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Testimony on HB 5571
An Act Concerning Consumer Collection Agencies and Debt Collection Actions
Banking Committee Public Hearing- March 7, 2016

Good morning Chairmen Lesser and Winfield, Ranking Members Simanski and Martin, and Rutigliano and members of the Banking Committee.

Thank you for this opportunity to testify on Proposed Bill HB 5571, An Act Concerning Consumer Collection Agencies and Debt Collection Actions.

I am Linda Strumpf and am a debt collection attorney in Fairfield County here today to represent the Connecticut Creditor Bar Association (CCBA) as a member of the Government Affairs Committee. The CCBA wishes to collaborate with the Committee to best protect Connecticut consumers while not unduly burdening legitimate debt collection.

As my colleague mentioned, rules have been instituted both in the Small Claims and Superior Courts which contain specific document requirements necessary to obtain a judgment in this state. I am here today to discuss some specific concerns we have with a few sections of the bill in front of you.

Section 7 (a) 2 - the "privilege log." In general, a privilege log refers to discovery which a party may withhold in a contested trial due to attorney-client privilege, work product privilege, or some other privilege. This requirement would unduly restrict legitimate collection efforts, compelling creditors to provide third parties with confidential and proprietary information that is not relevant to a consumer owing a particular debt. It is not relevant to the sufficiency of proof of the debt owed and to the consumer's ownership of the debt. If a Court seeks further information which would prove the validity of the debt, the Magistrate or the Superior Court Judge are empowered to order the creditor to present that information. However, the Court would not require confidential or privileged information.

Sec. 7 (c) requires that all documents be "duly authenticated and admissible in accordance with the rules of evidence." This does not make sense, given current practice, since documents attached to an affidavit of debt are sworn to as true copies of the originals. The rules of evidence apply to what is admissible at trial, and what a witness can testify to. This section will create a cottage industry for frivolous lawsuits against legitimate debt collectors. Admissibility of documents should be in the purview of Magistrates and Superior Court Judges.

While these may seem like minor changes, the impact of these sections, as currently written, would unduly impede legitimate debt collection. CCBA respectfully asks this committee to consider revising the bill to reflect my comments above, as it will negatively impact our law practices.

Thank you for your time and attention.

