No. 15–338

IN THE
Supreme Court of the United States

MARK J. SHERIFF, ET AL.,

Petitioners,

v.

PAMELA GILLIE AND HAZEL MEADOWS,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

BRIEF *AMICI CURIAE* OF 5 CONSUMER LAW PROFESSORS IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICUS CURIAE*[1]

Amici are law professors who specialize in consumer law and who have previously published on, or have interest in, the consumer rights that are threatened in this case. *Amici* have no personal stake in the outcome of this case, but have a strong interest in seeing that case law interpreting the federal Fair Debt Collection Practices Act advances the critical protections of this important legislation.

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[1] Pursuant to Supreme Court Rule 37.6, *amicus curiae* affirm that no counsel for a party authored this brief in whole or in part, that no counsel or a party made a monetary contribution intended to the preparation or submission of this brief and no person other than *amici curiae* or their counsels made a monetary contribution to its preparation or submission.

Pursuant to Supreme Court Rule 37.3, this brief has been submitted within the 7 day period after respondents brief was filed. Each party has consented to the filing of this brief, and copies of consents are on file with the Clerk of the Court.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The Fair Debt Collection Practices Act was passed to eliminate abusive, deceptive, and unfair debt collection practices committed by third-party debt collectors. 15 U.S.C. § 1692 et seq. (2012). Evidence was presented to Congress to show that incentive structures and the one-off nature of the job made the position rife for abuse, in contrast with in-house collectors. S. Rep. No. 95-382, at 2–3 (1977). Congress thus passed the FDCPA with exemptions for State officials and in-house collectors. 15 U.S.C. § 1692a(6)(C) (2012). The Act has since been amended to include attorneys that practice debt-collection, due to their functional equivalence to conventional, third-party counterparts. 131 Cong. Rec. H225-02 (daily ed. Jan. 31, 1985) (statement of Rep. Annunzio).

Although the language of the FDCPA is clear, the State of Ohio now asks this Court to redefine the FDCPA's plain language. The State of Ohio asks this Court to hold that third-party debt collectors are instead State officers, simply because they intermittently collect debts on behalf of the State. This would allow debt-collectors to use misleading letterhead, despite the fear and uneasiness it can cause in debtors. Importantly, such tactics would not be restricted to the realm of student tuition debt: debt-collectors already use such unscrupulous tactics in the collection of student loan debt, bad check restitution programs, municipal services debts and federal taxes.

To rule that an independently contracted, third-party debt collector is a State official would undermine the intent of Congress, the plain language of the statute, and the critical protections of the FDCPA.

ARGUMENT

I. The Legislative History Shows that Congress was Chiefly Concerned with Abusive, Deceptive, and Unfair Practices Committed by Third-Party Debt Collectors.

The express purpose of the Fair Debt Collection Practices Act ("FDCPA") is to eliminate "abusive, deceptive, and unfair" debt collection practices. 15 U.S.C. § 1692 (2012). As the legislative history suggests—and the final version of the FDCPA conclusively shows—the chief evil Congress intended to remedy was "abusive, deceptive, and unfair" debt collection practices committed by third-party debt collectors. *Id.* at § 1692a(6) (defining debt collector as "any person who . . . regularly collects or attempts to collect, . . . debts owed or due or asserted to be owed or due another."

A. The Need to Regulate In-House Debt Collectors Was Brought to Congress' Attention and Congress Chose to Regulate Third-Party Debt Collectors Because of Their Particular Incentives for Abuse.

During the initial subcommittee hearing on the FDCPA, Representative Chalmers Wylie explained that he did not cosponsor the legislation due to its limited scope. He stated: "I have not cosponsored [the House legislation], mostly because the bills apply exclusively to independent debt collectors . . . . It does not apply to . . . any in-house debt collector." *The Debt Collection Practices Act: Hearing on H.R. 11969 Before the Subcomm. on Consumer Affairs*, 94th Cong. 26 (1976) (hereinafter "Hearing on H.R. 11969") (statement of Rep. Wylie, Member, Subcomm. on Consumer Affairs). Several members and invited speakers echoed Representative Wylie's statements. *Id.* at 180 (statement of Jack Fletcher, Member, American Collectors Association's National Legislative Council); *id.* at 238 (statement of Joel Weisberg, Director, Bureau of Consumer Protection, Pennsylvania); *id.* at 253 (statement of Richard Gross, Deputy Chief, Consumer Protection Division, Massachusetts). Others termed the bill as "discriminatory" and possessing a "big hole." *The Debt Collection Practices Act: Hearing on H.R. 29 Before the Subcomm. on Consumer Affairs*, 95th Cong. 179 (1977) (hereinafter "Hearing on H.R. 29") (statement of John W. Johnson, Executive Vice President, American Collectors Association); *id.* at 297 (statement of Phillip Rosenthal, President, Virginia Collectors Association).

Despite such ardent critique, Congress pressed on and passed the FDCPA to remedy abuses committed by third-party debt collectors. *See* S. REP. No. 95-382, at 2 ("The committee has found that debt collection abuse by third party debt collectors is a widespread and serious national problem."). It did so because it found that third-party debt collectors were the chief source of problems due to their incentives to engage in unscrupulous tactics, which are not present for in-house collectors.

A Senate Report—issued by the Committee on Banking, Housing, and Urban Affairs—explicitly noted that "independent debt collectors are the prime source of egregious collection practices." S. REP. No. 95-382, at 2. Such practices included, for example, giving a collection letter an official gloss: this included using "impressive gold seals . . . [and] attorney . . . letterhead." *Hearing on H.R.* 11969 (statement of Rep. Wylie, Member, Subcomm. on Consumer Affairs). Another was for debt-collectors to misrepresent that they were "government official[s]." S. REP. No. 95-382, at 8.

While Congress was aware that in-house collection abuse can occur, the Senate report noted that the incentives for in-house and third-party collectors are simply not the same. *Id.* at 2–3. An independent debt collector will not have future contact with the consumer; an in-house collector will. *Id.* at 2. Further, independent debt-collectors—like the independent debt-collectors in the instant case—are paid on their ability to collect as many debts as possible, thereby increasing the likelihood of a debt-collector using any tool that will increase their ability to collect a debt. *Id.*; *see Gillie v. Law Office of Eric A. Jones*, 785 F.3d 1091, 1095 (6th Cir. 2015) ("Such special counsel shall be paid for their services from funds collected by them in an amount approved by the attorney general."). Unless literally an employee of the government, a third-party debt collector working on behalf of the government falls squarely within the category of debt-collectors Congress passed the FDCPA to regulate.

And, although the initial bill exempted attorneys, Pub. L. No. 95-109, §803(6)(F), 91 Stat. 874, 875 (1977), later amendments extended the FDCPA to cover attorneys, in large part because they are "identical to their conventional [third-party, private] counterparts." 131 Cong. Rec. H225-02 (daily ed. Jan. 31, 1985) (statement of Rep. Annunzio).

The clarity of the Congressional history has led to an equally clear text: from its initial passage to today, the FDCPA is concerned with third-party debt-collectors specifically because they are more likely to engage in abusive practices. 15 U.S.C. § 1692.

B. Exempting Private, Third-Party Independent Contractors from the Act's Proscriptions Is Inconsistent with the History and Clear Text of the FDCPA.

To illustrate why exempting private, third-party independent contractors is inconsistent with the history and text of the FDCPA, one need look no farther than the facts of this case.

Under Ohio law, the Ohio Attorney General is allowed—after a certification process not relevant here—to collect debts owed to state entities. Ohio Rev. Code Ann. § 131.02(C) (West). Although able to hire and retain a full-time staff to collect such debts, the Ohio Attorney General may also appoint special counsel to collect debts on behalf of the Attorney General. Ohio Rev. Code Ann. § 109.08 (West). Once selected, special counsel enters into a retention agreement with the Attorney General. *Gillie,* 785 F.3d at 1095. The retention agreement specifically defines the special counsel as an "independent contractor." *Id.*

This independent contractor relationship falls under the FDCPA. *Id.* at 1102. To be exempt from the FDCPA as an "officer or employee of the United States or any State," such officer must collect debt "in the performance of his official duties." 15 U.S.C. § 1692a(6)(C). An independent contractor is not an "officer or employee" of a State. *Gillie*, 785 F.3d at 1101–02. As the Sixth Circuit noted, the Ohio Attorney General cannot have it both ways: the State cannot classify its relationship with independent, third-parties as a relationship with an independent contractor while simultaneously claiming such individuals are also employees. *Id.* at 1102. Ohio could have hired full-time debt collectors and, thus, triggered the (6)(C) exemption; it chose not to.

Stated simply, it works absurdity into the law to allow a third-party, private debt collector to eschew the mandates of the FDCPA simply because she intermittently collects debts on behalf of a State entity. The FDCPA was enacted because Congress was presented with evidence that third-party debt collectors were abusing the system on a "widespread and . . . national" scale. S. REP. No. 95-382, at 2 (1977). An example of such abuse was the use of "impressive gold seals . . . [and] attorney . . . letterhead," to give dunning letters an official gloss. *Hearing on H.R. 11969* (statement of Rep. Wylie, Member, Subcomm. on Consumer Affairs). To allow an attorney to use the "impressive" seal of the Ohio Attorney General's office, free from the requirements of the FDCPA, is to ignore both the text and substantive history of the FDCPA.

II. The Use of Misleading Letterhead by Third Party Debt Collectors Causes Fear and Uneasiness in Debtors.

Debtors justifiably feel misled by private debt collectors when they send collection notices on letterhead belonging to another entity.

This practice is misleading, whether in situations involving large sums of payment, such as the issue present in this case—student tuition debt—or scenarios as benign as bad checks. Because the primary concern of the FDCPA is to protect the "uninformed, the naïve and the trusting" consumer, collection agencies are not permitted to behave in a manner that may mislead even an unsophisticated debtor on the receiving end of the notice. *Avila v. Rubin*, 84 F.3d 222, 226 (7th Cir. 1996).

A. A Debt Collector's Use of Misleading Letterhead from the Office of the Attorney General is Also a Species of a More Common Illegal Tactic.

One of the provisions in the FDCPA prevents the use of "false representation or implication . . . that any communication is from an attorney." 15 U.S.C. § 1692e(3) (2012). Congress gave the FTC the authority to enforce the Act, including this provision, in order to eliminate abusive debt collection practices and to protect consumers from being poached by higher authorities when they are uninformed. The FTC and CFBP have indeed found that there were instances of debt collectors filing collection suits without strong evidence of debt. *Brief of Consumer Financial Protection Bureau and Federal Trade Commission for Appellee*, *Bock v. Pressler & Pressler LLP*, No. 15-1056 (3d Cir. Aug. 13, 2015), 2015 WL 4910765. The FTC and CFBP stated that an attorney's "imprimatur" will cause debtors to act on the notice. *Id.* at 11. Although this exact provision is not at issue in the present case, the use of Attorney General letterhead by individuals other than the Attorney General implicates the same deception—on a grander scale—that § 1692e(3) protects against.

By sending letterhead from an entity of higher authority rather than just a third party debt collector/collection agency, "an unsophisticated consumer, getting a letter from an 'attorney,' knows the price of poker has just gone up. And that clearly is the reason why the dunning campaign escalates from the consumer, to the attorney, who is better positioned to get the debtor's knees knocking." *Avila*, 84 F.3d 229. Receiving a letter from an attorney also implies that there has been personal involvement from the attorney into the specific debtor's file and that the attorney reached a professional judgment that the debtor would be a candidate for legal action. *Id.*

If this is the case, it is understandable why a debtor would react even more promptly to an "imprimatur" belonging to an Attorney General. A consumer is "inclined to more quickly react to an attorney's threat than to one coming from a debt collection agency," given "the special connotation of the word 'attorney' in the minds of delinquent consumer debtors." *Id.* It is reasonable to assume that the words "attorney general" would create an even quicker response, considering that the plaintiffs in this case both ultimately sought out private counsel. *Gillie*, 785 F.3d at 1096.

B. Allowing Private Debt Collectors to Use Law Enforcement Letterhead is Misleading Because It Allows an Entity Otherwise Subject to the FDCPA to Pass as an Exempt Entity.

Courts have previously observed that, when a debt collector uses a law enforcement agency's letterhead, it creates a false impression about the sender, violating the FDCPA. *See* 15 U.S.C. §1692e(1) (2012); *Gammon v. GC Services*, 27 F.3d 1254, 1257 (7th Cir. 1994) ("[T]he FDCPA forbids a range of implications wider than merely the direct representation that the debt collector is or is a part of state or federal government."). If the FDCPA forbids a "range of implications" beyond direct representation, then surely the FDCPA prohibits the misleading impression in the present case, where the private, third-party debt-collector is attempting to pass as an exempt State collector.

A recent case illustrates how the use of such letterhead can be misleading. In *Shouse ex rel Paxon v. Nat'l Corrective Group, Inc.*, the National Corrective Group (NCG) used the letterhead of the local District Attorney's office on an official notice sent to the debtor. *Shouse ex rel. Paxon v. Nat'l Corrective Group,* 2010 WL 4942222, at 4 (M.D. Pa.

Nov. 30, 2010).[2] The debtor had allegedly sent bad checks. *Id.* at 1. NCG had an agreement with the local district attorney office, whereby NCG collected the dishonored checks while the district attorney provided official letterhead and access to the district attorney's office. *Id.* Under this agreement, the NCG could qualify be exempt from the FDCPA only if "bad check offenders participate voluntarily." 15 U.S.C. § 1692p(a)(2)(A) (2012). NCG argued that the plaintiffs entered the program voluntarily and filed a motion to dismiss. *Shouse*, 2010 WL 4942222, at 1. The plaintiffs contended that the communications were intentionally used to mislead the debtor into believing they are dealing with the district attorney's office[3] and, thus, participation in such programs was not voluntary. *Id.*

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[2] An amendment to the FDCPA created an explicit exception for district attorney-sanctioned pretrial diversion programs for alleged bad check offenders. 15 U.S.C. § 1692p (2012). This amendment creates the possibility that third party collectors mislead debtors by shrouding themselves under the cloak of an entity excluded from the title of a debt collector. While the bad check program is not at issue in this case, the impact of the district attorney's letterhead on the debtor is similar.

[3] Although the district attorney was involved in the matter, this involvement was not materially different than the Attorney General's in the instant case. The district attorney and Attorney General do receive the funds collected, but do not participate in the actual collection. *Gillie,* 785 F.3d at 1095; *Shouse*, 2010 WL 4942222, at 1. In both instances, the debtors deal solely with the independently contracted, third-party debt collectors—a relationship expressly governed by the FDCPA. 15 U.S.C. § 1692a(6).

The court denied NCG's motion to dismiss, holding that the plaintiffs had pled sufficient facts to claim that collector was not within the exemption of the FDCPA because the language in the letter, as well as letterhead and insignia of the DA, did not permit voluntary participation from the debtor under the standard of the least sophisticated consumer. *Id.* at 4. Importantly, the debtor complained that "these communications are designed to intentionally mislead the recipient into believing that they are dealing with the district attorney's office when in fact they are dealing with a private debt collection agency, and that they are then essentially coerced into paying . . . under the implicit threat that unless they do so they will be criminally prosecuted." *Id.* at 1.

Higher authorities are at times enlisted for collection from debtors to ensure that the debtor understands the significance of the outstanding debt. When debtors receive notices that seem threatening in these situations, they tend to react with impulse and anxiety. One debtor described being thrown "into a panic" after a collection agent "insisted that her debt couldn't be negotiated, settled, or paid off more slowly." Martha C. White, *Dirty Tricks of Debt Collection: What You Need to Know*, DAILY FINANCE (2010), http://www.dailyfinance.com/2010/01/18/debt-collectors-dirty-tricks-what-you-need-to-know.

Another common example of employing a higher authority can be seen with respect to debt collector's enlisting a lawyer or law firm to collect debts, without having the lawyer or firm look into the specific files of the debtors. In *Clomon v. Jackson*, 988 F.2d 1314 (2d Cir. 1993), for example, an attorney hired by NCB—a debt collection agency—provided his approval and signature to dunning letters without ever "review[ing] [the debtor's] file." *Clomon*, 988 F.2d at 1317. The letters would be sent to the debtor on a predetermined schedule, with a mechanically reproduced facsimile of the attorney's signature. *Id.* at 1316–17. The Second Circuit held that such actions were misleading and in violation of the FDCPA. Specifically, the majority stated:

> First, the use of Jackson's letterhead and signature on the collection letters was sufficient to give the least sophisticated consumer the impression that the letters were communications from an attorney. This impression was false and misleading because in fact Jackson did not review each debtor's file; he did not determine when particular letters should be sent; he did not approve the sending of particular letters based upon the recommendations of others; and he did not see particular letters before they were sent—indeed, he did not even know the identities of the persons to whom the letters were issued. In short, the fact that Jackson played virtually no day-to-day role in the debt collection process supports the conclusion that the collection letters were not "from" Jackson in any meaningful sense of that word. Consequently, the facts of this case establish a violation of [the FDCPA].

Id. at 1320. These practices remain common. *See Lesher v. Law Offices of Mitchell N. Kay*, 650 F.3d 993, 1001–03 (3d Cir. 2011), cert denied, 132 S.Ct. 1143 (2012). *See also Bock v. Pressler & Pressler*, 30 F. Supp. 3d 283, 286 (D.N.J. 2014) (holding that filing a civil complaint without reviewing debtor's file is also a violation of the FDCPA).

The FDCPA was enacted precisely to prohibit practices that lead to such unfounded fear and anxiety. 15 U.S.C. § 1692. If it is misleading for non-attorneys to use attorney letterhead to collect debts because of the unfounded fear that practice creates, then a collector's use of Attorney General letterhead is even more likely to make a debtor unjustifiably fearful—perhaps to the point of fearing criminal charges.

III. The Government's Use of Third-Party Debt Collectors Is Not Limited to the Collection of Student Tuition Debt.

The government's use of third party debt collectors is not limited to the collection of student tuition debt. Currently, the government uses third party debt collectors in many areas, including the collection of student loan debt, bad check restitution programs, municipal services debts, and federal taxes. Allowing debt collectors to continue to use practices similar to the ones here will cause untold harm to consumers, as the collectors will be able to bully debtors into prioritizing their payments using the guise of government authority.

Third parties are involved in the guaranty and collection of student loan debt. *Brannan v. United*

Student Aid Funds, 94 F.3d 1260, 1261 (9th Cir. 1996). In *Brannan*, the plaintiff took out a loan from a private bank through a federal student loan program. *Id.* at 1262. United Student Aid Funds ("United"), was the guarantor of this loan under a contract with the United States Department of Education. *Id.* Brannan defaulted on the loan and United then began collection efforts; United, *inter alia*, threatened to cause her to lose her job, communicated to third parties regarding her debt, and refused to communicate about the debt through her attorney. *Id.* The court held that United was not an officer or employee of the federal government and thus was within the scope of the FDCPA. *Id.* at 1263. Notably, the Ninth Circuit held that United did not fall under the government actor exemption to the FDCPA. *Id.* The court held that such an exemption only applies to an individual government official or employee "who collects debts as part of his government responsibilities." *Id.* It was beyond the clear language of the FDCPA to apply the exemption to an individual organization with a government contract. *Id. See also Pollice v. Nat'l Tax Funding*, 225 F.3d 379, 406 (3d Cir. 2000) (holding that § 1692a(6)(C) applies only to state "officers" or "employees" and that it "does not extend to those who are merely in a contractual relationship with the government.").

To give third-party debt collectors of student loan debt the ability to use official government letterhead during the collection process is to provide predatory lenders another tool to cajole and coerce vulnerable people into prioritizing student debt payments over other debts that they may have accrued. Student loan debt would thus become an even heavier burden, as borrowers would be scared into putting off other investments and purchases due to the perceived threat of government action.

As noted *supra* in Section II, one of the more egregious practices currently in use is the use of local prosecutor's official letterhead by private debt collectors as part of bad check restitution programs. *Shouse,* 2010 WL 4942222, at 1. Although the NCG diversion program was intended to be an optional alternative to court proceedings, the court held that the use of the local prosecutor's letterhead and official language threatening fines and jail time caused those who received them to "believe that they had better respond to the notice." *Id.* at 4. A ruling in favor of the Ohio Attorney General where could be extended to allow debt-collectors to contravene the clear language of 15 U.S.C. § 1692p. The statute—which exempts certain bad check enforcement programs—requires participation by debtors to occur "voluntarily." *Id.* at (a)(2)(A). To allow private entities to use official law enforcement letterhead would render the "voluntarily" language a dead letter, as the least sophisticated consumer could think they must enter the program or face prosecution. *See Shouse*, 2010 WL 4942222, at 4. This type of intimidating action is not limited in scope, but has been used repeatedly throughout the country.

In *Liles v. Am. Corrective Counseling Servs.*, the Jefferson County Attorney's office contracted with American Corrective Counseling Services ("ACCS") to run a similar bad check restitution program. *Liles* *v. Am. Corrective Counseling Servs.*, 201 F.R.D. 452, 453 (C.D. Iowa 2001). However, in *Liles*, the notice sent by ACCS to the plaintiff was unrelated to any court process, and the County Attorney had no knowledge of the delinquent check on which ACCS was attempting to collect. *Id.* If the court were to rule in favor of petitioners, it would be giving unscrupulous third party debt collectors—such as ACCS and NCG—the green light to continue their deceptive practices and could encourage other third-party debt collectors to begin using the practice in an effort to collect on debts through deception and intimidation.

Another area in which the Court's holding will have an impact is in the collection of municipal water and sewer debts, and related debts for municipally-provided services. The federal courts have already seen litigation over the unscrupulous actions of third-party attorney debt collectors, including threatening liens and sheriff's sales. *Piper v. Portnoff Law Associates, Ltd.*, 396 F.3d 227 (3d Cir. 2005). Giving these debt collectors the ability to make these threats on official government letterhead would make them seem all the more plausible.

Finally, the Court's holding may have impact in the collection of qualified inactive tax receivables due to the federal government.[4] In 2015, President

[4] The IRS is empowered by federal law to outsource the collection of federal tax debts by entering into "qualified tax collection contracts." 26 U.S.C. § 6306 (2012).. The tax-collector is paid according to the amount collected. *Id.* at § 6306(c). The law expressly states that the FDCPA shall apply to any

Obama signed into law a provision which required the IRS to begin to use private debt collection agencies to recover unpaid tax debt. The Association of Credit and Collection Professionals, *IRS Partnership With Debt Collection Agencies Becomes Law*, ACA INTERNATIONAL, (Dec. 7, 2015), http://www.acainternational.org/governmentaffairs-irs-partnership-with-debt-collection-agencies-becomes-law-37779.aspx. Giving third party debt collectors the ability to use official IRS letterhead when collecting qualified federal taxes is no doubt intimidating, as it gives a private entity the appearance of federal power.

In sum, if this Court sanctions the practice of the Ohio Attorney General, it is likely the practice will spread, as debt collectors contracting with state and federal governments look for new tools to increase their recoveries. Rather, the Court should declare this tool off-limits and uphold the explicit language of the FDCPA.

"qualified tax collection contract," except to the extent superseded by any other provision the Internal Revenue Code. *Id.* at § 6306(e).

CONCLUSION

For the foregoing reasons, *amicus* respectfully ask this Court to rule, consistent with the intent and language of the FDCPA, that third-party debt collectors contracting with a State should not be permitted to cloak themselves in official immunity from FDCPA liability, and that their use of official government letterhead is materially misleading under the FDCPA.

Respectfully submitted,

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APPENDIX A—LIST OF SIGNATORIES*

Peter S. Wright is the Director of the Consumer and Commercial Law Clinic at the University of New Hampshire School of Law. The clinic litigates consumer credit cases at the trial and appellate levels, including defense of debt collection, foreclosure and consumer bankruptcy. Besides teaching Consumer Credit and Bankruptcy, Professor Wright also works with legislative committees and staff on state and federal legislation impacting consumers in these areas.

Richard Alderman is the Director of the Center for Consumer Law at the University of Houston Law Center. Professor Alderman has published several articles and books in the field and is currently the Editor-in-Chief of the Journal of Consumer and Commercial law, the official publication of the Consumer and Commercial Law Section of the State Bar of Texas.

Judith Fox is the director of the Economic Justice Center, a clinical law program at the University of Notre Dame. The clinic represents low and moderate income clients in mortgage foreclosure and debt collection issues. Professor Fox researches and writes on issues involving debt collection and mortgage foreclosure and serves on the Consumer Financial Protection Bureau Consumer Advisory

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* University affiliation of the professors is given for identification purposes only, and implies no endorsement by the universities.

Board and the Advisory Board of the Indiana Foreclosure Legal Assistance Program.

Creola Johnson specializes in predatory consumer transactions, including payday loans and subprime mortgages. Professor Johnson has been published several times in the field and has been recognized for her excellence in the field by The Ohio State University Moritz College of Law President's Club.

Gary J. Pieples is the Director of Securities Arbitration and Consumer Clinic at Syracuse University College of Law. In addition to an active practice representing families in evictions and foreclosures, Professor Pieples has presented on consumer credit collection actions and has worked on neighborhood stabilization projects representing community groups on issues of blight abatement, community development, and housing policy. After graduating from the Indiana University School of Law, Professor Pieples clerked for Judge S. Arthur Spiegel of the Southern District of Ohio.