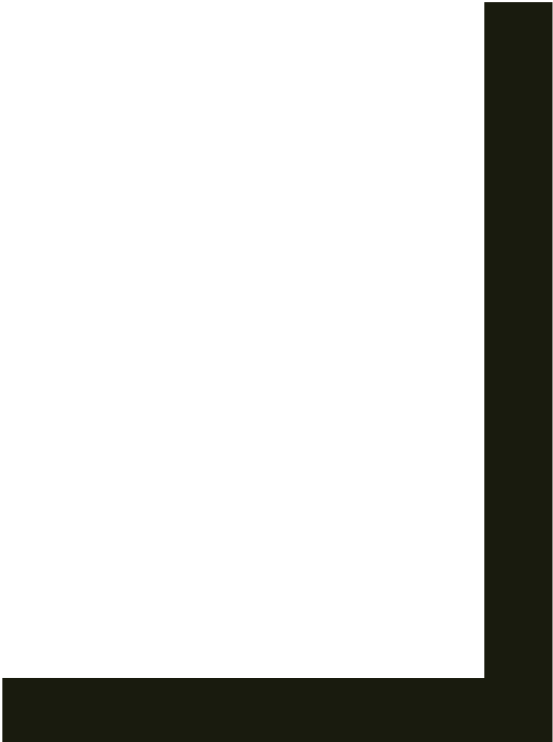
Class Break  
Over





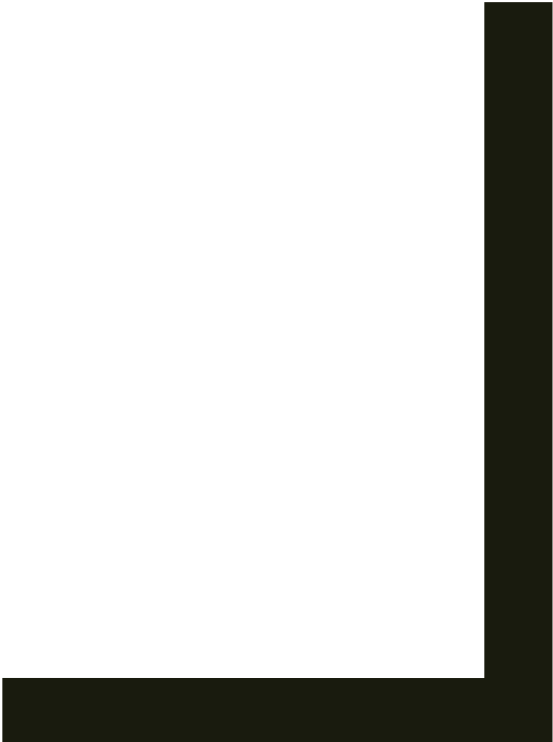
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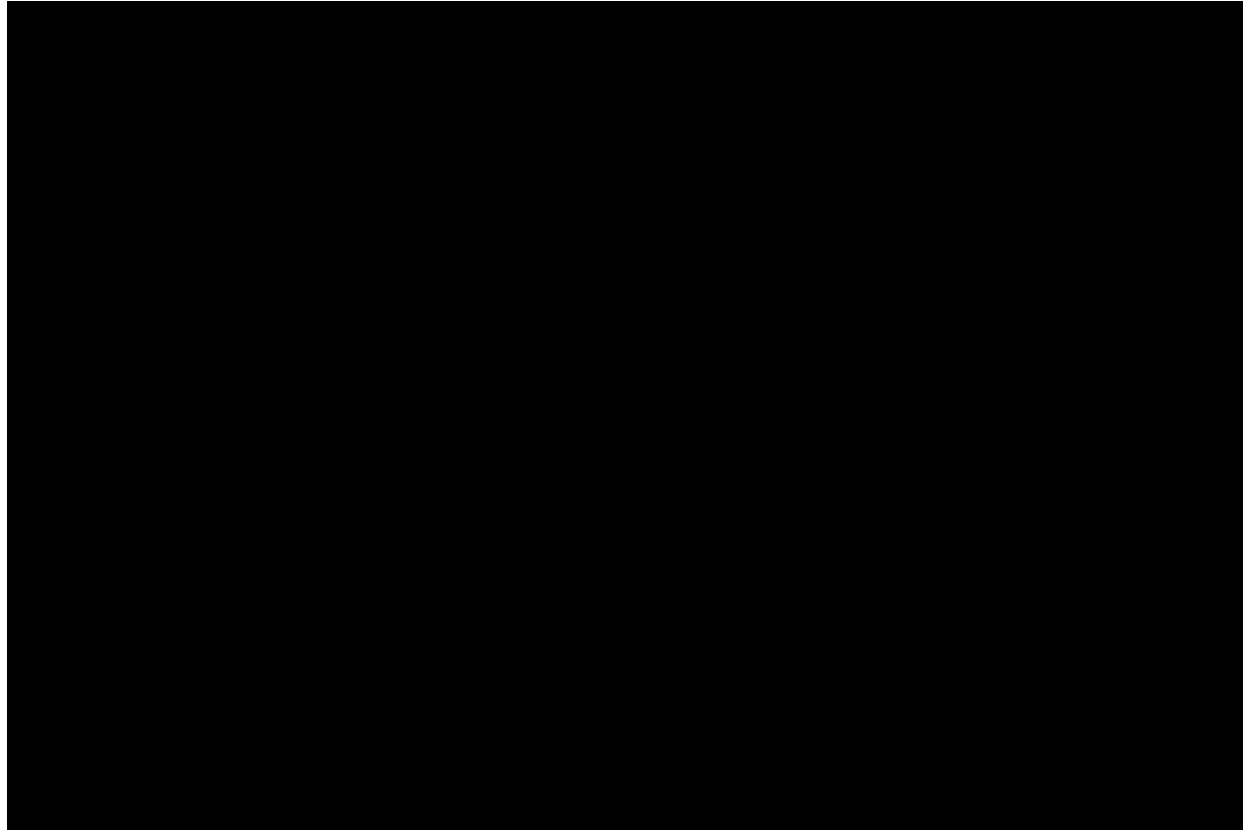
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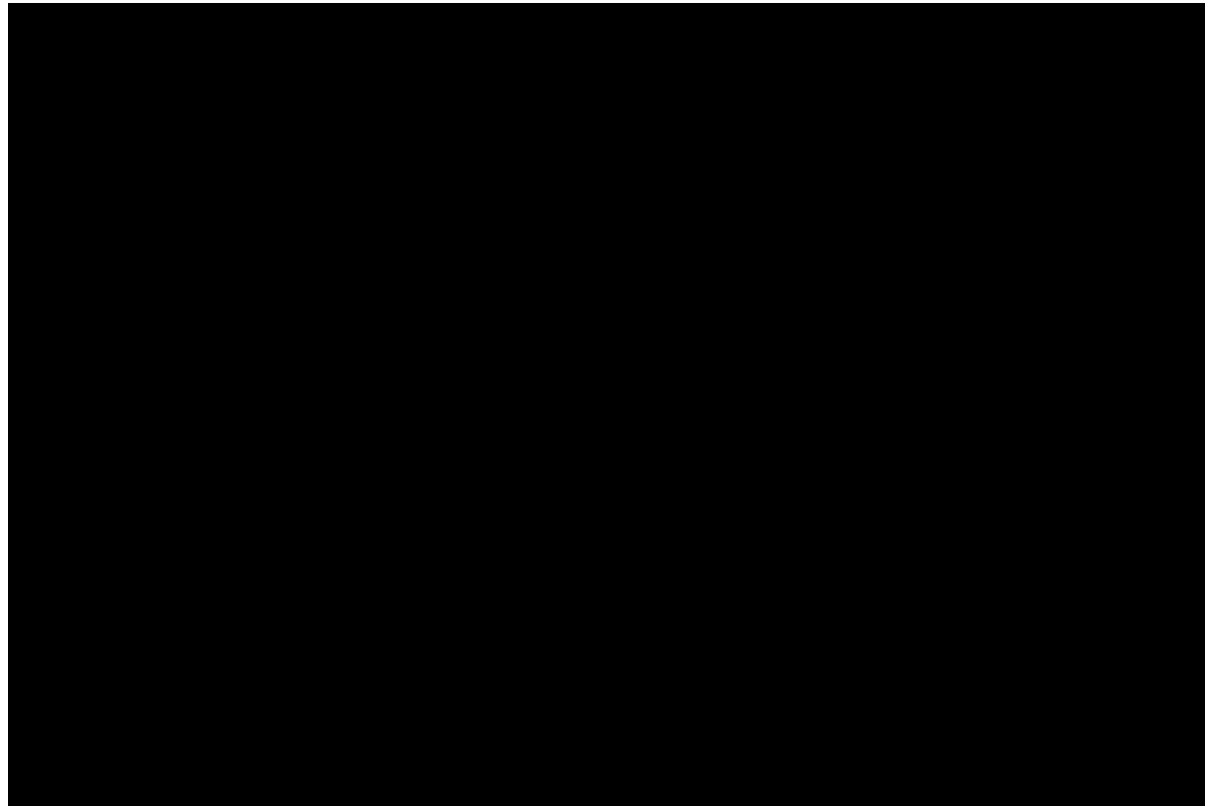
# Unlawful Trade Practices

# False advertising

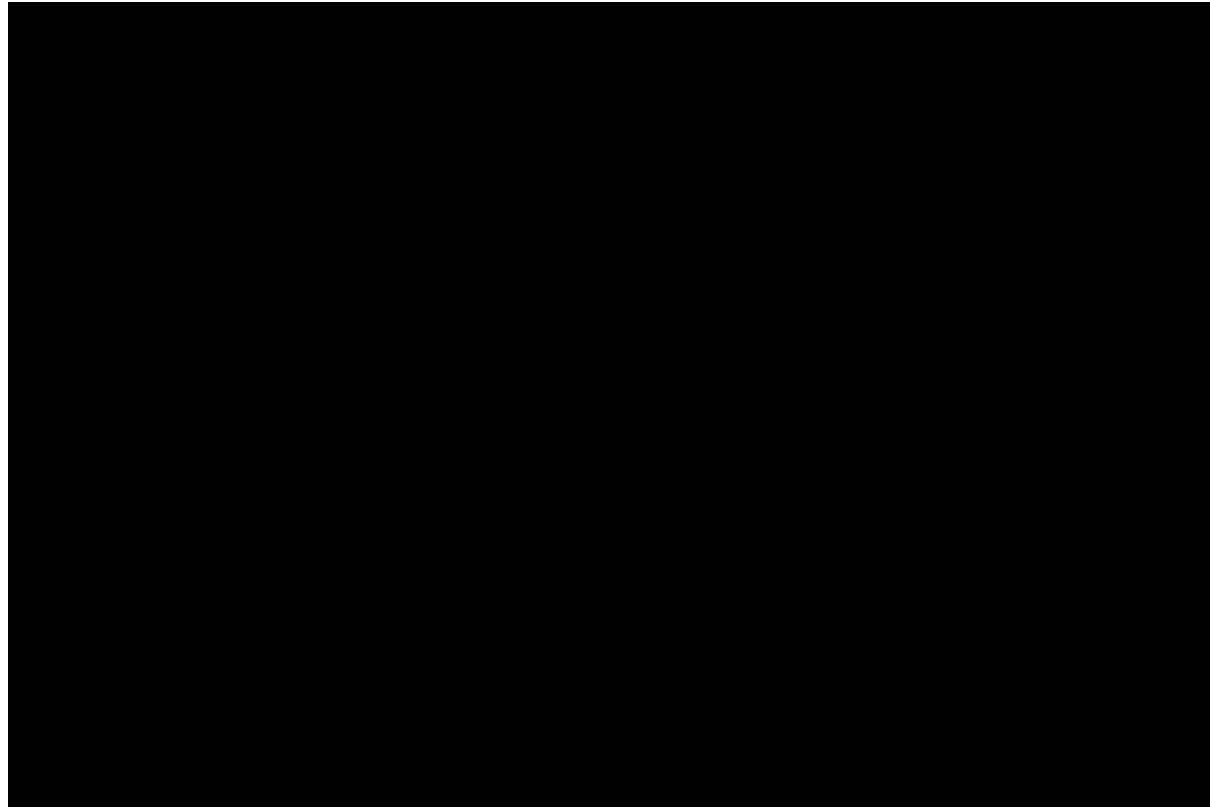




# Hidden fees



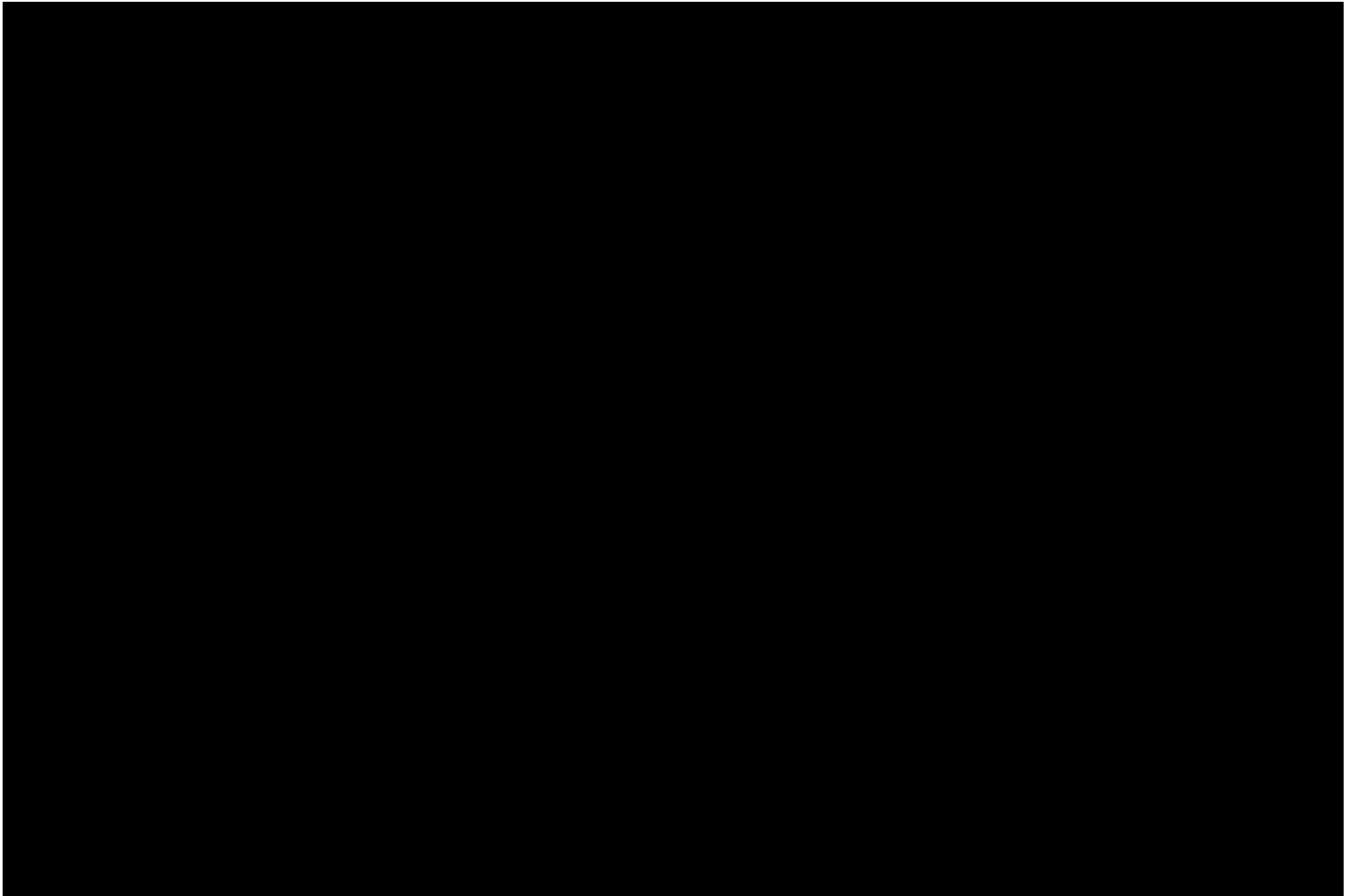
Fraud





# False Credit Reporting





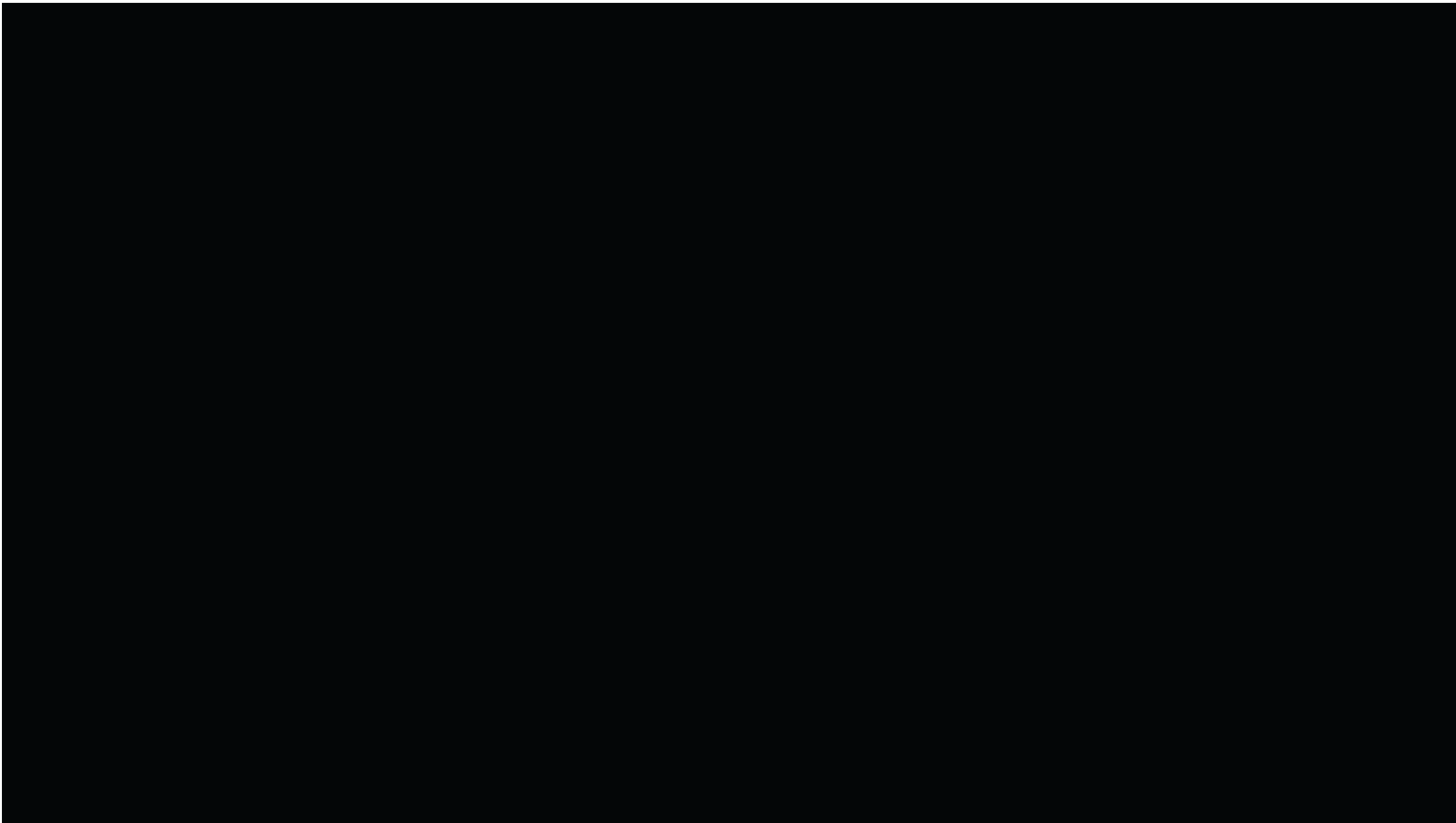


# Unfair Debt Collection





**Unwanted Calls**





# Tenants Rights

## PORTLAND NEWS

## Portland tenant who faced 45% rent hike sues for \$1 million

Updated Jun 30, 2017; Posted Jun 30, 2017



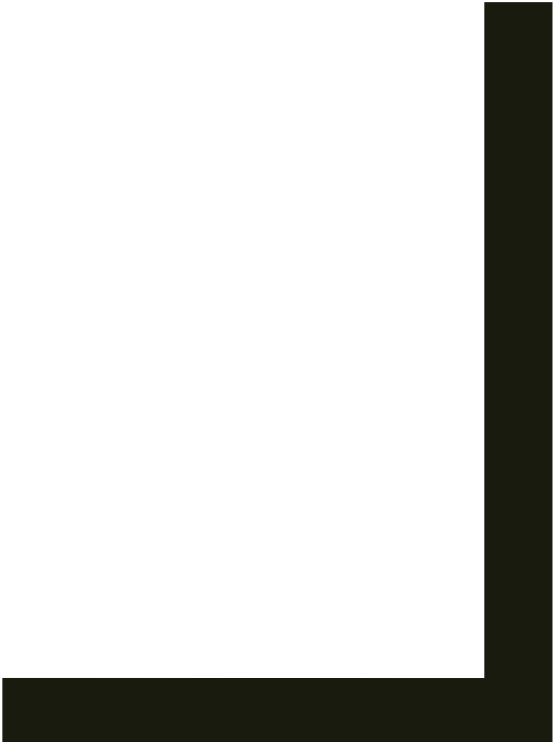
A photo of Aleina Langford's son is pictured on a flier that angry tenants of a Southeast Portland apartment complex circulated late last summer. (Courtesy of Portland Tenants United)



By **Aimee Green**, [agreen@oregonian.com](mailto:agreen@oregonian.com)  
The Oregonian/OregonLive



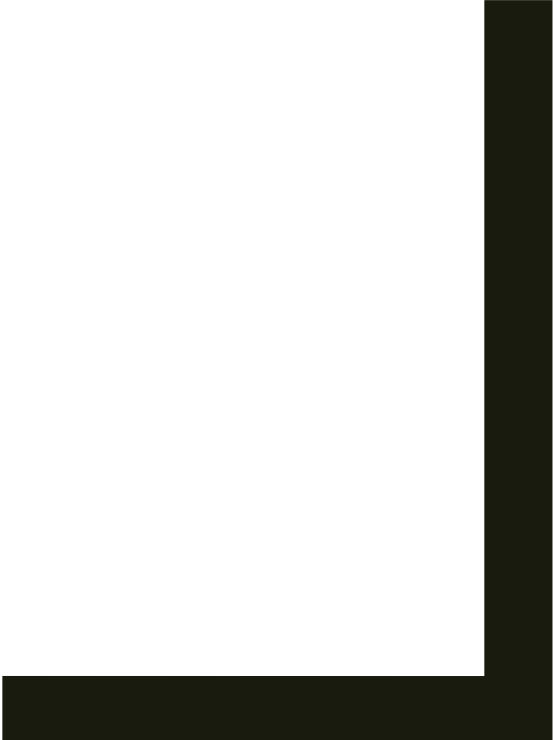
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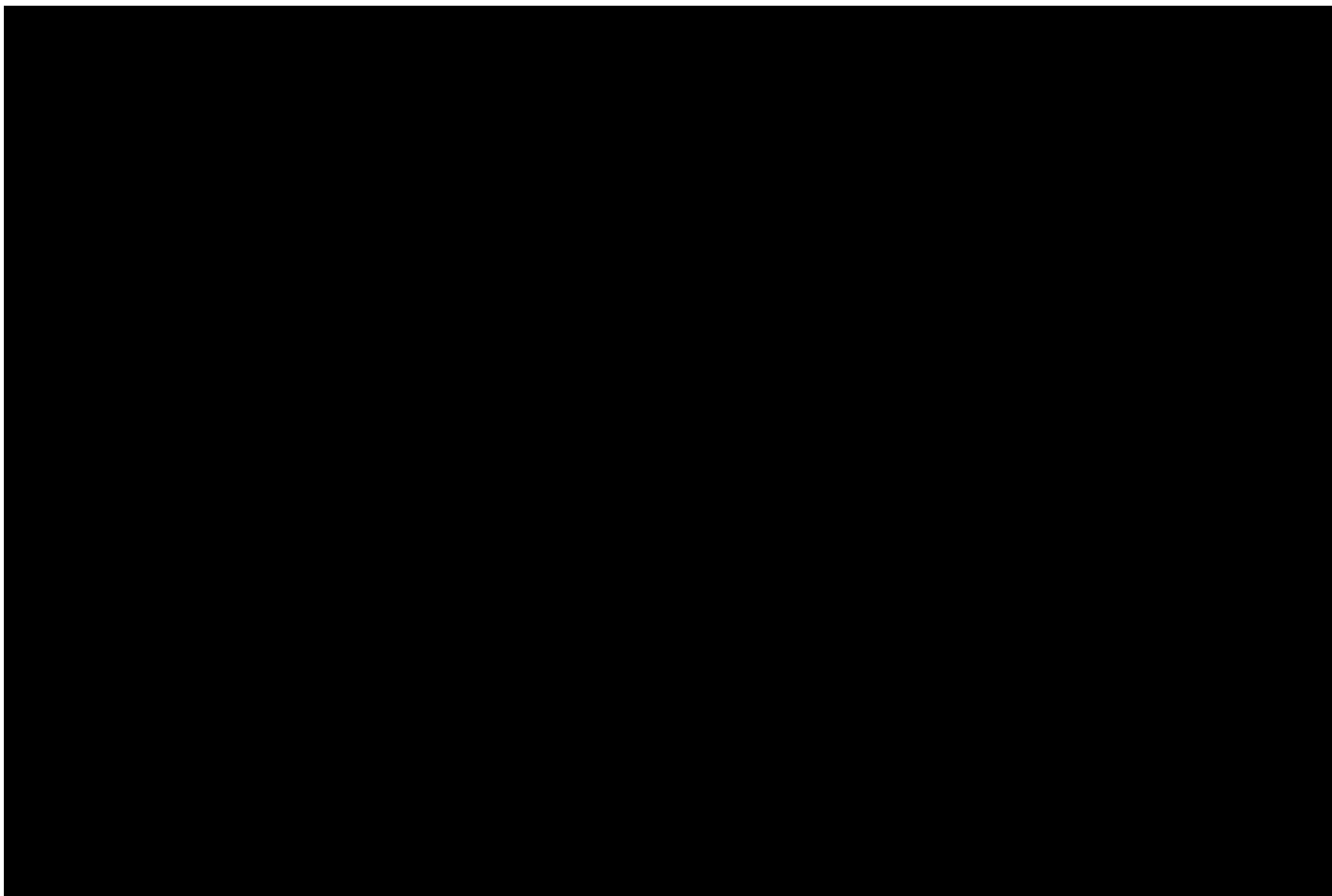
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# Attorney Fees

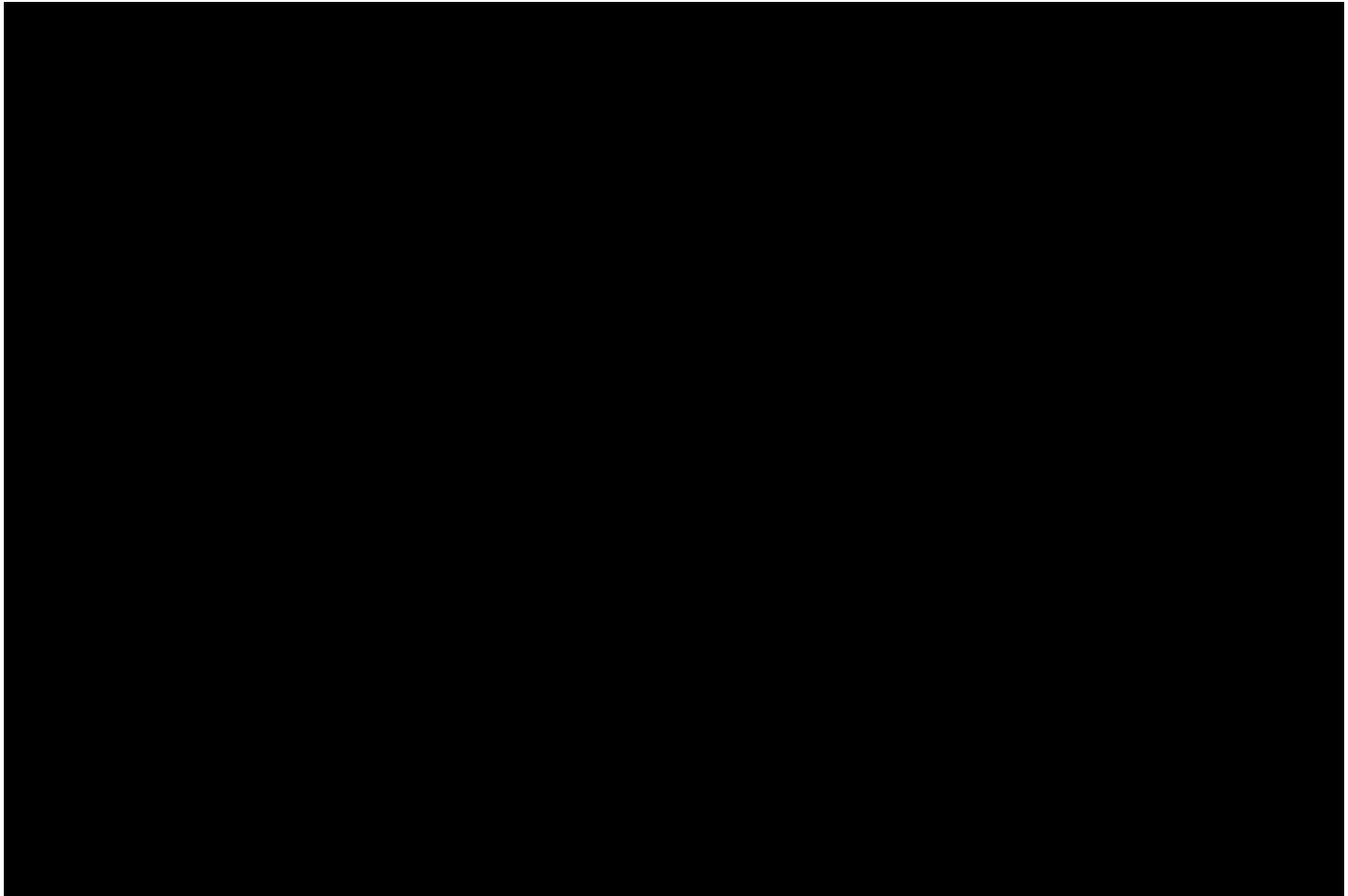
# The American Rule

- Under the **American rule**, each party pays its own attorney fees
- A **contingency fee** means a lawyer is paid only if they win
- A contingency fee is usually a **fixed percent** of the total recovery



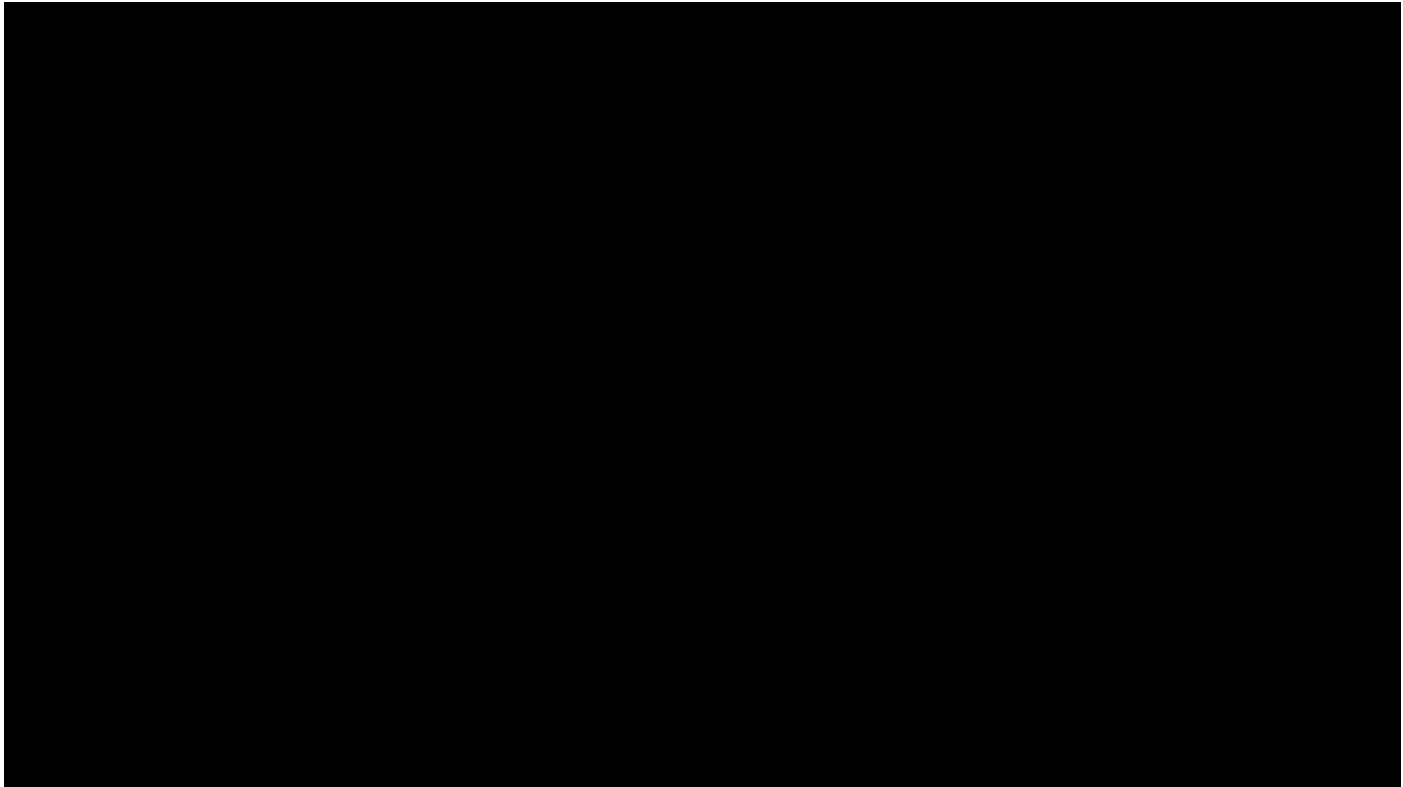
# Fee Shifting Statutes

- A **fee shifting statute** is an exception to the **American rule**
- Congress shifts fees to **encourage private enforcement** of consumer protection laws
- States shift fees to **encourage settlement** of certain small tort claims
- Judges shift fees as **sanctions** for bad faith conduct and rule violations





# Negotiations







# Litigation Tactics

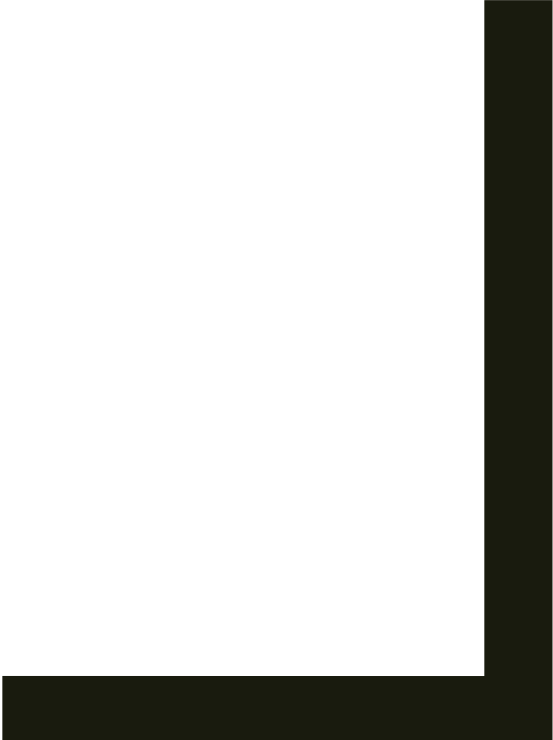


# OREGON BANKRUPTCY COURT



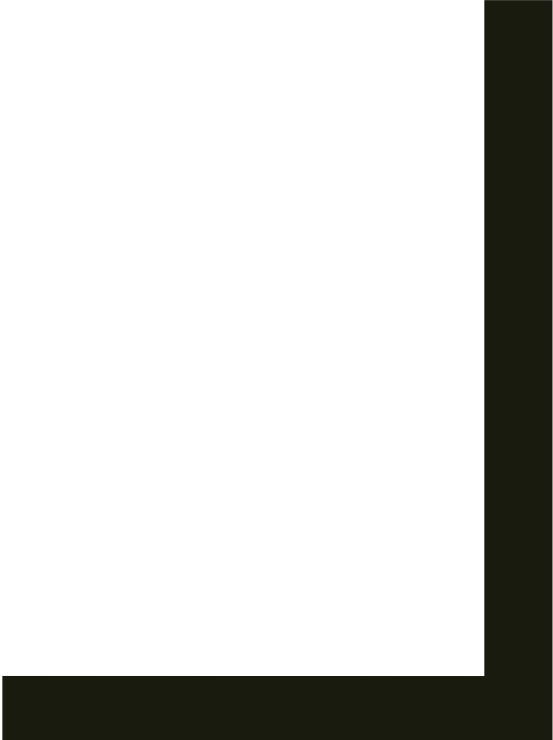
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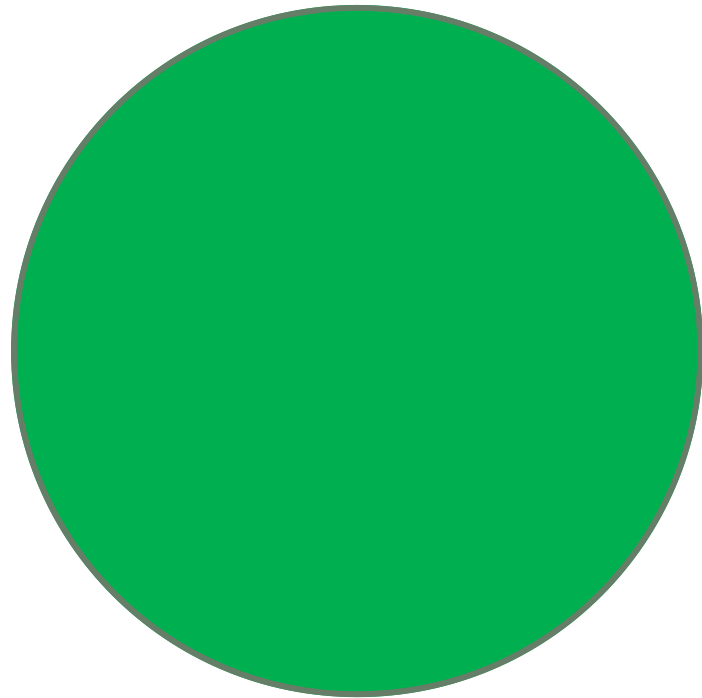
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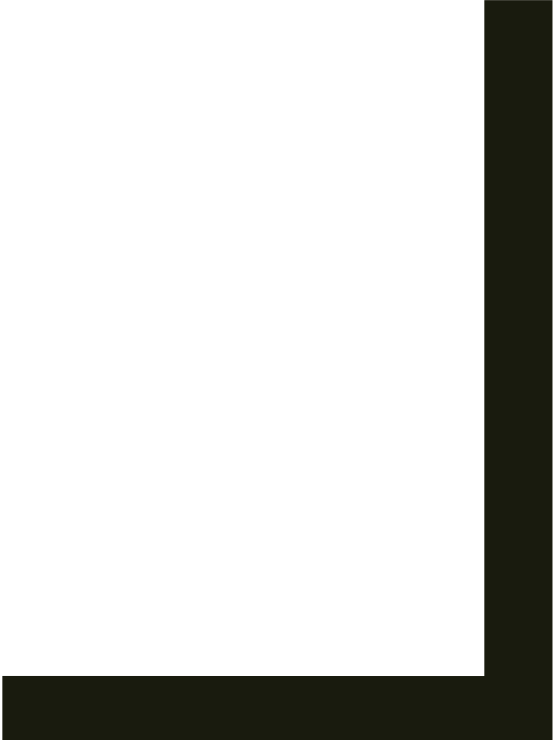
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Class Break  
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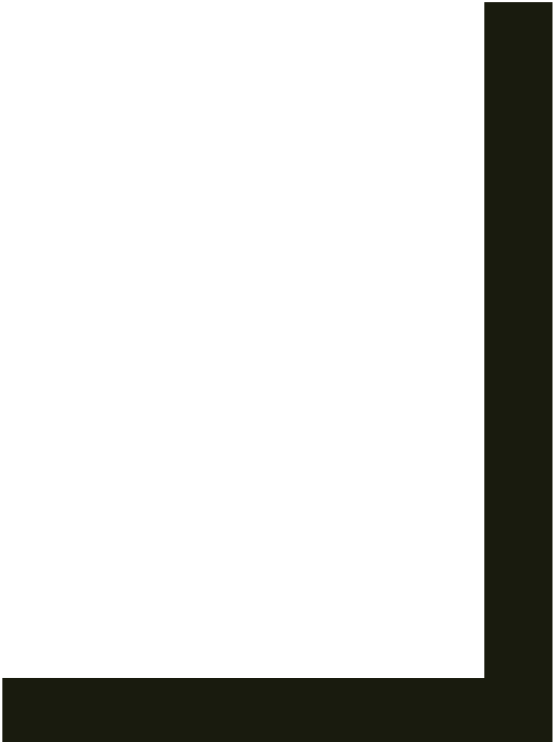
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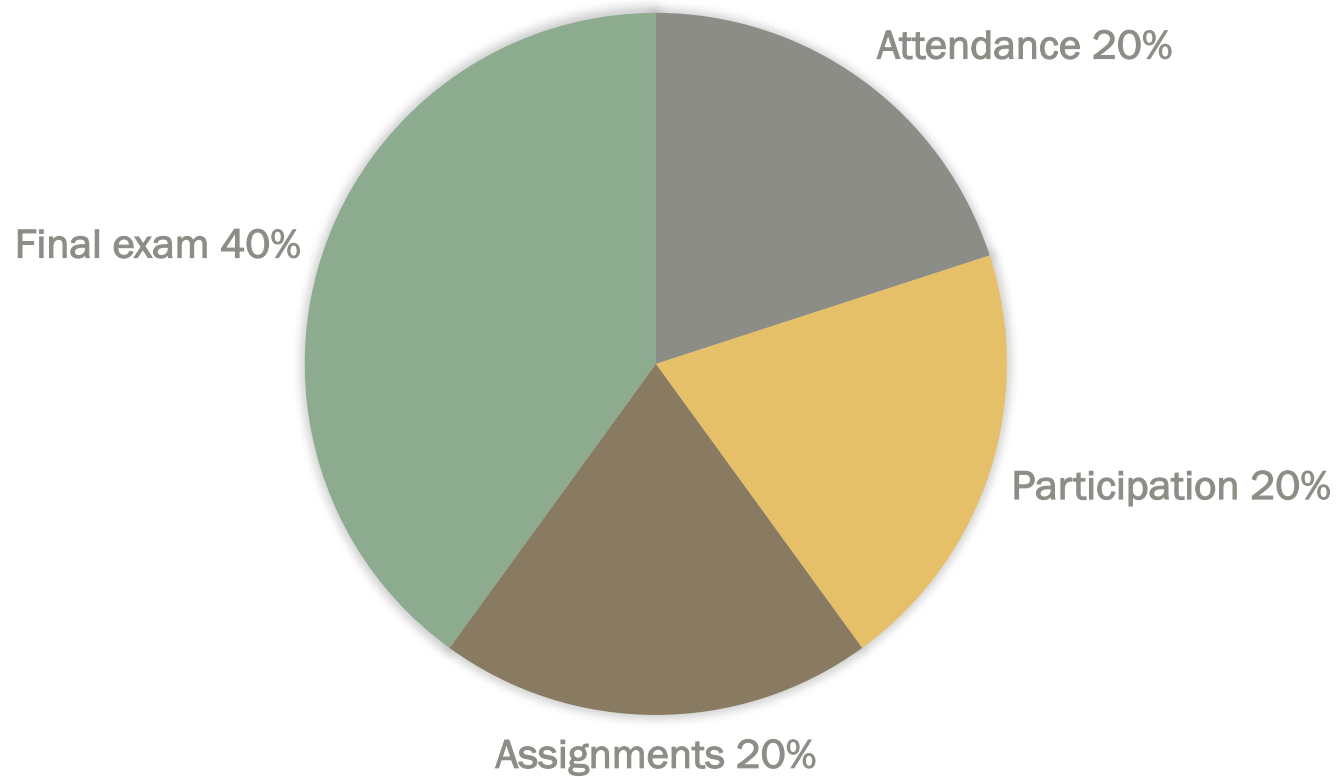


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# Class Grade Breakdown



## **Attendance**

To earn attendance points, students should personally attend class having prepared at least one question for the guest speaker. Students can miss two classes without penalty. More than two unexcused absences will negatively impact a student's attendance score. Students should let the professor know prior to class if they are unable to attend. Students must maintain the law school's general attendance policies in addition to the criteria below.

### Attendance Criteria / Max. Points

Attend all classes / 20 points  
Miss one class / 20 points  
Miss two classes / 20 points  
Miss three classes / 15 points  
Miss four classes / 10 points  
Miss five classes / 5 points  
Miss six classes / 0 points

## **Participation**

To earn participation points, students must attend class having read the weekly materials, ready to engage in class polling, case reviews, oral arguments, and group discussions. Students may always “pass” if called on. However, more than two “passes” will negatively impact a student’s participation score.

### Participation Criteria / Max. Points

Attend all classes, no passes / 20 points

One pass or absence / 20 points

Two passes or absences / 20 points

Three passes or absences / 15 points

Four passes or absences / 10 points

Five passes or absences / 5 points

Six passes or absences / 0 points

## **Assignments**

To earn assignment points, students must participate in class pop quizzes and be prepared to share their answers. Students may always “pass” if called on. However, more than two “passes” will negatively impact a student’s assignment score.

### Assignment Criteria / Max. Points

Attend all classes, no passes / 20 points

One pass or absence / 20 points

Two passes or absences / 20 points

Three passes or absences / 15 points

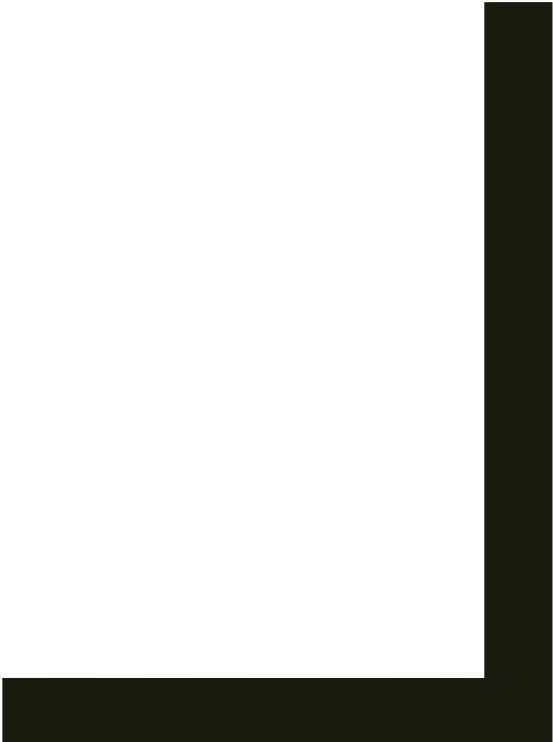
Four passes or absences / 10 points

Five passes or absences / 5 points

Six passes or absences / 0 points

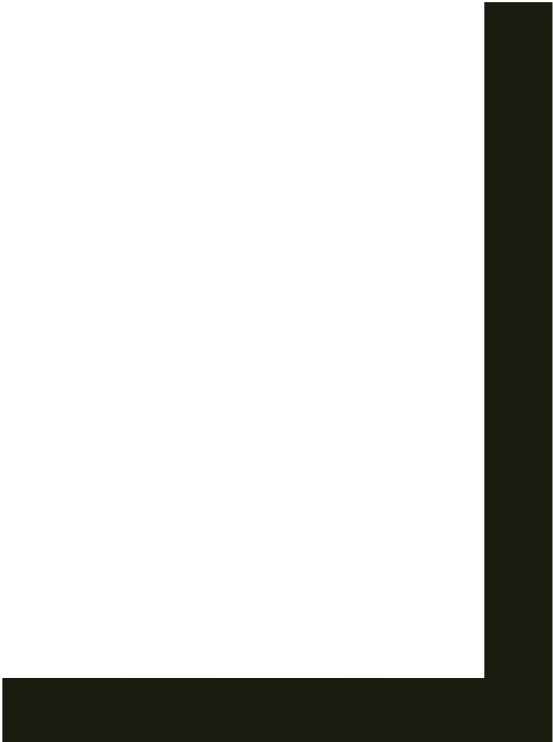
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## **Final Exam**

To earn maximum final exam points, students must answer all 40 multiple choice questions correctly. Each question is worth one point, for a maximum 40 points total. Final exam scores may be curved to ensure final grades comply with Lewis & Clark Law School's GPA policies.

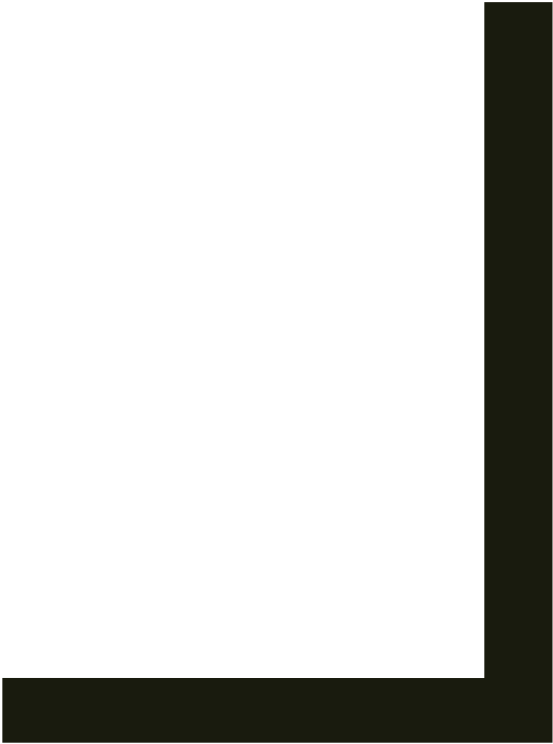
The final exam has eight questions on each of the following statutes: (1) the Unlawful Trade Practices Act, (2) the Fair Credit Reporting Act, (3) the Fair Debt Collection Practices Act, (4) the Telephone Consumer Protection Act, and (5) the Oregon Residential Landlord Tenant Act.

For each statute above, students should be prepared to answer questions about (1) the statutory private right of action for damages, (2) the claim elements, (3) the attorney fee shifting scheme, and (4) the statute of limitations.

The final exam will be open-book and unscheduled. Sample final exams are found at [underdoglawyer.com/exam](https://underdoglawyer.com/exam)



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## Next Week – Attorney Fees

- 5:30 Today's agenda  
Introduction (cont.)  
Pop quiz
- 6:00 Break  
The American rule  
Contingency fees  
Fee shifting statutes
- 6:30 Break  
Loadstar  
Class action common funds  
Offers of judgment
- 6:45 Speaker: Judge Michael Simon