No. 19-14434-U

In the United States Court of Appeals
for the Eleventh Circuit

RICHARD HUNSTEIN
Plaintiff-Appellant

v.

PREFERRED COLLECTION AND MANAGEMENT. SERVICES, INC.
Defendant Appellee

On Appeal from the United States District Court
for the Middle District of Florida
Case No. 8:19-cv-00983-TPB-TGW

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE IN SUPPORT OF DEFENDANT/APPELLEE'S *EN BANC* BRIEF BY Arizona Creditors Bar Association; Attorneys Association of Alabama, Inc.; California Creditors Bar Association; Colorado Creditor Bar Association, Inc.; Creditors Rights Attorney Association Nevada; Delaware Creditors Bar Association; Georgia Creditors Council; Illinois Creditors Bar Association; Indiana Creditors Bar Association, Inc.; Kansas Creditor Attorney Association; Maryland-DC Creditors Bar Association, Inc.; Michigan Creditors Bar Association; Minnesota Creditors' Rights Bar Association; Missouri Creditors Bar, Inc.; New Jersey Creditors Bar Association; New Mexico Creditors Bar Association; Pennsylvania Creditors Bar Association; Texas Creditors' Bar Association; and Virginia Creditors' Bar Association

Lauren M. Burnette
MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353
lburnette@messerstrickler.com
Counsel for Amici Curiae

June D. Coleman*
MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
JColeman@MesserStrickler.com

* Admitted only in California

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1, *Amici* provide the following Certificate of Interested Persons and Corporate Disclosure Statement:

Aaron R. Chastain

ACA International

Alltran Financial, LP

American Association of Healthcare Administrative Management

American Bankers Association

American Financial Association

Arizona Creditors Bar Association

Attorneys Association of Alabama, Inc.

Ballard Spahr, LLP

Bassford Remele

Bradley Arant Boult Cummins LLP

Brit Suttell

Bryan Christopher Shartle

California Creditors Bar Association

Chamber of Commerce of the United States of America

Clark Hill PLC

Colorado Creditor Bar Association, Inc.

CompuMail Information Services, Inc.

Consumer Bankers Association

Consumer Relations Consortium

Credence Resource management, LLC

Credit Union National Association

Credit Union National Association

Creditors Rights Attorney Association Nevada

DATAMATX, Inc.

Delaware Creditors Bar Association

Donald S. Maurice Jr.

Ellen Noble

Enhanced Recovery Company LLC

Ethan Ostroff

Florida Creditors Bar Association

Georgia Creditors Council

Hatteras, Inc. d/b/a/ FocusOne

HC3, Inc.

Housing Policy Council

Illinois Creditors Bar Association

IMS, Inc.

Indiana Creditors Bar Association, Inc.

Jadd Masso

Jason Brent Tompkins

Jason Tomkins

John Henry Bedard, Jr.

Jonathan P. Hoffman

June D. Coleman

Kansas Creditor Attorney Association

Kaufman Dolowich & Voluck, LLP

Keith Barnett

Kirsten H. Smith

Kyser Blakely

Lauren M. Burnette

Leslie Bender

LiveVox, Inc.

Manuel H. Newburger

Martin B. Yarborough

Maryland-DC Creditors Bar Association, Inc.

Matrix Imaging Solutions, LLC

Messer Strickler Burnette, Ltd.

Michael Kevin Chapman.

Michigan Creditors Bar Association

Minnesota Creditors' Rights Bar Association

Misha Tseytlin

Missouri Creditors Bar, Inc.

Mitchel L. Williamson

National Association of Professional Process Servers

National Creditors Bar Association

Nationwide Credit, Inc.

New Jersey Creditors Bar Association

New Mexico Creditors Bar Association

New York State Creditors Bar Association

Nordis, Inc.

North Carolina Creditors Bar Association

Ohio Creditor's Attorneys Association

Ontario Systems, LLC

Output Services Group, Inc.

Parker Ander Rider-Longmaid

PCI Group, Inc.

Pennsylvania Creditors Bar Association

Philip R. Goldberg

Preferred Collection and Management Services, Inc.

Print and Mail Vendor Coalition

Public Justice

Radius Global Solutions, Inc.

Receivables Management Association International, Inc.

Renkim Corporation

RevSpring, Inc.

Richard Hunstein

Richard J. Perr

Robert Alexander Vigh

Ronald S. Canter

Sam Auld

Scott Stephen Gallagher

Seraph Legal, P.A.

Shay Dvoretzky

Skadden Arps Slate Meagher & Flom, LLP

Smith Gambrell & Russell, LLP

Solomon, Ginsbert & Vigh, P.A.

Solomon, Vigh & Springer, P.A.

Stefanie Jackman

Stephen Colmery Parsley

Sylvia Tsakos

Texas Creditors' Bar Association

The Honorable Thomas Barber

The Honorable Thomas Wilson

The National Association of Consumer Advocates

The National Consumer Law Center

Third Party Payment Processers Association

Third Party Payment Processors Association

Thomas M. Bonan

Transworld Systems, Inc.

Troutman Pepper Hamilton Sanders, LLP

Virginia Creditors' Bar Association

William J. Denius

The undersigned further certifies that to her knowledge there is no publicly traded company or corporation with an interest in the outcome of this case.

Dated: January 18, 2022

Respectfully submitted,

/s Lauren M. Burnette
Lauren M. Burnette

MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353
lburnette@messerstrickler.com

June D. Coleman
MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
jcoleman@messerstrickler.com

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF IN SUPPORT OF APPELLEE'S EN BANC BRIEF

Pursuant to Federal Rule of Appellate Procedure 29(b)(3) and Eleventh Circuit Rule 29-3, movants Arizona Creditors Bar Association; Attorneys Association of Alabama, Inc.; California Creditors Bar Association; Colorado Creditor Bar Association, Inc.; Creditors Rights Attorney Association Nevada; Delaware Creditors Bar Association; Georgia Creditors Council; Illinois Creditors Bar Association; Indiana Creditors Bar Association, Inc.; Kansas Creditor Attorney Association; Maryland-DC Creditors Bar Association, Inc.; Michigan Creditors Bar Association; Minnesota Creditors' Rights Bar Association; Missouri Creditors Bar, Inc.; New Jersey Creditors Bar Association; New Mexico Creditors Bar Association; Pennsylvania Creditors Bar Association; Texas Creditors' Bar Association; and Virginia Creditors' Bar Association (collectively, the "SCBAs") respectfully request leave to file the accompanying *amici curiae* brief in support of Defendant/Appellee Preferred Collection and Management Services, Inc.'s E*n Banc* Brief.

1. <u>The SCBAs</u>

These SCBAs are not-for-profit bar associations of attorneys who represent creditors in all areas of creditors' rights law. These bar associations include over 715 law firm members, whose attorneys meet association standards

designed to ensure experience and professionalism. In addition to these standards, the SCBAs' attorneys are subject to rules and practice standards in their respective courts and state disciplinary boards.

Members of these 19 bar associations are regularly involved in the lawful collection of consumer debts, making them subject to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq*. ("FDCPA") for debts that fall within the purview of the statute. These attorneys must interpret and comply with the laws and civil procedures necessary to litigate in their state courts, as well as the requirements of the FDCPA. Members of these SCBAs have a strong interest in ensuring interpretation and application of the FDCPA in a way that allows collection attorneys to fulfill their ethical duty to advance their clients' legitimate interests within the bounds of existing law, without exposing themselves to substantial liability.

These SCBAs are the only bar associations in each of the represented states that are dedicated solely to the needs of collection attorneys. If the *Hunstein* decision is left to stand as is, the Eleventh Circuit's ruling would erroneously expose members of these SCBAs and their clients to liability under the FDCPA for disclosing information to parties who play integral roles in the litigation process—disclosures that *Hunstein* rendered actionable under the FDCPA.

2. Argument

Collection attorneys must disclose consumer- and debt-related information to numerous court-adjacent parties throughout the lifespan of litigation. Both before and during the litigation process, attorneys routinely transmit information to related and necessary parties, including business associates and agents—such as the Department of Defense, e-filing platforms, court staff, and even juries— in connection with their representation of clients, as a necessary component of the pre-litigation and litigation processes. These related parties are the mediums through which the SCBA attorneys communicate in connection with their pre-litigation and litigation efforts. Yet, Hunstein would have this Court treat Section 1692c(b) as including only its explicitly stated exceptions, notwithstanding the FDCPA's clear recognition of the propriety of incidental disclosures as a necessary component of the collection litigation process. Indeed, without such exceptions, collection litigation would be functionally impossible. These SCBAs seek to discuss these issues in their amicus brief as it relates to standing issues to provide the Eleventh Circuit with a broader perspective and the effect that any other interpretation would have on the viability of collection litigation by creditors.

And in conjunction with standing and purported injuries, these SCBAs also seek to discuss the interplay of how interpreting section 1692c(b) to allow incidental disclosures to related parties and court adjacent personnel is consistent

with the consumer protection policies underlying the FDCPA, and in particular Section 1692c(b). Congress's goal in enacting Section 1692c(b) was to prohibit disclosing a consumer's "personal affairs to third parties," such as "friends, neighbors and employers." S. Rep. No. 95-382 (1977), *reprinted in* 1977 U.S.C.C.A.N. 1695, 1696 & 1698. Incidental disclosures to persons that facilitate the collection litigation process are distinct from communications with true third parties to embarrass, harass, or otherwise leverage payment. It is these latter communications that the FDCPA, and in particular Section 1692c(b), are intended to prohibit. And thus, incidental disclosures to business associates or agents or court adjacent personnel would not provide a basis for injury in fact, thereby defeating standing.

For all of the foregoing reasons, the SCBAs respectfully request that the Eleventh Circuit grant their request to file an *amicus curiae* brief, which is attached hereto, in support of Appellee Preferred Collection and Management Services, Inc.'s *En Banc* Brief.

Dated: January 18, 2022 Respectfully submitted,

/s Lauren M. Burnette
Lauren M. Burnette
MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353

lburnette@messerstrickler.com

June D. Coleman
MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
jcoleman@messerstrickler.com

Counsel for *Amicus Curiae*
Nineteen State Creditors Bar Associations

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing Motion for Leave to File Brief of *Amici Curiae* in Support of Defendant/Appellee's *En Banc* Brief with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on January 12, 2022.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 18, 2022

Respectfully submitted,

<u>/s Lauren M. Burnette</u>

Lauren M. Burnette
MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353
lburnette@messerstrickler.com

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MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
jcoleman@messerstrickler.com

Counsel for *Amicus Curiae*
Nineteen State Creditors Bar Associations

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Brief of Arizona Creditors Bar Association; Attorneys Association of Alabama, Inc.; California Creditors Bar Association; Colorado Creditor Bar Association, Inc.; Creditors Rights Attorney Association Nevada; Delaware Creditors Bar Association; Georgia Creditors Council; Illinois Creditors Bar Association; Indiana Creditors Bar Association, Inc.; Kansas Creditor Attorney Association; Maryland-DC Creditors Bar Association, Inc.; Michigan Creditors Bar Association; Minnesota Creditors' Rights Bar Association; Missouri Creditors Bar, Inc.; New Jersey Creditors Bar Association; New Mexico Creditors Bar Association; Pennsylvania Creditors Bar Association; Texas Creditors' Bar Association; and Virginia Creditors' Bar Association

AS *AMICI CURIAE* IN SUPPORT OF APPELLEE'S *EN BANC* BRIEF

Lauren M. Burnette
MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353
lburnette@messerstrickler.com
Counsel for Amici Curiae

June D. Coleman*
MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
JColeman@MesserStrickler.com

* Admitted only in California

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INTEREST OF *AMICUS CURIAE*

This *amicus* brief is submitted on behalf of 19 state creditors bar associations: Arizona Creditors Bar Association; Attorneys Association of Alabama, Inc.; California Creditors Bar Association; Colorado Creditor Bar Association, Inc.; Creditors Rights Attorney Association Nevada; Delaware Creditors Bar Association; Georgia Creditors Council; Illinois Creditors Bar Association; Indiana Creditors Bar Association, Inc.; Kansas Creditor Attorney Association; Maryland-DC Creditors Bar Association, Inc.; Michigan Creditors Bar Association; Minnesota Creditors' Rights Bar Association; Missouri Creditors Bar, Inc.; New Jersey Creditors Bar Association; New Mexico Creditors Bar Association; Pennsylvania Creditors Bar Association; Texas Creditors' Bar Association; and Virginia Creditors' Bar Association (hereinafter "SCBAs"). These are not-for-profit bar associations of attorneys who represent creditors in all areas of creditors' rights law.[1] These bar associations include over 715 law firm members, all of whom must meet association standards designed to ensure experience and professionalism. In addition to these

[1] No counsel for a party authored this brief in whole or in part or made a monetary contribution intended to fund the preparation or submission of this brief. No person other than the *amici curiae* or their counsel made a monetary contribution to the preparation or submission of this brief. Fed. R. App. Proc. 29(a)(4)(E).

standards, the attorneys in these law firms are subject to rules and practice standards of their respective courts and state disciplinary boards.

Members of these 19 bar associations are regularly involved in the lawful collection of consumer debts, making them subject to the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* ("FDCPA") for debts that fall within the purview of the statute. These attorneys must interpret and comply with the laws and civil procedures necessary to litigate in their state and local courts, as well as the requirements of the FDCPA. Members of these SCBAs have a strong interest in ensuring interpretation and application of the FDCPA in a way that allows collection attorneys to fulfill their ethical duty to advance their clients' legitimate interests within the bounds of existing law, without exposing themselves and their clients to substantial liability.

These SCBAs are the only bar associations in each of the represented states that are dedicated solely to the needs of collection attorneys. If the Court renders actionable the incidental contacts with agents of collection attorneys that are used by collection attorneys to do their jobs, the Eleventh Circuit's ruling would erroneously expose members of these SCBAs and their clients to liability under the FDCPA for disclosing information to parties who play integral roles in the litigation process. Prohibiting such communication would impede the SCBA members' ability to represent their clients and would limit their clients' equal

access to the court system. These SCBAs thus have a direct interest in the outcome of this litigation, and they authorize the filing of this Brief.

STATEMENT OF THE ISSUE

In addressing the question of standing posed by the Eleventh Circuit to the parties, the SCBAs ask this Court to consider what conduct would result in injury in fact, and in doing so, to consider the entirety of the FDCPA's statutory scheme when interpreting the language of Section 1692c(b) in the context of the necessary communications that occur during litigation. A narrow interpretation of Section 1692c(b) overlooks that the FDCPA's statutory scheme that contemplates the sharing of information with vendors and other agents as part of the litigation process. The FDCPA acknowledges that information regarding debts and consumers must be shared with the court when litigation ensues. *See, e.g.,* 15 U.S.C. § 1692i (setting forth the appropriate venue for collection litigation). The FDCPA recognizes that collection attorneys must communicate with courts when pleadings are filed and anticipates the further communication of such information with court staff and juries. The FDCPA allows certain disclosures to other parties and anticipates still others. *See, e.g.,* 15 U.S.C. §§ 1692f(8), 1692b(5) (referencing permissible disclosures to a telegram service). But a narrow interpretation of Section 1692c(b) limited to the express language of Section 1692c(b) would make it virtually impossible to use courts to recover defaulted debts and follow other

laws that require incidental disclosure to vendors and other agents or associated parties, because a narrow interpretation overlooks that the FDCPA's statutory scheme condones the use of such vendors and agents as an anticipated component of the litigation process. As but one example, compliance with the Servicemembers' Civil Relief Act, 50 U.S.C. § 3931, requires attorneys to communicate information about consumers to the Department of Defense to confirm that a consumer is not on active-duty status prior to obtaining a default judgment. Under a narrow interpretation of the Section 1692c(b), such communications—though necessary to comply with federal law—may expose collection attorneys to FDCPA liability.

The Eleventh Circuit previously recognized that a narrow interpretation of Section 1692c(b) risks upsetting the *status quo* without promoting consumer privacy. But the statutory text, legislative history, and judicial precedent all confirm that Section 1692c(b) can and should be interpreted to prohibit *impermissible* disclosures to non-essential parties who are actually "third parties," and not disclosures to parties, such as business associates and agents, who further collection efforts or to whom such disclosure is impossible to avoid. Such an interpretation will further the consumer privacy goals of Section 1692c(b) and harmonize with the totality of the FDCPA's statutory scheme. Under such an interpretation, the SCBAs conclude that there can be no standing.

ARGUMENT

The Eleventh Circuit has asked the parties to focus on standing. The SCBAs propose that to understand the standing issue, the Court must understand and interpret the FDCPA to determine what conduct violates the statute, and what injury can arise from the violation. With this in mind, the SCBAs argue that disclosing information between business associates and agents is not the type of "third party" disclosure that was intended to be a violation 15 U.S.C. § 1692c(b).

A. If Section 1692c(b) Were Interpreted to Find Any Disclosure to a Business Associate or Agent Actionable, Such Interpretation Would Functionally Prohibit Collection Litigation.

Interpreting Section 1692c(b) to render actionable even the most basic exchanges of information with vendors and other mediums, business associates and agents would result in the effective cessation of collection litigation. Incidental disclosures are necessary to the commencement and litigation of consumer collection lawsuits. The FDCPA clearly contemplates the use of collection litigation as a means of debt collection. *See, e.g.*, 15 U.S.C. § 1692i (setting forth the appropriate venue in a collection lawsuit). Indeed, 15 U.S.C. § 1692c(b) expressly exempts communications necessary to enforce post-judgment remedies from the prohibition against unauthorized third-party disclosures. Other provisions of the statute emphasize the FDCPA's recognition of the role litigation plays in the debt

collection process: Section 1692e(13), for example, prohibits falsely representing that a document is legal process, thus acknowledging the acceptable utilization of *true* legal process in connection with debt collection.

And by excluding process servers from the definition of "debt collector," Congress contemplated disclosure of information to court-adjacent personnel in recognition of the role they play in the litigation process. *See* 15 U.S.C. § 1692a(6)(D). The exclusion of an attorney's process server from the definition of "debt collector" under Section 1692a(6)(D) does not address the fact that providing a summons and complaint to a process server could be an actionable third-party disclosure under Hunstein's desired application of Section 1692c(b). And yet, an attorney's process server is a vital business associate and agent that is necessary to serve pleadings and process, and without whom collection litigation could not proceed.

To file and prosecute a lawsuit, attorneys must disclose consumer- and debt-related information to numerous court-adjacent parties. The collection attorney must disclose the consumer's name and other identifying information to the Department of Defense to determine if the consumer is on active-duty status pursuant to the Servicemembers' Civil Relief Act. *See* 50 U.S.C. § 3931. Filing pleadings with the court discloses information about the consumer and her debt to court staff who process the pleading. And oftentimes, an attorney may use an outside vendor copy

service, who is also a business associate of the attorney, to make multiple copies of briefs when required by the Court or as necessary pursuant to state or local rules of procedure. Many states utilize electronic filing platforms, administered by vendors, through which pleadings and other court-related documents are submitted. Many state laws permit publication service (*see, e.g.*, Cal. Code Civ. Proc. § 415.50; Fla. Stat §§ 49.011—49.021), or even substitute service, where a complaint can be served on any adult residing in the consumer's house or located at a consumer's place of employment (*see, e.g.*, Cal. Code Civ. Proc. § 415.20; Fla. Stat. § 48.031(1), (2)(b)). These methods of service necessarily disclose information about the consumer and her debt to vendors, agents, business associates and other parties.

Many courts require arbitration, mediation, or early settlement conferences, requiring disclosure of information about the consumer and her debt to volunteer or private neutrals or arbitrators. Both before and during the litigation process, attorneys routinely transmit information to parties associated with the court system or business associates to assist the lawyer in connection with their representation of clients, as inescapable components of the pre-litigation and litigation processes.

The intent of the FDCPA to prohibit improper and abusive debt collection but allow lawful debt collection, including collection litigation through the courts, supports disclosure to the intermediaries that make litigation possible. To interpret Section 1692c(b) in any other way would functionally grind collection litigation to

a halt. Section 1692c(b) includes no express exception for communicating information to a court clerk when a lawsuit is filed. Section 1692c(b) does not expressly permit the disclosure of information to a jury. It does not explicitly allow for the communication of information to entities necessary to ensure compliance with the Servicemembers' Civil Relief Act, or with vendors/business associates tasked with confirming a consumer's residence for venue determination purposes. But all of these disclosures have been long recognized as required *and acceptable* disclosures essential to the debt collection litigation process, notwithstanding the lack of language in the FDCPA specifically and expressly authorizing communication to such agents, business associates and court adjacent personnel. If Section 1692c(b) did not permit such disclosures to business associates, intermediaries, and court adjacent personnel because such entities are not *specifically* identified as exceptions, these disclosures put collection attorneys at risk of suit for alleged violations of the federal FDCPA. But these exceptions *must* exist, because the FDCPA both expressly permits debt collection litigation and clearly contemplates disclosure of debt collection-related information to agents, business associates, and court adjacent personnel, even those these parties are not explicitly identified in Section1692c(b). Indeed, without such exceptions, collection litigation would be impossible.

Disclosures to such parties are not the type of third-party disclosures Congress

contemplated when it drafted Section 1692c(b). To the contrary, the recipients of these disclosures are the "mediums," as referenced in 15 U.S.C. § 1692a(2), through which debt collection communications occur. The recipients of these incidental disclosures are business associates who act as agents in performing a ministerial task, whether that be copying or mailing, or serving process. The recipients of these incidental disclosures are related parties, not third parties. Taken to its logical conclusion, a literal interpretation of Section 1692c(b) limited to *only* the express exceptions identified in this subsection, would yield the absurd result of putting collection attorneys at risk of liability simply for litigating on behalf of their clients—which, in turn, has the chilling effect of abridging creditors' rights to petition the courts for redress of their grievances. Since the FDCPA as a whole specifically contemplates both debt collection litigation and the disclosure of information to incidental business associates, agents and court adjacent personnel necessary to pursue such litigation, this Court should interpret Section 1692c(b) as permitting these intermediary and court adjacent disclosures, which supports both the FDCPA statutory text and Congressional intent underlying the FDCPA. And if Section 1692c(b) is interpreted in light of the entire FDCPA statutory context, it is clear that Appellant does not have injury in fact that is traceable to a violation of Section 1692c(b).

B. Interpreting Section 1692c(b) to Render Disclosures to Business Associates and Agents Actionable Under the FDCPA Does Not Further Consumer Privacy.

Invasion of privacy is "a core concern animating the FDCPA." *See Douglass v. Convergent Outsourcing*, 765 F.3d 299, 303 (3d Cir. 2014); *accord* 15 U.S.C. § 1692(a) (stating that unfair debt collection practices lead to, among other things, "invasions of individual privacy"). Congress addressed this concern through Section 1692c(b) by prohibiting debt collectors from communicating with third parties about consumers' debts without the consumer's permission. Senate Report 95-382 noted the specific purpose of Section1692c(b), "an extremely important provision":

> In addition, this legislation adopts an extremely important protection recommended by the National Commission on Consumer Finance and already the law in 15 States: it prohibits disclosing the consumer's personal affairs to third persons. Other than to obtain location information, a debt collector may not contact third persons such as a consumer's friends, neighbors, relatives, or employer. Such contacts are not legitimate collection practices and result in serious invasions of privacy, as well as the loss of jobs.

S. Rep. 95-382, at 4 (1977), *reprinted in* 1977 U.S.C.C.A.N. 1695, 1699.

The FTC has further explained the purpose underlying Section 1692c(b):

> The restriction imposed by [§1692c(b)] on communicating with third parties is intended to prevent unscrupulous debt collectors from embarrassing consumers and invading their privacy by revealing the existence of their debt to friends, neighbors or other third parties who do not already know of the debt.

See FTC Staff Opinion Letter to Borowski (Nov. 6, 1992), available at http://www.cardreport.com/laws/fdcpa/ftc-opinion/borowski.html. Indeed, the FTC embraced this purpose in opining that disclosure of information to a translator, who could be a court-adjacent party, is an incidental contact outside of the prohibition against true "third-party" disclosure found in Section 1692c(b). *See* FTC Staff Opinion Letter to Zbrzeznj (Sept. 21, 1992), available at http://www.cardreport.com/laws/fdcpa/ftc-opinion/zbrzeznj.html. In other words, the FTC has long recognized the distinction between the types of disclosures intended to cause embarrassment to consumers, and the types of disclosures incidental (and often essential) to the debt collection process. The former was always intended to be actionable under the FDCPA; the latter never was.

Thus, both Congress and the FTC have made clear that the purpose behind Section 1692c(b) was to prevent debt collectors from shaming consumers into paying their debts by publicizing their personal and financial information—not to restrict debt collectors from utilizing business vendors and technological tools to provide services to their clients. And to be sure, neither Congress nor the FTC intended to restrict attorneys from fulfilling their ethical obligations to their clients by making the highest and best use of business support services that improve their representation and keep litigation costs in check. *See, e.g.*, ABA Model Rule of Professional Conduct 1.1, Comment 8.

Based on the legislative history and the pronouncements of the FTC (and the CFPB), the Court should harmonize Section 1692c(b) with the remainder of the FDCPA by interpreting "third parties" in Section 1692c(b) in the manner Congress intended: "third parties" means those wholly divorced from the debt collection process. "Third parties" was never intended to apply to parties necessary to communicate with consumers or pursue judicial remedies, nor to a debt collector's business associates providing incidental, ministerial, or intermediary services as an agent of the collection attorney. Defining "third parties" to exclude such mediums not only comports with the plain language of Section 1692c(b)'s heading, "Communications with Third Parties," but it allows incidental communications with parties related to the debt collector and its business associates and agents who provide services to the debt collector, just as the FDCPA contemplates.

This interpretation would also allow for incidental communications with process servers, even when process is substitute served on an adult in the defendant's home as permitted by law or served by a sheriff. The FTC Staff Commentary, *supra*, 53 Fed. Reg. at 50104, supports this conclusion, explaining that Section 1692c(b)'s "third-party" disclosure prohibition "was not intended to prohibit communications by attorneys that are necessary to conduct lawsuits on behalf of their creditor clients." *Id.* This Commentary contradicts a narrow interpretation of Section 1692c(b) limited to the express language of the statute.

This proposed interpretation of "third parties" would maintain the prohibition against impermissibly contacting persons with no relationship to the collection attorney or debt collector as a means of pressuring, coercing, or embarrassing consumers into paying their debts—the true purpose behind Section 1692c(b)'s inclusion in the statute. Such an interpretation would not exclude related parties to a collection attorney: business associates and agents like process servers and copy services or court adjacent personnel like sheriffs and court reporters. These related parties are not true "third parties." Simultaneously, excluding business associates, agents and intermediaries from the definition of "third parties" is necessary to allow for lawful debt collection processes.

CONCLUSION

For the foregoing reasons, the SCBAs respectfully submit that the Eleventh Circuit should conclude that under the proposed interpretation of Section 1692c(b) in the context of the entire FDCPA, disclosure by a debt collector of information about a consumer's debt to its intermediaries, business associates, agents and vendors is simply not actionable under the FDCPA. If the Court properly interprets Section 1692c(b), there can be no standing under the circumstances of this case. Furthermore, SCBA member attorneys' ability to litigate consumer collection matters on behalf of their clients will be thwarted if collection attorneys are not permitted to disclose information about a consumer's debt to their agents and other mediums, none of whom are true

"third parties."

Dated: January 18, 2022 Respectfully submitted,

/s Lauren M. Burnette
Lauren M. Burnette
MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353
lburnette@messerstrickler.com

June D. Coleman
MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
jcoleman@messerstrickler.com

Counsel for *Amicus Curiae*
Nineteen State Creditors Bar Association

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the typeface requirements of Rule 32(a)(5) and the typestyle requirements of Rule 32(a)(6) because this brief was prepared in 14-point Times New Roman, a proportionally spaced typeface, using Microsoft Word for Microsoft 365. *See* Fed. R. App. P. 29(a)(4), 32(g)(1). This brief complies with the type-volume limitation of Eleventh Circuit Rule 29-3 because it contains 2,910 words, excluding the parts excluded by Eleventh Circuit Rule 29-3. *See* Fed. R. App. 29(b)(4).

Dated: January 18, 2022

/s Lauren M. Burnette
Lauren M. Burnette
MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353
lburnette@messerstrickler.com

June D. Coleman
MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
jcoleman@messerstrickler.com

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing Brief of *Amicus Curiae* Nineteen State Creditors Bar Associations in Support of Appellee's Petition for Rehearing and for Rehearing *En Banc* with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on January 18, 2022.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 18, 2022

/s Lauren M. Burnette

Lauren M. Burnette
MESSER STRICKLER BURNETTE, LTD.
12276 San Jose Blvd., Suite 718
Jacksonville, FL 32223
Telephone: (904) 527-1172
Facsimile: (904) 683-7353
lburnette@messerstrickler.com

June D. Coleman
MESSER STRICKLER BURNETTE, LTD.
5960 South Land Park Dr. #1059
Sacramento, CA 95822
Telephone: (916) 502-1768
Facsimile: (312) 334-3473
jcoleman@messerstrickler.com