

## Consumer Class Action Before the U.S. Supreme Court

Steve Larson and former Stoll Berne attorney Scott Shorr (now an Oregon Court of Appeals judge) appeared before the U.S. Supreme Court in two cases brought by consumers alleging that their insurers had not provided them with notice that the insurers were charging them higher premiums because of their credit scores, notice that is required under the Fair Credit Reporting Act. The Supreme Court agreed with the consumers' arguments that a lower recklessness standard is sufficient to prove willfulness under the Fair Credit Reporting Act and rejected the arguments of the insurance industry that a higher "knowing" standard was necessary to prove a willful violation. The Supreme Court's opinion can be found at *Safeco Ins. Co. of America v. Burr*, 127 S.Ct. 2201 (2007), and is frequently cited in cases arising under the Fair Credit Reporting Act.

### Case Team



**Steve Larson**  
Attorney