Summary

Defending Consumers and Their Assets

The only treatise to detail consumer defenses to debt buyer and creditor collection lawsuits on credit card, medical, criminal justice, and other consumer debts.

How to Defend a Collection Lawsuit

Steps debt buyers need to prove debt ownership
When collectors cannot use the state’s courts
Common errors the creditor’s complaint, attachments
Surprising use of statute of limitations defense
Abusive use of requests for admissions
Limits on creditor attorney fees and interest charges
The consumer’s counterclaims and class counterclaims

Special Tactics for Special Types of Collections

Medical debt: financial assistance; surprise out-of-network charges; limits on credit reporting, refusal of medical care
Defending debt owed to the government
Minimizing criminal justice debt, harsh consequences of non-payment
Stopping unfair collection on dishonored checks

Steps to Take After Judgment for the Collector or Consumer

How to set aside a default judgment
Federal rule protecting Social Security, SSI in bank accounts
Avoiding wage garnishment, bank account freezes, seizure of homes and cars
Stopping unfair collection on dishonored checks
Debtor examinations and imprisonment for debt
Seven ways for consumers to obtain their attorney fees
Cleaning up the consumer’s credit report after the consumer prevails

Praise

"I use the NCLC books in my bankruptcy practice and to expand my practice in other areas... I have used the Collection Actions book to expand my practice into collection defense. In light of the change in bankruptcy law, I have been able to expand my practice to defend collection cases for debtors who if they filed bankruptcy would have been 100% plans. I have gotten better results for my clients that I would have in bankruptcy court and I avoided the bankruptcy on my clients record. Collection defense involves the same debt buyers and the same claims...” — Patrick Kavanagh, Law Offices of Patrick Kavanagh, Bakersfield, CA

Related Titles

1. Fair Debt Collection
2. Class Actions
3. Fair Credit