© CCEF 2015 All rights reserved: 90 SAMPLE EMAIL CONSENT FORM

Atty1 Atty1 Last Name *
Atty2 Atty2 Last Name * ◊ ●

Admitted in State1 *
Admitted in State2 ◊
Admitted in State3 ●

[Letterhead Firm Name] **(23)**
[Letterhead Address 1]
[Letterhead Address 2]
[Letterhead Telephone Number]
[Letterhead Fax Number]
[Letterhead Office Hours-including time zone]

*Letter Addressed To:* ***(10)*** [Date]**(7)**
[Debtor Name]
[Debtor Address 1]
[Debtor Address 2]

Re **(4)** : **(8)** [Client Name], Original Creditor Our File No**(5)**: [File#]
And: **(9)** [Debtor Name] Account No**(6)**:[XXXXXXXXXXXXxxxx]

Dear [Debtor Name]:

Our office represents [Client Name] regarding the above account If you prefer to communicate via email as opposed to other methods, please review, kindly sign, date and return to our office.

I, [Debtor Name]: wish to communicate via email because email is the more convenient and cost effective way for me to communicate. I also understand that email may not be as secure a method of communication as telephone or mail, but I waive any and all claims for damages in the event the email is inadvertently disclosed to a third-party or violates my privacy. I hereby authorize you to communicate with me via the email address listed below and release you from any liability of any nature whatsoever by reason of you e-mailing me to the email addresses listed below. I will also take steps to prevent the email from going into the spam filter. Anyone who reads my email always has consent to read all my emails, and this letter constitutes express consent.

I also agree to act in a professional manner and not use unprofessional language or engage in email abuse or harassment.

I also understand and expressly agree that I will read the entire email chain each time I receive an email and that the phrase below may only appear once in an email chain, and applies to all emails and does not need to be repeated in every email and over time becomes part of the same email chain which could become several pages long to avoid repetition and confusion understanding the email chain.

"This communication is from a debt collector. This is an attempt to collect a debt.
Any information obtained will be used for that purpose."

Email Add: ________________________
Dated: ________________________

**(20)** ***Signature___________***
[Debtor Name]

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## CAN I COMMUNICATE WITH A DEBTOR BY CONSENT?

**1) CCEF is not aware of any case on point addressing consent or third party disclosure. There are a few cases where a misrepresentation was made in email and the misrepresentation was actionable.**

**2) Is there risk - there is always risk! But sometimes you have little choice.**

**3) § 805. Communication in connection with debt collection**

> (a) COMMUNICATION WITH THE CONSUMER GENERALLY. --**Without the prior consent** of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt--
>
> (1) **at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer.** In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock antimeridian and before 9 o'clock postmeridian, local time at the consumer's location;
>
> (2) if the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the debt collector or unless the attorney consents to direct communication with the consumer; or
>
> (3) at the consumer's place of employment if the debt collector knows or has reason to know that the consumer's employer prohibits the consumer from receiving such communication.

**4) If you obtain written consent, it is hard to argue that this form is not convenient. Also, the form is setup for debtor to initial the process, not the debt collector.**

**5) KEEP ALL COPIES OF THE EMAIL.**

**6) REMEMBER TO USE MINI-MIRANDA.**

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