

The Private Right of Action for Consumer Fraud

Presented by: Bill Brauch, Iowa Attorney General's Office

I. Analysis of Iowa Code chapter 714H

- A. Conduct Covered by the Act – Definitions – section 714H.2
- B. Prohibited Practices – General Conduct – section 714H.3
- C. Prohibited Practices – Per Se Violations – section 714H.3
- D. Remedies – section 714H.5
 - 1. Actual damages
 - 2. Punitive damages
 - 3. Equitable relief
 - 4. Mandatory attorney fees
 - 5. Burden of proof
 - 6. Statute of limitations
- E. Defenses and Limitations – section 714H.5
 - 1. Applies only to conduct subsequent to effective date
 - 2. Bona fide error defense
- F. Exclusions from the Act – section 714H.4
 - 1. Complete exclusions
 - 2. Exclusions for certain professions/businesses
 - 3. General exemptions
- G. Class Actions – AG Approval Required – section 714H.7
- H. Attorney General Notification Requirements – section 714H.6
- I. Attorney General Intervention – section 714H.6

II. Private Actions filed to Date

- A. Statistical Summary
- B. List of Cases

III. Questions to Bill Brauch