PREPARED STATEMENT OF

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on

"The Federal Trade Commission's Enforcement Tools against

Unfair and Deceptive Trade Practices

in Financial Products & Services and other Sectors"

Before the

Senate Committee on Commerce, Science & Transportation

SENATE SUBCOMMITTEE ON CONSUMER PROTECTION,

PRODUCT SAFETY, AND INSURANCE

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I. INTRODUCTION

Chairman Pryor, Ranking Member Wicker, and members of the Subcommittee, I am Dee Pridgen, and I am the Associate Dean and a Professor of Law at the University of Wyoming College of Law.[1] I appreciate the opportunity to appear before you today to discuss the efforts of the Federal Trade Commission to regulate and enforce against "unfair or deceptive acts or practices" with regard to financial products and services; and on the sufficiency of the FTC's current enforcement and regulatory authority; and whether an enhancement of that authority would benefit consumers. At the outset let me note that the views I express today are my own personal and professional views and do not represent the views of the either the University of Wyoming or the College of Law.

II. FTC ACTIVITIES AGAINST UNFAIR AND DECEPTIVE PRACTICES IN FINANCIAL PRODUCTS AND SERVICES

The Federal Trade Commission (FTC or Commission) has a long history of acting to protect the public from unfair and deceptive practices with regard to certain financial products and services. The Commission's law enforcement responsibilities across broad sectors of the economy do include the financial sector to some extent. However, certain entities such as banks, are exempt from the FTC Act.[2] The FTC routinely partners with state consumer protection offices (typically state attorneys general) to conduct enforcement sweeps in the financial sector and other problem areas as they arise. The FTC also works with bank regulatory agencies to enforce certain consumer credit statutes and regulations, such as the Truth in Lending Act. The FTC is responsible for enforcing various consumer credit statutes with regard to the non-bank

[1] A brief biography is attached to this testimony as an appendix.
[2] 15 U.S.C. §45(a)(2).

entities under its jurisdiction.[3] It does this by bringing cases against potential violators, and in some cases, by issuing regulations. For example, the Commission promulgated a rule on the advertising and marketing of free annual credit reports on March 3, 2010, addressed to the prevention of deceptive marketing of free credit reports.[4] The FTC has been particularly active in the financial sector recently given the rise of bad actors attempting to exploit vulnerable consumers in desperate financial straits.[5] In another example, the FTC recently was tasked by Congress to promulgate a rule on Mortgage Assistance Relief Services (foreclosure rescue) and has just this month published a proposed rule on that subject.[6] The FTC was able to speedily address these consumer issues in the area of residential mortgages in part because Congress authorized that these rules be promulgated using APA notice-and-comment rulemaking, rather than the FTC's traditional Magnuson-Moss rulemaking procedure.

III. MAGNUSON-MOSS VERSUS APA RULEMAKING

The Federal Trade Commission's work to protect consumers in the marketplace could be significantly enhanced if Congress were to grant the Commission the authority to use APA informal rulemaking procedures in all cases under its general authority. The FTC is the nation's preeminent and the oldest federal consumer protection agency in the United States. The Commission has various tools for enforcing its legislative mandate to protect the citizens from

[3] 15 U.S.C. § 1607(c) (Truth in Lending; 16 U.S.C. § 1681s(a) (Fair Credit Reporting Act); 15 U.S.C. § 1691c(c) (Equal Credit Opportunity Act; and 15 U.S.C. § 1692l(a) (Fair Debt Collection Practices Act)

[4] 75 Fed. Reg. 9726 (March 3, 2010) to be codified at 16 C.F.R. Part 610.

[5] *See* Prepared Statement of the Federal Trade Commission before this Subcommittee, dated July 14, 2009, for a detailed discussion of the FTC's recent activities regarding unfair and deceptive trade practices in the financial sector.

[6] 75 Fed. Reg. 10707 (March 9, 2010), to be codified as 16 C.F.R. Part 322. Another proposed rule on Mortgage Acts and Practices is still pending. Advance Notice of Proposed Rulemaking, 74 Fed. Reg. 26,118 (June 1, 2009).

unfair and deceptive trade practices, which include administrative proceedings generally resulting in cease and desist orders[7]; injunctions in federal court[8]; policy statements and "guides"[9]; and regulations defining with specificity acts or practices which are considered unfair or deceptive.[10] The Commission's rulemaking authority was established by statute by the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act of 1975, and will be referred to herein as Magnuson-Moss rulemaking. Prior to 1975, the Commission utilized industry-wide "trade practice conferences" to provide guidance to business on how to comply with the FTC Act. In the mid-1960's, the Commission first asserted the power to issue binding substantive rules, pursuant to then-Section 6(g) of the FTC Act which provided that the Commission may "make rules and regulations for the purpose of carrying out the provisions of this Act." [11] This rulemaking authority was upheld in the D.C. Circuit Court in a 1973 case,[12] but Congress at that time apparently felt it was prudent to provide the FTC with specific rulemaking authority. The result was the Magnuson-Moss rulemaking provisions,[13] which are still the governing law today.

The Magnuson-Moss rules were to be conducted using a "hybrid" type of rulemaking procedure, providing more due process safeguards than would be applicable under the Administrative Procedure Act, yet somewhat less than would govern in an adjudicatory context. The Commission proposed an array of regulations shortly after the legislation was passed, but the effort proved to be much more time-consuming, costly and controversial than may have been

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[7] 15 U.S.C. § 45(b).
[8] 15 U.S.C. § 53(b).
[9] 15 U.S.C. § 57a(a)(1)(A).
[10] 15 U.S.C. § 57a(a)(1)(B).
[11] 15 U.S.C. § 46(g).
[12] National Petroleum Refiners Ass'n v. F.T.C., 482 F.2d 672 (D.C. Cir. 1973).
[13] *Supra* n. 10.

initially foreseen.[14] In response to the controversies over the Commission's proposed children's advertising rule and the funeral rule, among other things, Congress acted again to amend the FTC Act in 1980. This law added further limitations on the FTC's rulemaking process.[15] Consequently, many of the rules proposed after the 1975 legislation were abandoned in the 1980's, with the exception of the credit practices rule,[16] the used car rule[17] and the funeral practices rule.[18] By 1990, the FTC's use of its formal consumer protection rulemaking authority had come to a virtual standstill.[19]

In the 1990's the Commission did increase the pace of rulemaking but not through the now-defunct Magnuson-Moss rulemaking procedures. Instead the Commission either reverted to the old-style Industry Guides or launched rulemaking proceedings under specific mandates from Congress. For instance, in 1992 the Commission issued an Industry Guide regarding environmental marketing claims, rather than attempting to promulgate a trade regulation rule, in order to address expeditiously the issue of deceptive "green marketing" claims.[20] Another emerging trend during this period was for the FTC to engage in Congressionally-mandated rulemaking. For instance, the FTC was directed to promulgate regulations governing the marketing of pay-per-call telephone services under the Telephone Disclosure and Dispute

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[14] *See generally* Dee Pridgen & Richard Alderman, CONSUMER PROTECTION AND THE LAW, §§ 12:10 – 12:14 (West 2009-2010 edition).

[15] Pub. L. No. 96-252, 94 Stat. 374 (1980), codified at 15 U.S.C. § 57b-3.

[16] 16 C.F.R. § 444.

[17] 16 C.F.R. § 455.

[18] 16 C.F.R. § 453.

[19] Report of the American Bar Association Section of Antitrust Law Special Committee to Study the Role of the Federal Trade Commission, reprinted in 56 Antitrust & Trade Reg. Rep. (BNA) April 6, 1989), at S-20, and Graph 17, Appendix C at S-44.

[20] FTC Guides for the Use of Environmental Marketing Claims, 16 C.F.R. § 260. These Guides are currently being reviewed by the Commission for possible updating.

Resolution Act of 1992.[21] The Telemarketing Act of 1994 also contained a legislative mandate for FTC rules, which ultimately resulted in the establishment of the "Do Not Call Registry," one of the most popular federal regulations in history.[22] The Commission has also been charged with promulgating regulations under the Fair and Accurate Credit Transactions Act[23], the CAN-SPAM Act[24] and several other acts as well. Most recently, Congress authorized the Commission to promulgate rules with respect to mortgage loans, using APA notice and comment rulemaking procedures.[25] These Rules are currently pending.[26]

In sum, the Magnuson-Moss rulemaking procedures, which started as a clarification of the FTC's general rulemaking authority, have become a dead letter and are not being used to protect consumers. Instead, the Commission either uses the "soft" non-binding industry guides, or waits for Congress to provide specific direction. A change to the more commonly used notice- and-comment rulemaking under Section 553 of the Administrative Procedures Act would allow the FTC to proceed more flexibly and more effectively. At the same time, however, the APA rulemaking procedures, along with other currently applicable regulatory safeguards, will provide ample due process and judicial review for all affected parties.

One issue with regard to notice-and-comment rulemaking by the FTC is the fact that its governing statute uses the rather broad standard of "unfair and deceptive" trade practices, which applies across a wide variety of business sectors. Thus, when Congress originally passed the Magnuson-Moss Act in 1975, a legislative committee noted that "[b]ecause of the potentially

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[21] 15 U.S.C. § 5711 et seq.
[22] 15 U.S.C. §§ 6101 to 6108. The FTC regulation is codified at 16 C.F.R. § 310. Rule was upheld against a constitutional challenge in Mainstream Marketing Services v. FTC, 358 F.3d 1228, *cert. denied*, 543 U.S. 812 (2004).
[23] FACT Act, Pub. L. No. 108-140, 117 Stat. 1952 (2003), amending various sections of the Fair Credit Reporting Act.
[24] CAN-SPAM Act, Pub. L. No. 108-187, 117 Stat 2699 (2003), codified at 15 U.S.C. §7704. FTC regulations are codified at 16 C.F.R. §316.
[25] Credit CARD Act of 2009, Pub. L. No. 111-24, § 511(a)(1) & (2), 123 Stat. 1734 (May 22, 2009).
[26] 74 Fed. Reg. 26,118 (June 1, 2009); 74 Fed. Reg. 26,130 (June 1, 2009).

pervasive and deep effect of rules defining what constitutes unfair or deceptive acts or practices and the broad standards which are set by the words 'unfair and deceptive acts or practices,' the committee believes greater procedural safeguards are necessary."[27] In this regard, it should be noted that since the Magnuson-Moss Act was passed in 1975, the Commission has taken steps to define and constrain its unfairness and deception jurisdiction through the use of policy statements that have become either codified into its own statute or have been incorporated into Commission adjudicatory opinions. For instance, the Commission's policy statement on unfairness, which defines an unfair act or practice as one which "causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition," is now a part of the FTC authorizing statute.[28] This statement of policy provided a focus on consumer sovereignty and cost/benefit analysis that was lacking in the older interpretations of FTC unfairness.[29] Prior to the issuance of the unfairness policy statement, the Commission's unfairness criteria included an inquiry into whether the practice offended public policy or was immoral, unethical, oppressive, or unscrupulous.[30]

The FTC also reined in the standard for defining consumer deception in a 1983 policy statement, which basically says that "the Commission will find an act or practice deceptive if, first, there is a representation, omission, or practice that, second, is likely to mislead consumers acting reasonably under the circumstances, and third, the representation, omission, or practice is

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[27] House Report No. 93-1107, reprinted in 1974 U.S.C.C.A.N. 7702, 7727.

[28] 15 U.S.C. § 45(n).

[29] *See* In re International Harvester, 1984 WL 565290, 104 F.T.C. 949, 1061 (1984) ("TheCommission [in applying its unfairness authority] ... seeks to ensure that markets operate freely, so that consumers can make their own decisions"). *See also* Neil Averitt, *The Meaning of "Unfair Acts or Practices" in Section 5 of the Federal Trade Commission Act*, 70 Geo. L.J. 225, 229-36 (1981).

[30] Proposed Rule on Cigarette Advertising, 29 Fed. Reg. 8324, 8355 (1964), known as the "the Cigarette Rule" test. The rule was later superseded by legislation requiring a warning label in ads and on packages for cigarettes, Cigarette Labeling and Advertising Act of 1965, codified at 15 U.S.C. §§ 1331-40.

material."[31] Prior to that development, the FTC's deception standard was used to protect the ignorant and the unwary, not the "consumer acting reasonably under the circumstances" as required under current policy. Indeed, critics of the pre-policy statement approach to deception, such as Howard Beales, former Bureau of Consumer Protection Director, have called this the "fools test."[32] The Deception Policy Statement has effectively eliminated any such "fools test" at the modern FTC. Thus, the concepts of unfairness and deception have become more defined by policy statements and other precedents since 1975.

The FTC Act also contains a "public interest" standard [33] that could serve to constrain the FTC from engaging in activities that are trivial, insignificant, or are not prevalent in a particular business sector.

In addition to the agency's own self-restraints embodied in the unfairness and deception policy statements, there are other safeguards applicable to the FTC now that were not in effect when the Magnuson-Moss procedures were passed. Thus a change from Magnuson-Moss rulemaking to APA notice-and-comment rulemaking procedures at the FTC would by no means result in a free-for-all of regulatory excess. There are checks and balances in the APA process and elsewhere that should be sufficient to protect the interests of all parties while providing the FTC with the tools it needs to protect consumers. For instance, the APA requires prior notice of rulemaking, provides a mechanism for all interested parties to submit comments, requires a statement of basis and purpose, and also provides for judicial review of the final rule.[34] Judicial review includes a determination of whether the rule is arbitrary or capricious, unconstitutional, or

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[31] In re Cliffdale Associates, 103 F.T.C. 110 (1984).
[32] J. Howard Beales, III, *Brightening the Lines: the Use of Policy Statements at the Federal Trade Commission*, 72 Antitrust L.J. 1057, 1068 (2005).
[33] 15 U.S.C. § 45(b).
[34] 5 U.S.C. §§ 553 and 706.

outside the bounds of the authorizing statutes, among other things.[35] Indeed over the years the level of judicial scrutiny of APA-based rules has increased and is not overly deferential to any government agency. As one scholar has put it:

> Although informal rulemaking is still an exceedingly effective tool for eliciting public participation in administrative policymaking, it has not evolved into the flexible and efficient process that its early supporters originally envisioned. During the last fifteen years the rulemaking process has become increasingly rigid and burdensome. An assortment of analytical requirements have been imposed on the simple rulemaking model, and evolving judicial doctrines have obliged agencies to take greater pains to ensure that the technical bases for rules are capable of withstanding judicial scrutiny.[36]

Other safeguards in place on all agency rulemaking include:

- the Regulatory Flexibility Act[37], requiring an analysis of the impact on small entities, the publication of a regulatory agenda, and periodic review of rules;
- the Congressional Review Act[38], requiring submission of rules to Congress along with a cost/benefit analysis and a Congressional "disapproval" process; and
- cost/benefit review by the Office of Information and Regulatory Affairs.[39]

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[35] 5 U.S.C. 706(2), allows the court to overturn an agency rule if it is:
(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
(B) contrary to constitutional right, power, privilege, or immunity;
(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
(D) without observance of procedure required by law; ...

[36] Thomas O. McGarity, *Some Thoughts on "Deossifying" the Rulemaking Process,* 41 Duke L. J. 1385 (1992). *See also* Mark Seidenfeld, *Why Agencies Act: A Reassessment of the Ossification Critique of Judicial Review,* 70 Ohio St. L. J. 251 (2009).

[37] 5 U.S.C. § 601.

[38] 5 U.S.C. § 801

[39] This office is within the Office of Management and Budget and was established by Congress as part of the 1980 Paperwork Reduction Act, 44 U.S.C.A. §§ 3501.

Another reason why the FTC should be authorized to use APA notice-and-comment rulemaking is that it is more appropriate for industry-wide rulemaking involving many conflicting interests. The Magnuson-Moss rulemaking process became unworkable in part because it is not suitable for large rulemaking initiatives that have multiple stakeholders. By using a quasi-judicial model, these procedures require rulemaking procedures tantamount to an individual adjudication but with multiple attorneys representing multiple parties, all of whom would seek to examine and cross-examine witnesses, etc. The APA notice-and-comment procedure is much better suited to modern-day industry-wide rulemaking in that it allows all parties to provide as much comment and as many submissions as needed, without the expense and unwieldiness of adjudicatory hearings.

APA notice-and-comment rulemaking will also allow the FTC to work with business more effectively. The FTC has traditionally used voluntary industry self-regulation as an alternative to formal regulation or adjudication. One example of voluntary self-regulation has occurred in the privacy area, where the FTC has encouraged website operators to publish a privacy policies. The FTC can then, if necessary, use individual enforcement actions against website owners who do not abide by their own policies on the basis that they have thus committed a deceptive trade practice.[40] The availability of a workable rulemaking process would enhance the FTC's ability to encourage industry self-regulation because that option lurking in the background would provide a more powerful incentive for industry participants to self-regulate if they wish to avoid more formalized rules.

[40] *See, e.g.*, FTC v. Toysmart.com, LLC, consent agreement (D. Mass. 7/21/00), available at www.ftc.gov.; In re National Research Center for College & University Admissions, Consent Decree (FTC 10/2/02), available at 222.ftc.gov.

The FTC has also been very active in certain situations in bringing individual injunction and administrative cases against multiple companies aimed at addressing an industry-wide problem. When the Commission puts together a group of similar cases with similar orders, it can become tantamount to a regulation by adjudication. For instance, the FTC brought a series of cases against companies that failed to take appropriate measures to secure consumers' personal data they had stored in their data bases.[41] The resulting orders specified certain security procedures in each case. Having notice-and-comment rulemaking procedures available would give the FTC the ability to bring all parties to the table to consider an industry-wide rule, rather than establishing de facto rules by adjudication against selected individual companies.

Finally, providing the FTC with APA rulemaking power under their general unfair and deceptive practices authority will not replace the duty to respond to Congressional mandates for particular rules under specific statutes. But having the availability of notice-and-comment rulemaking could provide the FTC with the ability to identify and respond to particular unfair and deceptive trade practices more quickly. One of the benefits of the broad statutory mandate of the FTC Act, which covers all "unfair and deceptive acts or practices," is that this statute has the potential to adjust to ongoing changes in the marketplace. Statutes that are very specific soon become outmoded as the technology and/or the marketplace move on to other ways of doing business, some of which may raise consumer protection issues. By authorizing the FTC to engage in APA informal rulemaking to combat unfair and deceptive trade practices under their general statutory authority, as defined by policy statements and precedents, Congress will empower the Commission to protect the public interest in a more timely fashion.

[41] See, e.g., In re B.J.'s Wholesale Club, Inc., 2005 WL 2395788 (F.T.C. 2005). Pursuant to the Gramm-Leach-Bliley Act, the FTC and other federal agencies also issued regulations imposing obligations on financial institutions to protect consumer information. 16 C.F.R. § 314.

IV. CIVIL PENALTIES FOR FTC ACT VIOLATONS

Civil penalty authority for violations of the FTC Act is needed to strengthen the Commission's law enforcement activities to protect the public from unfair or deceptive trade practices. Under current law, the FTC only has authority to seek civil penalties in court for violations of rules or prior orders.[42] It does not have the authority to obtain civil penalties directly for FTC Act violations. Also the FTC refers all civil penalty cases to the Department of Justice, which then has 45 days to determine whether to file the case itself or return it to the Commission. In the fast-moving world of financial and internet fraud, such delays can be devastating to the consumers who could have been protected by swifter government action. While the Commission does have the authority to go to court to seek injunctive relief in situations where it has reason to believe that there is a current or imminent violation of any provision of law enforced by the FTC,[43] such actions may not be sufficient to deter certain types of fraud, where the harm to a potentially large number of consumers is difficult to quantify or to stop by injunction once the damage has been done. Expanded civil penalty authority would provide more meaningful deterrence against unfair and deceptive practices under the FTC Act.

V. AIDING AND ABETTING AUTHORITY

The FTC is not only an independent regulatory agency, it is also a law enforcement agency, and as such, needs to be able to use its limited resources effectively to stamp out fraudulent practices by reaching not only direct violators, but also those who knowingly assist the direct violators. Thus, former Bureau of Consumer Protection Director Barry Cutler said in the early

[42] 15 U.S.C. §§ 45(l) and 45(m). The Commission can issue "cease and desist" orders in its own administrative proceedings under 15 U.S.C. § 45(b). Some would say this approach is tantamount to "every dog gets one bite."
[43] 15 U.S.C. § 53(b).

90's that the FTC must cut off not only the tops of the dandelions of unfair and deceptive practices, but also to get at the root of the problem, lest the weeds just spring up again.[44] Thus, in a telemarketing scam using so-called "boiler rooms," for instance, the Commission could put a halt to the phone room, but without also being able to go behind the scenes and stop entities that were aiding and abetting by laundering money or putting together phony travel packages, the FTC would be in effect cutting off the heads of the dandelions, without getting to the roots.

Unfortunately, the ability of agencies like the FTC to go after persons or companies who knowingly support or enable direct participants in unfair or deceptive practices was called into question in 1994 by the U.S. Supreme Court ruling in *Central Bank of Denver v. First Interstate Bank of Denver.*[45] In that case, the Court ruled there was no civil liability in private suits under the Securities and Exchange Act against secondary participants in certain fraudulent practices prohibited by that statute, basically because the statute did not specifically state that. Later, Congress amended the Securities and Exchange Act to provide the SEC with direct authority to pursue persons knowingly aiding and abetting such violations.[46] In the mid-nineties, the FTC also received direct authority to sue persons "assisting and facilitating" violations of the Telemarketing Sales Act and its regulations.[47] At this point in time, it would enhance the FTC's ability to protect the public if it could rely on explicit statutory authority to pursue aiders and abettors in all aspects of their jurisdiction, not just for telemarketing violations. For instance, in today's world of internet based consumer issues, such as fraudulent business opportunity or job placement sites, certain unfair or deceptive practices are supported by a complicated network of

[44] Barry Cutler, former director of the FTC's Bureau of Consumer Protection, as stated in earlier Congressional testimony.
[45] 511 U.S. 164 (1994).
[46] 15 U.S.C. § 78t(e).
[47] 15 U.S.C. §§ 6101-6108; 16 C.F.R. Part 310.

entities who knowingly receive some financial benefits, and should be held responsible. Also, despite the improvements in global enforcement initiated by the US SAFE WEB Act[48], sometimes it is not possible for the FTC to go after a foreign-based perpetrator, but could stop the damage to consumers by pursuing U.S. based affiliates who knowingly provide support to unlawful activities. "Aiding and abetting" liability could be coupled with safe harbor provisions for Internet providers and similar entities who are mere conduits and do not knowingly participate as aiders and abettors.

VI. CONCLUSION

In conclusion, I fully support what the FTC and Congress are doing to help protect vulnerable consumers during this time of financial trouble for the average person. However, I also support the idea that Congress should take this opportunity to enhance the FTC's enforcement tools so that they can do an even better job of protecting the public interest. This includes giving the FTC across-the-board authority to issue regulations using APA informal rulemaking procedures. Such a change is needed because the current Magnuson Moss rulemaking procedures are so unwieldy that they have effectively become a dead-letter. And while the cumbersome procedures under Magnuson Moss may have become unneeded and outmoded, other developments in the law can ensure that any renewed FTC rulemaking activities using APA procedures would not be excessive. APA rules are subject to judicial review and other Congressional safeguards that have been put in place over the last 30 years. Also, the FTC has itself engaged in major policy reforms since the Magnuson Moss Act was passed in 1975, and now has a more solid doctrinal basis for any rules it might promulgate based on unfairness or deception.

[48] Pub. L. No. 109-455, 120 Stat. 3372 (2006).

In addition to the changes in rulemaking procedures described above, I also support the use of civil penalties for FTC violations because they would provide a stronger deterrent against fraudulent, unfair or deceptive activities than the current practice of seeking civil penalties only after a company is under order or rule. Similarly, the ability to pursue not only direct violators but also the aiders and abettors of FTC violations will be of significant help to the FTC in its pursuit of protecting the public.

Thank you for allowing me this opportunity to appear before the Committee to give my views on this important matter.

APPENDIX

DEE PRIDGEN is Associate Dean and the Carl M. Williams Professor of Law and Social Responsibility, at the University of Wyoming's College of Law, where she has taught since 1982. Her subjects include Consumer Protection, Contracts, Antitrust, Communications Law, Constitutional Law, and Internet Law. She received her Juris Doctorate in 1974, from New York University, and a B.A. in 1971, from Cornell University. She is a member of the Order of the Coif and Phi Beta Kappa. Pridgen has been a Fulbright Scholar/Lecturer at Tokyo University in Japan and a Visiting Professor of Law at the University of Baltimore School of Law, the University of Maryland School of Law, and the Catholic University of America, Columbus School of Law. She also served as a Staff Attorney, for the Federal Trade Commission, Bureau of Consumer Protection, Washington, D.C. from 1978-82. Pridgen's publications include two treatises aimed at practicing attorneys, CONSUMER PROTECTION AND THE LAW, and CONSUMER CREDIT AND THE LAW,, coauthored with Richard Alderman, both published by Thomson/West, and updated yearly. She is also a coauthor of a law school casebook entitled CONSUMER LAW: CASES AND MATERIALS (Thomson/West 3d ed. 2007). She has written articles and reports on consumer law, and has given presentations at international consumer law meetings in Helsinki, Finland and Auckland, New Zealand. She has also presented at and been the co-chair of the Consumer Issues Conference held yearly at the University of Wyoming since 2001. She has been on the faculty for Teaching Consumer Law, a biennial conference sponsored by the Consumer Law Center at the University of Houston since 2002. Pridgen was elected to the American Law Institute in 2003.