



## Richard J. Perr

### Overview

Rick Perr is co-chair of Kaufman Dolowich's Financial Services & Institutions Practice Group. He focuses his practice in complex commercial litigation and professional liability defense. He has extensive experience defending directors and officers in claims arising from their corporate activity. Mr. Perr is a nationally recognized authority and lecturer on creditor's rights, and defends creditors, law firms and agencies against individual and class action allegations, involving federal and state consumer protection laws. This includes matters under the Fair Debt Collection Practices Act (FDCPA), the Fair Credit Reporting Act (FCRA), the Telephone Consumer Protection Act, (TCPA), and the Perishable Agricultural Commodities Act (PACA).

Mr. Perr also advises entities and individuals on matters related to compliance in the credit and collection industry, including review, implementation and auditing of policies and procedures, especially in adherence with governmental regulatory bodies such as the Consumer Financial Protection Bureau (CFPB).

He has served as a foreign policy intern for then United States Senator Al Gore (D-TN) and was the Chairman of the Burlington County Democratic Party. Mr. Perr also served as an Adjunct Professor of Law at Rutgers - Camden School of Law, teaching Election and Political Campaign Law, and has appeared in numerous national, regional and local publications and on broadcast media on the issues of politics and election law. He was also a contributing author for the twenty-volume encyclopedia Constitutions of the Countries of the World.

Mr. Perr is AV-Preeminent Peer Review Rated by Martindale Hubbell. He has conducted broadcast appearances on WPVI-TV (Channel 6 – Philadelphia), CN8 (Comcast News Network – Philadelphia), NJN, (New Jersey Network – Trenton), National Public Radio, and noted in articles including the Associated Press, Chicago Tribune, Newark Star Ledger, New York Times, and the Philadelphia Inquirer.

### Admissions

- Pennsylvania
- New Jersey
- New York
- U.S. District Court
  - Eastern District of Pennsylvania
  - Middle District of Pennsylvania



Co-Managing Partner of Philadelphia Office  
Co-Chair of Financial Services & Institutions  
Practice Group

### Contact Information

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### Related Practices

- Financial Services
- Consumer Financial Services
- Fair Credit Reporting Act (FCRA)
- Commercial Litigation
- Professional Liability/Errors and Omissions - Defense
- PACA Trust Enforcement and Defense
- Appellate Law
- Directors and Officers (D&O)

- *Western District of Pennsylvania*
- *District of New Jersey*
- *District of Columbia*
- *Eastern District of New York*
- *Southern District of New York*
- *Northern District of New York*
- *Eastern District of Wisconsin*
- *Eastern District of Michigan*

- *U.S. Court of Appeals*

- *Second Circuit*
- *Third Circuit*
- *Seventh Circuit*
- *Eleventh Circuit*
- *D.C. Circuit*

- *U.S. Supreme Court*

## *Education*

- *Rutgers-Camden School of Law - J.D., International and Foreign Law with Honors*
- *Rutgers, The State University of New Jersey - B.A., Political Science, History and English*

## *Professional Memberships*

- *Philadelphia Bar Association*
- *Director, Board of Directors, Florida Collectors Association, 2023-2024*
- *Board of Directors, Association of Credit and Collection Professionals (ACA): President, 2017/2018, President-Elect, 2016, Treasurer, 2013-2014, Federal Affairs Committee Chair, 2015-2016, Regulatory Committee Chair, 2014-2015, Audit Committee Chair, 2013-2014, Members' Attorney Program, MAP Committee, 2011-2014, Chair, 2012-2013, State Compliance Chair, Pennsylvania, 2005-2007, State Compliance Chair, New Jersey, 2011-2013, Fellow Designation, 2013, Scholar Designation Members' Attorney Program Designation, 2013*
- *Professional Liability Defense Federation, Miscellaneous Professional Liability & Cyber Claims Committee, Chair 2018-Present, Professional Liability Defense Quarterly, Co-Editor in Chief*
- *Mid-Atlantic Collectors Association - Board of Directors, 2011-Present*
- *Burlington County Bar Association, Federal Practice Committee, Chair, 2005-2006, Government Relations Committee, Co-Chair, 2009-2010*
- *Burlington County Democratic Party, Chair, 2006-2009, Federal Practice Committee, Chair, 2005-2006, Government Relations Committee, Co-Chair, 2006-2009*
- *New Jersey State Bar Association, Election Law Committee, Chair, 2003-2005, Federal Practice Committee, 2012-2013*
- *New Jersey Supreme Court Ethics Committee – District IV, 2005-2009*

## *Community/Civic Involvement*

- Boy Scouts of America - Cubmaster, Garden State Council, Pack 300, 2004-2005
- March of Dimes South Jersey Division, Board of Directors, 2010-2012
- March for Babies Executive Steering Committee, Chair, 2008-2010
- Rutgers School of Law – Camden, Adjunct Professor of Law – Election and Political Campaign Law

## Experience

### Representative Matters

- *Szczurek v. Prof'l Mgmt.*, No. 14-4775, 2015 U.S. App. LEXIS 17245 (3d Cir. September 10, 2015) (In an FDCPA action, debt collector was entitled to judgment on the pleadings under Fed. R. Civ. P. 12(c), because court disagreed with debtor's interpretation of a sentence in a debt collection letter as misleading and declined to hold debt collector liable for failing to notify consumers of rights above and beyond what was required by the FDCPA).
- *Douglass v. Convergent Outsourcing*, No. 13-3588, 765 F.3d 299 (3d Cir. 2014) (The district court erred in granting the debt collector summary judgment on the debtor's 15 U.S.C. § 1692f(8) claim where the disclosure of the account number implicated a core concern of the FDCPA, i.e., invasion of privacy, and thus, its disclosure was not benign).
- *Seamans v. Temple Univ.*, No. 12-4298, 744 F.3d 853 (3d Cir. 2013) (In this FCRA action, the grant of summary judgment to the university was vacated; once the borrower's loan had been repaid, the trade line pertaining to the Loan should have "aged off" his credit report pursuant to 15 U.S.C. § 1681c(a)(4), because the Loan by that time had been placed for collection more than seven years prior).
- *Caprio v. Healthcare Revenue Recovery Group, LLC*, No. 12-1846, 709 F.3d 142 (3d Cir. 2013) (Based on the court's interpretation of a collection letter from the perspective of the applicable "least sophisticated debtor," it determined that the substance and the form of the letter overshadowed and contradicted the validation notice, contrary to 15 U.S.C. § 1692g. It was deceptive because it could be read to have two or more meanings).
- *Leshner v. Law Offices of Mitchell N. Kay, PC*, No. 10-3194, 650 F.3d 993 (3d Cir. 2011), cert. denied, 2012 U.S. LEXIS 967 (Jan. 23, 2012) (Two debt collection letters from a law firm, acting as a debt collector, were deceptive in violation of the FDCPA because they falsely implied that an attorney was involved in collecting the debt, and the least sophisticated debtor would reasonably believe that an attorney had reviewed the file and determined that legal action was appropriate).
- *Rosenau v. Unifund Corp.*, No. 07-3019, 539 F.3d 218 (3d Cir. 2008) (Judgment on the pleadings was improperly entered for debt collector as to consumer's deceptive practices claims under 15 U.S.C. § 1692e(3), (10). Factual dispute existed as to whether least sophisticated consumer would think that collection letter signed "Legal Department" necessarily meant that attorney was involved in writing or sending letter).
- *Orson, Inc. v. Miramax Film Corp.*, No. 97-1994, 189 F.3d 377 (3d Cir. 1999), cert. denied, 2000 U.S. LEXIS 1869 (March 6, 2000) (State statute banning exclusivity in motion picture distribution after 42 days was preempted by Copyright Act; state cannot control distribution of copyrighted work contrary to statutory exclusive distribution rights).
- Counseled client through the purchase of a debt portfolio with a face value of \$2.4 billion. Fast-paced transaction with an end-of-the-year deadline.
- Successfully forced plaintiff's counsel to resolve a substantial class action on an individual basis, which dramatically lowered the exposure to the client. Because the nature of the case changed from a class action to a single plaintiff lawsuit the client was only required to pay a nominal settlement.
- Obtained summary judgment on behalf of a leasing company sued as a result of a multiple fatality motor vehicle accident. Plaintiffs alleged that the leasing

*company's failure to maintain its own insurance policy on the vehicle made it responsible under a state statute requiring such companies to have insurance to pay for the damages caused by the driver of the vehicle. The court agreed with the leasing company and ruled that noncompliance with the statute did not create a private right of action by the Plaintiffs.*

## Awards

### Awards

- *AV Preeminent Peer Review Rated by Martindale Hubbell*
- *Janis St Martin Industry Champion Award, 2022, The Association of Credit and Collection Professionals*
- *New Jersey Super Lawyers®, 2006 – 2011*
- *The Legal Intelligencer and the Pennsylvania Law Weekly, "Lawyers on the Fast Track," 2008*

## Publications

- *"Kaufman Dolowich Moves Philly Team Into Center City Tower," Law 360 Pulse, 3-8-2023*
- *"National Law Firm Relocates Philadelphia Office to One Liberty Place," Philadelphia Business Journal, Gregory Hyman, Esq. featured, 3-8-2023*
- *Richard Perr quoted, Appeals court dismisses major debt collection suit in win for banks, American Banker, 9-12-2022*
- *Attys Say 11th Circ. FDCPA Ruling Could Harm Their Practices, Law 360, quoted Rick Perr, 1-25-22*
- *Countdown to Compliance with Regulation F of the Fair Debt Collection Practices Act (FDCPA), Nov. 15 – Nov. 19*
- *Countdown to Compliance with "Regulation F" of the Fair Debt Collection Practices Act ("FDCPA") Nov. 8 - Nov. 12*
- *6 Days Remain to Prepare for "Regulation F": KD's Countdown to Compliance Continues*
- *The Epic Journey of a Pivotal 11th Circuit Debt-Collection Case, The Daily Docket, noted Richard Perr, November 19, 2021*
- *11th Circ. Will Rehear Debt Collection Privacy Suit, Law 360, quote by Richard Perr, November 17, 2021*
- *CFPB Debt Collection Rules Pose Test for Medical, Student Debt, Bloomberg Law, featuring Rick Perr, October 18, 2021*
- *Copycat Attorneys Come Out: 11th Circuit Ruling Prompts Plaintiffs to Launch New Attack on Debt Collectors, NJSBA Daily Briefing, Sept. 20, 2021*
- *California Opens DFPI Licensing Application Process; Agencies must Apply by December*
- *Where will CFPB come down on buy now/pay later loans? American Banker, ft. Richard Perr*
- *Preferred Collection and ACA Tell 11th Circuit That SCOTUS Opinion in Ramirez Supports Request for Rehearing in Hunstein*
- *Debt Collector Seeks Rehearing In 11th Circ. Mail Vendor Case, Law360, ft. Rick Perr*
- *Court Decision Muddies Debt Collector Communications, American Banker, ft. Richard Perr*
- *Supreme Court Strikes Down Part of TCPA*
- *High Court FCRA Case Could Shake Up Class Action Standing, Law360, ft. Richard Perr*

- *Supreme Court will Address whether Each Class Member Must Have an Injury to Establish Standing*
- *What To Watch As High Court Tackles Robocall Ban's Scope, Law360, ft. Richard Perr*
- *KD Alert: CFPB Releases its Long-Awaited Final Debt Collection Rule*
- *Debt Collectors Allowed to Text, Email Under New CFPB Rules (1), BloombergLaw, ft. Richard Perr*
- *Employees of Collection Agencies Working Nevada Accounts Must Work from the Brick and Mortar Location Listed on the License*
- *Supreme Court: CFPB Single-Director Structure Unconstitutional, Compliance Week, ft. Richard Perr*
- *INSIGHT: High Court Wary of TCPA Debt Exemption, But Not TCPA, Bloomberg Law*
- *Amid bipartisan criticism, Treasury Dept. attorneys review bank seizures of \$1,200 stimulus checks, Washington Post, ft. Richard Perr*
- *US Supreme Court Justices Seem Inclined to Preserve Consumer Bureau, Legal Intelligencer*
- *KD Alert - Nationwide COVID-19 Update For Consumer Financial Services*
- *KD Alert: U.S. Supreme Court to Weigh In on 2015 TCPA Carve-Out for Government-Backed Debt Collection*
- *Judge Grants MSJ For Defendant in FDCPA Case Over Disputed Debt, AccountsRecovery.net, ft. Richard Perr*

## **Selected Publications**

- *Preferred Collection and ACA Tell 11th Circuit That SCOTUS Opinion in Ramirez Supports Request for Rehearing in Hunstein , Association Collectors Connection Newsletter, June 2021*
- *Fourth Circuit Holds Multiple Prerecorded Calls to Obtain Location Information Do Not Violate the FDCPA, Mid-Atlantic Collectors Association Collectors Connection Newsletter, January 2013*
- *Five Simple Steps to Reduce Lawsuits , July 2010*
- *Much Ado Over Generic Concept of God, New Jersey Law Journal, October 3, 2005*
- *Primary Concerns, New Jersey Law Journal, August 26, 2005*
- *The Federal Credit and Collection Law Handbook*

## **News**

- *FCC Targets AI Robocalls and Changes Robocall/Robotext Consent Revocation Rules, by Richard J. Perr, Esq., 4-2-2024*
- *New Sweeping Data Privacy Laws On the Horizon, by Richard J. Perr, Esq., 3-21-2024*
- *Consumer Reporting Companies Warned About Inaccurate Background Checks, by Richard Perr, Esq., 2-15-2024*
- *Medical Debt Collection Strategy Plays Key Role in Federal Court Decision, 2-12 2024*
- *Justin Russell, Global Financial Services Firm Chief Legal Officer, Joins Kaufman Dolowich, 2-8-24*
- *Law Alert: Digital Consumer Payment Apps Face Scrutiny, by Richard Perr, Esq. and Monica Littman, Esq.*

- *Consumer Financial Protection Bureau Announces Rulemaking to Remove Medical Debt from Credit Reports, 9-27-2023*
- *Kaufman Dolowich Relocates Philadelphia Office to One Liberty Place, March 2023*
- *KD Alert: Text Messages May Not Be Subject to the Telephone Consumer Protection Act ("TCPA")*
- *Attys Say 11th Circ. FDCPA Ruling Could Harm Their Practices, Law 360, quoted Rick Perr, 1-25-22*
- *The Epic Journey of a Pivotal 11th Circuit Debt-Collection Case, The Daily Docket, noted Richard Perr, November 19, 2021*
- *11th Circ. Will Rehear Debt Collection Privacy Suit, Law 360, quote by Richard Perr, November 17, 2021*
- *Where will CFPB come down on buy now/pay later loans? American Banker, ft. Richard Perr*
- *Court Decision Muddies Debt Collector Communications, American Banker, ft. Richard Perr*
- *Supreme Court Strikes Down Part of TCPA*
- *High Court FCRA Case Could Shake Up Class Action Standing, Law360, ft. Richard Perr*
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- *What To Watch As High Court Tackles Robocall Ban's Scope, Law360, ft. Richard Perr*
- *KD Alert: CFPB Releases its Long-Awaited Final Debt Collection Rule*
- *Debt Collectors Allowed to Text, Email Under New CFPB Rules (1), BloombergLaw, ft. Richard Perr*
- *Employees of Collection Agencies Working Nevada Accounts are Permitted to Work From Home through December 31, 2020*
- *Employees of Collection Agencies Working Nevada Accounts Must Work from the Brick and Mortar Location Listed on the License*
- *Supreme Court Grants Cert to Clarify Autodialer Issue in the Telephone Consumer Protection Act*
- *Supreme Court: CFPB Single-Director Structure Unconstitutional, Compliance Week, ft. Richard Perr*
- *INSIGHT: High Court Wary of TCPA Debt Exemption, But Not TCPA, Bloomberg Law*
- *Amid bipartisan criticism, Treasury Dept. attorneys review bank seizures of \$1,200 stimulus checks, Washington Post, ft. Richard Perr*
- *US Supreme Court Justices Seem Inclined to Preserve Consumer Bureau, Legal Intelligencer*
- *KD Alert - Nationwide COVID-19 Update For Consumer Financial Services*

## Speaking Engagements

- *11th Circuit Alleges Violation of FDCPA Third-Party Disclosure Provision- Webinar, Rick Perr*
- *The CFPB Debt Collection Rule: Where It Is and Where It Is Going - Webinar: Richard Perr and Monica Littman, Presenters*
- *"Leveraging Mobile Technology to Improve Engagement While Remaining Compliant", Webinar*
- *Webinar on Analyzing The Increase in CFPB Enforcement Actions: Analyzing The Increase in CFPB Enforcement Actions*
- *Webinar on the CFPB's Landmark Debt Collection Rule*



- *"How to Manage Litigation Costs and Outside Counsel in the COVID-era,"* Speakers - Richard Perr and Monica Littman
- *Analyzing the Consumer Financial Protection Bureau's ("CFPB") Proposed Time-Barred Debt Disclosure Rule Webinar, AccountsRecovery.net: Analyzing the CFPB's Proposed Time-Barred Debt Disclosure Rule*

## Selected Presentations/Seminars

- *"Masterclass on Electronic Communication: Everything You Should Know About Emailing, Texting and Modern Communication."* Florida Collectors Association Annual Conference, October 2023
- *Breaking Down the CFPB's Opinion on Convenience Fees, Presenter, Nuvei, October 27, 2022*
- *The First 90 Days of Regulation F, webinar, Canvas Media, February 28, 2022*
- *Regulation F" in Debt Collection Practices, webinar, Accounts Recovery/TCN October 2021*
- *Options for Implementing the New CFPB Rule, Northeast Debt Collection Expo, June 2021*
- *"Texting and Emailing Under Regulation F" webinar, Accounts Recovery, June 2021*
- *The effect of the new "Regulation F" on the accounts receivable management industry, webinar, Accounts Recovery, May 2021*
- *The CFPB Debt Collection Rule: Where It Is and Where It Is Going, Mid Atlantic Collectors Association, March 2021*
- *"What to Expect on the Compliance Horizon," Northeast Debt Collection Conference, Groton, Connecticut, October 1-3, 2015*
- *"Beware of What You Mail: Letter Issues for Collectors in 2015," Northeast Debt Collection Conference, Groton, Connecticut, October 1-3, 2015*
- *"Perfecting Judgment and Seizing Assets," Rossdale CLE, delivered nationally via Teleconference, August 26, 2015*
- *"The TCPA and Technology Solutions," NobelBiz Company, Boston, Massachusetts, July 19, 2015*
- *"Don't Let Compliance Interfere with Productivity," NobelBiz Company, delivered nationally via Teleconference and World Wide Web, April 23, 2015*
- *"Collection Law From Start to Finish," National Business Institute, Cherry Hill, New Jersey, April 21, 2015*
- *"Burning Compliance Issues," Northeast Debt Collection Conference, Atlantic City, New Jersey, October 5-7, 2014*
- *"FDCPA and Collecting the Judgment," National Business Institute, Atlantic City and Cherry Hill, New Jersey, April 28-29, 2014*
- *"The CFPB and the TCPA," NobelBiz Company, delivered nationally via Teleconference and World Wide Web, November 19, 2013*