

DEBT COLLECTION ON A LEGAL HOTLINE



Presented by:

Cheryl Feuerman, Connecticut Legal Services' Consumer Law Project for Elders

TantaLisa Clayton, Utah Legal Services

Michael Walters, Pro Seniors, Inc. & CERA

CERA
Center for Elder Rights Advocacy
an ELMresource | www.ceraresource.org

NLRC
National Legal Resource Center

PRESENTERS

Cheryl Diane Feuerman

Cheryl Diane Feuerman is a Senior Staff Attorney with Connecticut Legal Services, where she has worked for 26 years. She has been the Project Manager of the Consumer Law Project for Elders since 2002. Prior to that, she specialized in Medicare, Medicaid and Nursing Home Law.

TantaLisa Clayton

TantaLisa Clayton is currently an attorney at Utah Legal Services, where she specializes in elder law. At Utah Legal Services, she has served as the Senior Task Force Chair since 2001 and is the Director of the Senior Lawyer Volunteer Project. She served as a Commissioner on the Utah Commission on Aging and Chair of the Needs of the Elderly Committee of the Utah State Bar. She has been a member of the Utah State Bar since 1980.

Michael A. Walters

Michael A. Walters manages the legal Hotline at Pro Seniors, Inc. in Cincinnati Ohio, and he serves as a project specialist for the Center for Elder Rights Advocacy at Elder Law of Michigan. Mike has practiced law since 1991, with an emphasis in the area of Social Security law as well as elder law. Mike is admitted to practice law in the state of Ohio and the Commonwealth of Kentucky, the Federal District Courts for the Southern District of Ohio and the Eastern District of Kentucky, as well as the United States Court of Appeals for the Sixth Circuit. Mike is a member of the Cincinnati Bar Association, the Northern Kentucky Bar Association, the American Bar Association, and the National Organization of Social Security Claimants' Representatives.

CONNECTICUT

About The Consumer Law Project for Elders (aka CLPE):

- The CLPE is part of Connecticut Legal Services
 - One of 4 private non-profit legal aid firms in CT
- In October 2002, CLS was awarded its first grant from the Administration on Aging
 - Create a consumer senior legal hotline to address needs of seniors in Connecticut.
- AoA funding ended in 2010
- We have had to cut back on advocates, cases types and numbers but CLS has kept us alive with general funds
- While CLS does not serve all of CT, the CLPE does serve the whole state
- 60 and over
- Consumer problems only

Types of cases we handle (most common)

- Debt collection problems
 - credit card debt
 - medical debt
 - abusive/harassing collection practices
 - debt collection law suits (defense work)
 - bank executions
 - wage executions
- Credit repair issues– usually related to ID theft
- Contract disputes involving purchase of goods and services
- Bankruptcy advice and referral only
- Identity theft and scams: civil side...how to report, how to fix issues with banks and creditors as a result

How seniors reach us

- Dedicated toll free number
- Direct referral via fax
 - Elder services providers (AAAs, social workers, case managers)
- Walk ins

Hotline Intake Process

- Hotline open 9-5 Monday through Friday
- Call back system (Lync)
- Call backs Tuesday and Thursday 1-5
 - If necessary, specific appointment for a return call can be set up
- Call goes to Voice Mail
- Have a separate track for English speaking and Spanish speaking callers

- Caller asked to leave name, address and brief description of problem
- Intake person returns call and does intake
 - Legal Files
 - All cases opened, notes entered and documents scanned into an electronic file
- Intake forwarded to me and I assign to an advocate
- Advocate makes call back within 3 business days

Staff

- 2 full time staff
 - Myself
 - Handle day to day operations, volunteer and paralegal/legal assistant supervision and case work
 - 1 paralegal
 - Handles intake and advocacy
- 1 part time Spanish speaking legal assistant
 - handles cases re Spanish speaking callers
- 3 remarkable retired volunteer attorneys

Service Provided

- Advise/Brief service
- File closed when phone call ends
 - Advice, information, self help materials/guidance
 - Example: Client sued
 - Discuss legal rights and all options available to them based on their income and asset status
 - Send educational materials
 - Many are judgment proof and choose not to respond to suit
- Extended services (retainer obtained)
 - Review of documents
 - Research
 - Letters to third parties
 - E.g. debt collectors (cease communications letters)
 - Financial disclosure forms (client judgment proof)
 - Negotiated settlements
 - Guidance/limited assistance with small claims cases
 - Other: Any assistance necessary short of litigation
 - Example: Client sued and wants to respond to suit
 - We will provide a limited amount of legal assistance
 - In some cases, we will draft court documents
 - E.g. Motion to Open after default
- Full Representation (retainer obtained)
 - Affirmative litigation

- Fair Debt Collection Practices Act violations (collection agencies)
 - CT Creditor Collections Practices Act violations (creditors)
 - Other
- Defense
 - Defending debt collection lawsuits
 - Example: Client sued and case of mistaken identity
 - Will or go into court on their behalf
- Referrals
 - A word on referrals
 - Look at caller holistically
 - Are there any other legal or non-legal issues going on that caller could use assistance with
 - Created Partnerships
 - Goal: prevent being bounced around trying to find assistance
 - Cross-referrals
 - Sister legal services
 - Aging network providers (e.g. AAA for benefits check up, case-managers for homebound seniors)
 - DCP/AG
 - Private bar (some pro bono some for fee)
- Educational outreaches
 - Talks about consumer issues to seniors and professionals

Technology

- Legal files
 - All files are electronic
 - Merge letters
 - 20 standardized letters that we can run
 - Letters to clients, creditors, debt collectors etc.
 - E.g. cease communications, verify debt, send documents etc.

UTAH

About Utah Legal Services

- Utah Legal Services (ULS) is a nonprofit law office and serves the entire state of Utah.
- ULS is funded mainly by the Legal Services Corporation (LSC) and receives funding from more than 30 other sources. ULS has specialized staff who provide legal services for persons age 60 and older and have been providing services specifically to seniors for many years.
- Services have been provided to seniors primarily through funding from the 12 Area Agencies on Aging (AAA) in Utah. ULS was a grantee of the Administration on Aging (AoA) Model Approaches grant for four years. Part of this grant included a senior hotline. AoA funding of this grant ended in 2013.

Importance of Debt Collection

- In 2014 in the senior programs at ULS, 18% of all calls were consumer cases. Of those 18%, over 70 % were debt collection related issues.

Intake process and triage

- All intakes are by phone (or on-line).
- All callers speak initially with an intake worker who checks for COI's, inputs callers case into our computer system, obtains basic information and the general problem.
- The majority of intake workers speak Spanish and an interpreter service is available. If an interpreter in another language is needed, the interpreter is added to the call.
- Calls are then transferred and the caller speaks directly (or on-line) with an advocate. The advocate is a paralegal or an attorney.
- Everyone who calls in speaks directly with an advocate at the time of the initial call.
- Cases are triaged by intake workers. If they are LSC eligible and within case priorities of task forces, the caller is sent directly to the queue for the various task forces. Our task forces include domestic, housing, public benefits, and consumer. We also have a pro bono program that places cases with outside attorneys.
- If caller is a senior (age 60 +) and does not already fall within existing case priorities for our other programs, then that caller is sent directly to the senior queue.
- Since seniors under our AAA cases do not have to give any income or asset information at intake, if the advocate thinks the client's case would fall within priorities for more extended services, the advocate explains that to the client and asks them if they want to provide the asset and income information needed in order to determine if they qualify for any extended service within current ULS priorities or with our pro bono program.

If a client has already been sued in court by a creditor

- For Utah Courts cases there is an on-line system called Xchange. It is a case search repository of court records.

- If client has been sued, we can look on line at the court exchange program and pull the docket and all related documents. If necessary, we can send copies of court documents to the client.
- Clients are often very unclear on what has happened in court so the availability of these records is extremely helpful.
- We can determine what has happen and current status of case.
- Some issues that can be determined:
 - Was service proper?
 - Has there been a judgment? If so, when was the judgment? Do they have a possible defense to set aside? Are they in the time limit to set aside?
 - Is this a Supplemental Hearing to determine current financial situation? If client not present at this hearing, they can be held in contempt of court.
 - Is the creditor garnishing wages and if so have they proceeded correctly?
- Much of this can be reviewed and determined while client is on the phone.

If a client has not been sued in court

- If no lawsuit, advice is given on the particular question that client has.
- A majority of issues involve advising the client on what creditors can and cannot do and how creditors could proceed and what the client's rights are.
- We try to empower clients as much as possible when advising on what their rights are and what they can do in these situations. That may be sending a Do Not Call letter or filing a complaint with the Consumer Protection Division.
- If client has access and the ability to use the internet, on the initial intake call, we can have them go to the relevant website and "walk through" the website with client. This ensures that client can navigate the website and understand the resources available to them.
- If a client does not have access we can send them information.
- Utah Legal Services website is: www.utahlegalservices.org. The consumer issues are accessed by clicking on "Can I Help Myself" and then on both the Consumer and Bankruptcy tabs.
- The **consumer** tab has information of the following subjects:
 - Bankruptcy
 - Credit Reports
 - Debt Collection
 - Exempt Property
 - Foreclosure
 - Homestead Exemption
 - Identity Theft

Bankruptcy issues

- Many collection cases involve discussion of whether bankruptcy may be a viable option.

- It is important that clients understand all options, so they can make an informed decision based on their unique situation. Clients may be “judgment proof” but cannot deal with being sued, etc. So they may still decide to file for bankruptcy.
- The ULS website currently has two interactive software applications to assist clients on bankruptcy. One is to teach about Chapter 7 and whether it might be the right course for the client. The other is an extensive “How To” file for Chapter 7.
- These self-help resources are important as ULS does not act as attorney in a bankruptcy filings and pro bono options are very limited.

Real Property collection issues

- ULS also has access to various on-line systems to determine what documents have been filed with regard to real property. This information is provided by and filed at the County Recorder’s/Assessor’s office where the property is located.
- Access to this technology is more limited and a call back is given to the client after the information has been obtained.

Referrals and resources

- Utilize trusted existing resources.
- The Utah Courts have extensive resources for self-help and self-represented parties. This includes help on consumer issues. All their forms have been approved by the courts.
- Their site for consumer issues is: <http://www.utcourts.gov/selfhelp/#consumer>
- This site contains instructions and court forms for issues such as:
 - Satisfaction of a Judgment
 - Wrongful liens
 - Small Claims Court
- The Division of Consumer Protection found at www.consumerprotection.utah.gov/ identifies and warns consumers about current scams. It also has the forms and instructions to file a consumer complaint.

Extended service

- ULS has a consumer task force and pro bono department that does handle extended service on consumer cases.
- Extended service includes defending debt collection lawsuits.
- We have been successful in getting cases dismissed by creditors by filing an affidavit from the client regarding their limited resources.

Materials

- Stop Annoying Collection Calls Flyer and Form Letter
- Resource Affidavit Sample in Collection Case

Stopping Annoying Collections Calls Without Filing for Bankruptcy

Many people think that bankruptcy is their only option to stop collection agencies from harassing you with phone calls and letters. This is not true. Federal law says that if you send a letter to collections agencies asking them to quit calling you, they have to stop (and they have to stop sending you letters except for a few reasons).

Attached is a form letter you may want to use to send to a debt collector. When you fill it out be sure that you do not admit that you owe any money. Even if you do owe money, the law does not require that you tell this to the collection agency. Rather, just fill out the form like the sample explains.

You should keep a copy of the letter and a record of when and to which collections agencies you contact with this letter.

Date

Attn: Name of Contact

Collection Agency

Address

City, UT Zip

[Business Name & Address of Collection Agency]

Re: _____

[Your Name and Account Number if applicable]

Dear _____:

[Name of Contact at Collection Agency]

Recently I have received phone calls, letters, or other communications related to an overdue Department Store account. *[Description of account for which you are receiving phone calls, letters, etc.]*

This is my formal notice to you under 15 U.S.C. § 1692c to cease all further communications with me except for the reasons specifically set forth by federal law.

This letter in no way acknowledges that I owe this money.

Sincerely,

[Your Name]

Sample Affidavit

IN THE THIRD DISTRICT COURT OF SALT LAKE COUNTY
WEST JORDAN DEPARTMENT, STATE OF UTAH

<p>CREDITOR,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">V.</p> <p>JOHN DOE,</p> <p style="text-align: center;">Defendant.</p>	<p>AFFIDAVIT OF JOHN DOE Case No. 2015000</p> <p style="margin-top: 100px;">Judge: Mr. Judge</p>
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STATE OF UTAH) : SS.
COUNTY OF SALT LAKE)

The undersigned, John Doe, being first duly sworn deposes and says:

- 1. I am 69 years of age and competent to make this affidavit.
- 2. I am the defendant in the above-referenced case.
- 3. My sole source of income is from Social Security Retirement in the amount of \$834 per month.
- 4. I own no real property or other valuable assets.
- 5. I live in rented apartment in Salt Lake City.
- 6. I do not own a vehicle.
- 7. I have no other property, real or personal, out of which a judgment could be satisfied.

DATED this _____ day of March 2015.

John Doe

STATE OF UTAH) : SS.
COUNTY OF SALT LAKE)

On this __ day of March, 2015, personally appeared before me John Doe, whose identity was established by _____, and who, being first duly sworn upon his oath, deposes and says that he has read the foregoing Affidavit, knows the contents thereof and that the same is true of his own knowledge,

except those matters thereby alleged upon information and belief and, as to such matters, he believes the same to be true.

Subscribed and sworn to before me this ____ day of March, 2015.

NOTARY PUBLIC

OHIO

Debt collection issues at pro seniors

About Pro Seniors:

- Pro Seniors is the statewide legal hotline for Ohio seniors. We accept “all comers” for hotline advice. Any Ohio resident age 60 or older may call and schedule a hotline appointment about any legal issue. In 2014, we opened 5974 cases for 5503 clients. Approximately 60% of our clients are at or below 150% of Federal Poverty Level. We also have a referral service and we have the ability to refer clients to private attorneys, including for referring to file for bankruptcy. The modest means panel attorney fee for bankruptcy is \$600. Of our 5974 cases in 2014, 1072 of those cases were in the area of consumer law. The overwhelming majority of the consumer law cases related to debt collection in one way or another. We also have staff attorneys for in-house cases (usually local cases) in the Cincinnati area. We house the Greater Cincinnati area Long Term Care Ombudsman Program. We also have several other ongoing projects, such as a Pension Rights Project, and a Senior Medicare Patrol.

Why debt collection issues work well on a senior legal hotline:

- Many seniors are “judgment proof.”
- Debt collection prior to litigation is merely an annoyance. Educating the client on the law, so that the client understands that a debt collector cannot initiate compulsory collection efforts until after judgment is obtained, is often sufficient to resolve the immediate legal problem.
- Debt collectors specialize in misleading the debtor about the legal consequences of the collection effort. Educating the clients on legal rights will often give the senior the tools needed to deal with the debt collector.
- In addition to education, pro se tools such as “Do Not Contact” letters are well suited to the hotline environment, and pro se tools will often make a significant difference in the quality of the senior’s life.

Tools available at Pro Seniors:

- Intake Script

Pro Seniors, Inc. walters

Michael A. Fake
Primary Client
Address:
35 Jason Avenue
Cincinnati, OH
Phone: (513) 745-0897 Home
Notes:
Language: **English**
Age: **94**
County:
[remove](#)

Actions

- Popup Timer
- Add Appointment
- Add Hotline Appt.
- Calendar
- Transfer this case
- Duplicate this case
- Delete this case
- LITC Info
- Foreclosure Screen
- MLP
- Send Email
- Shortcuts

Add to this case:
Contact

Print:

Summary (public):

Notes (private):

B *I* U **A** **A** **≡** **≡** **↶** **↷** **Ix** **🔗**

▶ **OLHO Eligibility & Referral**

Intake Scripts

Medicare

Debt Collection

Reference Materials:

General Debt Collection

Hours:

Date: 03/07/2015

Start Time: 12:33 PM

Timecode:

Staff: Walters, Michael A.

Funding Source:

Work from home:

HotDocs Used:

Pro Se Materials:

Line Pending

Michael A. Fake
Primary Client
Address:
Jason Avenue
Cincinnati, OH
Phone: (513) 745-0897 Home
Notes:
Language: **English**
Age: **94**
County:
[move](#)

Actions

- Popup Timer
- Add Appointment
- Add Hotline Appt.
- Calendar
- Transfer this case
- Duplicate this case
- Delete this case
- LITC Info

Status Conflict Pension Survey

Intake Script: Debt Collection ✕

General Debt Collection

Summary (public): Intake Script: Debt Collection

Notes (private):

B *I* U **A** **A** **≡** **≡** **↶** **↷** **Ix** **🔗**

General Collection Intake Script Draft

Q1. Debt Collection Harassment? Describe? [FDCPA remedies do not apply to original creditor]
A1.

Q2. Sued By Creditors? (If so) Judgment Granted?
p » strong

Hours:

Date: 03/07/2015

Start Time: 12:33 PM

Timecode:

Staff: Walters, Michael A.

Funding Source:

General Collection Intake Script Draft

Q1. Debt Collection Harassment? Describe? *[FDCPA remedies do not apply to original creditor]*

A1.

Q2. Sued By Creditors? (If so) Judgment Granted? Court? Date? Amount?

A2.

Q3. Debt: \$ amount and type of all debts?

A3.

Q4. Employed? *[Employee vs. Independent Contractor. If Employee, 30 times Min. Wage (\$7.25/hr) is exempt (\$217.50) or 75% of net wages whichever greater.]*

A4.

Q5. Unearned Income: SS, Pension, SSI, VA, Unemployment, Worker's Comp., Alimony, etc.?

A5.

Q6. Assets: Bank accounts. Amt? Source of Deposits? Acct been garnished? When? Hearing?

A6.

Q7. Assets: 401k? Stocks? Annuities? FMV?

A7.

Q8. Assets: Real Estate? Vacation Spot? Home? Title? FMV - Mortgages - Liens = Equity.
Other Real Estate?

A8.

Q9. Assets: Cars, RVs, Boats, Trailers? Title? Liens? FMV?

A9.

Q9. Assets: Other Assets? Living Trust? Funded?

A9.

Q10. Married? If Yes,run conflict check. Spouse joint on debt? Joint on Assets?

A10.

Q11. Bankruptcy? Filed before? 7 or 13? Discharged when?

A11.

Link to Reference Materials: [Bankruptcy](#), [Bank Account Garnishment](#), [Debt Collection](#)

Case Note - Walters, Michael A.

3/7/2015 12:33 PM | 0.50 hours | [Edit this record](#)

Intake Script: Debt Collection

General Collection Intake Script Draft

Q1. Debt Collection Harassment? Describe? [*FDCPA remedies do not apply to original creditor*]

A1. Client told payday lender can have her charged with theft because the account was closed.

Q2. Sued By Creditors? (If so) Judgment Granted? Court? Date? Amount?

A2. No.

Q3. Debt: \$ amount and type of all debts?

A3. \$800 payday loan.

Q4. Employed? [*Employee vs. Independent Contractor. If Employee, 30 times Min. Wage (\$7.25/hr) is exempt (\$217.50) or 75% of net wages whichever greater.*]

A4. No.

Q5. Unearned Income: SS, Pension, SSI, VA, Unemployment, Worker's Comp., Alimony, etc.?

A5. Social Security only.

Q6. Assets: Bank accounts. Amt? Source of Deposits? Acct been garnished? When? Hearing?

A6. Direct deposit of Social Security. Client changed banks.



- FDCPA Letter:

[Transfer this case](#)
[Duplicate this case](#)
[Delete this case](#)
[LITC Info](#)
[Foreclosure Screen](#)
[MLP](#)
[Send Email](#)
[Shortcuts](#)

Add to this case:
 Contact

First:
 Middle:
 Last (or Org. Name):
 Jr., Sr., etc.
 Date of Birth:

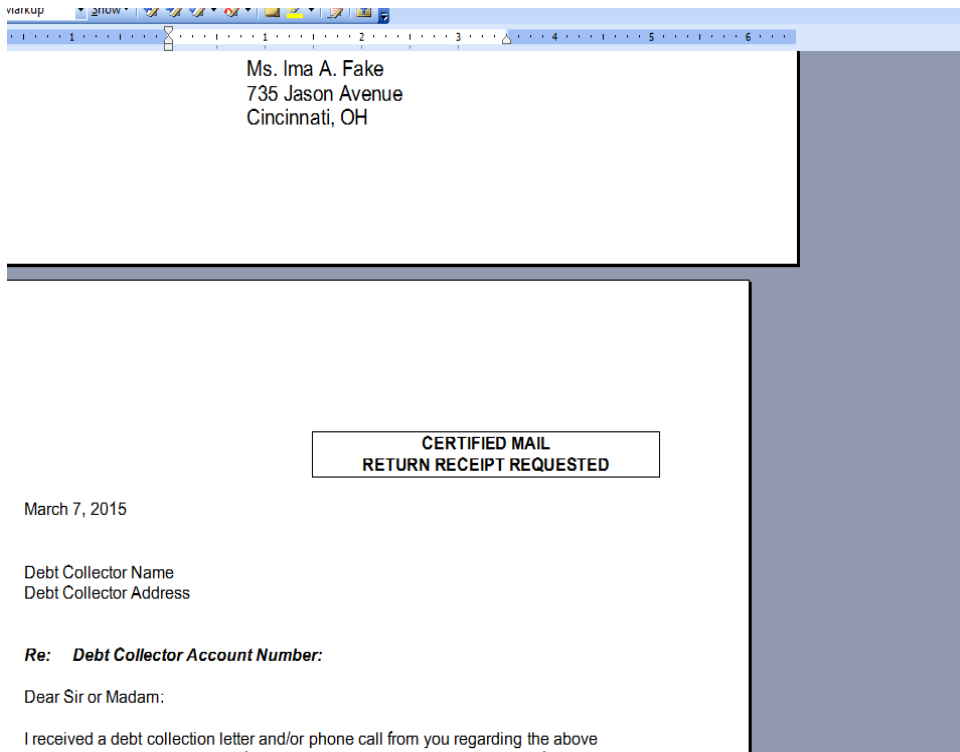
Document Assembly

Forms

- Envelope Addressed to Client.rtf
- FDCPA Env & Ltr From Client to Debt Collector.rtf

Form Recipient: Opposing Party:
 Client Name: Opposing Counsel:

Save a copy in Document Storage
 [\[?\]](#)



See the full sample letter with the materials.

We tend to give pro se advice and materials on the Hotline. I try to recruit a family member with e-mail if the client does not have a computer. The FDCPA letter works best if it is saved in a word processing program so it can be edited and reused as needed. We do have the flexibility to do more for the client if, e.g., the client is of limited capacity and has no caregivers to assist.

Practice Tip

- Hotlines are an excellent resource to recognize patterns. Most hotlines are state-wide and encounter a large sample of clients from different areas. Collectors tend to operate with recognizable protocols and boilerplate documents and pleadings. Even in a state as large as Ohio, there are a few collection law firms that recur with our clients. We are able to recognize patterns (e.g., one firm has a habit of ordering defendants to appear at their office in Columbus for a “post judgment deposition”) that may be violations of the FDCPA, and we can refer appropriate cases to full service programs to pursue the matter further.

QUESTIONS?

Additional Resources

Consumer Financial Protection Bureau:

- [CFPB Sample Letters](#)

National Senior Citizens Law Center/National Legal Resource Center:

- [Case Consultation Request](#)
- [Dealing with Debt Collection Harassment-NCLC](#)

Consumer Law Project for Elders:

- [Self-Help Materials](#)

Utah Legal Services

- [FAQs Debt Collection](#)

Pro Seniors' Debtor Rights Pamphlet

- [Debtor Rights](#)

Northwestern Legal Services (Pennsylvania)

- [Debt Collection & Repossession](#)

Legal Aid of Nebraska Collections Handbook:

- [Collections Handbook](#)

Idaho Legal Aid

- [Claim of Exemption A2J Idaho](#)

SAMPLE LETTERS:

Consumer Financial Protection Bureau

[Your name]
[Your return
address] [Date]

[Debt collector name]
[Debt collector
Address]

Re: [Account number for the debt, if you have it]

Dear [Debt collector name]:

I am responding to your contact about collecting a debt. You contacted me by [**phone/mail**], on [**date**] and identified the debt as [**any information they gave you about the debt**].

You can contact me about this debt, but only in the way I say below. Don't contact me about this debt in other way, or at any other place or time. It is inconvenient to me to be contacted except as I authorize below.

You can only contact me at:

[Mailing address if you want to get mail]

[Phone number and convenient times if you want to be contacted by phone]

[If correct, include the following] My employer prohibits me from receiving communications like this at work.

Thank you for your

cooperation. Sincerely,

[Your name]

Idaho

(Name)

(Address)

(Date)

(Collection Agency Name)

(Address)

Re: Account # _____

Dear Sir/Madam:

You have contacted me regarding an alleged debt. **[Two options here: 1) if they do not dispute that they owe the debt, then use this language: "If you have not already done so, please send me written verification of the debt." If they do dispute the debt then use this language: I wish to dispute the validity of this debt for the following reasons: (drop down menu: This is not my debt; I have paid off this debt; The amount listed for this debt is not correct; The statute of limitations to collect on this debt has passed; Other (text box for them to describe why they dispute the debt). Please investigate the validity of this debt and provide a written response with the results of your investigation within 30 days of your receipt of this letter."]** Please send me the name and address of the original creditor, if it is different from the current creditor. I request you also provide me a copy of the permit issued to you by the Idaho Department of Finance as required by the Idaho Collection Agency Act to enable you to act as a collection agent in Idaho. Finally, I request that you cease communication with me except to provide written verification of the alleged debt and a copy of your permit.

This request is made based on the rights provided to me under the Fair Debt Collection Practices Act and the Idaho Collection Agency Act. I understand that if you violate the Act I can report you to the Idaho Attorney General's Consumer Protection Division, Idaho Department of Finance, and the Federal Trade Commission.

Sincerely,

(Signature)

Ohio

CERTIFIED MAIL RETURN RECEIPT REQUESTED
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March 18, 2015

Debt Collector Name
Debt Collector Address

Re: Debt Collector Account Number:

Dear Sir or Madam:

I received a debt collection letter and/or phone call from you regarding the above alleged debt. I am writing to inform you that I do not wish to receive any further communication from you regarding this alleged debt.

Any further communication regarding this alleged debt, including but not limited to written correspondence, facsimiles, emails and phone calls, will be a violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692c(c), and will be treated accordingly.

Furthermore, as my only income is my Social Security benefits and a small pension, I have no income subject to garnishment or attachment. Nor do I own any assets such as investments, a house or a car. Since I have no income or assets with which I can pay this debt, you have no reason to contact me.

Upon receipt, your immediate compliance is mandatory.

Sincerely,

Ms. Ima A. Fake
735 Jason Avenue
Cincinnati, OH

DATE

**FIELD(4) FIELD(3)
FIELD(7)
FIELD(8), FIELD(9) FIELD(10)**

Dear **FIELD(17) FIELD(3)**:

As you recall, you contacted us by phone on **DATE . FIELD(35)**

It is common practice for a creditor to hire a debt collection company or debt collection law firm to collect debts resulting from unpaid loans or credit card obligations. The creditor may also sell the debt for a fraction of its actual value to a debt collection company or law firm. The following information summarizes what debt collectors can and cannot do to try to collect an unpaid debt and how to get them to stop contacting you if you no longer wish to speak with them.

Within five days of the date a debt collector or law firm first calls you over the phone, they must send you a letter, called a "validation notice." The validation notice will have the name of the debt collector, information identifying the debt they are attempting to collect, that anything you tell them may be used to help them collect the debt and, if you dispute the debt in whole or part, that you have 30 days to send them, by mail, a written statement as to why you dispute the debt. The debt collector cannot call you again after you send the dispute letter until and unless they determine, from your creditor, that the debt is valid.

About a month after you get the validation notice the debt collector will start calling you again over the phone unless you filed a dispute that is still unresolved. There are rules that limit what the debt collectors can do and say to try to collect the debt. Some of the most important rules are:

1. **Debt collectors cannot lie to you.** Some common lies include: telling you that not paying your debt is a crime and you will go to jail if you don't make payment; threatening to sue you or state paperwork they are sending you is a lawsuit if they have no intention of actually filing suit; claiming that they can garnish your wages, Social Security, pension or other public benefits.
2. **Debt collectors cannot use abusive tactics or obscene language:** Abusive tactics include calling frequently within a short period of time, calling before 8:00 a.m. or after 9:00 p.m. and saying demeaning or degrading things about you personally. (Calling on the weekends is permitted so long as the calls are between 8:00 a.m. and 9:00 p.m.)
3. **Debt collectors cannot contact you at your place of employment if they are told your employer does not want them to call you at work.**
4. **Debt collectors can only talk to other persons about your debt if they do not currently know how to contact you and then only once and only for the purpose of trying to find out how to contact you.**

If you want a debt collector to stop contacting you, you need to send them the enclosed form letter stating you no longer wish to be contacted about the debt. Attach a copy of the law provided to the

form letter. This law says debt collectors must stop contacting you if you tell them in writing you want them to do so. We supply you with two form letters, but you may make as many additional copies of this letter as you need. If you can, send the letters by certified or registered mail. (Make copies of the completed letters for your records.) Call Consumer Protection at 814-871-4371 or 1-800-441-2555 if a debt collector continues to bother you after it gets your letter, or file a complaint on the Internet at www.attorneygeneral.gov/ppd/bcp/compform/cmplnt.cfm for help enforcing the law. The enclosed brochure gives you more information to help you deal with creditors and manage your money. Please note, you are not required to speak to a debt collector. You may use your answering machine or a caller ID service to screen out calls from debt collectors. You should also hang up on the debt collector if they use abusive language.

You should call Northwestern Legal Services again right away to see if we can give you more legal help if you get legal papers from a sheriff's deputy or constable about your debt.

Please note, as we discussed during our telephone conversation, any information given to NWLS will remain confidential. However, you understand that federal and state monitors and auditors of NWLS will have access to certain information. This information can include client names, client eligibility records, and client statement of facts.

The enclosed packet of information gives you added help in understanding and resolving your legal problem. As explained at the beginning of our conversation, we promised to give you advice only over the phone concerning the legal matter you called us about as well as send a letter and other materials, as appropriate, reinforcing the advice provided. Your file with our office is now closed. Feel free to call back on this or another legal issue in the future to see if we can give you additional legal help.

Your opinion about the legal services given to you and suggestions for improvement are important to us. Please consider completing and returning the enclosed Client Satisfaction Checklist. Also, enclosed is a copy of our client complaint form. Good luck to you.

Sincerely yours,

NORTHWESTERN LEGAL SERVICES

FIELD(20) FIELD(21) FIELD(22), Esquire

Enclosures: Client Satisfaction Checklist
Client Grievance Procedure
2 Form Letters
2 copies of 15 U.S.C.A. Section 1692c(c)
DC
KEYBOARD(Pamphlets to send to client)

FIELD(4) FIELD(3)
FIELD(7)
FIELD(8), FIELD(9) FIELD(10)

Date: _____

Creditor Name: _____
Name on Account: _____
Account Number: _____

Dear Sir or Madam:

Effective today, please **Cease and Desist all collection efforts and contact** regarding the above account. Please note that the Fair Debt Collection Practices Act and Pennsylvania Consumer Protection Law requires you to honor this request to stop communicating with me [73 P.S. Section 2270.1(4)(a), 15 U.S.C.A. Section 1692c(c)].

Sincerely,

FIELD(4) FIELD(3)

Enclosure: 15 U.S.C.A. Section 1692c(c)

CLPE TELEPHONE LOG

Date call came in: _____

(Messages left in Mail Box extensions 9978 (English) and 9977(Spanish))

Caller Name:	Client Name (if different):
<input type="checkbox"/> Spanish speaking	
Address:	
Phone #:	



First do Conflict Check. Follow general CLS protocol if conflict found.

Call back #1: (See call back instructions, below) Date: Time: Initials: <input type="checkbox"/> No answer <input type="checkbox"/> L/M to call back <input type="checkbox"/> Not able to contact	Call back #2: Date: Time: Initials: <input type="checkbox"/> No answer <input type="checkbox"/> L/M to call back <input type="checkbox"/> Not able to contact	Action Taken: <input type="checkbox"/> Intake completed, assigned to _____ <input type="checkbox"/> Sent "unable to contact" letter <input type="checkbox"/> Current/Prior client. Email/phone log sent to: _____ <input type="checkbox"/> Non-consumer matter. Referred to: _____ <input type="checkbox"/> Other _____ _____
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Notes: (problem description and other notes)

Call Back Instructions:

1. If no answer, make 2nd attempt to reach caller. If again no answer and caller left an address, send "can't contact" letter. If no address, no further attempt to contact caller is necessary.
2. If leave message, no need to call back or send "can't contact" letter
3. Completed call logs are to be kept in "CLPE Call Log" notebook. On the first of each month, give cdf the prior month's completed call logs.

**CONSUMER LAW PROJECT FOR ELDERS
Screening and Referral Form**

Date:	Referring agency:	Individual making referral:	Phone #:
Client Name:			
Phone:			
Address:			
Contact Person (Complete the section below if the senior is unable/unwilling to speak on his/her own behalf. <u>If the named contact person is with your agency, please fax a copy of the agency's authorization to release information signed by the client</u>):			
Contact Name:		Relationship:	
Phone:			
Address:			

<u>Questions/ Preguntas</u>	<u>Yes/Sí</u>	<u>No</u>	<u>Don't know/ No Se</u>
1. Do you have bills you cannot afford to pay? ¿Tiene usted cuentas que no puede pagar?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you received any calls or letters from debt collectors? ¿Ha recibido usted alguna llamada o carta de cobradores de deudas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you recently been threatened with a law suit or sued by a debt collector? ¿Ha sido usted recientemente amenazado con ser demandado o lo ha demandado un cobrador de cuentas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you have any problems with credit card or medical debt, loans, contracts, purchases, identity theft, scams, or banks taking your money? ¿Tiene usted algún problema con tarjetas de crédito, deudas médica, préstamos, contratos, compras, robo de identidad, estafas, o bancos quedandose con su dinero?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. If the answer to any of questions 1-4 is YES, do you want to be referred to the Consumer Law Project for Elders (CLPE)? ¿ Si la respuesta de alguna de las preguntas de 1 a la 4 son SI, quiere usted ser referido a Consumer Law Project for Elders (CLPE)?	<input type="checkbox"/>	<input type="checkbox"/>	

If the individual wants to be referred to the CLPE, complete the top of this form and fax the entire form and, if applicable, the clients signed authorization to release information to the Consumer Law Project for Elders.

**CONSUMER LAW PROJECT FOR ELDERS
FAX: 860-456-7420
Phone: 1-800-296-1467**

CLPE: Cover letter for sample "don't contact me" letter.

«LFS0_SYSTEMDATE»

«LFS0_LTRTO»

«LFS0_LTRTOADDRESS»

Re: Our Recent Telephone Conversation

Dear «LFS0_LTRTOSALUTATIONSUFFIX»:

As we discussed today in our telephone conversation, I am enclosing a sample letter for you to use as a guide for writing letters to your debt collectors advising them that you can no longer pay on the debt they say you owe. Please be sure to keep a copy of each letter in your files.

Feel free to contact me if you need help with additional developments in the future.

Sincerely,

«LFS0_LTRSIGNATURE»

Enclosures: Sample Letter

SAMPLE Self-help letter. Don't contact me.

[PUT DATE HERE]

Re: [PRINT YOUR NAME HERE]
[PUT YOUR ACCOUNT NUMBER HERE]

[PUT NAME AND ADDRESS OF CREDITOR OR COLLECTION AGENCY HERE]

Dear Sir or Madam:

I am writing to advise you that I am unable to pay the remaining balance on my account. My only source of income is Social Security and a small pension. I have no other source of income and do not have any non-exempt assets. I do not wish you to call, write, or visit me at home about the money you claim I owe.

Sincerely,

[SIGN YOUR NAME HERE]
[PRINT YOUR ADDRESS HERE]

DC. Cease Comm. SS+pension

«LFS0_SYSTEMDATE»

«LFS0_LTRTO»

«LFS0_LTRTOADDRESS»

Re: «LFS0_FELIGNCNAMEFULLWFMT»

Reference Number:

Original Creditor:

Original Acct. #:

Dear Madam/Sir:

«LFS0_FELIGNCNAMEPREFIX» «LFS0_FELIGNCNAMELAST» recently contacted this office for advice regarding the debt you allege «LFS0_FELIGNCHESHE» owes. This letter is to advise you that «LFS0_FELIGNCHESHE» does not acknowledge, and refuses to pay, this debt.

«LFS0_FELIGNCNAMEPREFIX» «LFS0_FELIGNCNAMELAST» has represented to me the following: «LFS0_FELIGNCHESHE» is «LFS0_FILEINQINFOAGEATINQ» years old; «LFS0_FELIGNCHISHER» only income is from Social Security and a small pension, which are not subject to a judgment lien; and, «LFS0_FELIGNCHESHE» has no non-exempt assets (such as a home or any other real property, stocks, bonds or other investment accounts). Based on the information «LFS0_FELIGNCHESHE» has provided me, «LFS0_FELIGNCNAMEPREFIX» «LFS0_FELIGNCNAMELAST» is judgment proof.

«LFS0_FELIGNCNAMEPREFIX» «LFS0_FELIGNCNAMELAST» requests that you cease further communication with «LFS0_FELIGNCHIMHER» regarding the money you claim «LFS0_FELIGNCHESHE» owes.

All collection actions regarding this matter are subject to the Connecticut Creditors Collection Practices Act, C.G.S. §36a-645 et seq. and the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et. seq. to the extent applicable.

This letter is not meant in any way to be an acknowledgement of the alleged debt.

Sincerely,

«LFS0_LTRSIGNATURE»

cc: «LFS0_FELIGNCNAMEFULLWFMT»

Client: JP. Sent letters to debt collectors.

«LFS0_SYSTEMDATE»

«LFS0_LTRTO»

«LFS0_LTRTOADDRESS»

Re: Debt Issues

Dear «LFS0_LTRTOSALUTATIONSUFFIX»:

This letter is to advise you that I have mailed the enclosed letters to your debt collectors, advising them that you can not pay the bills they say you owe them. I have also requested that they no longer contact you.

I wish to remind you that despite my letters, your creditors may still send you bills and may begin collection actions against you. As we discussed, you remain collection proof which means even if they sue you, they can not take the money you get from Social Security or from your pension. While I will not go to court for you if you are sued, I may be able to offer you guidance through the process.

Please call me if you receive anything from a creditor that you would like to discuss and/or if you have any other questions.

Sincerely,

«LFS0_LTRSIGNATURE»

Victim of Identity Theft? Important First Steps

by the Consumer Law Project for Elders

Free Assistance:

The **Consumer Law Project for Elders** provides free legal assistance to Connecticut residents 60 and over who have consumer problems, including identity theft: 1-800-296-1467.

The **Federal Trade Commission (FTC)** runs an Identity Theft Hotline that provides information and literature about reporting identity theft and filing a complaint with the FTC: 1-877-438-4338.

Do It Yourself:

Initial steps to take to report Identity Theft:

1. Contact the three major credit reporting agencies to place a **fraud alert** on your credit reports. A fraud alert requires you to be notified if someone attempts to obtain credit in your name. It is effective for 90 days and can be extended. To place a fraud alert on your credit reports contact any of the three major credit reporting agencies below. The company you call will alert the other two.

Equifax 1-888-766-0008, www.equifax.com, PO Box 740241 Atlanta, Georgia 30374-0241

Experian 1-888-397-3742, www.experian.com, PO Box 9532 Allen, TX 75013

TransUnion 1-800-680-7289, www.transunion.com, Fraud Victim Assistance PO Box 6790 Fullerton, CA 92834

2. Contact the Customer Service Fraud Unit of each creditor (i.e. bank, credit card company) for each account that may be affected and close those accounts. (See your monthly statement for the phone number).

3. Contact the Federal Trade Commission (FTC): 1-877-438-4338. File a complaint and request a free copy of their publication "Taking Charge: What to do if your identity is stolen."

4. File an identity theft report with your local police, if necessary.

Other actions you may need to take:

5. Contact the Social Security Administration Fraud Line if you believe your Social Security number is being used fraudulently: 1-800-269-0271.

6. Contact your bank to report lost or stolen checks and prevent their use. You can also report lost or stolen checks to Telecheck at 1-800-710-9898, and/or Certegy, Inc. at 1-800-437-5120. Notify a business not to accept your lost or stolen checks by calling the business directly. Get a free report of checking accounts opened in your name by contacting ChexSystems, Inc. at 1-800-428-9623.

7. Cancel old and obtain new phone, utility and financial accounts and driver's license, as necessary.

8. Check your credit card statements for items you did not purchase. If an item you do not recognize shows up on your credit card statement, write a letter to the credit card company disputing the bill. Directions for disputing a bill are on the back of your statement.

9. Consider placing a **security freeze** on your credit reports. A security freeze prevents the release of any information about your credit reports and credit score and remains in place until you lift it. In CT a security freeze costs \$10 to place and \$10-\$12 to lift or temporarily lift. To place a security freeze, contact each of the three major credit reporting agencies listed above in #1.

The Consumer Law Project for Elders

A project of Connecticut Legal Services, Inc.

1-800-296-1467

Updated 4.14.14

How to Order Your Credit Report

by the Consumer Law Project for Elders

It is a good idea for every adult to check his or her credit reports at least once a year for any mistakes or misinformation. Any inaccuracies should be corrected immediately. You should get your credit reports from each of the three major credit reporting agencies - Equifax, TransUnion and Experian - because the information about your credit history may be a little different in each report.

Free annual credit reports:

Federal law now allows everyone to obtain a free credit report annually from each of the 3 major credit reporting agencies. A special website, telephone number and form have been created to allow you to order your free annual credit reports:

Official website: www.annualcreditreport.com (This is the only official website for free annual credit reports! Don't be taken in by imposter websites!)

Toll free number: 1-877-322-8228

Mail: Fill out "Annual Credit Report Request Form" attached or downloadable from the website. **Mail to:** Annual Credit Report Request Service P.O. Box 105281 Atlanta, GA 30348-5281.

Additional credit reports:

Some people may want to order additional credit reports after receiving their free annual credit report. Under federal law you are also entitled to a free credit report if you have reason to believe you are a victim of identity theft or fraud, you have been denied credit, insurance or employment and request the report within 60 days of notice of the denial, you are unemployed but expect to apply for employment within 60 days, or you are on public assistance. If you are not eligible for free additional reports, Connecticut law provides that the credit reporting agencies can not charge residents more than \$5.00 for the first report or \$7.50 for each subsequent report. Violations should be reported. Use the contact information below to order additional credit reports.

○ **Equifax: Website:** www.equifax.com **Toll free number:** 1-800-685-1111
Mail: Equifax Credit Information Services, Inc. P.O. Box 740241 Atlanta, GA 30374

○ **Experian: Website:** www.experian.com **Toll free number:** 1-888-397-3742
Mail: Experian Credit Information Services P.O. Box 2104, Allen, TX 75013

○ **TransUnion: Website:** www.transunion.com **Toll free number:** 1-800-916-8800
Mail: TransUnion Consumer Disclosure Center P.O. Box 1000 Chester, PA 19022

Be aware that when you contact the credit reporting agencies they may try to sell you additional products, including credit scores. Most of the time you do not need these additional products and should decline them.

The Consumer Law Project for Elders provides free legal assistance to seniors 60 or over who have consumer questions or problems.

The Consumer Law Project for Elders

A project of Connecticut Legal Services, Inc.

1-800-296-1467