

**16 C.F.R. Part 322: Rulemaking Proceeding With Respect to Mortgage Assistance Relief Services, Pursuant to Section 626 of the 2009 Omnibus Appropriations Act: Notice of Proposed Rulemaking and Request for Public Comment
Summary of Communications Pursuant to Commission Rule 1.26(b)(5)**

Donald S. Clark
Secretary
August 5, 2010

MEMORANDUM

To: Donald Clark
Secretary

From: Richard McKewen
Attorney Advisor to Commissioner Brill

Re: Mortgage Assistance Relief Services, Communications to be Placed on
the Public Record

Date: August 5, 2010

On August, 3, 2010, Commissioner Brill met with representatives of a number of consumer groups to discuss a variety of issues.¹ During the conversation, the representatives made some brief comments regarding the pending rulemaking proceeding relating to Mortgage Assistance Relief Services (“MARS”).

The representatives stated that the FTC should proceed as quickly as possible to complete the MARS rulemaking before the transfer of authority to the Consumer Financial Protection Bureau pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act.

A representative from the National Consumer Law Center (“NCLC”) stated a concern about the treatment of attorneys under the proposed MARS rule. He said that the FTC should craft the rule carefully to make sure that attorneys who are consumer advocates and provide legitimate services aren’t inadvertently swept up into the rule, when the rule should be focused on bad actors. The representative referred the Commissioner to NCLC’s written comments, in particular NCLC’s suggestion that the rule not exempt attorneys who engage in fee-splitting in violation of the ABA’s Model Rules of Professional Responsibility.

¹ In attendance were Ed Mierzwinski (U.S. PIRG); Travis Plunkett (Consumer Federation of America); Lauren Saunders and Andrew Pizor (National Consumer Law Center); Pam Banks (Consumers Union); and Cora Ganzglass (National Association of Consumer Advocates). Participating telephonically were Mike Calhoun and Kathleen Keest (Center for Responsible Lending); and Gail Hillebrand (Consumers Union). Michael Atleson from the FTC’s Bureau of Consumer Protection also attended, as did Jennifer Souers and Richard McKewen from Commissioner Brill’s office.