



FDPCA BASICS

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IMPORTANT INFORMATION—PLEASE READ THIS FIRST

Just because you use these materials does not mean that I'm your lawyer. I'm only your lawyer if we both sign something that says I'm your lawyer.

These free materials are information, not legal advice. If you want legal advice, talk to a lawyer privately about your specific situation. If you live in Minnesota, feel free to contact me about your case.

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The Fair Debt Collection Practices Act—or FDCPA—is a federal law that regulates what debt collectors can and can't do when collecting a debt. It's important to understand two important things about the FDCPA. First, it only applies to consumer debts. A consumer debt is one that was incurred for personal, family, or household purposes. In other words, business debts are not covered by the FDCPA. Second, the FDCPA only applies to someone who is collecting the debt of another. For example, if you have an unpaid Capital One credit card and Capital One themselves is trying to collect the debt, they aren't collecting the debt of another and the FDCPA doesn't apply. With those two things in mind, here are some of the most common parts of the FDCPA that debt collectors violate:

- calling you before 8:00 a.m. or after 9:00 p.m.
- lying, swearing, insulting you, or using racial slurs
- calling your friends, family, co-workers, or neighbors and telling them that you owe a debt
- threatening to sue you or garnish you when they have no intention to do so
- calling you at work after you've told them not to
- telling you that you can be arrested or go to jail if you don't pay the debt
- calling you when they know you have a lawyer
- threatening you with violence
- calling you—or even just causing your phone to ring—repeatedly
- any other conduct that harasses or abuses you

If a debt collector violates the FDCPA, you have the right to sue them—and if you win the case—receive up to \$1,000.00. And the debt collector must pay your attorneys' fees and any out-of-pocket costs that you have.

If you are getting debt collection calls or letters, here are a few things you should do to protect your rights:

- Save every letter you get from a debt collector, including the envelope
- Take detailed notes of every conversation you have with a debt collector. Use the attached form and feel free to make more copies.
- Save every voice-message left by a debt collector
- Contact me if a debt collector has done any of the things listed above, or if they do anything that just doesn't seem right to you. I can help you figure out whether the debt collector has violated the FDCPA. If they have, we can discuss whether suing them is the best option for you.

COLLECTION CALL LOG

Date of call	Time of call	Conversation or message?	Collection agency and individual collector's names	What did the collector say? (be detailed—use as much room as you need)

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