

# Agenda



## Debt Collection: Protecting Consumers

A Roundtable  
September 29-30, 2009  
San Francisco, CA

### September 29 — Arbitration

#### 9:00 Opening Remarks

Charles Harwood, Deputy Director,  
Bureau of Consumer Protection,  
Federal Trade Commission

#### 9:15 Introduction of Participants

#### 9:30 Initiating Proceedings and Consumer Participation Rates

- How should arbitration proceedings be initiated so that consumers are made aware of them and their potential consequences? What evidence is there as to consumers' understanding and knowledge about the arbitration process?
- Who should have the burden of establishing that adequate notification regarding arbitration was given? What evidence of appropriate consumer notification should be required in an arbitration proceeding?
- Should there be changes in the law or industry practices with respect to notifying consumers about arbitration? Should there be any other changes with respect to initiating proceedings or consumer participation?

#### 10:15 Break

# Agenda

## 10:30 Choice of Provider, Choice of Location, and Role of Consumer Choice

- To what extent do consumers have a choice as to whether disputes regarding their debts are subject to arbitration?
- Are arbitration proceedings faster or cheaper than court proceedings for debt collection disputes? What other benefits and costs flow from the use of arbitration proceedings for debt collection disputes?
- Should there be changes in the law or industry practice regarding consumer choice about whether, when, or where to arbitrate, which organization is the arbitration provider, or how individual arbitrators are selected?

## 11:30 Lunch

## 1:00 Bias and Transparency

- Should there be changes in the law or industry practice with respect to ties between collectors and arbitration providers? Which, if any, of these ties create bias or perceived bias? Should such ties be prohibited or disclosed to consumers?
- Should there be changes in the law or industry practice to make the results and reasoning behind arbitration decisions more transparent and public? Should arbitration decisions have precedential effects on future arbitrations?
- 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?

## 2:15 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?

## 3:00 Conclusion

- What debt collection arbitration issues do you think the FTC needs to further study or discuss?
- What should the FTC do to improve debt collection arbitration proceedings?

## 3:15 Adjourn

## September 30, — Litigation

### 9:00 Opening Remarks

Jeffrey Klurfeld, Director,  
Western Regional Office,  
Federal Trade Commission

### 9:15 Introduction of Participants

### 9:30 Initiating Suits: Default Judgments and Service of Process

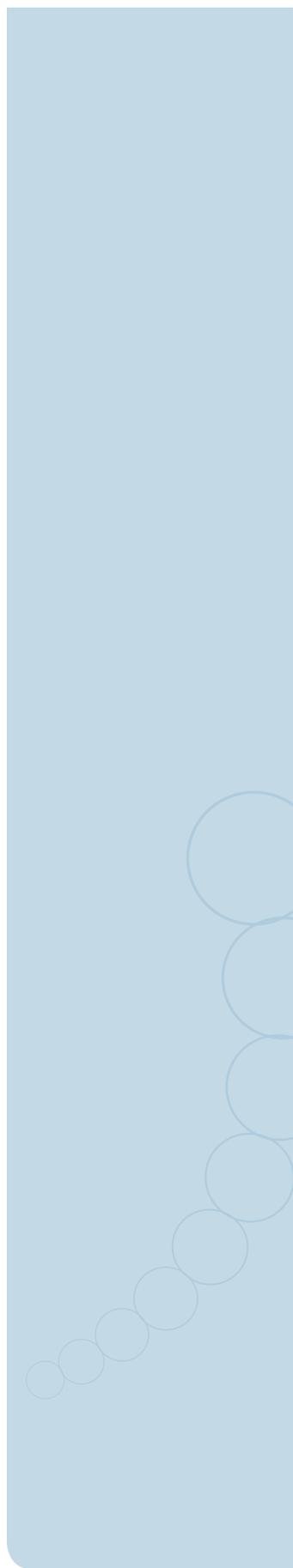
- How frequently are default judgments entered in debt collection litigation? What evidence is there of a possible relationship between default judgments and service of process?
- In what ways is process served in debt collection litigation against consumers? What role do the courts have regarding service of process? What is required of debt collectors regarding service of process?
- 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 seek to collect on debt that is beyond the statute of limitations? Are debt collectors more likely to collect on debt that is beyond the statute of limitations with certain types of debt, or on behalf of certain types of owners of debts?
- What role do the courts have in addressing statute of limitations issues in debt collection? What substantiation, if any, regarding the statute of limitations should be required of collectors?
- Should collectors be required to affirmatively disclose 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 statute of limitations issues?

### 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?
- What substantiation of indebtedness is typically provided along with the complaints filed in debt collection litigation? Is sufficient substantiating evidence typically provided over the course of debt collection litigation?
- Should there be changes in the law or industry practice to require debt collectors to file greater evidence of indebtedness? Should there be any other changes?

## 2:45 Garnishment

- How frequently do debt collectors freeze or garnish bank accounts containing exempt federal benefits to collect on judgments? When and how are consumers notified regarding the freezing or garnishing of funds?
- What are the respective roles of the courts, the banks, the collectors, and the judgment debtors in protecting exempt federal funds from freezing or garnishment?
- Should there be changes in the law or industry practice with respect to debt collectors freezing and garnishing bank accounts containing exempt federal benefits?

## 3:45 Break

## 4:00 Closing Issues and Future Directions

- What debt collection litigation issues do you think the FTC needs to further study or discuss?
- What role should the FTC play with respect to debt collection litigation proceedings?

## 5:00 Adjourn

