KAUFMAN | DOLOWICH



Fair Debt Collections Practices Act (FDCPA)

Class Action Lawsuits under the Fair Debt Collection Practices Act (FDCPA)

Debt collectors, debt buying agencies and debt collection law firms are subject to strict rules and requirements under the federal Fair Debt Collection Practices Act (FDCPA). The FDCPA aims to eliminate abusive, deceptive and unfair debt collection practices. Under the FDCPA a “debt collector” is defined to include any individual or entity that regularly collects or attempts to collect consumer debts owed to another person or institution.

The FDCPA prohibits debt collectors from engaging in debt collection practices that harass, oppress or abuse consumers. Additionally, debt collectors may not make false or misleading representations in their collections of a debt and are prohibited from using unfair or unconscionable means to collect a debt. When a consumer believes that a debt collector has violated the provisions of the FDCPA, he or she can sue the debt collector in court.

As the economy continues to falter, more people are having difficulty paying their bills. This situation has resulted in increased debt collection efforts, which in turn has led to more consumers filing suits alleging that debt collectors violated the FDCPA. While these types of lawsuits can be brought by an individual plaintiff, they are often filed as class actions. Recent years have seen a tremendous increase in the number of FDCPA cases brought as class actions, primarily due to the fact that these cases provide the potential for huge damage awards and the FDCPA includes a fee shifting provision allowing prevailing plaintiffs to recover attorneys’ fees and court costs.

Representing Debt Collectors, Debt Buying Entities and Debt Collection Law Firms

The attorneys at Kaufman Dolowich have extensive experience defending class action claims brought under the FDCPA. We counsel and represent debt collection companies, debt collection law firms, and debt buying entities across the U.S. faced with high stakes FDCPA claims. Our practitioners are skilled class action lawyers with an extensive understanding of the many nuances of the FDCPA and the claims that can be brought under the act including claims arising from improper phone calls and dunning letters to actions taken in court and in post-judgment enforcement proceedings.

When handling FDCPA class action litigation, our lawyers work closely with clients to assess the potential risks and costs so that we can develop the best approach for their particular situation. We are focused on achieving positive outcomes as early as possible in the case, including the dismissal of the class action complaint or defeating class certification. We have also won summary judgment motions and have successfully litigated these matters through trial and appeal. Should we determine that a settlement may be in our client’s best interest, our lawyers are aggressive negotiators who know how to secure favorable settlements in these complex class action claims.

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