No Harm, No Foul? How Companies Can Limit Their Liability Under Federal Consumer Protection Statutes After Spokeo

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Numerous companies have been hit with multi-million-dollar judgments or settled with consumers based on statutory damages from consumer protection statutes alone, which can easily derail a company's financial stability. Given that some courts have allowed these ?no-harm? injuries to meet standing requirements, companies will likely turn to legal and business strategies to help reduce their liability risk under these statutes. This Note is not premised on the fact that companies should not have any liability under these statutes, but rather that the pendulum has swung too far leaving companies in an unpredictable environment where one mistake can disrupt a company's financial stability. Section I of this Note will analyze the most recent, relevant case law on standing when the alleged harm is based on a federal statute. Section II will focus on critical portions of the most frequently cited consumer protection statutes in ?no-harm? cases. In Section III, this Note will discuss the business and legal solutions companies can use to help reduce liability in the scope of consumer protection statutes given the uncertainty in the courts following Spokeo. Finally, Section IV will address some of the initiatives introduced by the Federal Communications Commission (?FCC?) and FTC as well as those supported by pro-business groups which could help companies to more easily comply with the consumer protection statutes.

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