

Peckar & Abramson

PRESENTS A CLE COURSE

**SAVE THE
DATE!**

PRESENTER: KEVIN J. O'CONNOR

Recent Developments in the Intersection of the Consumer Fraud Act and Construction Law in Residential and Commercial Disputes



In *Kugler v. Romain*, 58 N.J. 522 (1971), the New Jersey Supreme Court observed that the Consumer Fraud Act, N.J.S.A. § 56:8-1 et seq. (“CFA”), had been enacted by the New Jersey Legislature to respond to the public harm resulting from “the deception, misrepresentation and unconscionable practices engaged in by professional sellers seeking mass distribution of many types of consumer goods.” The entire thrust of the CFA has historically “pointed to products and services sold to consumers in the popular sense.” *Neveroski v. Blair*, 141 N.J. Super. 365, 378 (App. Div. 1976). Since its enactment over 50 years ago, the scope of the CFA has been expanded to apply in the broad sense to all sorts of circumstances in the construction field, in both the residential and commercial contexts. This course takes participants through the history of the CFA, a brief period where it was construed so as not to be inapplicable beyond consumer transactions, to the current posture where it is interjected in disputes both commercial and residential alike. The course will review recent case law in the construction context and discuss the particular requirements in construction cases, the split in authority on the requirement for an ascertainable loss in order to obtain attorneys’ fees, and the recent decision by the Appellate Division to permit personal liability on officers and managers of defendant-companies. The course will also touch on the important need to be alert for election of remedies when dealing with residential construction claims covered by the New Homebuyer Warranty program, and similar election of remedy problems.

Friday, June 10th
8:30-9:30am

NJ CLE COURSE -
1.2 CLE CREDIT HOURS IN AREAS
OF PROFESSIONAL PRACTICE