



# Lane County

# Law Library

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## Debtors' Rights Research Guide

**GENERALLY:** There are two parties involved in debt collection—the debtor and the creditor. When a debtor falls behind on repaying a creditor, the creditor may take steps to collect the unpaid debt. However, their practices must also be limited in some ways. Debt collection practices are governed largely, but not only, by the Fair Debt Collection Practices Act.

**\*\*Some of the resources in this guide will have information about consumer information, foreclosures, and repossessions.\*\***

**Disclaimer:** It is against state law for library staff members to engage in any conduct that might constitute the unauthorized practice of law (ORS 9.160 and 9.21.) They may not interpret statutes, cases, or regulations, perform legal research, recommend or assist in the preparation of forms, or advise patrons regarding their legal rights. They may, however, assist patrons in locating materials or links that would aid individual research.

### *SUGGESTED RESOURCES:*

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#### **BOOKS:**

*Consumer Law in Oregon*, Located on Reserve, KFO 2630.C65 2013, published by the Oregon State Bar. Chapters 22 and 23 focus on the FDCPA and OUDCPA respectively. This is a great resource because it is geared towards Oregon litigants. It is written for attorneys but has an easy to use index and straight forward language.

*Solve Your Money Troubles: Debt, Credit & Bankruptcy*: by Robin Leonard and Margaret Reiter, Located on Reserve KF 1501.Z9.L46 2009. Published by NOLO, and intended for non-attorneys, many Chapters cover not only what is illegal in debt collection but practical ways to solve those issues.

*Fair Debt Collection*, by Robert Hobbs located in our Main Collection at KF 1600.A53 2011. Covers many aspects of litigation related to fair debt collection, more in depth than our other resources but a valuable guide for litigating debt collections cases.

*Credit Repair*, by Robert Leonard and John Lamb, 2007 : HG 3756 .U54 .L46 2007 RES

#### **OTHER PRINT ITEMS:**

**See Also:** *United States Code Service* (Aisle 8B or online at <http://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode=USCODE> ) and:

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*Oregon Revised Statutes* center of the Oregon Collection or online at  
[https://www.oregonlegislature.gov/bills\\_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

The library catalog may direct you to other helpful resources related to Motions, and other civil litigation matters(see search terms below):

<http://www.libraryworld.net/cgi-bin/opac.pl?command=signin&libraryname=lanecountylib&guest=allow>

### WEB SUBSCRIPTIONS:

*Westlaw and Lexis*: Find case law related to debt collections, and journal articles.

*NCLC*: Expansive resource meant to be used in connection with the print book listed above.

These resources can only be accessed in the library, ask a librarian for assistance.

### WEBSITES AND OTHER RESOURCES:

#### State & County Resources

1. **Oregon Department of Consumer and Business Services**

<http://www.oregon.gov/DCBS/index.shtml>

2. **Oregon Law Help**

<http://www.oregonlawhelp.org>

Click on the “Consumer” link, and then “Debt Collection, Garnishment, and Repossession” for a list of articles and resources.

#### Federal Government Resources

1. **Debt Collection FAQ for Consumers:**

<http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre18.shtm>

#### Other Resources

1. **Oregon Legal Research: Zombie Debt: Know your statute of limitation and other debt collection laws** (Article by Laura Orr, September 22, 2008)

<http://oregonlegalresearch.blogspot.com/2008/09/zombie-debt-know-your-statute-of.html>

**SUGGESTED SEARCH TERMS:** fair debt collection, harassment, debt collector, 15 USC 1692, unsophisticated debtor, communication with third parties, cease communication, misleading representations, failure to disclose, unfair practices, validation

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