



Consumer Relations Consortium Files Amicus Brief in Hunstein

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<http://www.insidearm.com/news/00047413-consumer-relations-consortium-files-amicu/>

On June 1, 2021, the Consumer Relations Consortium (CRC) filed an amicus brief supporting the **defendant's petition for rehearing *en banc*** ([../../../news/00047396-hunstein-petition-rehearing-en-banc-filed/](https://www.insidearm.com/news/00047396-hunstein-petition-rehearing-en-banc-filed/)) in the case of **Hunstein v. Preferred Collection Services** ([../../../news/00047290-breaking-11th-circuit-holds-transmitting-/](https://www.insidearm.com/news/00047290-breaking-11th-circuit-holds-transmitting-/)), 94 F.3d 1341 (11th Cir. 2021). **Jessica Klander** (<https://www.bassford.com/people/jessica-l-klander>) of Bassford Remele and **Brit Suttell** (<https://bn-lawyers.com/brit-j-suttell/>) of Barron & Newburger, P.C. prepared the brief on behalf of the CRC.

The CRC's brief addressed oversights by the panel, which if left uncorrected, would leave intact a decision that deviates from the Fair Debt Collection Practices Act (FDCPA) and Regulation F. The two specific issues raised by the CRC in its brief were:

- Whether the panel erred in its interpretation of the FDCPA by failing to review the FDCPA as a whole. The CRC's position is that a mail vendor is not a "person" under the statute but is instead a "medium" through which information travels and that when read as a whole, the FDCPA supports this position.

- Whether the panel erred by failing to look at Regulation F when it rendered its opinion. The CRC's position is that Reg F supports the use of vendors. Although Reg F was not published when the parties briefed the issues in *Hunstein*, Reg F was published before the panel rendered its decision. The CRC believes that since the use of vendors and specifically mail vendors are assumed, adopted, and referred to throughout Reg F, the panel should have looked to the regulation for guidance and deferred to Reg F's stance on the issue.

The brief goes on to state that the 11th Circuit Court of Appeals should grant a rehearing *en banc* so that it can consider all of the issues and the ramifications of the decision. Regarding the decision and the push for rehearing *en banc*, Jessica Klanders stated,

"It goes without saying that the *Hunstein* decision is of exceptional importance and has already had an unprecedented impact on the collection industry. There are many efforts currently underway to address this decision, but a critical first step is to persuade the 11th Circuit Panel to rehear the issues and reconsider its ruling."

The brief filed by the CRC can be found **here** ([/documents/2739/Brief_of_Amicus_Curiae_of_Consumer_Relations_ConsortiumFiled_6.1.21.pdf](#)).

We will continue to bring you news on this story as it develops. However, please note that there is no specified date or timeline for the court to rule on the defendant's request for rehearing or review of the amicus briefs.

About the Consumer Relations Consortium

The Consumer Relations Consortium (CRC) is a membership group for forward-thinking organizations that wish to influence the direction of collections compliance, legal strategy, and regulatory policy. The CRC is comprised of more than 60 national companies representing the diverse ecosystem of debt collection including creditors, data/technology providers, and compliance-oriented debt collectors that are larger market participants. Established in 2013, CRC is evolving the debt collection paradigm by engaging stakeholders—including consumer advocates, Federal and State regulators, academic and industry thought leaders, creditors, and debt collectors—and challenging them to move beyond talking points and focus on fashioning real-world solutions that actually improve the consumer experience. CRC is managed by The iA Institute.

Learn more at www.crconsortium.org (<http://www.crconsortium.org/>).

About the iA institute

The iA Institute is a media company that provides news, education, events and connection for professionals in consumer finance. The iA team believes the value of your time and investment in our content should be undeniable, so we thoughtfully design everything we do with a focus on the details that make a difference. Our initiatives include the flagship website and newsletter insideARM; the Consumer Relations Consortium (CRC) and iA Innovation Council membership groups; the iA Research Assistant and Case Law Tracker premium subscriptions; the iA Strategy & Tech digital conference; and the uniquely engaging annual Women in Consumer Finance event. iA is a certified Woman-Owned business.

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