

KURT EGGERT
Professor of Law
Chapman University School of Law

EDUCATION

BOALT HALL SCHOOL OF LAW, University of California at Berkeley, California
Juris Doctor, 1984

RICE UNIVERSITY, Houston, Texas
B.A. in English, 1981 *Magna cum Laude, Phi Beta Kappa*

PROFESSIONAL EXPERIENCE

Law Teaching Experience:

1999-present CHAPMAN UNIVERSITY SCHOOL OF LAW, Orange California
Assistant Professor of Law, 1999 – 2002, Associate Professor of Law,
2002 – 2005, Professor of Law, 2005 – present
Director of the Alona Cortese Elder Law Center
Courses: Legal & Equitable Remedies, Real Estate Transactions, Civil
Procedure, Depositions and Discovery in Complex Litigation,
Externship, Elder Law, Gambling Law; Client Interviewing and
Counseling

1998-99 LOYOLA LAW SCHOOL, Los Angeles, California
Adjunct Professor of Law: Taught two semesters of Elder Law.

Legal Experience:

1990-1999 BET TZEDEK LEGAL SERVICES, Los Angeles/North Hollywood,
California
Litigation and Training Supervisor for Home Equity Fraud Prevention
Task Force.

Litigation: Handled own state and federal bankruptcy caseload and supervised volunteer and staff attorneys and law clerks in areas of Real Estate, Finance, and Consumer Fraud. Lead Counsel supervising pro bono volunteers in landmark referee fee case *Solorzano v. Super. Ct.* (1993) 18 Cal.App.4th 603, and in preemption case *Solorzano v. Super. Ct.* (1992) 10 Cal.App.4th 1135. Lead counsel in class action suit regarding home improvement financing. Conducted trials and administrative hearings and supervised and handled cases in Landlord/Tenant matters, Government Benefits, and other areas of poverty law.

Legislation: Drafted legislation for State Assembly members, testified before State legislative subcommittees regarding real estate financing and health care legislation, and advised state legislators regarding pending bills.

Training: Trained attorneys, prosecutors, federal and state regulators, law enforcement, and the public on consumer fraud issues. Regularly lectured to law school classes. Produced training videos for law enforcement and for public regarding real estate fraud. Participate in task force attacking home equity fraud.

Feb.- Aug.
1990 CHRISTENSEN, WHITE, MILLER FINK & JACOBS
Litigation Associate: Drafted pleadings, conducted discovery and argued motions in commercial and entertainment litigation. Drafted writ for California Supreme Court.

Oct. 1987 -
Feb. 1990 ATTORNEY AT LAW, Los Angeles, California
(Private Practice)
Negotiated option contract for feature screenplay with major production company. Conducted negotiations for creation of record label. Litigated entertainment matters. Co-wrote private placement memorandum and limited partnership agreement for motion picture partnership. Negotiated and drafted software contracts for international sale of computer software.

Nov. 1984 -
Aug. 1986 GREENBERG, GLUSKER, FIELDS, CLAMAN & MACHTINGER
Los Angeles, California
Litigation Associate: First-chaired successful trial concerning advertising payment for national magazine client; argued numerous motions; conducted discovery in commercial, contractual, real estate development, and entertainment litigation matters.

Admission to the Bar:

California, 1984

Testimony:

- Testified before the House Energy and Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade at a hearing entitled: “Daily Fantasy Sports: Issues and Perspectives.” Washington, DC. May 11, 2016
- Testified before the House Energy and Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade at a hearing entitled: “The State of Online Gaming” Washington, DC. December 10, 2013

- Testified before the Conference Committee of the California Legislature in a hearing on California's Foreclosure Crisis, Sacramento, CA. May 10, 2012
- Testified before the House Energy and Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade at a hearing entitled: “Internet Gaming: Is There a Safe Bet?” Washington, DC. October 25, 2011
- Testified before a Joint Informational Hearing of the Assembly Committee on Banking & Finance and the Senate Committee on Banking & Financial Institutions, at a hearing entitled “The Dodd-Frank Wall Street Reform And Consumer Protection Act: Initial Reactions, Initial Steps, And Likely Impacts.” Sacramento, CA, March 23rd, 2011
- Testified at the Joint Oversight Hearing of the Assembly Banking, Housing and Judiciary Committees of the California Legislature, at a hearing entitled “Home Foreclosure in California – Can We Do More to Respond to This Continuing Impediment to Economic Recovery, Homeownership, Strong Communities, and Jobs?” Los Angeles, CA, January 31, 2011.
- Testified before the U.S Senate Committee on Banking, Housing, and Urban Affairs At a hearing entitled: "Problems in Mortgage Servicing from Modification to Foreclosure, Part II." Washington, DC, December 1, 2010.
- Testified before the Financial Crisis Inquiry Commission, set up by the U.S. Congress to determine the cause of the financial crisis, in a hearing entitled “The Impact of the Financial Crisis - Sacramento.” Sacramento, CA, September 23, 2010
- Testified in front of the California Assembly Committee on Banking and Finance to discuss two separate bills, AB 2740 (Brownley) and AB 2359 (Jones). Sacramento, CA, April 14, 2008.
- Testified before the United States Senate Subcommittee on Securities, Insurance, and Investment on “Subprime Mortgage Market Turmoil: Examining the Role of Securitization.” Washington, DC, April 17, 2007.
- Testified before the U.S. House Subcommittees on Financial Institutions and Consumer Credit and Housing and Community Opportunity Joint Hearing entitled AProtecting Homeowners: Preventing Abusive Lending While Preserving Access to Credit, Washington, DC, November 05, 2003.

Appointments:

- Member of the Los Angeles County Bar Association Amicus Brief Committee, 2001-present. Vice chair, 2004 – present.

- Member of the Nomination Committee of the AALS Section on Clinical Legal Education for 2010 - 2012, Chair 2012-2013.
- Member of the Transition Team for newly-elected California Attorney General Kamala Harris in a committee advising her of mortgage issues. Spring, 2011.
- Member of the Executive Committee of the AALS Section on Financial Institutions and Consumer Financial Services for 2008.
- Member of the Executive Committee of the AALS Section on Clinical Legal Education for 2008.
- Member of the Federal Reserve Board's Consumer Advisory Council, 2005 - 2007. Chair of Subcommittee on Consumer Credit, 2006 - 2007.
- Member of the Awards Committee of the AALS Section on Clinical Legal Education for 2004 - 2006. Chair, 2006.
- Member of Consumer Financial Services Committee of the California State Bar Association, 1994-1997

Presentations & Symposia

- Presented on "Deference in the Time of Obamacare: Reforming Chevron's Magical Legal Fictions." at a Workshop for the Center for Law, History and Culture at the University of Southern California, Los Angeles, CA, November 16, 2016
- Presented on "Consumer Protection and Legal Issues in Fantasy Sports" at the 16th International Conference on Gambling and Risk Taking, held by the International Gaming Institute, University of Nevada, at Las Vegas, NV, June 10, 2016.
- Presenter on "Consumer Protection and Responsible Gaming Regulation in the United States' New Online Gambling Regime" at *10th European Conference on Gambling Studies and Policy Issues* put on by the European Association for the Study of Gambling, September 10, 2014 in Helsinki, Finland.
- Presented on Consumer Protection for Internet Gambling at a panel entitled "Responsible Gaming and the Internet" at the 15th International Conference on Gambling and Risk Taking, held by the Institute for the Study of Gambling and Commercial Gaming, University of Nevada, at Las Vegas, NV, May 30, 2013

- Presented at a panel entitled “Systemic Effects of the Mortgage Foreclosure Crisis” at a symposium held by the Arkansas Law Review entitled “The Mortgage Foreclosure Crisis” Fayetteville, AR, November 9, 2012.
 - Presented at a panel on “Preemption Issues Before and After Dodd-Frank” at the National Consumer Law Center's Consumer Rights Litigation Conference, in Seattle, WA, October 27, 2012.
 - Presented at a panel called Uniform Commercial Code and the Mortgage Crisis at the Annual Meeting of the California State Bar, in Monterey, CA, October 12, 2012.
 - Presented at a panel on “Preemption in Mortgage Servicer Litigation” at the National Consumer Law Center's Summer Mortgage Conference, in Washington, DC, July 18, 2012.
 - Presented at a panel entitled “The Return of the Rating Agencies: Rerun or Redemption?” at a symposium held by the Chapman Law Review, entitled “From Wall Street to Main Street: The Future of Financial Regulation” Orange, CA, January 28, 2011.
 - Presented at a panel entitled “Autonomy, Independence, and the Law Affecting Older Adults” at the 2010 Canadian Conference on Elder Law, Toronto, Canada, October 30, 2010.
 - Moderated panel on “The Economic & Regulatory Landscape in the Aftermath of the “Great Recession” at the Nexus Journal’s symposium on “The 80th Anniversary of the Great Crash of 1929: Law, Markets, and the Role of the State, Chapman University School of Law, Orange, CA , October 30, 2009
 - Presented on “Elders, Autonomy and Gambling” at the 14th International Conference on Gambling and Risk Taking, held by the Institute for the Study of Gambling and Commercial Gaming, University of Nevada, at Stateline, NV, May 29, 2009.
- Also moderated a panel on “Gambling and the Law” at that same conference.
- Presented at the “Professor’s Roundtable” at the Annual Retreat of the Real Property Law Section of the State Bar of California, May 16, 2009, at Lake Tahoe, CA.
 - Presented on “Which Should Come First, Harm Minimization or Consumer Protection for Gamblers?” at the Discovery 2009 Conference held by the Responsible Gambling Council, Niagara Falls, Canada. April 21, 2009.
 - Invited to present on the following topic at the AALS Conference in January 2009 in San Diego, CA: AALS Aging and the Law Section: "Consumer Fraud and the Elderly: What's New, What's Needed." Presenter on issues of gambling and the elderly.

Presented on the following topic: Joint Program of the AALS Section on Creditors' and Debtors' Rights and the AALS Section on Real Estate Transactions: "Real Estate Transactions in Troubled Times." Presenter on issues regarding the subprime meltdown.

- Presenter on "Reviving the Mortgage Securitization Market" at the Connecticut Law School Symposium on the Subprime Crisis, on held Hartford, CT, November 14, 2008.
- Paper on *Loan Modifications and the Subprime Crisis: Barriers and Solutions*. presented *in absentia* at AARP Public Policy Institute Forum: The Foreclosure Crisis and Older Americans, Washington, D.C., September 19, 2008.
- Presenter on "Gambler Autonomy in Harm Minimization and Consumer Protection Gaming Regulation" at *7th European Conference on Gambling Studies and Policy Issues* put on by the European Association for the Study of Gambling, July 2, 2008 in Nova Gorica, Slovenia.
- Moderator of a panel entitled, "Inside the Mind of Consumers," addressing behavioral economics and consumer protection at the University of Houston Law Center's conference "Teaching Consumer Law", Houston, TX, May 24, 2008.
- Presented Paper on *The Subprime Crisis and What To Do About It: Mandating Loan Modifications* presented at Seton Hall Law School Conference on Emerging Issues in Subprime & Predatory Lending Research, Newark, New Jersey, May 9, 2008.
- Presenter on "Improving Consumer Protection in the Gambling Industry" at 7th Annual Alberta Conference on Gambling Research held at Banff, Canada, co-sponsored by the Alberta Gaming Research Institute and the University of Alberta. Banff, Canada. April 4, 2008.
- Presented at Canadian Conference on Elder Law, presented by the Canadian Centre for Elder Law Studies, Vancouver, Canada, November 8 – 10, 2007.
- Panelist at the National Association of Consumer Attorneys' 2007 National Mortgage Conference, September 6 – 8, 2007.
- Presenter at International Conference on Gambling and Risk Taking, Reno NV, May 22 - 26, 2006.
- Presenter at Conference "Teaching Consumer Law" at University of Houston Law School, Center for Consumer Law, Houston TX, May 18 – 20, 2006.
- Presenter on "Issues in Subprime and Predatory Lending" at Current Issues in Debtor-Creditor Law and Privacy, put on by the Credit Law Institute in conjunction with The Conference on Consumer Finance Law, February 3, 2006 in Santa Monica, CA.

- Panelist for a session at the National Consumer Rights Litigation Conference called “Beyond the HIDC: Other Theories of Assignee Liability,” held October 28, 2005 in Minneapolis, MN.
- Presenter on “Is the Gamble Worth the Price?: How and Why to Provide Consumer Protection to Gamblers” at *6th European Conference on Gambling Studies and Policy Issues* put on by the European Association for the Study of Gambling, 30 June 2005 in Malmo, Sweden.
- Panelist for a session at the National Consumer Rights Litigation Conference called “Cracks in the Armor of the HIDC Defense and Securitization,” held November 7, 2004 in Boston, MA.
- Presenter on “Problem Gambling: A Consumer Protection Perspective” at the 18th Annual Conference on Research, Prevention and Treatment of Problem Gambling, put on by the National Council on Problem Gambling, June 18, 2004 in Phoenix, AZ.
- Presenter on Financial Elder Abuse to the California Women’s Law Center Elder Law Policy Forum held March 31, 2004 in Los Angeles, CA.
- Presenter to the Orange County Bar Association Elder Law Section on Financial Elder Abuse on March 12, 2004, in Orange, CA.
- Moderator for a session at the Chapman Law Review symposium entitled Responsibility & Reform: Striking A Balance In The Marketplace, January 30, 2004.
- Panelist for a session at the National Consumer Rights Litigation Conference called “Predatory Mortgage Lenders’ Favorite Myths and the Data to Refute Them” held October 25, 2003 in Oakland, CA.
- Panelist for a session entitled “Countering the Holder in Due Course Doctrine and Other Barriers to Assignee Liability” at a conference at the Fair Housing Legal Support Center entitled “An Update on Fair Housing and Predatory Lending, held September 5, 2003 in Chicago, Illinois.
- Panelist for a session at the ABA Annual Meeting, called “Is There Hope for HOEPA?” held August 9, 2003 in San Francisco, CA.
- Panelist for a session entitled “Securitization and Servicing, Predatory Problems, but Any Solutions?” as part of the Symposium on Market Failures and Predatory Lending, put on by the National Consumer Law Center and the Woodstock Institute in association with John Marshall Law School in Chicago, IL on May 17, 2003.
- Moderator for a session at the Chapman Law Review symposium on Economic Liberties, February 14, 2003.

- Panelist for a session entitled “Predatory Lending - Learning to Love it in Law School” as part of the Association of American Law Schools' Annual Meeting in Washington, D.C. on January 5, 2003.
- Presenter in Symposium on the Legal Aspects of Elder Abuse, discussing Predatory Lending and Gaming Law, presented April 26, 2002 in Los Angeles, CA by the Loyola Law Review.
- Panelist and Presenter at Gaming Law Symposium, presented February 1, 2002 by the Chapman Law Review.

Publications:

- *Deference in the Time of Obamacare: Reforming Chevron’s Magical Legal Fictions*, 95 Neb. L. Rev. 702 (2017)
- *Not Dead Yet: The Surprising Survival of Negotiability*, 66 Ark. L. Rev. 145 (2013)
- *Foreclosing on the Federal Power Grab: Dodd-Frank, Preemption, and the State Role in Mortgage Servicing Regulation*, 15 Chapman Law Rev. 171 (2011).
- *The Great Collapse: How Securitization Caused the Subprime Meltdown*, 41 Connecticut Law Review 1257 (2009). Available at SSRN: <http://ssrn.com/abstract=1434691>
- *Comment: What Prevents Loan Modifications?* Housing Policy Debate, Vol. 18, Issue 3, (2007), Available at SSRN: <http://ssrn.com/abstract=1081479>.
- *Limiting Abuse and Opportunism by Mortgage Servicers*, Housing Policy Debate, Vol. 15, Issue 3, (2004), Available at SSRN: <http://ssrn.com/abstract=992095>.
- *Chapman University Presents Consumer Law Symposium on Responsibility and Reform* (With Alvin C. Harrell) , Consumer Finance Law Quarterly Report (2004).
- *Striking a Balance: Basic Questions About Consumer Protection Law (Symposium Introduction)*, 7 Chapman Law Review 1 (2004).
- *Truth in Gaming: Toward Consumer Protection in the Gambling Industry*, 63 Maryland Law Review 217 (2004), available at SSRN: <http://ssrn.com/abstract=901306>.
- *Lashed to the Mast and Crying for Help: How Self-Limitation of Autonomy Can Protect Elders from Predatory Lending*, 36 Loy. L.A. L. Rev. 693 (Loyola of Los Angeles Law Review) (Winter 2003) from a Symposium on the Legal Aspects of Elder Abuse and Available at SSRN: <http://ssrn.com/abstract=905062>.

• *Held Up in Due Course: Predatory Lending, Securitization, and the Holder in Due Course Doctrine*, 35 Creighton Law Review 503 - 640 (2002), Available at SSRN: <http://ssrn.com/abstract=904661>.

• *Held Up in Due Course: Codification and the Victory of Form over Intent in Negotiable Instrument Law*, 35 Creighton Law Review 363 - 431 (2002), available at SSRN: <http://ssrn.com/abstract=904656>.