



Consumer and Class Action Defense

Whether defending against an individual consumer case or a class action, we approach all of our cases with the same philosophy: how can we achieve the best result in the most efficient way possible? We have a team of attorneys in place in every geographic area with a deep understanding of the decided case law, the judges, the trends that are emerging (that we are helping to shape) and the best approach for your particular situation. We pride ourselves on our rich and diverse consumer law experience, and our team is committed to provide counsel that is effective and straightforward.

In Consumer Cases, There's a Lot at Stake

Consumer class action cases strike at the core of your business. They can impose significant financial and reputational costs to your industry. You need experienced and passionate lawyers to help you manage these challenges. At Hinshaw, we define passion as having the commitment, conscientiousness, and resilience to succeed. We're ready to roll up our sleeves and get to work on developing creative legal solutions for you.

Experienced and Results-Orientated

Our team has successfully litigated and resolved hundreds of consumer law cases, including well over 100 TCPA cases, several hundred FDCPA and FCRA cases and numerous multidistrict national class actions, brought under these and related statutes:

- Fair Debt Collection Practices Act (FDCPA)
- Telephone Consumer Protection Act (TCPA)
- Fair Credit Reporting Act (FCRA)
- Truth in Lending Act (TILA)
- Unfair, Deceptive or Abusive Acts or Practices (UDAAP)
- · Biometric Information Privacy Act
- Illinois Right of Publicity Act (IRPA)

We succeed in early case resolution at the pleadings stage but can also take a case through trial. Not many law firms can say that. We also understand the importance of laying the groundwork for successfully resolving cases on appeal. See our Representative Matters for examples of our work.

National Reach. Local Approach.

Our team offers national reach with a local approach. We are headquartered in the place that sees more TCPA class actions than any other court in the country. We have attorneys in the jurisdictions that see the most FDCPA and

Service Area Contacts

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David J. Hanus

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Taylor Hennington

Peter A. Hernandez

Angela M. Hess

Jennifer J. Kalas



FCRA litigation and who know the judges and opposing counsel's tactics.

Frequently, consumer plaintiffs' lawyers seek leverage by filing multiple suits simultaneously across the country. With experience litigating in state and federal courts throughout the United States, we can counter these tactics by developing a comprehensive defense strategy that aligns with your business objectives and risk tolerance.

Our Client Service Philosophy

Our mission is to deliver highly efficient and effective client service. That means we want to get to know you, your culture, your business and your goals. That allows us to tailor our service to your needs and objectives.

When you reinvent yourself, so do we. We have been a part of organizational shifts alongside our clients, whether that's technology changes or new regulatory mandates. We don't practice law in a vacuum because we appreciate that what we call a legal challenge is your operational hurdle. But, with all the need to adapt and pivot, we know what's most important at core: Your customers. It's what drives your business, and it's what drives ours.

Thought Leadership

Following industry trends and breaking news that impacts your business—and providing analysis to you about how this impacts you is a priority for us. We blog about these topics at Consumer Crossroads, and also publish a newsletter and client alerts. Our blog is our online community. We invite you to follow the conversation by subscribing at www.hinshawcfs.com.

Related Practices

- Regulatory and Compliance Counseling
- Mortgage Servicing and Lending

Experience

- Defeated dozens of FCRA claims on behalf of furnishers for alleged improper reporting after consumers filed for bankruptcy.
- Won complete defense verdict after a four day jury trial on behalf of debt collector in a TCPA and FDCPA case where jury deliberated for only ten minutes on the TCPA claims and judge dismissed the FDCPA claims.
- Obtained summary judgment on behalf of debt collection agency, where
 plaintiff brought FDCPA, ICAA and TCPA claims for alleged robocalls being
 placed to plaintiff's cell phone. The court's opinion expressly stated that
 "defendant, as a third party collector for [creditor], is not subject to the TCPA
 prohibition on the use of autodialers to wireless numbers."
- Defeated class certification in nationwide TCPA class action. Plaintiffs sought certification of three nationwide classes, including an autodialer class, a prerecorded voice class and a skip trace class.

Sue Yun Kim

Sarah E. King

Spencer Y. Kook

Schuyler B. Kraus

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Alfredo "Fred" Ramos

Brent M. Reitter

David J. Richards

Jessica A. Riley

Daniel K. Ryan

John P. Ryan

Megan E. Ryan

Dawn A. Sallerson

Kate Scolaro



- Argued and won appeal before the U.S. Court of Appeals for the Second Circuit on behalf of law firm debt collector on the issue of what constitutes "debt" under the FDCPA.
- Granted summary judgment based on the U.S. Supreme Court decision Spokeo, Inc. v. Robins, by successfully arguing that FDCPA plaintiff lacked constitutional standing.
- Obtained summary judgment for debt collector by successfully arguing that one connected call out of 18 attempts over two months did not constitute harassment under the FDCPA.
- Obtained summary judgment on behalf of debt collector where plaintiff alleged an FDCPA violation for the defendant's alleged refusal to mark the plaintiff's account as disputed without further confirmation of authority from the plaintiff, when contacted by a debt management agent on the plaintiff's behalf.
- Secured dismissal of two separate cases by successfully arguing that collection of time-barred debt does not amount to misleading representation under the FDCPA.
- Won dismissal of statewide counterclaim in a putative FDCPA class action case, where the debtor sought to recover all collections received through the state over a fixed period of time.
- Secured summary judgment on behalf of a furnisher in an FCRA case that challenged the furnisher's reasonableness in relying and reporting on the information in its electronic records.
- Obtained summary judgment in favor of debt collector involving FDCPA claims that messages sent to the wrong person was not deceptive under the statute.
- Won dismissal of a FDCPA putative class action, arguing that a phrase in a settlement offer by the debt collector was not deceptive because it could be interpreted as a one-time, take-it-or-leave-it offer.
- Secured dismissal of a FDCPA putative class action, successfully arguing that delinquent highway toll charges and penalties are not considered a "consumer debt" under the FDCPA.
- Granted motion for judgment on the pleadings in a FDCPA matter, by successfully arguing that an entity collecting on a federal student loan debt as a guarantor acting in fiduciary relationship with the U.S. Department of Education, is not a debt collector under the FDCPA.
- Prevailed in a motion for judgment on the pleadings where the plaintiff alleged visibility of certain information through the glassine window of envelopes containing collection letters violated the FDCPA.
- Secured summary judgment in a lawsuit involving TCPA and FDCPA claims brought by a non-consumer plaintiff for approximately 90 alleged wrong number calls to his two cell phone numbers.
- Won partial summary judgment in a case involving TCPA and FDCPA claims brought by plaintiffs for calls made to a phone number that had been ported from a landline to a wireless number.

Eric J. Simonson

Evan N. Soyer

Claire Standish

Todd P. Stelter

Gregg D. Stevens

Peter D. Sullivan

Aimee G. Szygenda

Andrew P. Trevino

Frederick J. Ufkes

Whitney Uicker

Matthew J. Walker

Jennifer W. Weller

Vanessa L. Williams

S. Sherry Xia

Related Services

Biometric Information Privacy
Act

Consumer Financial Services

Mortgage Servicing and Lender Litigation

Regulatory and Compliance Counseling

The Telephone Consumer Protection Act

Video Privacy Protection Act



News

Hinshaw Adds Experienced Financial Services Partner Ellis Oster in New York May 29, 2024

Hinshaw Adds Experienced Financial Services Litigator in New York January 31, 2024

Hinshaw Receives Recognition in 2024 "Best Law Firms" Directory November 2, 2023

Daniel McGrath Moderated Two Panels at the Federation of Defense & Corporate Counsel Symposium October 26, 2023

Tomislav Kuzmanovic Appointed Partner-in-Charge of Hinshaw's Milwaukee Office October 16, 2023

101 Hinshaw Lawyers Recognized in 2024 Editions of Best Lawyers in America and Ones to Watch August 17, 2023

Hinshaw Expands Consumer Financial Services Practice with Two Partners and a Senior Counsel July 12, 2023

Samuel Bodurtha and April Villaverde Recognized as 2023 Client Service All-Stars by BTI Consulting June 13, 2023

U.S. News – Best Lawyers Recognizes Hinshaw in 2023 "Best Law Firms" Directory November 2, 2022

Financial Services Partner Joins Hinshaw in New Jersey October 11, 2022

David Schultz Analyzes in ARM Compliance Digest: Appeals Court Affirms Rulings for Defendant in FCRA Cases August 29, 2022

David Schultz Analyzes in ARM Compliance Digest: Appeals Court Vacates Certification, Settlement in TCPA Case August 8, 2022

Brian McGrath Recognized as a 2022 Crain's New York Notable Diverse Leader in Law July 13, 2022

David Schultz Analyzes in ARM Compliance Digest: Class Action Accuses Collector of Violating FDCPA via Text Message June 28, 2022

Hinshaw Opens DC office, Adds Consumer Financial Services Partner March 25, 2022

David Schultz Analyzes in ARM Compliance Digest: Judge Grants MTD in FDCPA Class Action Over Settlement Offer in Letter

March 8, 2022

Hinshaw Partner Russell S. Ponessa Admitted to American College of Trial Lawyers March 2, 2022

Trial Spotlight: Federal Court in Wisconsin Rules FDCPA Plaintiff Lacks Standing February 18, 2022



David Schultz Analyzes in ARM Compliance Digest: Appeals Court Affirms Ruling in One BFE Case, Overturns Ruling in Another

February 14, 2022

Hinshaw Adds Veteran Financial Services Litigator in New Jersey and New York

February 10, 2022

Vaishali Rao Discusses Federal Student Loan Forgiveness Proposals in ACA Daily Newsletter February 2, 2022

David Schultz Analyzes in ARM Compliance Digest: Judge Sets Aside Default Against Defendant Because of COVID-19 Restrictions

January 25, 2022

David Schultz Analyzes in ARM Compliance Digest: Judge Denies MTD in FDCPA, TCPA Class Action Over Orally Made Cease Request

December 22, 2021

Hinshaw Partner Barbara Fernandez Recognized as Businesswoman of the Year by Coral Gables Chamber of Commerce November 29, 2021

David Schultz Analyzes in ARM Compliance Digest: Judge Grants Plaintiff's Motion to Remand FDCPA Class Action Back to State Court

November 23, 2021

Hinshaw Recognized in 2022 U.S. News – Best Lawyers "Best Law Firms" Directory November 4, 2021

David Schultz and Dana Briganti Appointed Attorney State Chairs by ACA International for 2021/2022 Term October 19, 2021

David Schultz Analyzes in ARM Compliance Digest: Judge Grants MTD in FDCPA Case Over Alleged Conflicting, Overshadowing Language in Letter

October 11, 2021

David Schultz Analyzes in ARM Compliance Digest: Judge Denies Competing Motions in FDCPA Case Over Debt Incurred During Political Campaign

September 13, 2021

Hinshaw Expands in Northeast Adding New Jersey Office and Eight Lawyers August 26, 2021

David Schultz Analyzes in ARM Compliance Digest: Mich. Judge Grants MTD in FDCPA Case Over Credit Reporting Statement in Letter

August 24, 2021

Hinshaw Partner Daniel McGrath Elected to Board of Directors of the FDCC

August 19, 2021

David Schultz Analyzes in ARM Compliance Digest: Defendant in FDCPA Barcode Case Files En Banc Petition With Appeals Court

August 2, 2021

Lauren Campisi Analyzes in ARM Compliance Digest: Judge Grants MSJ For Agency in FCRA, FDCPA Case Over Disputed Debt

July 23, 2021



David Schultz Analyzes in ARM Compliance Digest: Judge Grants MSJ For Defendant in FDCPA Case Over Credit Karma Report

July 12, 2021

Dustin Alonzo Analyzes in ARM Compliance Digest: CFPB to Restart Examinations Related to Military Lending July 8, 2021

David Schultz Analyzes in ARM Compliance Digest: Judge Holds Debt Buyer Liable for Actions of Collector in Partially Granting Plaintiff's MSJ in FDCPA Case

June 21, 2021

Hinshaw Partner Barbara Fernandez Profiled in DBR: the First Woman to Run Hinshaw's Miami Office June 10, 2021

David Schultz Analyzes in ARM Compliance Digest: Judge Grants MTD in FDCPA Case Over Settlement Language, Mentions Hunstein

June 2, 2021

Lauren Campisi Discusses Targeting by Congressional Democrats of Trump-Era Consumer Financial Regulations April 20, 2021

Carlos Ortiz Analyzes in ARM Compliance Digest: Judge Grants MTD in FDCPA Case Over Process of Service During Pandemic

April 19, 2021

Hinshaw Partner Barbara Fernandez Recognized as a 2021 Influential Business Woman by South Florida Business Journal

April 9, 2021

David Schultz Comments on "Big Impact" SCOTUS TCPA Autodialer Decision in insideARM Article April 6, 2021

ACA International: David Schultz and Justin Penn Byline Reviews Oral Arguments in SCOTUS TransUnion v. Ramirez FCRA Class Certifications Case

March 31, 2021

Carlos Ortiz Analyzes in ARM Compliance Digest: CFPB Rescinds Policy on Identifying Abusive Acts or Practices March 22, 2021

David Schultz Discusses SCOTUS TransUnion v Ramirez Article III Standing Case with ACA International March 10, 2021

Reviewing Landmark NY High Court Ruling in "Mortgage Prom" Litigation: Schuyler Kraus and Brian McGrath Provide Analysis in Law360 and American Banker

March 10, 2021

Vaishali Rao Analyzes in ARM Compliance Digest: CFPB Announces First Enforcement Action Under New Leadership March 8, 2021

David Schultz Analyzes in ARM Compliance Digest: TransUnion Makes Case to Decertify Class in \$40M FCRA Case February 18, 2021

Vaishali Rao Analyzes in ARM Compliance Digest: CFPB Releases Special Supervisory Highlights on Response to COVID

February 8, 2021



Carlos Ortiz Analyzes in ARM Compliance Digest: Judge Denies MTD in Case Over Healthcare Provider's Billing Practices

February 5, 2021

David Schultz Analyzes in ARM Compliance Digest: CFPB, State AGs Reach \$85M Settlement With Mortgage Servicer December 21, 2020

Appellate Spotlight: Eleventh Circuit Affirms Summary Judgment Win in TCPA Claim Filed by South Florida Debt Defense Attorney

December 21, 2020

Carlos Ortiz Analyzes in ARM Compliance Digest: EDNY Judge Denies MTD in FDCPA Case Over Reference to Creditor in Letter

December 16, 2020

Hinshaw Client Success Named Among "Top Ten Most Influential ARM Cases" of 2020 by Collector Magazine December 2, 2020

David Schultz Analyzes in ARM Compliance Digest: Judge Denies MTD in FCRA Case on Failure to State a Claim December 1, 2020

Vaishali Rao Anticipates Uptick in CFPB Enforcement and Regulation of Student Loan Servicing Industry under Biden Administration

November 30, 2020

Carlos Ortiz Analyzes in ARM Compliance Digest: Judge Grants Motion for Summary Judgement for Plaintiff in FDCPA Dispute Case

November 23, 2020

"Getting to Know" Series: Hinshaw Partner David Schultz Profiled by AccountsRecovery.net November 16, 2020

David Schultz Analyzes in ARM Compliance Digest: CFPB Stands Behind Collector for Itemizing Debt in Letter November 9, 2020

Hinshaw Recognized in 2021 U.S. News – Best Lawyers "Best Law Firms" Directory November 5, 2020

David Schultz Analyzes in ARM Compliance Digest: CFPB Enforcement Actions Spike in Q3 2020 October 26, 2020

Carlos Ortiz Analyzes in ARM Compliance Digest: Defendants Settle Class Action FDCPA Suit October 20, 2020

Justin Penn Analyzes Novel Ruling that Could Stop Many TCPA Class Actions in their Tracks October 14, 2020

John Ryan Discusses What Amy Coney Barrett's Nomination Could Mean for the ARM Industry and the TCPA October 13, 2020

David Schultz Analyzes in ARM Compliance Digest: Judge Grants MTD in FCRA Case Over Dispute Investigation October 5, 2020

Carlos Ortiz Analyzes in ARM Compliance Digest: Returned Phone Call Enough to Confer Standing in TCPA Case September 29, 2020

David Schultz Analyzes in ARM Compliance Digest: Appeals Court Affirms Dismissal of FCRA Suit Over Deleted Item on Credit Report

September 21, 2020



CFPB Denies Petition From Credit Repair Org. to Set Aside CID

September 8, 2020

Following Seila Law Decision, Fifth Circuit Considers en banc Whether Ratification is Sufficient to Protect CFPB Actions August 18, 2020

Client Success: ACA International Supports Merchants Credit Guide Co. Win in 7th Circuit Court of Appeals August 13, 2020

Hinshaw Adds Five-Partner Group with Consumer Financial Services, Bankruptcy, and Commercial Litigation Experience, and Extends Southern Roots with Louisiana Presence

July 20, 2020

Vaishali Rao Discusses Why SCOTUS Ruling Leaves CFPB Enforcement Actions in Doubt June 30, 2020

Gretchen Sperry Previews Oral Argument in SCOTUS Review of CFPB's Constitutionality March 9, 2020

Hinshaw Adds Five Lawyer Group to Consumer Financial Services Practice in New York February 24, 2020

Hinshaw Client Success Named Among "Top Ten Most Influential Cases" for the AR Management Industry in 2019 by Collector Magazine

December 3, 2019

Client Success: Afni Inc. Wins FDCPA Lawsuit Claiming Consumer Confusion Over Collection Letter Listing "Creditor" and "Original Creditor"

November 12, 2019

Hinshaw Recognized Nationally and Regionally in 2020 U.S. News – Best Lawyers "Best Law Firms" Directory November 1, 2019

Vaishali Rao in American Banker and Law360: What is the CFPB's Future, With SCOTUS Now Set to Consider a Constitutional Challenge to the Agency's Structure?

October 23, 2019

Client Success: ACA International Reports on Win by Hinshaw Client Advanced TeleSolutions in Wrong Number Claim Case

October 17, 2019

Client Success: ACA International Reports on Summary Judgment Win by Hinshaw Client Nationwide Credit and Collection Inc.

September 19, 2019

Client Success: Midland Funding Secures Dismissal of Putative FDCPA Class Action by Highlighting Bad Faith Bankruptcy Conduct by Plaintiff
September 10, 2019

Hinshaw Adds Jennifer L. Gray to Consumer Financial Services Practice in California August 20, 2019

Vaishali Rao Reviews Operational Lessons Provided by the CFPB's Application of the 'Abusive' Acts Prohibition under Dodd-Frank

July 30, 2019

Client Success: Portfolio Recovery Associates Prevails at Seventh Circuit May 29, 2019



Carlos A. Ortiz Discusses Recent Case Law Impacting the Debt Collection Industry in ARM Compliance Digest May 15, 2019

Barbara Fernandez Named Partner-in-Charge of Hinshaw's Miami Office April 30, 2019

Hinshaw Client Success: Harris & Harris Secures Industry-Favorable Decision in FDCPA "Overshadowing" Case March 18, 2019

Hinshaw Recognized Nationally and Regionally in 2019 U.S. News – Best Lawyers "Best Law Firms" Directory November 1, 2018

Massachusetts Lawyers Weekly Reviews Recent Hinshaw Debt Buyer Victory at the Supreme Judicial Court April 30, 2018

Major Win for Passive Debt Buyer as Massachusetts Supreme Judicial Court Rules the Company is not an Unlicensed Debt Collector

April 16, 2018

Dave Schultz Discusses D.C. Circuit's Takedown of FCC Robocall Rules March 20, 2018

Hinshaw Achieves National and Regional Recognition in 2018 U.S. News - Best Lawyers® "Best Law Firms" Directory November 1, 2017

Hinshaw's David Schultz Receives Judicial Advocacy Award from ACA International July 20, 2017

What Comes Next for TCPA Litigation? David Schultz quoted in American Lawyer June 14, 2017

Following Oral Argument, is CFPB Likely to Win PHH v. CFPB Constitutional Case? May 30, 2017

Steven Puiszis Quoted in Bloomberg BNA Article about WannaCry Ransomware Attack May 19, 2017

Hinshaw Announces Consumer Crossroads, a New Consumer Financial Services Blog April 24, 2017

Hinshaw Appellate Team Wins Unanimous Decision in 7th Circuit FDCPA Case February 24, 2017

John Ryan Discusses the State of Litigation and Compliance Involving the TCPA With Compliance Week December 6, 2016

Daniel W. McGrath Recommending Elects as Part of the DRI National Nominating Committee October 6, 2015

David Schultz Quoted in ABA/BNA Lawyers' Manual on Professional Conduct Article on Expanded Statutory Liability for Lawyers

March 10, 2014

David Schultz and Todd Stelter Co-Author IICLE Chapter on "The Fair Debt Collection Practices Act" January 23, 2014

Schuyler Kraus Quoted in Washington Post Article on New York Residential Foreclosure Litigation January 24, 2013



Peter Pederson Obtains Victory in \$360 Million "Stock Drop" ERISA Class Action October 6, 2011

Events

"Has Hunstein Gone Away?" David Schultz to Present in an AccountsRecovery.net Webinar November 1, 2021

David Schultz to Discuss Best Practices When Collecting Past the Statute of Limitations in AccountsRecovery.net Webinar October 22, 2021

David Schultz to Discuss Mapping Out Legal Strategies for ARM Companies August 6, 2021

Lauren Campisi to Discuss U.S. Supreme Court's Recent Decision in TransUnion v. Ramirez June 30, 2021

David Schultz to Discuss FCRA Litigation Trends in AccountsRecovery.net Webinar June 21, 2021

David Schultz to Discuss Where Most FCRA Mistakes Are Made in AccountsRecovery.net Webinar March 30, 2021 Virtual Event

David Schultz to Speak on Out-of-Statute Debt in ACA Huddle Webinar Series on CFPB Final Debt Collection Rule January 14, 2021 Virtual Event

Dustin Alonzo to Present on Advisory Opinions Under the new CFPB Debt Collection Rule December 10, 2020 Webinar

David Schultz and Vaishali Rao to Address Q3 Uptick in CFPB Enforcement Actions November 10, 2020

David Schultz to Speak in CFPB ACA Huddle Webinar November 9, 2020

David Schultz to Participate in Industry Defense Roundtable at ACA International 2019 Convention & Expo July 16, 2019 San Diego, California

Ellen Silverman Scheduled to Speak at insideARM Women in Consumer Finance Conference December 11, 2018 Baltimore, Maryland

Justin Penn and John Ryan to Present at NARCA 2014 Fall Collection Conference October 23, 2014

Wynn Las Vegas, 3131 S Las Vegas Blvd, Las Vegas, NV 89109

David Schultz to Present at NARCA Legal Learning Tour on the Changing FDCPA September 16, 2014

Loyola University, Corby Law Center, 25 E. Pearson Street, Chicago, IL 60611

David Schultz to Present at ABA Business Law Section Annual Meeting September 12, 2014

Hyatt Regency Chicago, 151 E Upper Wacker Drive, Chicago, IL 60601