Casey Elliott

From: comments
Sent: Monday, March 14, 2011 3:42 PM
To: attyboris@aol.com; greenfim@wulaw.wustl.edu
Cc: marionbenfield@att.net; Casey Elliott
Subject: UDMSA Comment #16

From: Jennifer Wallis [mailto:jwallis@cccsok.com]
Sent: Monday, March 14, 2011 2:29 PM
To: comments
Cc: John Cooper; efortier@nfcc.org
Subject: Comment on UDMSA

To: Uniform Law Commission
From: Consumer Credit Counseling Service of Central Oklahoma
Re: Uniform Debt Management Services Act;
Proposed Revisions and Request for Comment

Consumer Credit Counseling Service of Central Oklahoma would like to comment on the proposed law. Through our many years of experience in the non-profit credit counseling industry, we see a loophole that may be exploited by unscrupulous debt settlement companies. We would like to draw this to your attention in hopes that it may be amended.

This is regarding Section 2.9.A lines 17-18 the definition of legal services as those that are "provided in an attorney-client relationship by an attorney licensed or otherwise authorized to practice law in this state."

We regularly see debt settlement companies that refer to themselves as "law groups" because they have affiliated themselves with an attorney. This allows them to skirt the law, including this one, since attorneys are exempted from this law. They clearly operate as a debt settlement company, not as an attorney's office in many ways including the fact that they settle debts and will not represent a client in any case in defense of being sued by their creditors or other legal matters.

The law in California adds wording that further clarifies the difference between a legitimate attorney's office and a debt settlement company using as attorney as a cover. Their law states that "attorneys, escrow agents, accountants, broker dealers in securities, or investment advisors in securities, when acting in the ordinary practice of their professions and through the entity used in the ordinary practice of their profession;".

We suggest that the definition in Section 2.9.A be amended to define legal services as those "provided in an attorney-client relationship by an attorney licensed or otherwise authorized to practice law in this state, when acting in the ordinary practice of their profession."

We believe that this small clarification would help to protect consumers by no longer allowing debt settlement companies to masquerade as legal entities.

Best wishes,

Jennifer Wallis

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-It is at night that faith in light is most admirable.
Edmond Rostand

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