

November 26, 2018

Bob Carlson  
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Re: American Bar Associations's support for H.R. 5082

We write to protest the American Bar Association's (ABA) support for [H.R. 5082, the Practice of Law Technical Clarification Act of 2018](#). This terrible bill would gut vital consumer protections by exempting attorneys and law firms engaged in litigation from the Fair Debt Collection Practices Act (FDCPA) and eliminate Consumer Financial Protection Bureau (CFPB) authority over them.

Collection lawsuits are an increasingly common tool used for debt collection. The CFPB's survey of consumer experiences with debt collection found that [one in seven consumers who had been contacted about a debt reported being sued](#). These consumers are [almost never represented in court](#), leaving them particularly vulnerable to abusive litigation practices.

Unfortunately, abusive litigation practices are common. These practices include: seeking illegal fees; filing suit in courts thousands of miles from consumers' homes; suing on ancient zombie debt; robo-signing without evidence; misusing state garnishment proceedings; and filing suit against the wrong person or for the wrong amount.

The ABA should not attempt to shield abusive debt collection attorneys from the FDCPA and CFPB enforcement. Instead, it should align itself with vulnerable consumers and make clear that it rejects litigation practices that violate the law. Instead of arguing for special treatment for attorneys, the ABA should instead stand for the idea that no one – including members of the bar – is above the law.

Sincerely,

**Consumer Fellows from the American  
Bar Association's Consumer Financial  
Services Committee**

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