Debt Collection 2.0
Protecting Consumers As Technologies Change

Agenda
April 28, 2011

8:30  Welcoming Remarks

David C. Vladeck
Director
Bureau of Consumer Protection
Federal Trade Commission

8:45  Panel 1
Obtaining Information About Persons: Skip-Tracing and Beyond

This panel will discuss technologies used to locate, identify, and contact debtors. The discussion will address the accuracy and effectiveness of such technologies and the privacy, data security, and other consumer protection concerns they raise.

• What new and emerging techniques are used by collectors to locate, identify, or find information to contact consumers?
• How do newer technologies affect the accuracy of the underlying debt information (e.g., how much is owed) or in correctly identifying the debtor?
• What legal or policy issues do newer skip-tracing and other technologies raise?

Panelists

Joseph S. Beekman
Associate Partner
Sales and Client Development
The Intelitech Group

Leonard A. Bennett
Board of Directors
National Association of Consumer Advocates
Founding Partner
Consumer Litigation Associates, PC

Angela Horn
Vice President and General Counsel
Forte LLC

Conor Kennedy
Appellate Advocacy Fellow
Electronic Privacy Information Center

Denise A. Norgle
Vice President and General Counsel
USIS Division
TransUnion, LLC
Panel 2

Telephone Technologies: Dialing, Talking, and Texting, in an Age of Enhanced Mobility

This panel will explore telephone technologies in debt collection and will include a presentation of demographic information about mobile phone use. Panelists will discuss legal and policy issues surrounding collection calls and text messages and examine how collectors use predictive dialers and similar technologies.

- Are the costs and benefits to collectors and consumers of making landline telephone collection calls different from those of making mobile calls or sending text messages? If so, how?

- What are predictive dialers, and how common is their use in debt collection? What features can be used by or with them to increase the likelihood of a call complying with the FDCPA, and reaching the correct debtor seeking the right amount? What are the costs and benefits of predictive dialers?

- Should collectors be permitted to communicate with consumers on their mobile devices with greater or less frequency than at present? What would be the costs and benefits of such recommendations, and would they require any legal or policy changes?

Presenter

Aaron Smith
Senior Research Specialist
Pew Internet and American Life Project

Panelists

Brian Cutler
Senior Director for Project Management
Ontario Systems

Cary L. Flitter
Consumer Rights Lawyer
Lundy, Flitter, Beldecos & Berger, P.C.

David M. Schultz
Partner
Hinshaw & Culbertson, LLP

John Watson
Chief Operating Officer
ARS National Services, Inc.

Donald A. Yarbrough
Principal
Law Offices of Donald Yarbrough
11:30  Lunch

12:30  Panel 3
Managing the Flow of Information: The Intersection of Collector Software, Information Systems, and Compliance

This panel will examine how collectors manage the flow of information about debts and consumers. It will focus on the sources of information input into collector information management systems, the range and capabilities of collector software platforms, and the potential of these technologies to foster compliance with the law.

- How does collector software manage information and data flow? How are parts of the debt collection process integrated into software systems? What debt collection functions have become automated? What implications does automation have for consumers?
- What is the state of collector information management? What implications do collector software platforms have for compliance? How can they improve compliance? How are consumers affected when collector software does not function properly?
- What are the costs and benefits to consumers and collectors of a third-party data repository for information about debts?

Panelists

James R. Adamson  
Chief Technology Officer  
Columbia Ultimate

Chad W. Benson  
Senior Vice President and Chief Operating Officer  
CBE Group

Stevan H. Goldman  
Chief Technology Officer  
Automated Collection Control, Inc.

Michael D. Kinkley  
Attorney-Principal Shareholder  
Michael D. Kinkley, P.S.

Gary Portney  
President  
Convoke Systems, Inc.

Laura E. Udis  
First Assistant Attorney General for Consumer Credit  
Colorado Attorney General’s Office
Panel 4
Communication by Email: Boon or Bane to Collector-Consumer Relations?

This panel will explore collector use of email to contact consumers, consumers’ receptiveness to being contacted by email, and the potential benefits and risks to collectors and consumers of engaging in such communications.

- How prevalent is the use of email in collector-consumer communications?
- Are consumers more or less receptive to having collectors contact them by email than by phone or regular mail? Why? Does collector use of email to contact consumers raise different privacy concerns than traditional telephone or written communications?
- How does the FDCPA apply to collector-consumer communications through email?

Panelists:

Zafar Khan  
Chairman and Chief Executive Officer  
RPost U.S., Inc.

Robert W. Murphy  
Secretary  
National Association of Consumer Advocates

David Rainey  
President and Chief Financial Officer  
Debt Resolve, Inc.

Barbara A. Sinsley  
General Counsel  
DBA International

Rich Turner  
Vice President of Sales and Marketing  
DANTOM Systems, Inc.

3:00  Break
3:15  Panel 5
Using Social Media for Debt Collection: Consumer Information, Collector Communications, and Privacy Issues

This panel will focus on debt collectors’ use of social media to conduct research about consumers and communicate with them, in light of how consumers understand and use social media and their expectations regarding privacy.

• How, and to what extent, do collectors use publicly available content from social media to confirm consumer identities, find contact information for consumers or third parties, and locate assets or employment information?

• How, and to what extent, are collectors using social media to communicate with alleged debtors or third-parties, such as their friends and family members? How does the FDCPA apply to collector-consumer communications over social media?

• What privacy, security, and other consumer protection concerns may be raised by collector use of social media to research and communicate with consumers and third parties?

Panelists

John H. Bedard, Jr.
Principal
Bedard Law Group, P.C.

Daniel A. Edelman
Principal
Edelman, Combs, Latturner & Goodwin, LLC

Susan Grant
Director of Consumer Protection
Consumer Federation of America

William Peerce Howard
Head of Consumer Protection Department
Morgan & Morgan, PA

Vytas Kisielius
Chief Executive Officer
Collections Marketing Center, Inc.

Christine Schiwietz
Professor
Georgetown University
Panel 6

Future Directions: Looming Issues and the Regulatory Landscape

This segment will be a forward-looking discussion of the policy questions that have arisen throughout the workshop with an eye toward identifying public and private initiatives to allow collectors to use new technologies while providing adequate protection for consumers.

• Are changes in law and policy necessary to respond to the consumer protection and compliance concerns raised by advances in technology? If so, what changes are needed and why?

• Aside from changes in law and policy, what can be done to foster the use of emerging technology to best protect consumers?

• What are the trends in the industry, including the projections for industry adoption of the technologies discussed throughout the workshop? What technologies are emerging?

Panelists

Valerie Hayes
General Counsel and Vice President of Legal and Government Affairs
ACA International

Robert M. Hunt
Vice President and Director of the Payment Cards Center
Federal Reserve Bank of Philadelphia

Manuel H. Newburger
Principal
Barron, Newburger & Sinsley, PLLC

Suzanne Martindale
Staff Attorney
Consumers Union

Marla Tepper
General Counsel and Deputy Commissioner
New York City Department of Consumer Affairs

Laura E. Udis
First Assistant Attorney General for Consumer Credit
Colorado Attorney General's Office

5:30 Adjourn