



National  
Consumer Law  
Center  
*Fighting Together  
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<https://bit.ly/Eval-Reg-F>

# EVALUATING REGULATION F

## A SIX-MONTH CHECK-UP ON NEW FEDERAL DEBT COLLECTION REGULATIONS

### APPENDIX A METHODOLOGY

This research was conducted among consumer advocates using a survey circulated online and one-on-one follow-up interviews via phone or video calls.

The survey was conducted during the month of June 2022. It included 26 questions, divided into four sections. The first section asked six questions about the respondents and their practice. The second section asked 11 questions about debt collection communication with consumers. The third section asked eight questions about debt collection disclosure practices. A final section allowed respondents to provide additional thoughts about Regulation F (1 question). See a copy of the survey in Appendix B.

In total, 121 respondents answered the survey in response to outreach by the National Consumer Law Center (NCLC) and the National Association of Consumer Advocates (NACA).<sup>1</sup> After four respondents were excluded, due to duplicate answers or unqualified respondents, we conducted the analysis based on 117 qualified respondents (n=117).

The first section asked about the respondents and their practice, including the type of practice and primary state of practice. Of the 117 respondents, 60.7% were private attorneys, 33.3% were attorneys working in legal services, and the remaining respondents (6%) were advocates working at non-profit organizations. See Table 1.

Geographically, the respondent population came from diverse locations. Survey respondents were asked about their main state of practice. The 117 respondents came from 37 different states, plus the District of Columbia and Puerto Rico. While 13 states were not represented in the survey, some of the respondents work in more than one state and therefore were able to provide information on these states. (For example, attorneys from Missouri could also answer questions

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1. Outreach included general outreach to consumer advocates through NCLC and NACA newsletters and also more targeted outreach to consumer advocates likely to work in areas including consumer debt defense, FDCPA litigation, consumer credit counseling, and FCRA litigation.

TABLE 1  
**Survey Respondent Distribution According to Employment Type**

TYPE OF PRACTICE	NUMBER	PERCENTAGE
Private practice	71	60.7%
Legal services	39	33.3%
Non-profit organization	6	6%
<b>Total</b>	<b>117</b>	<b>100%</b>

in regard to Kansas debt collection practices, although no respondent mentioned Kansas as their primary state.) The state with the most representation among respondents was California, with 11 respondents. Overall, however, there was wide dispersion of respondents over different states. See Table 2.

TABLE 2  
**Survey Respondent Distribution According to Primary State of Practice**

STATE / STATES	NO. OF RESPONDENTS FROM STATE	PERCENTAGE	OVERALL PERCENTAGE
California	11	9.4%	9.4%
New York	7	6%	6%
Florida / Massachusetts / Texas	6 (x3 states)	5.1% (x3)	15.3%
Illinois / Indiana / Pennsylvania / Washington	5 (x4 states)	4.3% (x4)	17.1%
Georgia / Tennessee	4 (x2 states)	3.4% (x2)	6.8%
CO / MD / MI / MO / NV / NC / WV / VA	3 (x8 states)	2.6% (x8)	20.5%
AL / DE / KY / MN / NJ / OH / OK / WI / Washington, DC	2 (x9 states)	1.7% (x9)	15.4%
AK / AR / HI / IA / ME / NM / OR / SC / SD / UT / Puerto Rico	1 (x11 states)	0.9% (x11)	9.4%
<b>Total</b>	<b>117</b>	<b>/</b>	<b>100%</b>

The second to fourth sections of the survey asked consumer advocates about debt collection practices since Regulation F took effect. The majority of the questions in the second and third sections were multiple-choice questions. At the end of each section there were one or two open-ended questions, alongside the open-ended question in the fourth section.

In most multiple-choice questions, the respondents were asked to choose one from several possible answers. In a few of the multiple-choice questions, respondents were asked to check all applicable options (one or more). In all multiple-choice questions, respondents were also given the option to choose “other” and write in

a short textual answer. In addition, respondents could choose to respond “I don’t know/not applicable to my practice.” Respondents could also skip questions if they chose; none of the questions in the survey was mandatory, except for the first three questions asking for the respondent’s name, email address, and workplace.

The analyses in the report are based on the substantive answers, excluding survey respondents who either skipped the question or selected “I don’t know / not applicable to my practice.”<sup>2</sup> The following table (Table 3) details the response rate of each multiple-choice survey question, according to their corresponding section in the report.

**TABLE-3**  
**Response Rate to Survey Questions**

SECTION IN THE REPORT	FIGURE IN THE REPORT	SURVEY QUESTION (SEE APPENDIX B)	NUMBER OF RESPONDENTS (OUT OF 117)	RATE (PERCENT) OF SUBSTANTIVE ANSWERS
3.2.2.1 Call and Conversation Frequency Limits	Figure 4	Q #7: Call limits	59	50.43%
	Figure 5	Q #8: Conversation limits	52	44.44%
3.2.2.2 Limited Content Voicemail Messages	Figure 6	Q #9: Limited content messages	51	43.59%
3.2.1.1 Frequency and Consumers' Perceptions of Collection Emails and Text Messages	Figure 1	Q #10: Emails frequency	48	41.03%
	Figure 2	Q #11: Texts frequency	48	41.03%
	N/A (data discussed in note 12)	Q #13: Third party disclosure	100	85.47%
3.2.1.2 Use of Social Media	Figure 3	Q #12: Social media	20	17.09%
3.2.3.1 Opt-out Notices for Electronic Communication	Figure 7	Q #14: Opt-out notices	36	30.77%
3.2.3.2 Requests to Stop a Particular Method of Communication	Figure 8	Q #15: Requests to stop specific communication	56	47.86%
3.3.1.1 Use of Model Validation Notice	Figure 9	Q #21: Use of model validation notice	62	53%
3.3.1.2 Methods of Delivery	Figure 10	Q #20: Methods of delivery	39	33.33%
3.3.1.3 Consumers' Comprehension	Figure 11	Q #23: Model validation notice comprehension	77	65.81%
3.3.1.4 Spanish-language Disclosures	Figure 12	Q #22: Spanish-language	32	27.35%
3.3.2 Time-Barred Debts	Figure 13	Q #18: Time-barred debts	100	85.47%
3.3.3 Parking Debts	Figure 14	Q #19: Parking debts	52	44.44%

2. We included in the substantive answers the textual answers that respondents wrote in after selecting “other,” even if these answers indicated that the respondent did not know or have an answer to the question.

Following the survey responses, we reached out to many survey respondents to invite them to participate in one-on-one conversation about the survey questions and their answers. Consequently, 23 interviews were conducted between June 23 and July 26, 2022. One of the interviewees was later excluded from the analysis of the survey due to lack of qualification,<sup>3</sup> and therefore we used 22 interviews with qualified respondents for our analysis.

Most of the interviews were conducted via a Video-Chat application (Zoom, 19 of 22 interviews), and the remaining three were conducted over the phone. The interviews' duration ranged between a minimum of 13 minutes and a maximum of 55 minutes, with most lasting 20 to 35 minutes. The average interview duration was 28.1 minutes. Thirteen out of the 22 interviewees were private practitioners, six were attorneys working in legal services, and three worked at non-profit organizations. Thus, the interviewee distribution reflects overall the distribution of survey respondents (with a slight overrepresentation of non-profit organization workers). See Table 4.

TABLE 4  
**Interviewee Distribution by Employment Type**

EMPLOYMENT TYPE	NUMBER	PERCENTAGE
Private Practice	13	59.1%
Legal Services	6	27.3%
Non-profit Organization	3	13.6%
Total	22	100%

3. In the interview it became clear that it was a pro se litigator and not a consumer advocate.