

Q&A With Katten's Claudia Callaway

Law360, New York (October 25, 2010) -- Claudia Callaway is a partner in Katten Muchin Rosenman LLP's Washington, D.C., office. Callaway focuses her practice on the defense of state and federal class actions regarding consumer protection and consumer finance laws, representing clients in multiple regulatory and litigation areas. She also counsels clients on ways to prevent class actions before they happen.

Callaway has offered advice on numerous state and federal banking and consumer protection matters, including privacy, collections, credit reporting and usury issues. Callaway has served as an adjunct professor at Georgetown University Law Center, taught in Georgetown's Criminal Justice Clinic and acted as faculty advisor to the national champion Georgetown patent and copyright moot court team.

Q: What is the most challenging case you've worked on, and why?

A: Plaintiffs sued our client contending usury, but when we sought to enforce the arbitration and class action waiver provision in the loan agreement, plaintiffs' counsel alleged that the client never actually "signed" the electronic loan agreement. We were able to place the named plaintiff at a Kinko's computer at a certain date and time to prove that she electronically signed the loan agreement, and the court ordered the case to arbitration.

Of course, if the court had found that the plaintiff did not "sign" the document, we would have argued that there was no loan agreement to sue on. Explaining, and then proving, the mechanics of the E-SIGN Act proved to be an interesting task, as we had to rely on IP addresses and the named plaintiff's testimony to establish that she actually clicked the "I accept" box on the loan agreement.

Q: What accomplishment as an attorney are you most proud of?

A: The financial literacy project that I worked to develop with Rhonda Daniels and others for the American Bar Association. When we introduced it in D.C. high schools, the students' appetite for information regarding the use of credit was enormous. We now offer it within the law firm to lawyers and staff, and I am amazed at how useful it is at every level.

Q: What aspects of law in your practice area are in need of reform, and why?

A: I applaud the continued efforts within the class action and consumer finance bars to advocate strenuously for ones' clients while still engaging with the other side. Unnecessary acrimony doesn't help with judges or juries.

Q: Where do you see the next wave of cases in your practice area coming from?

A: On the private side, until the Federal Communications Commission issues a ruling, class actions regarding whether text messaging marketing violates the Telephone Consumer Protection Act will keep many lawyers busy. On the regulatory side, the Dodd-Frank Act of 2010 will likely lead to a number of private and government actions.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: My first boss, Greta Van Susteren. She stressed the importance of intellectual honesty, and taught me that it's all about the client.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Study the consumer laws so that you know them better than anybody. That way you will become an indispensable part of the team.