



Conference Session:

**WHO'S WATCHING OUT FOR US?
CONSUMER PROTECTION**

with

Jim Francis

Friday, April 17, 2015

12:00 PM to 1:00 PM

4/17: Who's Watching Out for Us? Consumer Protection

WHO'S WATCHING OUT FOR US?: CONSUMER PROTECTION with Jim Francis

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SESSION DESCRIPTION:

At a macro level, this session will outline trends within consumer rights enforcement today and the current state of consumer protection litigation. There will be an overview of the identities and activities of the main federal and state actors, including the CFPB, FTC and state AG Offices, and recent enforcement actions, consent decrees and settlement agreements. The thrust of the focus, however, will be upon the growing amount of enforcement being achieved by plaintiffs' lawyers acting as private attorney generals through the use of consumer fee shifting statutes. The session will look at the most commonly litigated statutes by the private bar, such as the Fair Credit Reporting Act, Fair Debt Collection Practices Act, Telephone Consumer Protection Act and state UDAP statutes, and the cases being brought under them, with an eye toward the issues that are most likely to arise for group legal services lawyers. The use of class actions, including the limits imposed by arbitration clauses and class action waivers will also be addressed.

ABOUT THE SPEAKER:

James A. (Jim) Francis has been admitted to practice before the United States Court of Appeals for the Third, Fourth and Ninth Circuits, the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey, as well as the Pennsylvania and New Jersey state courts. He is a 1992 graduate of Muhlenberg College (B.A., cum laude) and a 1995 graduate of the Temple University Beasley School of Law. In law school, he won the 1995 Wapner, Newman & Wigrizer, P.C. award for excellence in civil trial advocacy, was awarded outstanding oral advocacy and served as President of the Student Bar Association. Following law school, Mr. Francis was associated with Kolsby, Gordon, Robin, Shore & Rothweiler in Philadelphia, and concentrated in catastrophic injury litigation. Since 1998, he has focused his practice in consumer protection litigation, with a particular concentration in fair credit reporting, fair debt collection practices and consumer class actions.

Mr. Francis was ranked one of the Top 100 Superlawyers in the Commonwealth of Pennsylvania in 2015, 2014, 2012, 2008 and 2004 in Philadelphia Magazine and Pennsylvania Super Lawyers magazine. He has been regularly ranked one of the Top 100 Superlawyers in Philadelphia since 2004. He has lectured and spoken extensively on the FCRA, and has published articles on the subject as well. He has appeared on various news programs including the Today Show and PBS NewsHour to discuss consumer-related issues, and was featured in The Philadelphia Inquirer's biographical "Question & Answer" segment in February of 2009. Mr. Francis argued the seminal FCRA case of Cortez v. Trans Union before the Third Circuit Court of Appeals. He has been certified to serve as Class counsel in over 35 consumer class actions, has been trial counsel in two class actions to successful plaintiff's verdicts, and has served as counsel the some of the largest FCRA settlements in history.

Mr. Francis currently serves on the Board of Directors of the National Association of Consumer Advocates.

GLSA Conference
Philadelphia 2015

 **FRANCIS & MAILMAN**
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Who's
Watching
Out for Us?

Consumer
Protection

Who's Watching Out?

- Federal Trade Commission (FCC)
- Consumer Financial Protection Bureau (CFPB)
- Federal Communications Commission (FCC)
- State Attorneys General
- Private Attorneys

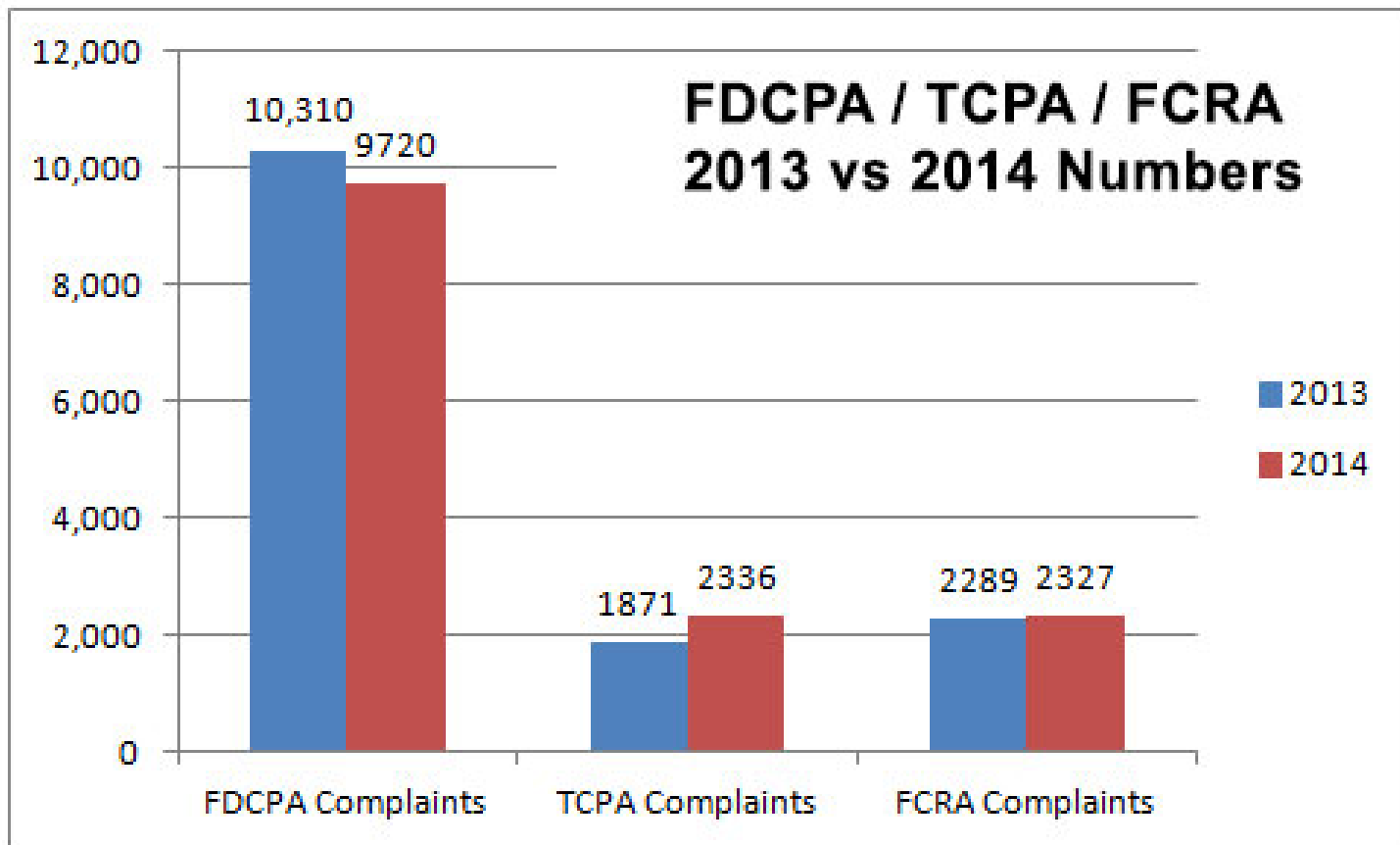
Who's Really Watching Out?

- Private Attorneys General
- Fee shifting statutes
- Consumer laws

Commonly Litigated Consumer Protection Laws

- **Fair Credit Reporting Act**
15 U.S.C. § 1681
- **Fair Debt Collection Protection Act**
15 U.S.C. § 1692
- **Telephone Consumer Privacy Act**
47 U.S.C. § 227
- **Truth in Lending Act**
15 U.S.C. § 1601
- **State UDAP laws**

Consumer Lawsuits



Consumer Lawsuits

Comparisons:	Current Period:	Previous Period:		Previous Year Comp:	
	<i>Dec 01 – 31, 2014</i>	<i>Nov 01 – 30, 2014</i>		<i>Dec 01 – 31, 2013</i>	
CFPB Complaints	2843	2842	0.0%	2436	16.7%
FDCPA lawsuits	836	736	13.6%	768	8.9%
FCRA lawsuits	203	181	12.2%	221	-8.1%
TCPA lawsuits	172	94	83.0%	175	-1.7%
YTD CFPB Complaints	39185			11080	253.7%
YTD FDCPA lawsuits	9720			10310	-5.7%
YTD FCRA lawsuits	2327			2289	1.7%
YTD TCPA lawsuits	2336			1871	24.9%

Source: <http://dev.webrecon.com>

Consumer Lawsuits

12,521 total lawsuits for 2014

- 9,720 FDCPA
- 2,327 FCRA
- 2,336 TCPA

Fair Credit Reporting Act

Regulates the privacy and accuracy of:

- **Credit Reports**
- **Background Checks**
- **Residential Leases**
- **Insurance**
- **Data Brokers**

Fair Debt Collection Practices Act

- **Prevents harassment from debt collectors and unfair or deceptive practices**

Telephone Consumer Protection Act

- **Restricts telephone solicitation**
- **Regulates auto-dialer calls**
- **Applies to text messages**

Truth in Lending Act

- **Requires disclosures**
- **Regulates some credit card practices**

The Good, the Bad and the Ugly

- ▶ The Good: Consumer Class Actions;
- ▶ The Bad: Arbitration Clauses;
- ▶ The Ugly: Class Action Waivers

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