Agenda

Debt Collection: Protecting Consumers

A Roundtable
December 4, 2009
Washington, DC

9:00 Introductory Remarks

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

9:15 Initiating Suits: Service of Process and Consumer Participation

- Why aren't more consumers defending against collection suits?
- To what extent are consumers failing to participate in collection suits because they were not served with process?
- What are the other reasons for failure to participate?
- What can courts and others do to increase consumer participation in debt collection suits?
- What actions should lawmakers, the courts, the FTC, the industry, or others take to address service of process and consumer participation issues?

Panelists

James Abrams, Judge, Connecticut Superior Court
Carolyn Coffey, MFY Legal Services, Inc.
Michael Debski, Rubin & Debski, P.A.
Peter Evans, Judge, Fifteenth Judicial Court of Florida, Palm Beach County
Joanne Faulkner, Law Office of Joanne S. Faulkner
Cary Flitter, Lundy, Flitter, Beldecos & Berger, P.C.
Michele Gagnon, Peroutka & Peroutka, P.A.
Mark Groves, Glasser and Glasser, P.L.C.

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Diane Lebedeff, Judge, New York City Civil Court
Carlene McNulty, North Carolina Justice Center
Joann Needleman, National Association of Retail Collection Attorneys
Donald Redmond, Portfolio Recovery Associates, Inc.
Yvonne Rosmarin, Law Office of Yvonne W. Rosmarin
Marla Tepper, New York City Department of Consumer Affairs
Larry Yellon, National Association of Professional Process Servers
Albert Zezulinski, NCO Group, Inc.

10:45 BREAK

11:00 Statutes of Limitations

- How frequently do debt collectors seek to collect on debt that is beyond the statute of limitations?
- Should there be a federal statute of limitations for consumer debts? If so, how long should it be?
- What restrictions or rules should be imposed with respect to collecting time-barred debt?
  - Prohibition or limitations on collection?
  - Disclosure that the consumer is not obligated to pay?
  - Prohibition on a payment reviving the entire debt?
  - Disclosure that a payment revives the entire debt?
  - Disclosure in complaints in collection actions of the date of last payment on a debt and the applicable statute of limitations?
- What actions should lawmakers, the courts, the FTC, the industry, or others take to address statute of limitations issues?

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Yvonne Rosmarin, Law Office of Yvonne W. Rosmarin
Albert Zezulinski, NCO Group, Inc.

12:15 LUNCH

1:45 Evidence of Indebtedness

- To what extent are complaints filed or judgments entered without adequate evidence of the consumer's indebtedness? What is the type and quantum of evidence of indebtedness that courts do or should require to be submitted with the complaint, to enter a default judgment, or to enter a contested judgment?
- What mechanisms should be implemented to ensure that collectors' claims of indebtedness are substantiated?
- Should the courts require a different type or quantum of evidence of indebtedness for different types of collectors, such as creditors, third-party collectors, and debt buyers?
- How would recent or proposed changes in state laws and court procedures concerning evidence of indebtedness affect consumers and the debt collection industry?
- What actions should lawmakers, the courts, the FTC, the industry, or others take to address evidence of indebtedness issues?

Panelists

Leslie Bender, Law Offices of Leslie C. Bender
Eric Berman, Eric M. Berman, P.C.
Brian Bromberg, Bromberg Law Office, P.C.
Hiram Carpenter, Judge, Twenty-Fourth Judicial District of Pennsylvania, Blair County
Lynn Drysdale, Jacksonville Area Legal Aid
Fern Fisher, Judge, New York City Civil Court
James Flanagan, Judge, Suffolk County First District Court
Connell Loftus, Mann Bracken, LLP
Angela Martin, Martin, Attorney at Law, PLLC
Alexander Mitchell-Munevar, Greater Boston Legal Services
Jerry Myers, Smith Debnam Narron Drake Saintsing & Myers, LLP
Lorraine Nordlund, Judge, General District Court of Fairfax County, Virginia
Adam Olshan, Law Offices of Howard Lee Schiff, P.C.
Dale Pittman, The Law Office of Dale W. Pittman, P.C.
Chi Chi Wu, National Consumer Law Center

3:30 BREAK

3:45 Garnishment of Bank Accounts

- To what extent do collectors attempt to garnish federally-exempt funds in consumers' bank accounts?
- What should the federal government, including the federal bank regulatory agencies, do to address problems regarding the freezing, levy, or attempted garnishment of exempt funds in bank accounts?
- What approaches have states or localities taken to address the garnishment of exempt funds and the charging of fees to consumers? Have these approaches been successful?
- What actions should lawmakers, the courts, the FTC, the industry, or others take to address garnishment of bank accounts?

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Fern Fisher, Judge, New York City Civil Court
James Flanagan, Judge, Suffolk County First District Court
Gary Grippo, U.S. Department of the Treasury
Kathleen Kerrigan, Bank of America
Lorraine Nordlund, Judge, General District Court of Fairfax County, Virginia
Adam Olshan, Law Offices of Howard Lee Schiff, P.C.
Mark Tenhundfeld, American Bankers Association
Johnson Tyler, South Brooklyn Legal Services
Claudia Wilner, Neighborhood Economic Development Advocacy Project

5:00 Closing Remarks

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