

LINDA STRUMPF

ATTORNEY AT LAW

Admitted to practice:
Connecticut
New York
New Jersey

NEW YORK OFFICE
69 FOX RUN
SOUTH SALEM, NY 10590
TEL: (212) 566-6800
FAX: (212) 566-6808

CONNECTICUT OFFICE
244 COLONIAL ROAD
NEW CANAAN, CT 06840
TEL: (203) 966-8555
FAX: (203) 966-8886

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NEW JERSEY OFFICE
600 ASHWOOD ROAD
SPRINGFIELD, NJ 07081
EL: (973) 624-2121
FAX: (973) 624-7550

Mr. Chairman and Members of the Committee:

Good afternoon Chairmen Leone and Tong, Ranking Members Linares and Alberts, and members of the Banks Committee. Thank you for this opportunity to testify on HB 6173- An Act Concerning the Reform of Debt Collection Practices in the State.

My name is Linda Strumpf and I am a debt collection attorney in New Canaan here today to represent the Connecticut Creditor Bar Association (CCBA) as one of the Government Affairs Committee members. The CCBA would like to voice our strong opposition to this bill as currently drafted.

As the CCBA understands this language, we believe this bill is superfluous, duplicative, and would simply cause confusion without having any benefit. The language as it stands is unclear and vague as to what would be required to meet the definition of a "document." This would be harmful to all small businesses attempting to collect legitimate debts.

The Banks Committee should be aware of how the 2011 Court Rules on debt collection in this state have changed how collection attorneys are required to draft our pleadings.

In small claims actions, plaintiffs are now required to plead in the summons itself that the Statute of Limitations has not expired, and they must present evidence of that, for example, a statement with a date of last payment on it.

Ct. Practice Book 24-24 also requires all debt buyers to produce full bills of sale from the original creditor to the current owner of the account with dates of ownership by each owner in order to obtain a default judgment. The Rule also requires a contract if the debt buyer is claiming any interest and any additional fees, and an attorney's fee affidavit if attorney's fees are requested. Thus, without detailed evidence, a debt buyer will not be able to even obtain a default judgment in Small Claims Court.

All of this was not required prior to the 2011 changes in the Rules. Most of these changes will soon take effect in Superior Court as well.

Additionally, there is a script that all magistrates are now instructed to read prior to court sessions so that all consumers – and all other self-represented parties - fully understand their rights and how the small claims session works. One example is that the magistrates always tell the consumers that they should never agree to pay anything unless they believe they owe the money.

Connecticut does not need more law in this area. The Court Rules as presently constituted contain many safeguards, and consumers are already protected in this state far more than in just about any other state.

We ask that you consider these comments before passing this bill.

Thank you for your time and attention.

A handwritten signature in cursive script, appearing to read "L. Strumpf".

Linda Strumpf