



Advocates Mull the New and Old in Debt Collection

An Online Survey Snapshot: Consumer Attorneys Report on How Debt Collectors Treat Their Clients

National Association of Consumer Advocates
September 2019

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Background and Objectives

Federal debt collection policy, dependent on a 42-year-old law, is ripe for an update. Congress passed the Fair Debt Collection Practices Act (FDCPA) to eliminate abusive debt collection practices, to ensure a fair marketplace for law-abiding debt collectors, and to promote enforcement of the law to protect consumers against debt collection abuses.¹ Over the decades, Congress has passed incremental changes to the FDCPA. The relatively new federal regulator, the Consumer Financial Protection Bureau (CFPB), began work on debt collection almost immediately after opening its doors in 2011, accepting consumer complaints and pursuing enforcement actions against abusive conduct in the marketplace.

In 2013, the CFPB launched a rulemaking process to update standards on debt collector conduct, publishing an Advance Notice of Proposed Rulemaking about debt collection practices,² followed by a small business review panel and outline of proposals in 2016.³ In May 2019, it issued a proposed rule on debt collection that, among other issues, focuses on debt collector contacts with consumers, including permissive electronic communications, attempted collection of time-barred debt, and debt collection attorney practices.⁴

As part of the CFPB's effort it conducted a survey in 2017, "Consumer Experiences with Debt Collection," receiving responses from approximately 2,000 people about their encounters with debt collectors over the prior year.⁵ It also collected data on debt collection "disputes and lawsuits, preferences for communications with a creditor or collector, and each consumer's demographic characteristics, general financial situation, and credit-market experiences."⁶

In contrast with the CFPB's survey, the results of the instant survey reports consumers' experiences through the eyes of attorneys who assist consumers with debt collection-related concerns. Consumer attorneys are the only players in the market who, collectively, possess certain key data about debt collection practices and their impact on consumers.

The survey collects data about consumer attorneys' experiences and interactions representing consumers with debts in collection, including matters related to collectors' communications with consumers and attempted collection of time-barred debt. The survey also explores consumers and their attorneys' experiences relative to a number of proposals in the CFPB's plan which would represent a significant change from current debt collection practices.

Debt collectors make millions of calls and file hundreds of thousands of lawsuits against consumers every year. Research shows that overwhelmingly few consumers pursued by debt collectors are represented by attorneys, even when their situation unquestionably requires legal

¹ 15 U.S.C. § 1692 (1977).

² Debt Collection Practices (Regulation F), Advance notice of proposed rulemaking, 78 Fed. Reg. 67848 (Nov. 12, 2013).

³ Consumer Financial Protection Bureau, *Small Business Review Panel For Debt Collector And Debt Buyer Rulemaking Outline Of Proposals Under Consideration And Alternatives Considered*, July 28, 2016, https://files.consumerfinance.gov/f/documents/20160727_cfpb_Outline_of_proposals.pdf.

⁴ Debt Collection Practices (Regulation F), Proposed rule with request for public comment, 84 Fed. Reg. 23274 (May 21, 2019).

⁵ Consumer Financial Protection Bureau, *Consumer Experiences with Debt Collection, Findings from the CFPB's Survey of Consumer Views on Debt*, January 2017, at 4, 11, https://files.consumerfinance.gov/f/documents/201701_cfpb_Debt-Collection-Survey-Report.pdf.

⁶ *Id.*, at 4.

representation.⁷ Still, the attorney survey is an indicator that certain types of interactions between collectors and consumers are prevalent in the marketplace.

Methodology

This document reports the results of a 20-question survey of consumer attorneys (individuals representing consumers' interests) that was emailed to members of the National Association of Consumer Advocates (NACA). The initial message to prospective respondents conveyed at the outset that the survey addressed debt collection practices, drawing in attorneys who represent consumers in that area of the law.

The survey, which as a preliminary matter asks, "What are you seeing in your work for consumers in debt collection cases," registered 134 responses.⁸ The respondents are consumer attorneys from 127 organizations – private law firms, legal services and nonprofit organizations, and a law school. They come from 34 states and Washington, D.C.

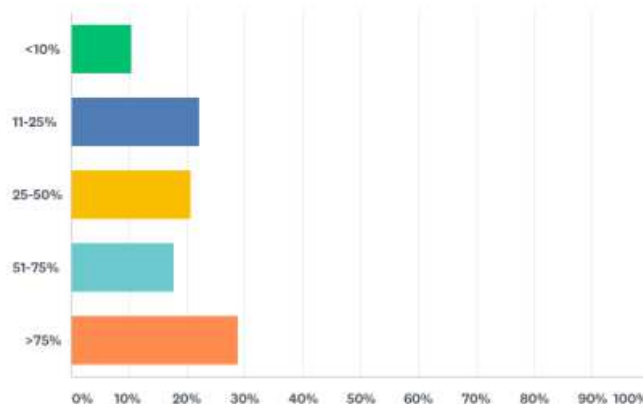
In the responses, 116 of the attorneys represent consumers against debt collectors for alleged violations of the FDCPA, and 123 attorneys defend consumers against lawsuits filed by debt collectors attempting to collect debt. Among them, 108 attorneys do both – they represent consumers with FDCPA claims and defend consumers against debt collection lawsuits. The vast majority of them, 121 attorneys, dedicate more than 10% of their work time on debt collection practices. Sixty-three consumer lawyers who responded to the survey spend more than 50% of their work time representing consumers with debt collection issues.

An overwhelming 90% of legal services attorneys responding to the survey defend consumers against debt collector lawsuits. A slightly smaller group, which overlaps, assists consumers in pursuing claims against debt collectors for alleged FDCPA violations. Most legal services respondents spend more than 25% of their work time on debt collection practice. Thirty-three percent of them spend more than 75% of their work time on debt collection, compared to 28% of private attorney respondents.

⁷ See, e.g. Peter Holland, *Junk Justice: A Statistical Analysis of 4400 Lawsuits Filed by Debt Buyers*, 26 Loy. Consumer L. Rev. 179 (2014) (consumers were represented by an attorney in only 2% of debt collection lawsuits in Maryland); Mary Spector, *Debts, Defaults, and Details: Exploring the Impact of Debt Collection Litigation on Consumers and Courts*, 6 Va. L. & Bus. Rev. 257, 289 (2011).

⁸ One response was not counted, due to it being incomplete and submitted without any answers.

Q5 How much of your work is in debt collection practice - FDCPA or debt defense?



Generally, the survey questions seek information about attorneys' debt collection work over the past two years. For questions that inquired about the number of consumers represented by an attorney for any given substantive issue (e.g. consumers represented regarding an excessive number of collector calls), the survey asked respondents to count each class action – if their representation involved collective actions – as a single consumer in their estimates.

Findings

Collectors are Unrelenting in Their Pursuit of Consumer Debtors

Too Many Calls. Consumers complain that debt collectors call them too much. In the CFPB's own survey report of consumer views on debt, close to two-thirds of consumers (63%) said they were contacted too often by a creditor or debt collector.⁹ More than 33% of consumers indicated that a creditor or debt collector had tried to reach them four or more times per week, and 17% reported that the creditor or collector tried to reach them eight or more times per week.¹⁰ Under its proposed rule, the CFPB would allow debt collectors to make up to seven attempted calls per debt per week, to consumers, and another seven attempts to their friends and family to request the consumer's contact information.

This survey asked consumer attorneys to estimate how many consumers they represented in the past two years in cases where the consumer received seven or more calls in a week from a debt collector. Most responding participants – **79% of private attorneys and 74% of legal aid attorneys – had consumer clients who received seven or more calls in a week from a debt collector.** In the past two years, 34 attorneys have each helped more than 20 consumers who received this volume of collector calls. Based on the low end of the survey data collection range, consumer attorneys collectively have helped at least 1,024 consumers who received seven or more calls a week from debt collectors.

⁹ CFPB, *supra* note 5, at 5.

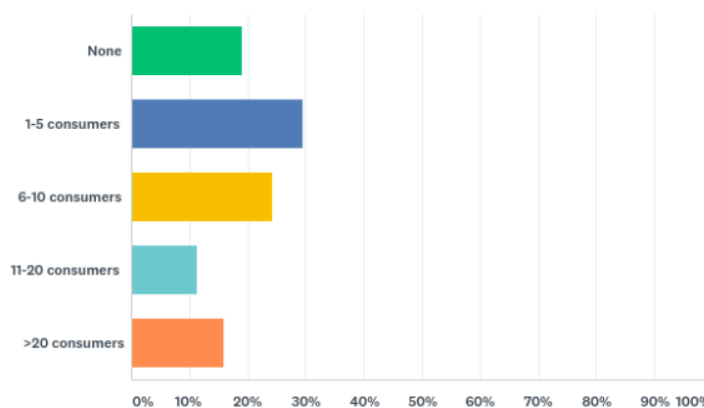
¹⁰ *Id.*

Collectors Don't Stop Calling. What happens when a consumer asks a debt collector to stop calling? If a consumer tells a debt collector in writing to stop contacting him or her, the debt collector must stop, with narrow exceptions. However, in the survey, **81% of all responding attorneys have clients who were contacted by a debt collector even after the consumer asked the collector to stop calling.** In a two-year period, 36 attorneys each have represented 11 or more consumers who were contacted after they had asked collectors to stop calling. In total, responding attorneys represented more than 816 consumers in the same time-period who had requested debt collectors to stop contacts, but the collectors failed to comply.¹¹

Collecting Debts Not Owed. Collectors make frequent contact over debt that consumers do not owe. In a consumer complaint database maintained by the CFPB, collectors' attempts to collect debt not owed was the most common issue that the CFPB received from consumers complaining about debt collection – comprising 44% of total debt collection complaints to the CFPB in 2018.¹² In its 2016 annual report on the FDCPA, the CFPB stated that the most common debt collection complaint was about “continued attempts to collect a debt that the consumer reports is not owed.”¹³ The bureau reported that the vast majority of consumers said that the debt was not theirs (63%) or that it was paid (26%). Other consumers said that the debt resulted from identity theft (6%) or was discharged in bankruptcy (4%).¹⁴

The instant survey corroborates much of the CFPB data, revealing that **89% of attorneys represented consumers in the past two years who were contacted by a collector after the consumer told the collector that s/he did not owe the debt.** The 132 attorneys responding to this survey question represented at least 748 consumers in the past two years (not including consumers in related class actions) who experienced this issue.

Q9 In the past two years, how many consumers have you represented who were contacted by a debt collector even after the consumer asked the collector to stop calling (either orally or in writing)? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.



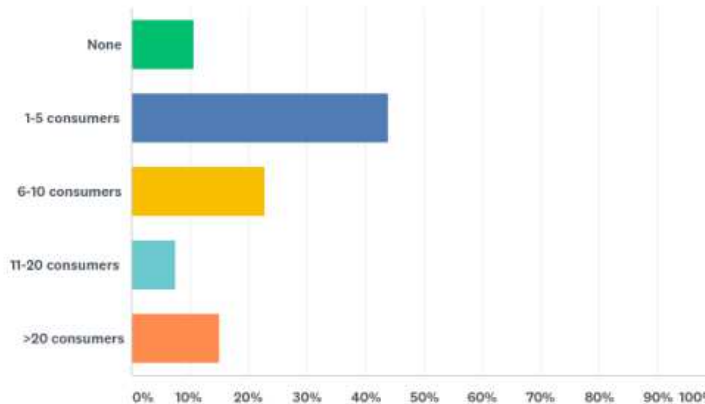
¹¹ Survey estimates of number of consumers represented in the survey do not include number of consumers helped in class actions related to the respective issues.

¹² Ethan Lutz, et al. U.S. PIRG Education Fund, *You're Not Alone CFPB Consumer Complaints on the Rise*, at 14, May 2019, <https://uspirg.org/sites/pirg/files/reports/USP%20CFPB%20Report.pdf>.

¹³ Consumer Financial Protection Bureau, *Fair Debt Collection Practices Act, CFPB Annual Report 2016*, at 19.

¹⁴ Id.

Q10 In the past two years, approximately how many times have you represented a consumer who was contacted by a collector after the consumer told the collector that s/he did not owe the debt (because it was already paid, resulted from ID theft, or other reasons)? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.



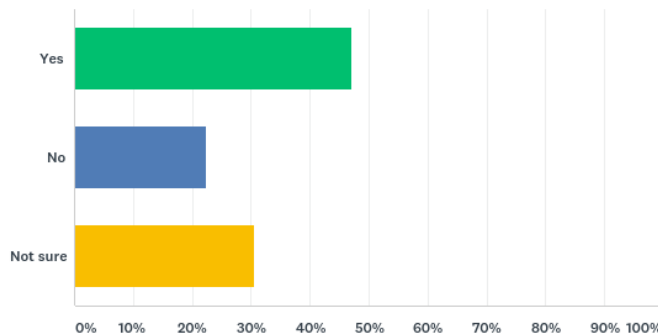
Emails and Texts are on the Debt Collection Horizon

Electronic communications such as email and texts are commonplace, but the extent of their use in debt collection is unclear. In its proposed debt collection rule, the CFPB expressed its intent to write rules for “communication technologies that did not exist at the time the FDCPA was passed (such as mobile telephones, email, and text messaging), [and that it says] have been the subject of inconsistent court decisions, resulting in legal uncertainty and additional cost for industry and risk for consumers.”¹⁵ The bureau would permit newer communication technologies, such as emails and text messages to be used in debt collection. The bureau’s proposal would allow emails and texts to be sent to consumers in place of written notices that provide essential information. The proposal would not require opt-in consent or specific limits on the volume of contacts.

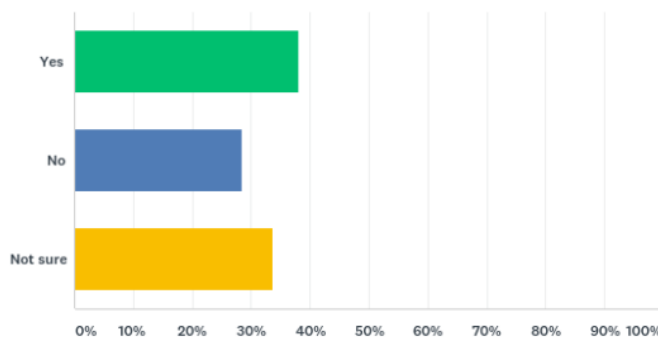
This survey asked broad-stroked questions to determine whether consumer attorneys are currently observing email and text communications from collectors to consumers. While nearly half (47%) of responding attorneys said that they represented a client(s) in the last two years who **received an email from a debt collector attempting to collect on a debt**, 22% said they had not. Notably, more than 30% said they were not sure. Fifty-one attorneys (38%) have represented at least one consumer who **received a text message from a debt collector attempting to collect on a debt**, and 45 attorneys (33%) were not sure. A majority of legal services attorneys were not sure whether consumers they had assisted received emails or text messages from debt collectors.

¹⁵ 84 Fed. Reg. at 23274-5.

Q16 In the past two years, have you represented a consumer who received an email message from a debt collector attempting to collect on a debt?



Q17 In the past two years, have you represented a consumer who received a text message from a debt collector attempting to collect on a debt?



Access to electronic communications is also relevant to the CFPB’s proposal. The CFPB proposal relies on the premise that electronic communications are generally as readily available and convenient as telephones. The survey asks attorneys about their clients’ access to electronic communications, including internet access, cell phones for texting, and email access. Of survey respondents, less than a third (27%) of attorneys said that in their experience – “almost all” of their **clients have reliable access to electronic communications**. Of legal services attorneys, 48% (16 attorneys) said that in their experience “some” of their clients had reliable access to electronic communications and 42% (14) said “most” had reliable access.

Most Attorneys Represent Consumers with Multiple Student Loan, Medical Debt Accounts

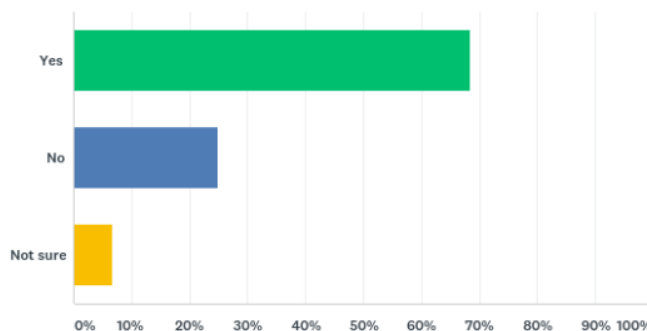
Most consumers contacted by debt collectors are pursued for multiple debts. In a 2017 survey on consumer experiences, the CFPB reported that 57% of consumers who were contacted over the past year by a creditor or debt collector said they were contacted about between two and four

debts.¹⁶ The bureau also reported that 16% of consumers were contacted about five or more debts.

Certain types of obligations such as student loans and medical bills, typically involve more than a single debt. In its proposed rule relating to the frequency of calls to consumers (up to 7 attempts per week per debt), the CFPB proposes that multiple student loan debts serviced under a single account number at the time they were obtained by a debt collector would be treated as a single debt.¹⁷ Instead of receiving up to seven calls per week per debt for a student loan, borrowers would receive up to seven calls per week for all the loans together as one account. The bureau requested public comment on its proposal to aggregate student loan debt, and also on whether any other types of debts such as multiple medical debts should be similarly aggregated and treated as a single debt for purposes of the CFPB's call frequency proposal.¹⁸

In the instant survey, the majority of responding consumer lawyers said they have represented clients with two or more debts in collection in the past two years. Overall, **63% said they have represented consumers with two or more student loans, and 68% have recently represented consumers with two or more medical debts.** Most private attorneys, 60%, have helped borrowers with two or more student loans while 78% of legal services attorneys have represented student loan borrowers with two or more loans. For consumers with two or more medical debts, 70% of private attorneys and 65% of legal aid attorneys have represented them in the last two years.

Q7 In the past two years, have you represented a consumer in cases where the consumer had two or more medical debts in collection simultaneously?

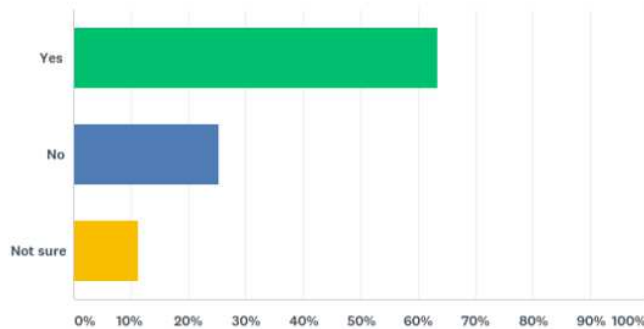


¹⁶ *Consumer Experiences with Debt Collection, Findings from the CFPB's Survey of Consumer Views on Debt*, Jan. 2017, at 13, https://files.consumerfinance.gov/f/documents/201701_cfpb_Debt-Collection-Survey-Report.pdf.

¹⁷ Debt Collection Practices (Regulation F), Proposed rule with request for public comment, 84 Fed. Reg. at 23320, 23313 (FN 307).

¹⁸ 84 Fed. Reg. at 23322.

Q8 In the past two years, have you represented a consumer in cases where the consumer had two or more student-loan debts in collection simultaneously?



Debt Collectors Call, Threaten, and Sue to Recover Expired Debt from Consumers

Collectors continue to use tactics to recover old, expired debt. The CFPB in its proposal noted that multiple courts have held that suits and threats of suit on time-barred debt violate the FDCPA.¹⁹ Courts also have held that debt collectors are responsible for knowing the time limit on a debt,²⁰ which may change under the CFPB's proposal.

The CFPB's proposed rule would only prohibit a debt collector from bringing or threatening to bring a legal action "against a consumer to collect a debt that the debt collector knows or should know is a time-barred debt."²¹ A time-barred debt, colloquially called "zombie debt," is a debt where the applicable statute of limitations period has expired for suing a consumer to collect a debt.

This survey made a number of inquiries related to consumer attorneys' work in the past two years on zombie debt. **The survey responses show that vast majorities of responding attorneys have worked on cases on behalf of consumers related to collectors' efforts to collect on debt that has expired and on which they cannot legally sue.**

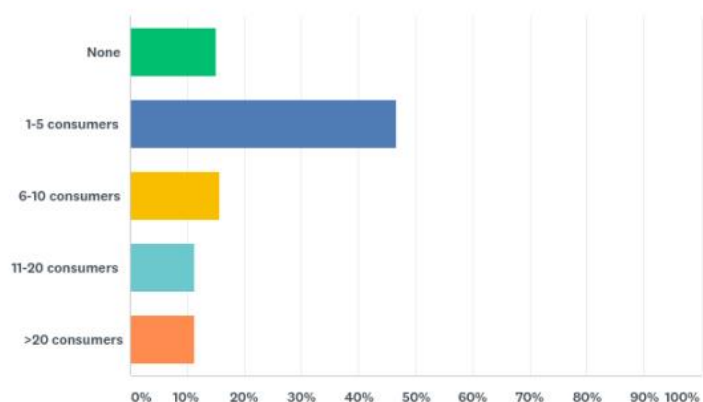
- **85% of consumer attorneys have recently represented consumers in cases where a debt collector attempted to collect on time-barred debt, representing at least 653 consumers in the past two years.**
- **71% of consumer attorneys have recently represented consumers in cases where a debt collector threatened to sue the consumer to collect on time-barred debt, assisting at least 455 individual consumers in the two-year period.**
- **64% of attorneys have recently worked on cases representing consumers where a debt collector sued a consumer to collect on time-barred debt.**

¹⁹ 84 Fed. Reg. at 23328.

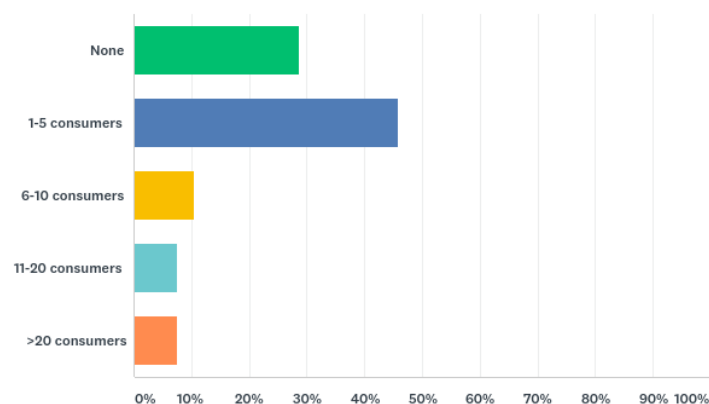
²⁰ See, e.g. *Kimber v. Federal Financial Corp.*, 668 F. Supp. 1480, 1487 (M.D. Ala. 1987).

²¹ 84 Fed. Reg. at 23329

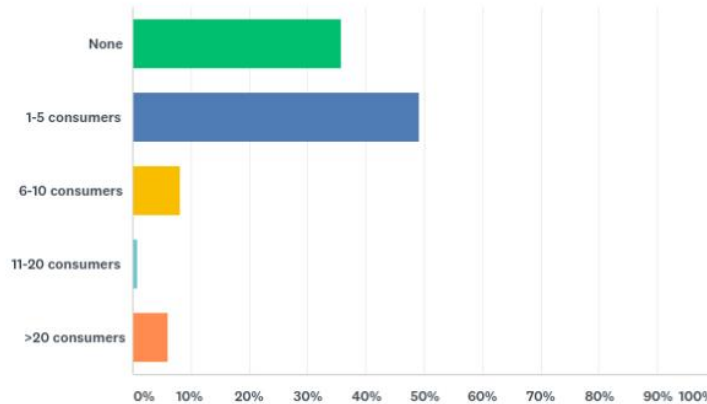
Q11 In the past two years, approximately how many consumers have you represented in cases where a debt collector attempted to collect on time-barred debt? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.



Q12 In the past two years, approximately how many consumers have you represented in cases where a debt collector threatened to sue to collect on time-barred debt? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.



Q13 In the past two years, approximately how many consumers have you represented in cases where a debt collector sued to collect on time-barred debt? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.



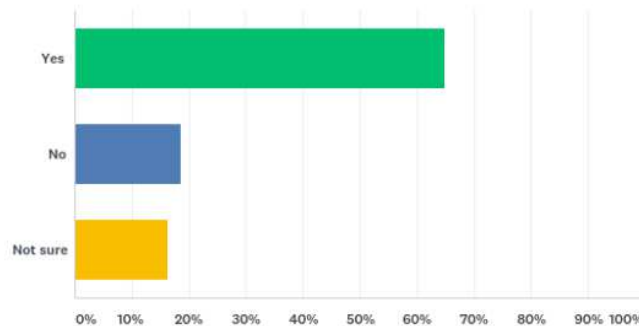
Consumers are Not Receiving Clear Warnings about Time-Barred Debt

The data shows that written disclosures currently required to be provided by collectors do not help consumers understand their rights on time-barred debt. The CFPB said it plans to test consumer disclosures related to time-barred debt and the possibility of reviving old debt. After testing, the CFPB will assess whether a debt collector who collects on a time-barred debt must disclose that the debt collector cannot sue to collect the debt because of the debt's age.²²

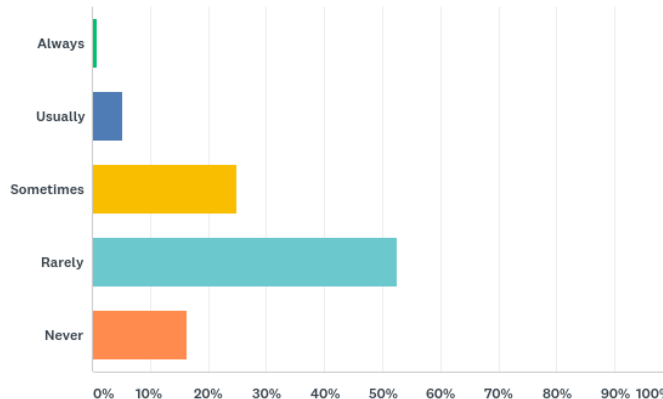
The majority of responding consumer attorneys (65%) has worked on **cases for consumer-clients who received a written disclosure from a debt collector related to the collection of time-barred debt**. More than half said that their clients “rarely” understood the disclosures. **Legal aid attorneys, in particular, 85% of them, said that their clients “rarely” or “never” understood the disclosures.** Meanwhile, **only seven private and legal services attorneys in total said that their clients “usually” or “always” understand the time-barred debt disclosures.**

²² Id., at 23275-6.

Q14 In the past two years, have you represented one or more consumers who received a written disclosure from a debt collector related to the collection of time-barred debt?



Q15 If your clients have received disclosures from debt collectors about a debt that is time-barred, have they generally understood the disclosures?



Identifying Collector Lawsuits That Lack ‘Meaningful Attorney Involvement’

Debt collection attorneys send mountains of letters each year to consumers to collect on debt. The FDCPA prohibits false, deceptive or misleading representations by debt collection attorneys. The law has been interpreted to regulate collection communications sent under an attorney’s name based on whether the attorney was “meaningfully involved” in the communications to the consumers.

Lack of meaningful attorney involvement under FDCPA would mean that the collectors made false or misleading statements in collection letters from attorneys to consumers about the level of attorney involvement, including misrepresentations that they reviewed a consumer’s account information, when they had not. For example, in May 2019, the CFPB filed a complaint in federal court against a debt collection law firm alleging that the firm “relied on nonattorney support staff, automation, and both a cursory and deficient review of account files to attempt to

collect more than 99,000 debts that consumers allegedly owe.”²³ The CFPB alleged that the attorneys in the law firm signed off on lawsuits without properly reviewing the accounts.

Taking a different stance than it had when enforcing the FDCPA, the CFPB’s proposed rule on debt collection offers a “safe harbor” for meaningful attorney involvement. Meaning, the proposed rule would grant collection attorneys a shield from liability as long as the attorney reviews certain “information” and “determines” that the claims in the lawsuit are correct.²⁴ The proposal does not specify what information collection attorneys must review.

This survey inquired generally about consumer attorneys’ work for consumers against debt collection attorneys in litigation. According to the survey, **23% of attorneys have brought FDCPA claims on behalf of consumers alleging lack of meaningful attorney involvement.**

Conclusion and Recommendations

Hailing from 34 states and Washington, DC, 134 attorneys who represent consumers with debt collection issues reported similar observations about consumer experiences and interactions with collectors across the country. Their responses demonstrate that old problems for consumers continue to persist and new technology is posing new risks. Their answers indicate that substantially more protections for consumers are needed, particularly to address the volume of collector communications and the deceptive collection of time-barred debt.

First, collectors are relentless in their pursuit of consumers to collect debt. Most responding participants had consumer clients who received seven or more calls in a week from a debt collector. The survey question mirrors the CFPB’s proposal which would allow debt collectors to make up to seven attempted calls per week per debt. Overwhelmingly, most responding attorneys, 81%, have clients who were contacted by a debt collector even after the consumer asked the collector to stop calling. And 89% represented consumers in the past two years who were contacted by a collector even after the consumer told the collector that s/he did not owe the debt. The results also show collectors’ willingness to disregard consumers’ requests and the information consumers provide. Meanwhile, the CFPB’s proposal would not require any protections against collections for debts not owed by consumers.

The CFPB’s bid to formally allow emails and text messages to replace requirements for written notices of critical information could fall short if it does not include assurances that consumers actually receive these important notices. The survey shows that some consumer attorneys are aware of consumer clients who have received emails and text messages from debt collectors while other lawyers are not, indicating that these communications are not yet pervasive.

The survey also indicates that some consumers, particularly low-income consumers, do not have reliable access to electronic communications. Under CFPB’s proposal, collectors may contact consumers through text or email without their specific consent. As reported, only 27% of attorneys said that in their experience “almost all” of their clients have reliable access to

²³ Complaint, *Bureau of Consumer Financial Protection v. Forster & Garbus*, (E.D.N.Y. 2019) (No. 2:19-cv-2928).

²⁴ *Id.* 84 Fed. Reg. at 23323.

electronic communications. Other consumer clients may only have limited or unpredictable access to text and email. Some consumers may not receive important collection notices because they are unable to reliably access electronic communications. Others may mistake notices for spam or receive messages too late. If the CFPB is interested in ensuring that all consumers receive important information about debt that collectors claim consumers owe, allowing electronic communications would be impractical where significant numbers of people do not have reliable access.

Overwhelmingly, the responding attorneys represent consumers with multiple student loan and medical debt accounts. The attorney survey results are consistent with the CFPB's own findings that show the majority of consumers were contacted by collectors about multiple debts. These results indicate that the CFPB's proposal on number of contacts allowed per debt is significant. Consumers with multiple debts could receive up to seven attempted contacts from debt collectors for each debt every week. The CFPB has acknowledged in its proposal its willingness to consider aggregating certain kinds of debt for communications purposes, such as medical debt and student loan debt. Given the survey responses on contacts, the bureau ought to consider further limits on collectors' attempted contacts with consumers.

Finally, the responses to the survey on the collection of time-barred debt indicate that the CFPB can do more to manage attempted collection of old and expired consumer debt. Multiple courts have said that suits and threats of suit on time-barred debt violate the FDCPA. Yet, the survey indicates that collectors are aggressive in their attempted collection of time-barred debt. The vast majority of responding consumer attorneys has worked on cases involving attempts to collect on time-barred debt, threats to sue to collect on time-barred debt, and lawsuits against consumers to collect on time-barred debt.

The CFPB's proposal on time-barred debt would bar legal actions against a consumer to collect on time-barred debt only if the collector "knows or should know" that the debts are expired. The CFPB is retreating from judicial determinations that suits against consumers to collect on time-barred debt are prohibited by the FDCPA. Courts have held that collectors must be responsible for knowing that a debt is time barred. Based on the survey responses, the bureau's retreat with the proposed policy will intensify collection activity – attempts to collect and lawsuits – around zombie debt.

Consumer attorneys were also certain about the effectiveness of written disclosures on time-barred debt. According to the survey participants, written disclosures do not help consumers understand their rights on time-barred debt. Only *seven* attorneys of 134 respondents said that their clients "usually" or "always" understand disclosures about time-barred debt. Meanwhile, 85% of legal aid attorneys said that their clients "rarely" or "never" understood the disclosures. The CFPB, which said that it plans to test consumer disclosures, must be mindful of how ineffective written disclosures can be, especially for the least sophisticated consumer. Written disclosures may not be enough to protect consumers' rights related to time-barred debt, and consumers may need an additional more transparent action to ensure that their rights are not violated.

Appendix



Debt Collection Practices

What are you seeing in your work for consumers in debt collection cases?

Thank you for agreeing to participate in this online survey! We are collecting information on consumer attorneys' work in debt collection practice. Your responses will help to provide data on how debt collectors communicate with consumers and how they treat time-barred debt. The survey is estimated to take no more than 3-5 minutes of your time.

We will share the data from your responses (not your personal information) with the public. Your responses will not be identified. All responses will be compiled together and analyzed as a group. Questions marked with an asterisk (*) are required. We appreciate your input.

Sincerely,
National Association of Consumer Advocates

Question Title

*** 1. Please provide your contact information below.**

Name:

Organization Name

State:

Email Address:

Question Title

2. Select one. You work primarily with a:

☐

Legal services organization

☐

Other nonprofit organization

☐

Law firm

☐

Law school

Question Title

*** 3. Do you represent consumers against debt collectors for alleged violations of the Fair Debt Collection Practices Act?**

- ☐ Yes
- ☐ No

Question Title

*** 4. Do you defend consumers against lawsuits filed by debt collectors attempting to collect debt?**

- ☐ Yes
- ☐ No

Question Title

5. How much of your work is in debt collection practice - FDCPA or debt defense?

- ☐ <10%
- ☐ 11-25%
- ☐ 25-50%
- ☐ 51-75%
- ☐ >75%

Question Title

6. In the past two years, approximately how many consumers have you represented in cases where the consumer received 7 or more calls in a week from a debt collector(s)? Please count class actions as a single consumer in your estimate.

- ☐ None
- ☐ 1-5 consumers
- ☐ 6-10 consumers
- ☐ 11-20 consumers
- ☐ >20 consumers

Question Title

7. In the past two years, have you represented a consumer in cases where the consumer had two or more medical debts in collection simultaneously?

- ☐ Yes
- ☐ No
- ☐ Not sure

Question Title

8. In the past two years, have you represented a consumer in cases where the consumer had two or more student-loan debts in collection simultaneously?

- ☐ Yes
- ☐ No
- ☐ Not sure

Question Title

9. In the past two years, how many consumers have you represented who were contacted by a debt collector even after the consumer asked the collector to stop calling (either orally or in writing)? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.

- ☐ None
- ☐ 1-5 consumers
- ☐ 6-10 consumers
- ☐ 11-20 consumers
- ☐ >20 consumers

Question Title

10. In the past two years, approximately how many times have you represented a consumer who was contacted by a collector after the consumer told the collector that s/he did not owe the debt (because it was already paid, resulted from ID theft, or other reasons)? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.

- ☐ None
- ☐ 1-5 consumers

- ☐ 6-10 consumers
- ☐ 11-20 consumers
- ☐ >20 consumers

Question Title

11. In the past two years, approximately how many consumers have you represented in cases where a debt collector attempted to collect on time-barred debt? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.

- ☐ None
- ☐ 1-5 consumers
- ☐ 6-10 consumers
- ☐ 11-20 consumers
- ☐ >20 consumers

Question Title

12. In the past two years, approximately how many consumers have you represented in cases where a debt collector threatened to sue to collect on time-barred debt? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.

- ☐ None
- ☐ 1-5 consumers
- ☐ 6-10 consumers
- ☐ 11-20 consumers
- ☐ >20 consumers

Question Title

13. In the past two years, approximately how many consumers have you represented in cases where a debt collector sued to collect on time-barred debt? If this scenario was alleged in a class action, please count each class as a single consumer in your estimate.

- ☐ None
- ☐ 1-5 consumers
- ☐ 6-10 consumers
- ☐ 11-20 consumers
- ☐ >20 consumers

Question Title

14. In the past two years, have you represented one or more consumers who received a written disclosure from a debt collector related to the collection of time-barred debt?

- ☐ Yes
- ☐ No
- ☐ Not sure

Question Title

15. If your clients have received disclosures from debt collectors about a debt that is time-barred, have they generally understood the disclosures?

- ☐ Always
- ☐ Usually
- ☐ Sometimes
- ☐ Rarely
- ☐ Never

Question Title

16. In the past two years, have you represented a consumer who received an email message from a debt collector attempting to collect on a debt?

- ☐ Yes
- ☐ No
- ☐ Not sure

Question Title

17. In the past two years, have you represented a consumer who received a text message from a debt collector attempting to collect on a debt?

- ☐ Yes
- ☐ No
- ☐ Not sure

Question Title

18. In your experience communicating with your clients, how many have reliable access to electronic communications, including internet access, cell phones for texting, and email access?

- ☐ Almost all
- ☐ Most
- ☐ Some
- ☐ Few
- ☐ None

Question Title

19. In the past two years, have you brought any FDCPA claims on behalf of consumers alleging lack of meaningful attorney involvement?

- ☐ Yes
- ☐ No
- ☐ Not sure

Question Title

20. You're invited to provide additional comments and observations related to the inquiries in this survey.