

May 5, 2017

United States House Committee on Financial Services  
U.S. House of Representatives  
Washington, DC 20515

RE: Groups strongly oppose H.R. 1849 – Practice of Law Technical Clarification Act of 2017

Dear Committee Members:

The undersigned community, consumer, and civil rights groups urge you to oppose H.R. 1849, the Practice of Law Technical Clarification Act of 2017. Passage of this bill would hurt consumers, especially people who have recently lost jobs, had a death in the family, or suffered another type of devastating personal loss. It would eradicate essential protections against abusive and deceptive debt collection practices by collection attorneys.

In 1986, as the result of clear findings of abuses by debt collection attorneys, Congress amended the Fair Debt Collection Practices Act (FDCPA)<sup>1</sup> to ensure that attorneys who meet the statutory definition of debt collector must comply with all of the provisions of the law.<sup>2</sup> Prior to this amendment, law firms were immune from the requirements of the FDCPA even when they were operating as debt collectors. They even advertised their competitive advantage over debt collection agencies that were required to comply with the FDCPA's consumer protections.<sup>3</sup> H.R. 1849 would turn back the clock on this important protection for struggling families by exempting attorney conduct from the consumer protections provided by the FDCPA.

Americans file more consumer complaints with state and federal officials about debt collectors than any other industry. Recent enforcement actions<sup>4</sup> by federal agencies have highlighted numerous and widespread abusive and deceptive practices by collection law firms and attorneys. Yet this bill would eliminate Consumer Financial Protection Bureau enforcement actions against law firms and attorneys. Your constituents would be harmed by this change in the law.

The FDCPA is a critical consumer protection statute designed to “eliminate abusive debt collection practices by debt collectors.”<sup>5</sup> In order to achieve this goal, it is critical that Congress ensure that the statute applies broadly to *all* debt collectors.

We strongly urge you to oppose H.R. 1849 and reject this attempt to weaken the FDCPA. For more information, please contact Margot Saunders (MSaunders@nclc.org) or April Kuehnhoff (AKuehnhoff@nclc.org) at the National Consumer Law Center.

Sincerely,

Americans for Financial Reform (AFR)  
Arizona Community Action Association  
Center for Responsible Lending  
Civil Justice, Inc.  
Connecticut Legal Services, Inc.  
Consumer Action  
Consumer Federation of America

Consumers League of New Jersey  
Consumers Union  
Corporation for Enterprise Development (CFED)  
Florida Alliance for Consumer Protection  
Kentucky Equal Justice Center  
Legal Aid Society of the District of Columbia  
Legal Services of New Jersey  
MFY Legal Services, Inc.  
Michigan Consumer Law Section<sup>6</sup>  
Michigan Poverty Law Program  
Mountain State Justice, Inc.  
NAACP  
National Association of Consumer Advocates  
National Center for Law and Economic Justice  
National Consumer Law Center (on behalf of its low-income clients)  
National Legal Aid & Defenders Association  
New Economy Project  
New Leaf's Mesa Community Action Network  
North Carolina Justice Center  
Protecting Arizona's Family Coalition  
Public Good Law Center  
Public Interest Law Center  
Public Justice Center  
Public Law Center  
South Carolina Appleseed Legal Justice Center  
Tzedek DC  
U.S. Public Interest Research Group (PIRG)  
Woodstock Institute

---

<sup>1</sup> 15 U.S.C. § 1692a.

<sup>2</sup> Pub. L. No. 99-361, 100 Stat. 768 (effective July 9, 1986).

<sup>3</sup> H.R. Rep. No. 405, 99th Cong., 1st Sess. (Nov. 26, 1985) *reprinted in* 1986 U.S.C.C.A.N. 1752, 132 Cong. Rec. H10534 (daily ed. Dec. 2, 1985)

<sup>4</sup> *See, e.g.*, Complaint, Consumer Fin. Protection Bureau v. Weltman, Weinberg & Reis Co., L.P.A. (N.D. Ohio Apr. 17, 2017); Consent Order, In the Matter of Pressler & Pressler, LLP, Sheldon H. Pressler, and Gerald J. Felt ¶¶ 39 (Apr. 25, 2016); Consumer Fin. Protection Bureau v. Frederick J. Hanna & Assoc., Stipulated Final Judgment and Order, 14-cv-02211-AT, at ¶¶ 10-11 (D.Ga. 2015).

<sup>5</sup> 15 U.S.C. § 1692(e).

<sup>6</sup> The Consumer Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest. The position expressed is that of the Consumer Law Section only and is not the position of the State Bar of Michigan.