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Indices to Volume 3 - Author Index

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Consumer News:
Banks
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billion dollar profit in 1990. Increasingly, non-banks are trying to get a piece of this lucrative business, and the nation's largest banks are fighting back with legal and regulatory action. "This is a life-and-death struggle," according to bank consultant Edward E. Furash. "The banks can't afford to lose this war."

The banks already have lost some of their market share, primarily to two major competitors, Sears, Roebuck & Company and American Telephone and Telegraph. Sears issued the first no-fee Discover card five years ago, and today thirty-eight million are in circulation. AT&T's Universal credit calling card is a no-fee Visa or MasterCard with an annual interest rate over one percent below what major banks charge. The communications giant got around Visa and MasterCard's bank-only membership rule by buying a small Georgia bank to issue the cards. In its first year, 8.3 million of the cards were issued in what was considered to be a saturated market.

"By 1995, they (non-banks) could easily have fifty to sixty percent of the market," said Donald J. Auriemma, president of his own consulting firm in Garden City, N.Y. "Non-bank players have deeper pockets. They're moving market share, and they're a real threat." Non-banks' share of the credit card market has nearly quadrupled to eighteen percent since 1986.

Banks claim that these new competitors should be subject to the same regulations they are. Currently, non-bank card issuers need not meet the same capital requirements as the major banks. "All we want is a level playing field," said Alex W. Hart, chief executive of MasterCard International Inc. Like Visa, MasterCard is an association of banks and savings and loans which control the credit card companies.

Whether banks will ultimately be able to keep most non-banks out of the credit card business may ultimately depend on the battle between Sears and Visa which is currently being waged in federal court. In May 1990, a Sears subsidiary bought a failing Utah thrift, MountainWest Savings and Loan, which already had a Visa membership. Sears planned to market over 1.5 million no-fee "Prime Option" Visa cards through the bank, but Visa refused to issue the cards. In February, a Utah federal district judge ordered Visa to issue the cards, but currently the 10th U.S. Circuit Court of Appeals reversed. The court ruled that the preliminary injunction was improper, stating it "did not find persuasive" MountainWest's contention that a delay would cause it "irreparable harm."

"This is only a temporary setback for the credit-card carrying consumer," said Philip Purcell, chairman of Dean Witter Financial Services Group, Sears' financial subsidiary.

Sears has two options. It may appeal to the U.S. Supreme Court or return to federal district court in Utah for a trial on the merits of its antitrust and state unfair practices law claims. At issue in a trial would be two Visa bylaws. One prohibits competing card companies, such as Sears and American Express, from issuing Visa cards. The other would prohibit banks which issue Visa cards for organizations or companies from giving more than twenty-five percent of their credit-card business to a non-bank. This rule was put in place after AT&T started issuing Visa cards through a small bank in Columbus, Georgia.

"We believe allowing Sears to issue Visa cards would not be in the best interests of the consumer, primarily because it would reduce competition between two brands, Visa and Discover," said David Brancoli, a spokesman for Visa. "It would be like selling Big Macs at a Burger King."

Indices to Volume 3

The Indices to Volume 3 were prepared by the Editors. The fourth issue of each volume of the Loyola Consumer Law Reporter contains indices for that volume. At five-year intervals, the indices will be compiled and published as a separate volume.

AUTHOR INDEX

The following is an alphabetical list of lead articles and recent case commentaries published in Volume 3 of the Loyola Consumer Law Reporter. The volume, issue, and page number, separated by colons, are listed after the title of the article. The year of publication is listed in parenthesis.


DJORDJIC, Mira, The United States Su-
A Deed Of Conveyance Does Not Prevent Consequential Damage For Personal Injuries, statute immunized landowners from liability to responsible parties against strict liability for observably unsafe blood clotting agent which gave women AIDS. An "as is" clause in a deed of conveyance does not protect responsible parties against strict liability for clean up costs under CERCLA. Connecticut consumers protected against deceptively advertised manufactured housing rebate. Bankruptcy court holds debtor responsible for obsessive-compulsive use of credit card. Bankruptcy court holds debtor responsible for obsessive-compulsive use of credit card.