



David M. Schultz

Partner

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David Schultz defends Fortune 500 companies, debt buyers, debt collection agencies, lawyers, lending institutions, and other clients in consumer litigation and also counsels consumer financial services organizations on risk management and legal compliance.

Nationally recognized in consumer litigation defense at trial and on appeal, David has been lead counsel in more than 250 class-action lawsuits involving claims brought under various state and federal consumer laws, including the Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), and the Chicago Residential Landlord and Tenant Ordinance (CRLTO). He defends a wide array of consumer fraud claims, actions brought under the Illinois Right of Publicity Act (IRPA) and Illinois' Biometric Information Privacy Act (BIPA), as well as class actions challenging food labels. He also represents individuals and businesses in dozens of regulatory matters, including before the CFPB, FTC, Illinois Department of Financial and Professional Regulation (IDFPR), Illinois Attorney General, as well as other state and city regulators and Attorneys General.

David is active in several leading consumer financial services industry organizations, such as ACA International, National Creditors Bar Association (NCBA), and the Receivable Management Association International (RMAI). He received the ACA's 2017 Judicial Advocate Award, which recognizes an attorney who in the past year has been an "outstanding advocate on behalf of the credit and collection industry." On behalf of ACA International, he wrote and submitted to the U.S. Supreme Court an *amicus curiae* brief in *Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740 (2012), and for NCBA, he wrote and submitted to the Court an *amicus curiae* brief in *Edwards v. First American Financial Corp.* (2011). David was also selected by ACA International's president to serve on the organization's five-person Members' Attorney Program Committee (2012 – 2015). He is an ACA MAP Attorney for Illinois and has served on the Judicial Committee. He also serves on a NCBA defense panel consisting of firms that provide risk management advice and defend NCBA members, and is on the Membership Committee. Following nomination by his peers, David was also recognized by *Collection Advisor* as a Top Attorney in Collections in 2018.

David currently serves on the firm's Management Committee and is a former chair of the firm's Consumer & Class Action Litigation group.

Practices

Antitrust & Trade Regulation
Biometric Information Privacy Act
Consumer and Class Action Defense
Consumer Financial Services
Illinois Right of Publicity Act
Litigators for the Profession®
Mortgage Servicing and Lender Litigation
Privacy, Security & Artificial Intelligence
Regulatory and Compliance Counseling
The Telephone Consumer Protection Act
Video Privacy Protection Act

Education

J.D., University of Illinois
Chicago School of Law
B.S., University of Illinois at
Urbana-Champaign

Admissions

Illinois
U.S. Supreme Court
Federal Trial Bar
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Central, Northern, and Southern Districts of Illinois
U.S. District Court for the Northern and Southern Districts of Indiana



Prior to joining Hinshaw, David served for two years as a judicial clerk for the Honorable Howard C. Ryan, Justice of the Illinois Supreme Court. He also served on the legal staff of Michael J. Madigan, Speaker of the Illinois House of Representatives.

Professional Affiliations

- American Bar Association
- Illinois State Bar Association
- American Collector's Association, Members Attorney Program
- National Creditors Bar Association (NCBA)
- Receivable Management Association International (RMAI)
- Attorney State Chair for Illinois, ACA International Attorney State Chair Program, including 2021 – 2022
- Consumer Relations Consortium (CRC), Legal Advisory Board Member, 2022 – 2024

Honors & Awards

- Recognized as a "Top Attorney in Collections" by *Collection Advisor*, 2018
- Recipient of the ACA's 2017 Judicial Advocate Award
- Recognized on the Super Lawyers list by *Illinois Super Lawyers* magazine, 2005, 2007 – 2009, 2011 – 2017
- Recognized by his peers as a "Leading Lawyer" in the areas of: Class Action/Mass Tort Defense Law; Commercial Litigation and Professional Malpractice Defense Law: Legal/Technical/Financial

Representative Matters

David's reported consumer litigation and legal malpractice cases include a number of precedent-setting decisions. These include:

- *Jenkins v. Heintz*, 514 U.S. 291, 115 S.Ct. 1489, 131 L.Ed.2d 395 (1995)
- *Choice v. Kohn Law Firm*, 2023 U.S. App. LEXIS 21020
- *Wolf v. Carpenter*, 2023 U.S. App. LEXIS 6378
- *Chuluunbat v. Weltman, Weinberg & Reis Co.*, 2022 U.S. App. LEXIS 13713
- *Pierre v. Midland Credit Mgmt.*, 2022 U.S. App. LEXIS 8770
- *Zablocki v. Merchs. Credit Guide Co.*, 968 F.3d 620 (7th Cir. 2020)
- *Horia v. Nationwide Credit & Collection, Inc.*, 944 F.3d 970 (7th Cir. 2019)
- *Paz v. Portfolio Recovery Assocs., LLC*, 924 F.3d 949 (7th Cir. 2019)
- *Midland Funding LLC v. Schellenger*, 2019 IL App (5th) 180202-U
- *Schultz v. Midland*, 905 F.3d 159 (3rd Cir. 2018)
- *Loja v. Main St. Acquisition Corp.*, 906 F.3d 680 (7th Cir. 2018)
- *Dorrian v. LVNV Funding, LLC*, 94 N.E.3d 370 (Mass. 2018)
- *Holcomb v. Freedman Anselmo Lindberg, LLC*, 900 F.3d 990 (7th Cir. 2018)
- *Evans v. Portfolio Recovery Assocs., LLC*, 889 F.3d 337 (7th Cir. 2018)

U.S. District Court for the Eastern and Western Districts of Michigan

U.S. District Court for the Eastern District of Missouri

U.S. District Court for the Eastern and Western Districts of Wisconsin



- *Dunbar v. Kohn Law Firm, S.C.*, 896 F.3d 762 (7th Cir. 2018)
- *Heng v. Heavner, Beyers & Mihlar, LLC*, 849 F.3d 348 (7th Cir. 2017)
- *Momient v. N.W. Collectors, Inc.*, 666 Fed. Appx. 531 (7th Cir. 2016)
- *Marquez v. Weinstein, Pinson & Riley, P.S.*, 836 F.3d 808 (7th Cir. 2016)
- *Bravo v. Midland Credit Mgmt., Inc.*, 812 F.3d 599 (7th Cir. 2016)
- *Portfolio Recovery Associates, LLC v. Dixon*, 366 P.3d 245, 247 (Kan. App. 2016)
- *McMahon v. LVNV Funding, LLC*, 807 F.3d 872 (7th Cir. 2015)
- *Leeb v. Nationwide Credit Corp.*, 806 F.3d 895 (7th Cir. 2015)
- *Bentrud v. Bowman, Heintz, Boscia & Vician, P.C.*, 794 F.3d 871, 875 (7th Cir. 2015)
- *LVNV Funding, LLC v. Trice*, 32 N.E.3d 553 (Ill. 2015)
- *Buchanan v. Northland Group, Inc.*, 776 F.3d 393 (6th Cir. 2015)
- *Smith v. Greystone Alliance, LLC*, 772 F. 3d 448 (7th Cir. 2014)
- *McMahon v LVNV Funding LLC*, 744 F. 3d 1010 (7th Cir. 2014)
- *Todd v. Collecto, Inc.*, 731 F.3d 734 (7th Cir. 2013)
- *Brookter v. GC Services LP et al.*, 2011 WL 1584651 (S.D. Tex. 2011) 2012 WL 1579325 (5th Cir. 2012)
- *Lox v. CDA, Ltd.*, 689 F.3d 818 (7th Cir. 2012)
- *Kasalo v. Harris & Harris*, 656 F.3d 557 (7th Cir. 2011)
- *Gonzales v. Arrow Financial*, 660 F.3d 1055 (9th Cir. 2011)
- *O'Rourke v Palisades*, 635 F.3d 938 (7th Cir. 2011)
- *Tinsley v Integrity Financial*, 634 F.3d 416 (7th Cir. 2011)
- *Dekoven v Plaza Associates*, 599 F.3d 378 (7th Cir. 2010)
- *PRA v Feltman*, 909 N.E.2d 876 (Ill. App. 2009) (amicus brief)
- *Schlacher v Law offices of Rotche*, 574 F.3d 852 (7th Cir. 2009)
- *Muha v. Encore*, 558 F.3d 623 (7th Cir. 2009)
- *Seeger v AFNI*, 548 R.3d 1107 (7th Cir. 2008)
- *Visvardis v. Ferleger*, 375 Ill.App.3d 719, 873 N.E. 2d 436, 313 (2007)
- *Evory v. RJM Acquisitions, et al.*, 505 F.3d 769 (7th Cir. 2007)
- *PRA III L.L.C. v. Hund*, 364 Ill.App. 3d 378, 846 N.E.2d 965 (2006)
- *Sims v. G.C. Services, L.P.*, 445 F.3d 959 (7th Cir. 2006)
- *Olvera v. Blitt & Gaines, P.C.*, 431 F.3d 285 (7th Cir. 2005)
- *Greco v. Trauner, Cohen & Thomas, L.L.P.*, 412 F.3d 360 (2nd Cir. 2005)
- *Westra v. Credit Control*, 409 F.3d 825 (7th Cir. 2005)
- *Kort v. Diversified*, 394 F.3d 530 (7th Cir. 2005)
- *Fields v. Wilber Law Firm, P.C.*, 383 F.3d 562 (7th Cir. 2004)
- *Singer v. Pierce & Associates, P.C.*, 383 F.3d 596 (7th Cir. 2004)
- *Randolph v. IMBS, Inc.*, 368 F.3d 726 (7th Cir. 2004)
- *Taylor v. Cavalry Investment, L.L.C.*, 365 F.3d 572 (7th Cir. 2004)
- *Chuway v. National Action Financial Services, Inc.*, 362 F.3d 944 (7th Cir. 2004)
- *Hyman v. Tate & Kirlin*, 362 F.3d 965 (7th Cir. 2004)
- *Rizzo v. Pierce & Associates, P.C.*, 351 F.3d 791 (7th Cir. 2003)
- *Miller v. McCalla, Raymer, Barrett & Frappier*, 214 F.3d 872 (7th Cir. 2002)
- *Keef v. Widuch*, 321 Ill. App. 3d 571, 747 N.E. 2d 992 (2001)
- *Sanders v. Jackson*, 209 F.3d 998 (7th Cir. 2000)
- *White v. Goodman*, 200 F.3d 1016 (7th Cir. 2000)



- *Fischel & Kahn v. Van Straaten*, 189 Ill.2d 579, 727 N.E.2d 240 (2000)
- *Mace v. Van Ru Credit Corp.*, 109 F.3d 338 (7th Cir. 1997)
- *Jenkins v. Heintz*, 124 F.3d 824 (7th Cir. 1997)
- *Avila v. Rubin*, 84 F.3d 222 (7th Cir. 1996)

Presentations

David frequently speaks before industry, professional, and legal associations on legal ethics and consumer litigation issues. His recent presentations include:

- Co-Presenter, "ARM Industry Litigation Update," *AccountsRecovery.net*, Webinar, June 17, 2024
- Co-Presenter, "Consumer – FCRA Litigation Updates, Regulatory Enforcement Trends & Compliance Recommendations," 2024 Auto Finance Seminar, Hinshaw & Culbertson LLP, Chicago, Illinois, May 16, 2024
- Co-Presenter, "Flying High: ARM Industry Legal Eagles' Insights," 8th Annual Conference, Great Lakes Credit and Collection Association (GLCCA), Bloomington, Minnesota, May 10, 2024
- Co-Presenter, "Understanding The Reasons Why TCPA Litigation Is Increasing," *AccountsRecovery.net*, Webinar, October 2, 2023
- Co-Presenter, "Ask the Credit Reporting Expert," *AccountsRecovery.net*, Webinar, August 24, 2023
- Co-Presenter, "The Latest Litigation Updates Impacting Automotive Finance," 2023 Auto Finance Seminar: Driving Ahead: Auto Finance Insights from Industry Leaders, Hinshaw & Culbertson LLP, Chicago, Illinois, May 4, 2023
- Co-Presenter, "Hunstein Ruling & 7th Circuit," Illinois Creditors Bar Association (ILCBA) 2022 Fall Seminar, November 11, 2022
- Co-Presenter, "Hunstein Ruling Pushing Cases to State Court," *AccountsRecovery.net*, Webinar, November 1, 2022
- Co-Presenter, "Analyzing The Seventh Circuit Court of Appeals," *AccountsRecovery.net*, Webinar, September 26, 2022
- Co-Presenter, "The Credit Reporting Landscape is Changing!," The ACA Huddle, Webinar, August 3, 2022
- Panelist, "Ask The Credit Reporting Expert," *AccountsRecovery.net*, Webinar, June 23, 2022
- Co-Presenter, "Regulation F: The Consumer Financial Protection Bureau's New Debt Collection Rules," ISBA, Virtual Event, April 28, 2022
- Panelist, "Litigation Trends Within the FDCPA, FCRA, and TCPA," *AccountsRecovery.net*, Webinar, April 21, 2022
- Co-Presenter, "The Most Common FCRA Mistakes to Avoid," *AccountsRecovery.net*, Webinar, February 4, 2022
- Co-Presenter, "What 2022 Holds for Collection Litigation," *AccountsRecovery.net*, Webinar, December 21, 2021
- Panelist, "Has Hunstein Gone Away?," *AccountsRecovery.net*, Webinar, November 1, 2021
- Panelist, "Latest Trends and Tips Plus Q&A," Great Lakes Credit & Collection Association Conference, Bloomington, Minnesota, October 29, 2021
- Panelist, "Best Practices When Collecting Past the Statute of Limitations," *AccountsRecovery.net*, Webinar, October 22, 2021
- Panelist, "Mapping Out Legal Strategies," *AccountsRecovery.net*, Webinar, August 6, 2021
- Panelist, "FCRA Litigation Trends," *AccountsRecovery.net*, Webinar, June 21, 2021
- Panelist, "State Court Trends and The FDCPA," *AccountsRecovery.net*, Webinar, May 26, 2021
- Co-Presenter, "Litigation Landscape Update," *ACA International*, The ACA Huddle, Virtual Event, April 28, 2021
- Panelist, "Where Most FCRA Mistakes Are Made," *AccountsRecovery.net*, Webinar, March 30, 2021
- Co-Presenter, "The Time-Barred Debt - It's 'Time After Sometime' to Talk About This," *ACA International Webinar*, Huddle CFPB Rule Series Part II, January 14, 2021
- Panelist, "Analyzing The Increase in CFPB Enforcement Actions," *AccountsRecovery.net*, Webinar, November 10, 2020



- Panelist, "The ACA Huddle: CFPB Rule Series," ACA International, Webinar, November 9, 2020
- Co-Presenter, "Meaningful Attorney Involvement and Other Hot Topics," ILCBA Fall Seminar, Virtual Event, October 12, 2020
- Panelist, "The Most Common Overshadowing Pitfalls and How to Avoid Them," *AccountsRecovery.net*, Webinar, September 22, 2020
- Panelist, "FCRA Lawsuits in the Wake of the COVID-19 Pandemic and the CARES Act: Five Short Videos," Web Bytes from WebRecon & AccountsRecovery.net, Webinar, July 2020
- Panelist, "Class Action Letter Claims Return and How to Avoid Them," ACA International's 2020 Virtual Convention & Expo, Webinar, July 15, 2020
- Panelist, "Prepare Now For A New Wave Of Pandemic Related Litigation Against The Collection Industry," ACA International Seminar, Webcast, April 22, 2020
- Co-Presenter, "Attorney's Fees – How to Get Them and How to Stop Them," NCBA 2019 Fall Conference, Washington D.C., October 17, 2019
- Co-Presenter, "The Basics of the Fair Debt Collection Practices Act," ISBA Seminar, Chicago, Illinois, October 3, 2019
- Co-Presenter, "Industry Defense Roundtable," ACA International Convention & Expo, San Diego, California, July 16, 2019
- "NPRM Deep-Dive Electronic Communications & Disclosures," ACA International Convention & Expo, San Diego, California, July 14-16, 2019
- "Attorney Panel," Great Lakes Credit and Collection Association Conference, May 21, 2019
- "Speed Compliance," The Defense Bar (& Grill) Players – National Creditors Bar Association, May 15-18, 2019
- "Defense Tactics-From the Industry Defense," ACA International Fall Forum & Expo, The Drake Hotel, Chicago, Illinois, November 7 – 8, 2018
- "Could I Have This Dance? Ethical and Business Concerns When Beginning and Ending the Relationship Between Collection Attorneys and Their Clients," National Creditors Bar Association 2018 Fall Conference, Omni Hotel, Nashville, Tennessee, October 3 – 6, 2018
- "Lessons Learned in the Trenches," ACA International Convention & Expo, Omni Hotel, Nashville, Tennessee, July 23 – 25, 2018
- "Great Lakes Credit and Collection Association Conference Attorney Panel," GLCCA Annual Conference, Lake Lawn Lodge, Delavan, Wisconsin, May 23, 2018
- "Ask the Attorneys: the Healthcare Edition," NCBA 2018 Spring Conference, JW Marriott, Austin, Texas, May 16 – 19, 2018
- "Conversation with Defense Attorneys," NCLC's FDCPA Conference, Chicago, Illinois, March 19, 2018
- "Current FDCPA Issues in the 7th Circuit and Beyond," Illinois Creditors Bar Association Spring Seminar, Chicago, Illinois, March 5, 2018
- "FDCPA: A Refresher as to the Do's and Don'ts When Demanding Payment and the Mistakes to Avoid," Chicago Bar Association's Real Property Law, Condominium Subcommittee, Webinar, February 20, 2018
- "Ask the Attorneys: The Healthcare Edition," ACA International Fall Forum & Expo, Chicago, Illinois, November 2, 2017
- "Strategies for Attacking Serial Litigators and Baseless Class Actions," ACA International Fall Forum & Expo, Chicago, Illinois, November 2, 2017
- "Integrating CFPB Consent Decrees into Compliance Practices," ACA International Convention & Expo, Seattle, Washington, July 18, 2017
- "Great Lakes Credit and Collection Association Conference Attorney Panel," GLCCA First Annual Conference, Lake Lawn Lodge, Delavan, Wisconsin, May 22-24, 2017
- "Lessons Learned from Recent Class Actions," NCBA 2017 Spring Conference, Orlando, Florida, May 2017



Publications

David regularly publishes on legal ethics and consumer litigation issues. Recent publications include:

- "State Appeals Court Affirms Ruling for Defendant in FDCPA Class Action," *ARM Compliance Digest*, April 2, 2024
- "Judge Grants MTD in FDCPA Case Over Potentially Incorrect Balance in Underlying Collection Suit," *ARM Compliance Digest*, February 26, 2024
- "Judge Rules Maine FCRA Partially Preempted by Federal Law," *ARM Compliance Digest*, January 29, 2024
- "Appeals Court Reverses Ruling on FCRA Damages," *ARM Compliance Digest*, November 20, 2023
- "Judge Rules in Favor of Plaintiff in FCRA Case Over Reasonable Investigation," *ARM Compliance Digest*, August 28, 2023
- "Appeals Court Upholds Reasonableness of Dispute Investigation in FCRA Case," *ARM Compliance Digest*, July 17, 2023
- "Appeals Court Rules One RVM Enough for Plaintiff to Have Standing," *ARM Compliance Digest*, June 19, 2023
- "Judge Denies MTD in TCPA Class Action Even Though Plaintiff Pressed '2'," *ARM Compliance Digest*, May 22, 2023
- "Judge Denies Certification, Defendants' MSJ in FDCPA Class Action," *ARM Compliance Digest*, February 13, 2023.
- Co-Author, "The Caselaw That Shaped the ARM Industry in 2022," *AccountsRecovery.net*, January 6, 2023.
- "Judge Certifies Class Against Defaulted Defendant in FDCPA Case," *ARM Compliance Digest*, November 7, 2022
- Co-Author, "11th Circ. Ruling Emphasizes Article III Struggles After Spokeo," *Law360*, September 27, 2022
- "Pair of NDIL Hunstein Cases Remanded Back to State Court for Lack of Standing," *ARM Compliance Digest*, September 19, 2022
- "Appeals Court Affirms Rulings for Defendant in FCRA Cases," *ARM Compliance Digest*, August 29, 2022
- "Appeals Court Vacates Certification, Settlement in TCPA Case," *ARM Compliance Digest*, August 8, 2022
- "Judge Denies MSJ in FDCPA Case Over Cease Request," *ARM Compliance Digest*, June 18, 2022
- "Class Action Accuses Collector of Violating FDCPA via Text Message," *ARM Compliance Digest*, June 27, 2022
- "Complaint Accuses Collector of Violating Reg F By Leaving out Itemization Info," *ARM Compliance Digest*, May 16, 2022
- "Judge Grants MTD in FDCPA Class Action Over Settlement Offer in Letter," *ARM Compliance Digest*, March 7, 2022
- Co-Author, "Analyzing Oral Argument Proceedings in the 11th Circuit's En Banc Review of Hunstein v. Preferred Collection and Management Services," *ACA International*, March 1, 2022
- "Appeals Court Affirms Ruling in One BFE Case, Overturns Ruling in Another," *ARM Compliance Digest*, February 14, 2022
- Co-Author, Chapter 12, "Statutes Affecting Lawyer Liability," *Attorneys' Legal Liability*, 2022 and 2014 editions
- "Judge Sets Aside Default Against Defendant Because of COVID-19 Restrictions," *ARM Compliance Digest*, January 24, 2022
- "Judge Denies MTD in FDCPA, TCPA Class Action Over Orally Made Cease Request," *ARM Compliance Digest*, December 20, 2021
- "Judge Grants Plaintiff's Motion to Remand FDCPA Class Action Back to State Court," *ARM Compliance Digest*, November 22, 2021
- "Judge Dismisses FDCPA Case Over Inadvertent Voicemail For Lack of Standing," *ARM Compliance Digest*, November 1, 2021
- "Judge Grants MTD in FDCPA Case Over Alleged Conflicting, Overshadowing Language in Letter," *ARM Compliance Digest*, October 11, 2021
- "Judge Denies Competing Motions in FDCPA Case Over Debt Incurred During Political Campaign," *ARM Compliance Digest*, September 13, 2021
- "Mich. Judge Grants MTD in FDCPA Case Over Credit Reporting Statement in Letter," *ARM Compliance Digest*, August 23, 2021



- "Defendant in FDCPA Barcode Case Files En Banc Petition With Appeals Court," *ARM Compliance Digest*, August 2, 2021
- "Judge Grants MSJ For Defendant in FDCPA Case Over Credit Karma Report," *ARM Compliance Digest*, July 12, 2021
- "Judge Holds Debt Buyer Liable for Actions of Collector in Partially Granting Plaintiff's MSJ in FDCPA Case," *ARM Compliance Digest*, June 21, 2021
- "Judge Grants MTD in FDCPA Case Over Settlement Language, Mentions Hunstein," *ARM Compliance Digest*, June 1, 2021
- Co-Author, "*TransUnion v. Ramirez*: Supreme Court Considers Significant Class Certification Issue," *ACA International*, March 30, 2021
- "TransUnion Makes Case to Decertify Class in \$40M FCRA Case," *ARM Compliance Digest*, February 15, 2021
- "CFPB, State AGs Reach \$85M Settlement With Mortgage Servicer," *ARM Compliance Digest*, December 21, 2020
- "Judge Denies MTD in FCRA Case on Failure to State a Claim," *ARM Compliance Digest*, November 30, 2020
- "CFPB Stands Behind Collector for Itemizing Debt in Letter," *ARM Compliance Digest*, November 9, 2020
- "CFPB Enforcement Actions Spike in 3Q," *ARM Compliance Digest*, October 26, 2020
- "Judge Grants MTD in FCRA Case Over Dispute Investigation," *ARM Compliance Digest*, October 5, 2020
- "Appeals Court Affirms Dismissal of FCRA Suit Over Deleted Item on Credit Report," *ARM Compliance Digest*, September 21, 2020
- Co-Author, Chapter 7, "Fair Debt Collection Practices Act," *Creditors' Rights in Illinois, Illinois Institute for Continuing Legal Education*, 2019 and 2014