

Dean Alderman was quoted in a column about whether or not debt collectors can engage in harassment tactics.

This column appeared on Bankrate.com:

Debt collectors have no legal right to harass you

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Dear Debt Adviser,

I have a collection agency harassing me over a 10-year-old debt that is no longer on my credit report. The collector purchased this very old debt from the original creditor. The original creditor wrote off the debt many years ago and has not contacted me for several years now. I informed the collector that this is a 10-year-old debt from the original creditor and I will NOT pay them one cent. The representative informed me that the harassing robot calls will not stop until I pay them. My question is this: Does the collector have the legal authority to harass me via these robot calls to try to make me pay this very old debt? If not, how do I make them stop harassing me? -- Eric

Dear Eric,

I'm not going to ask why you have a debt older than my cat. But I will say that in my experience, unfinished financial business and unpaid debts have at least nine lives and keep coming up at the worst times until they are finally taken care of. However, the quick answer to your question is "no." No collector has the right to harass you. They do have the right, however, to try to collect the debt and to do it vigorously. Just because the debt is 10 years old doesn't change the fact that you do owe it. However, you have the right, provided by the Fair Debt Collection Practices Act, or FDCPA, to request the collector to stop contacting you regarding the debt. Once you make that request, it would be illegal for them to continue to contact you.

I asked my friend at the University of Houston Law Center, Richard Alderman, who is also involved with the People's Lawyer Web site, his take on the legal issues in your question and this is his response: "Your question raises several interesting issues. Even though this is an old debt, you still owe the money. It may be too late to sue and the debt no longer appears on your credit report, but that has not extinguished your obligation to pay."

I suggest that you check your state's statute of limitations to see if the debt is too old to take before a judge. Every state has its own. Some are as short as a few years while others can be as long as 15 years and even longer if the creditor has obtained a judgment previously.

So, while you may not be successfully sued in court, collectors can still pursue writing, calling and other remedies as allowed by the law. Professor Alderman went on to say that, "No debt collector ever has the right to harass you. Debt collector harassment or abuse is unlawful, and you could be entitled to any actual damages plus \$1,000 penalty if you had to sue."

Now I don't recommend taking a debt collector to court lightly if you have any other options. There is a saying that if you get down in the mud and wrestle with a pig, you get dirty and the pig has fun. The bottom line is that the debt collector has no legal right to harass you and knows it. If the debt is past the statute of limitations, I suggest you or your attorney send the collector a written notice, demanding it stop all further communication. If the debt is within the statute of limitations, then telling them to stop all communications will accelerate their remaining legal options and you should expect a court summons in your future.

Send any written correspondence by certified mail with a return receipt request. If you continue to receive calls after you receive the receipt proving they received your letter requesting to stop communication, report the collection agency to the Federal Trade Commission, or FTC, and your state attorney general. You can also file a complaint with the FTC online or by calling its Consumer Response Center at (877) FTC-HELP.

You can also learn more about your credit rights by viewing [The People's Lawyer's latest video, "Money, Credit and The Law -- Know Your Rights."](#)

Good luck!

(Steve Bucci is president of Money Management International Financial Education Foundation. Visit www.moneymanagement.org for additional debt advice. If you have a question for Steve, e-mail [debtadviser\(at\)bankrate.com](mailto:debtadviser(at)bankrate.com). The Debt Adviser is a weekly feature of bankrate.com. For more stories visit scrippsnews.com)