



A Roundtable
August 5-6, 2009
Chicago, IL

Agenda

Day 1 — Litigation

9:00 Opening Remarks

Joel Winston, Associate Director, Federal Trade Commission,
Division of Financial Practices

9:15 Introduction of Participants

9:45 Initiating Suits: Default Judgments and Service of Process

- How frequently are default judgment entered in debt collection litigation? Are debt collectors more likely to obtain a default judgment with some types of debt, such as credit card debt, or on behalf of some types of owners of debts, such as debt buyers?
- What costs and benefits result from the entry of default judgments?
- Should there be changes in the law or industry practice with respect to service of process or default judgments?

10:45 Break

11:00 Timing: Statute of Limitations Issues

- How frequently do debt collectors collect or seek to collect on debt that is beyond the statute of limitations? Are debt collectors more likely to collect or seek to collect on debt that is beyond the

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statute of limitations with some types of debt, or on behalf of some types of owners of debts?

- What are the costs and benefits of collectors attempting to collect on debt that is beyond the statute of limitations?
- Should collectors be required to disclose affirmatively to consumers that they have no legal obligation to pay a debt that is beyond the statute of limitations? Should there be other changes in the law or industry practice with respect to collecting on debt that is beyond the statute of limitations?

12:15 Lunch

1:30 Prima Facie Collection Case and Evidentiary Burdens

- What evidence of indebtedness do debt collectors typically provide to courts in connection with the debt collection complaints they file? Does the evidence that is provided vary based on the type of debt being collected or the type of debt owner?
- Is sufficient evidence typically provided along with the complaints that are filed in debt collection litigation?
- Should there be changes in the law or industry practice to require debt collectors to submit greater evidence of indebtedness?

2:30 Garnishment

- How frequently do debt collectors freeze or garnish bank accounts containing exempt federal benefits to collect on judgments? Are debt collectors more likely to do so with some types of debt, or on behalf of some types of owners of debts?
- What are the costs and benefits of collectors seeking to freeze or garnish bank accounts containing exempt federal benefits?
- Should there be changes in the law or industry practice with respect to debt collectors freezing and garnishing bank accounts containing exempt federal benefits?

3:30 Break

3:45 Productive Change and Best Practices

- How have industry members, consumer advocates, and court personnel worked, together or separately, on possible changes in the law or industry practice to address problems related to debt collection litigation? Do any of these possible solutions appear to be working or likely to work?

5:00 Adjourn

Day 2 — Arbitration

9:00 Opening Remarks

David Vladeck, Director, Federal Trade Commission, Bureau of Consumer Protection

9:15 Introduction of Participants

9:30 Consumer Arbitration and the FAA: A Primer

Christopher Drahozal, Professor of Law, University of Kansas School of Law; Chair, Arbitration Task Force of the Searle Civil Justice Institute at Northwestern University School of Law

10:00 Initiating Proceedings and Consumer Participation Rates

- How should arbitration proceedings be initiated so that consumers are made aware of them and their potential consequences?
- Should there be changes in the law or industry practices with respect to notifying consumers about arbitration?

10:45 Break

11:00 Choice of Provider, Choice of Location, and Role of Consumer Choice

- To what extent should consumers have a choice as to whether disputes regarding their debts are subject to arbitration?
- Should there be changes in the law or industry practice regarding the degree of consumer choice about arbitration disputes, such as whether, when, or where to arbitrate, which organization is the arbitration provider, or which individual arbitrator will adjudicate the proceeding?

12:00 Lunch

1:30 Arbitration Provider Procedures

- What procedures should apply in debt collection arbitration proceedings?
- Should there be changes in the law or industry practice with respect to these procedures?

2:00 Bias and Perceptions of Bias

- To what extent are there ownership, contractual, or other ties between collectors and arbitration providers? Which, if any, of these ties should be prohibited or disclosed to consumers?
- Should there be changes in the law or industry practice with respect to arbitration conduct to address real or perceived bias?

2:45 Break

3:00 Transparency of Results; Role of Precedent

- Should the results and reasoning behind arbitration decisions be stated clearly and publically? Should arbitration decisions have precedential effects on future arbitrations?
- Should there be changes in the law or industry practice to make arbitration decisions more transparent or to increase their precedential value?
- Should there be changes in the law or industry practice to require the systematic reporting of data about consumer arbitration, as is done in California?

4:00 Enforcing Awards; Contesting Awards

- How should a debt collector who wins an arbitration award be able to convert that decision into an enforceable judgment?
- How and when should a consumer be able to contest an arbitration decision?
- Should there be changes in the law or industry practice with respect to collectors' ability to convert arbitration decisions into judgments or consumers' ability to contest such decisions?

5:00 Adjourn