

Collection Lawyer Liable in Class Action By Credit Card Debtors

BY LAZAR EMANUEL

Ann Neilsen of Illinois received a letter from Virginia lawyer David Dickerson advising her that her GM credit card account was past due and asking her to call or pay GM Card, a trade name of Household Credit. Neilsen filed a class action against Dickerson under the federal Debt Collection Practices Act, 15 USC § 1692 et seq. She alleged that Dickerson had sent the same form letter to thousands of delinquent GM card holders and that the letter falsely suggested that Dickerson was acting as an attorney when in fact he had only lent his name and his letterhead to GM Card's collection efforts.

The district court judge certified a class consisting of 3000 Illinois residents who had received Dickerson's letter and then granted summary judgment to the plaintiffs. The Court of Appeals affirmed on the grounds that Dickerson was a "debt collector" as defined in the Act and that his letter, based entirely on data supplied by GM Card, falsely implied that he was acting as an attorney when, instead, his function was ministerial and superficial at best. *Neilsen v. Dickerson*, 7th Cir, No. 00-2780, 10/9/02.