

ABA/ NLADA 2008 Equal Justice Conference
Pro Bono Representation of Identity Theft and Fraud Victims

Brief Description: This presentation will focus on models for involving and training pro bono attorneys in identity theft and fraud issues. Learn why and how victim service programs and pro bono programs should incorporate pro bono attorneys into serving victims of identity theft and fraud. Panelists will also discuss how to identify the need for such services.

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Topical Outline:

- I. Introductions and Overview
- II. The Need to Provide Legal Services to Victims of Identity Theft and Fraud
 - a. The President' Task Force
 - b. The ABA Resolution
- III. Sample Programs and Cases for Identity Theft and Fraud Victims
 - a. Georgia Legal Services (Civil Assistance)
 - b. Maryland Crime Victims' Resource Center, Inc. (Civil and Criminal Assistance)
 - c. Intake Issues
 - d. Victim Assistance
 - e. Use of Website and Material
 - f. Case by case analysis
- IV. Resources for Providing Legal Services to Victims
 - a. Pro Bono Guidebook for Assisting Identity Theft Victims Under the FCRA, FCBA, FDCPA, & EFTA
 - 1) Introduction
 - a) Introduction and How to Use This Guide
 - b) A Note on Private Rights of Action
 - 2) First Steps for Victims

- 3) Victims' Rights, Resources, and Tools
 - a) FCRA Summary of Rights - Identity Theft
 - b) FCRA Summary of Rights - General Disputes
 - c) Statement of Rights - Identity Theft Victims
 - d) Fraud Alerts and Credit Freezes
 - e) Free Annual Credit Reports and Other Free Reports
 - f) Identity Theft Report
 - i) Explanation of Identity Theft Report
 - ii) Memorandum to Police on Importance of Taking Police Reports
 - iii) Universal ID Theft Complaint Form
 - g) Positive Proof of Identity
 - h) ID Theft Affidavit
 - i) Online Resources for Attorneys
- 4) Correcting Information in Credit Reports
 - a) Background FCRA § 605B
 - b) Consumer Dispute Letters for CRAs and Creditors
 - c) Attorney Follow-up Letters for CRAs and Creditors
 - d) Background FCRA §§ 611, 623
 - e) Consumer Dispute Letters
 - f) Attorney Follow-up Letters
- 5) Handling Identity Theft-Related Problems with Banks & Credit Card Companies
 - (1) Check Verification Companies
 1. Consumer Dispute Letter
 2. Attorney Follow-up Letter
 - (2) ATM and Debit Cards
 - (a) Consumer Dispute Letter
 - (b) Attorney Follow-up Letter
 - (3) Creditor Obligations Under FCBA
 - (a) Consumer Dispute Letter
 - (b) Attorney Follow-up Letter
- 6) Disputing with Debt Collectors
 - (1) Consumer Dispute Letter
 - (2) Attorney Follow-up Letter
 - (a) VII.VII. Obtaining Business Records Relating to Identity Theft
- 7) Overview FCRA § 609(e)
- 8) Consumer Request Letter
- 9) Law Enforcement Request Letter FTC's Guidance for Business
- 10) Attorney Follow-up Letter
 - (a) Appendix A - Attorney Checklists
 - b) First Steps
 - c) Disputing with CRAs & Creditors - Trade Line Blocking
 - d) Disputing with Debt Collectors
 - (a) Appendix B - Federal Statutes and Regulations
 1. A. Identity Theft Assumption and Deterrence Act, 18 U.S.C. § 1028(a)7

- 11) Fair Credit Reporting Act
- 12) 16 C.F.R. Part 602 - Fair and Accurate Credit Transactions Act of 2003
- 13) 16 C.F.R. Part 603 - Definitions
- 14) 16 C.F.R. Part 613 - Active Duty Alerts
- 15) 16 C.F.R. Part 610, 698 - Free Credit Reports Rule
- 16) 16 C.F.R. Part 614 - Appropriate Proof of Identity
- 17) Fair Credit Billing Act, 15 U.S.C. § 1601
- 18) Fair Debt Collection Practices Act, §§ 805(e) & 809(b), 15 U.S.C. § 1692(c), (g)
- 19) Electronic Funds Transfer Act, 12 C.F.R. § 205
 - (a) Appendix C - Consumer Education Materials
- 20) Identity Theft Guidance
 1. Take Charge: Fighting Against Identity Theft (Section III)
 2. Avoid ID Theft - Deter, Detect, Defend (Section III)
 3. ID Theft Affidavit (Section III)
 4. Chart Your Course of Action (Sections II, III)
 5. FCRA Summary of Rights - Identity Theft Victims (Section III)
 6. Statement of Rights - Identity Theft Victims (Section III)
 7. To Buy or Not to Buy: Identity Theft Spawns New Products and Services to Help Minimize Risk (Section III)
 8. What To Do If Your Personal Information Has Been Compromised (Section II)
- 21) Credit Report Guidance
 - (a) Your Access to Free Credit Report (Sections II, III)
 - (b) How to Read a Credit Report (Sections II, III)
 - (c) How to Dispute Credit Report Errors (Section IV)
 - (d) FCRA Summary of Rights - General Disputes (Section III)
 - (2) Dealing with Credit and Debt Issues
 - (a) Fair Credit Billing Guidance (Section V)
 - (b) Fair Debt Collection Guidance (Section IV)
 - (c) Time-Barred Debt Guidance (Section VI)
 - (3) Business Education Material
 - (a) Guidance for Business on Providing Identity Theft Related Transaction Records
 - (b) Protecting Personal Information: A Guide for Business
 - (c) Information Compromise and Risk of Identity Theft: Guidance for Your Business
 - (d) Disposing of Consumer Report Information? New Rule Tells How

- V. Training Attorneys to Provide Pro Bono Assistance
 - a. Training Models
 - b. Training and Technical Assistance with Providing Legal Services
 - c. Clearing House for Information for Pro Bono Attorneys
- VI. Questions and Answers
- VII. Conclusion and Thank You

Bibliography & Website Links:

Consumer Education Materials

Identity Theft Guidance & Materials:

- Take Charge: Fighting Back Against Identity Theft (Section II)
(<http://www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt04.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-idtheft.pdf>) – Spanish
- Avoid ID Theft: Deter, Detect, Defend Tri-fold Brochure (Section II)
(<http://www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt01.pdf>) – English
(<http://www.ftc.gov/bcp/edu/pubs/consumer/idtheft/sidt01.pdf>) – Spanish
(<http://www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt02.pdf>) – Military
- ID Theft Affidavit (Section II)
(<http://www.ftc.gov/bcp/online/pubs/credit/affidavit.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-affidavit.pdf>) – Spanish
- Chart Your Course of Action (Sections II, III)
(<http://www.ftc.gov/bcp/edu/resources/forms/chart-course-action.pdf>)
- FCRA Summary of Rights – Identity Theft (Section II)
(<http://www.ftc.gov/bcp/online/pubs/credit/idtsummary.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-idtsummary.pdf>) – Spanish
- Statement of Rights – Identity Theft Victims (Section II)
(<http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/rights.html>)
- To Buy or Not to Buy: Identity Theft Spawns New Products and Services to Help Minimize Risk (Section II)
(<http://www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt05.pdf>)
- What to do if your Personal Information has been Compromised
(<http://www.ftc.gov/bcp/online/pubs/alerts/infocompalrt.pdf>)

Credit Reporting Guidance

- Your Access to Free Credit Reports (Sections II, III)
(<http://www.ftc.gov/bcp/online/pubs/credit/freereports.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-freereports.pdf>) – Spanish
- How to Read a Credit Report (Sections II, III)
(http://www.cccsoc.org/pages/credit_guide/credit_guide_05.phtml)
- How to Dispute Credit Report Errors (Sections IV, V)
(<http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre21.pdf>) - English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-crtdis.pdf>) - Spanish
- FCRA Summary of Rights – General Disputes (Section II)
(<http://www.ftc.gov/bcp/online/pubs/credit/fcrasummary.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-fcrasummary.pdf>) - Spanish

Dealing with Credit or Debt Issues:

- Fair Credit Billing Act Guidance (Section IV)
(<http://www.ftc.gov/bcp/online/pubs/credit/fcb.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-fcb.pdf>) – Spanish
- Fair Debt Collection Guidance (Section IV)
(<http://www.ftc.gov/bcp/online/pubs/credit/fdc.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/credit/s-fdc.pdf>) – Spanish
- Time-Barred Debt Guidance (Section IV)
(<http://www.ftc.gov/bcp/online/pubs/alerts/timebarlrt.pdf>) – English
(<http://www.ftc.gov/bcp/online/spanish/alerts/s-timebarlrt.pdf>) - Spanish

Business Education Materials

- Guidance for Business on providing Identity Theft Related Transaction Records
(<http://www.ftc.gov/bcp/edu/pubs/business/idtheft/bus66.pdf>)
- Protecting Personal Information: A Guide for Business
(<http://www.ftc.gov/bcp/edu/pubs/business/privacy/bus69.pdf>) – English
(<http://www.ftc.gov/bcp/edu/pubs/business/privacy/sbus69.shtm>) – Spanish
- Information Compromise and Risk of Identity Theft: Guidance for Your Business

(<http://www.ftc.gov/bcp/edu/pubs/business/idtheft/bus59.pdf>)

- Disposing of Consumer Report Information? New Rule Tells How
<http://www.ftc.gov/bcp/online/pubs/alerts/disposalart.pdf>

Online Resources

Professional Associations

- International Association of Chiefs of Police – www.idsafety.org
- Law Help – www.lawhelp.org
- National Consumers League - <http://www.nclnet.org/>
- Law Library Resource Xchange - <http://www.llrx.com/features/idtheft.htm>
- AARP – www.aarp.org

Consumer Organizations

- Privacy Rights Clearinghouse - <http://www.privacyrights.org/identity.htm>
- Identity Theft Prevention and Survival – www.identitytheft.org
- Identity Theft Resource Center – www.idtheftcenter.org
- Texas Legal Services – www.tlsc.org
- Maryland Crime Victims' Resource Center - www.mdcrimevictims.org
- Atlanta Victim Assistance Inc. – www.atlantava.org
- Consumer Credit Counseling Service of Orange County -
<http://www.cccsoc.org/index.phtml>
- Call for Action - www.callforaction.org/

Consumer Reporting Agencies

- Equifax – <http://www.equifax.com/credit-information/identity-theft>
- Experian – http://www.experian.com/identity_fraud/index.html
- Trans Union -
<http://www.transunion.com/corporate/personal/fraudIdentityTheft.page>

Federal and State Government

- Federal Trade Commission – www.ftc.gov/idtheft
- U.S. Postal Inspection Service - <http://postalinspectors.uspis.gov/>
- Social Security Administration - <http://www.ssa.gov/pubs/10064.html>
- Office for Victims of Crime - <http://www.ojp.usdoj.gov/ovc/help/welcome.html>

- National Criminal Justice Reference Service - http://www.ncjrs.gov/spotlight/identity_theft/programs.html
- National Conference of State Legislatures - <http://www.ncsl.org/programs/lis/privacy/idt-legis.htm>
- California Office of Privacy Protection - <http://www.privacy.ca.gov/>

MCVRC

- www.MDCrimeVictims.org