

## Law360 quotes Partner Anastasia Caton on new CFPB debt collection regulations

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On May 10, *Law360* interviewed attorneys who represent consumers and those who work with collectors to address the implications of the new package of debt collection regulations put forth by the Consumer Financial Protection Bureau (CFPB) on May 7. According to *Law360*, the CFPB's long-awaited draft Fair Debt Collection Practices Act regulations have been touted by agency Director Kathy Kraninger as an attempt to modernize and clarify the "rules of the road" for the \$11.5 billion debt collection industry and the tens of millions of consumers it affects.

In commenting on the proposed rule's clarification on suing to collect time-barred debts, Anastasia Caton noted that "It basically codifies these two rules that have come out of the case law, that you cannot threaten to sue on time-barred debt and you cannot sue on time-barred debt . . . Where the case law has become confusing across jurisdictions is around what it means to threaten to sue on a time-barred debt."

The CFPB noted feedback it had received from the industry attesting to how challenging it can be to vet old debts and how many collectors already don't sue when they know a debt is time-barred. The CFPB acknowledged concerns about the potential for costlier litigation and tougher enforcement. As a result, it is requesting comment on the merits of going with a strict liability standard, which the public will have 90 days to weigh in on after the full rule-making proposal is published in the Federal Register.

Anastasia is a partner in the firm's Washington, D.C. office. She advises clients on various aspects of compliance with state and federal servicing and debt collection laws, and the federal Fair Credit Reporting Act. In addition, she assists clients in handling federal government agency (including CFPB, FTC and DOJ) and state attorneys general investigations.

[Click here](#) to read more about the proposed FDCPA regulation. Subscribers to *Law360* may [click here](#) to read the article.

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