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What is a debt collector?

A debt collector pursues debts owed to others. Debt collectors can include collection agencies, lawyers who work in debt collection and companies that purchase owed debts and then try to collect them. If a creditor's records indicate you are late on paying bills, a debt collector may contact you.

What is the FDCPA?

The Fair Debt Collection Practices Act (FDCPA) regulates the practices a debt collector may use to pursue collection. The FDCPA prohibits debt collectors from using any "abusive, unfair, or deceptive practices" and covers personal, family, and household debts including money owed on a personal credit card account, an auto loan, a medical bill, or mortgage. The FDCPA does not cover business debts.

What is a validation notice?

A debt collector must send you a "validation notice" within five days of first contact. A validation notice tells you how much money you owe and to whom.

I don't think I owe money. What do I do?

You may want to try to clear up the matter by speaking with the debt collector. If no resolution is reached and you believe the claims are false, send a letter stating that 1) you don't owe any or all of the money claimed and 2) requesting debt verification. This letter should be sent

Debt Collection 101

within 30 days of receiving the initial validation notice. Once the debt collector receives the letter, he cannot contact you again until you receive written verification of the debt. A copy of a bill is an example of appropriate debt verification.

How can I stop a debt collector from contacting me?

Tell a debt collector to stop contacting you by letter. Remember this action will not erase a debt. Make sure you save a copy of your letter and send the letter by certified mail. Once the collector receives your letter, they may only contact you again to:

- 1) Let you know there will be no further contact *OR*
- 2) inform you that they or the creditor intend to take a specific action such as filing a lawsuit.

What rules do debt collectors have to follow under the FDCPA?

Debt collectors may not make false statements, engage in unfair practices, or harass you or any third parties they contact. For example, debt collectors may not:

- Use threats of violence
- Publish a list of names of people who refuse to pay their debts (but they can give this information to the credit reporting companies)
- Repeatedly use the phone to annoy
- Contact you at inconvenient times or

places without permission

- Discuss your debt with anyone other than you, your spouse, or your attorney
- Falsely claim that you have committed a crime
- Misrepresent the amount you owe
- State that you will be arrested if you don't pay your debt
- Try to collect any interest, fee, or other charge on top of the amount you owe unless the contract that created your debt – or your state law – allows the charge

What happens if I don't pay a debt?

If you don't pay a debt, a creditor or debt collector may sue you to collect. Respond to the lawsuit yourself or through a lawyer on time. If you are successfully sued, the court will enter a judgment against you. The judgment states the amount of money owed and allows the creditor or collector to get a garnishment order against you. A garnishment order directs a third party, like your bank, to turn over funds from your account to pay the debt. Wage garnishment happens when your employer withholds part of your compensation to pay your debts as the result of a court order.

Where do I report improper debt collection methods or find more information on debt collection?

Report any problems you have with a debt collector to your state Attorney General's office (www.naag.org) and the Federal Trade Commission (www.ftc.gov). Your Attorney General's office can help you determine your rights under your state's specific laws.



According to the Chicago Tribune, about 13.6 million

Americans are still trying to pay off holiday debt from last year. Make it through this season debt free by following these budget tips.

1. Make Your Holiday Budget and Shopping List Early

The closer the holidays get, the more likely you will be to overspend. Think about what you've spent in years past on categories such as Gifts, Food, Decorations, and Entertainment. A great budget tool is available at <http://www.bankrate.com/calculators/smart-spending/holiday-spending-calculator.aspx>

2. Curb the Extended Family Cash Crisis

Have a large extended family? Consider starting a new tradition like Secret Santa, setting a maximum gift price, giving a family gift, or making charitable donations in honor of one another.

3. Give Back to Your Community

Many charities and local food banks are especially stressed at the holidays. Charitable gifts make the perfect gift for the family member or coworker who has everything and your generosity may also be tax deductible! Although your tax deduction won't show up until next year's return, you can feel good about putting your savings towards next year's holiday spending.

4. Pick Your Plastic Carefully

Planning on using a credit card for those holiday purchases? Choose carefully. Selecting a card with the

best interest rate is especially important if you think you'll be carrying a balance on your card.

5. Nix the Coffee Habit...for a few weeks.

Got a daily java habit? Consider cutting back lattes out in the weeks leading up to the holidays and instead put the money you save in a holiday fund. When the holidays roll around, you'll have some extra spending money.

6. Shop Gift By Gift

As much as possible, shop early and avoid massive shopping trips. People are more likely to use credit cards and overspend when buying lots of gifts at once. Even if you haven't been holiday shopping since summer, working your way gradually through a gift list can eliminate impulse buys and save you big bucks.

7. Start a Christmas club account

Not a good saver? Join the club! Many banks offer consumers the option of opening a Christmas club account. These accounts allow consumers to make monthly or weekly deposits through payroll deductions and encourage holiday saving by preventing or penalizing Christmas club account withdrawals. Christmas club account holders will get a check or automatic transfer to your regular bank account sometime in October, November or December for the overall amount plus interest.

8. Get Free Shipping!

Check out <http://freeshippingcoupons.com> for free shipping codes for overnight, two-day and priority shipping from thousands of top brands like Verizon, DELL, Macy's and more.

9. Deck the Halls with LED lights

Holiday energy costs can be painful. Consider using LED lights which use 99 percent less energy than traditional lights this year. If you use traditional lights, place them near reflective surfaces like mirrors or windows for a more energy-efficient twinkle.

10. Use discounted gift cards

How would you like \$80 worth of gifts for \$60? Through GiftCardRescue.com and GiftCards.com you can purchase discounted gift cards from hundreds of retailers including the Apple Store, Barnes and Noble, Best Buy, Zales, Sears, Home Depot and others and then shop in store or online using the cards. Discounts are usually 5-30% off the face value of the gift card. These websites also allow you to sell unwanted gift cards for cash.

11. Plan the menu early

Plan the holiday menu early and identify what non-perishable foods you can stock up on early and what fresh foods you'll need to buy later. Planning the menu also means you can keep your eye out for store specials and stock up on staple sale items. Remember to check for store brand products which often offer the same quality as big brand names at a lower price.

12. Unwrap costs

Store bought wrapping paper, bows, and gift tags is money that will end up in the trash. Make your own gift paper using your children's artwork, tissue paper stamped with holiday shapes, or newspaper comics. You can also make your own gift tags using folded wrapping paper or cut up old holiday cards.

Feinberg Vows to "Be More Responsive to Shrimpers"

Gulf Coast Claims Facility (GCCF) Administrator Kenneth Feinberg vows to make things right with shrimpers affected by the BP oil spill. On October 27th, Feinberg told a congressional panel "we've got to do better by the shrimpers" and vowed to come up with new methodology to compensate Gulf Coast shrimpers. The GCCF is in charge of processing claims from individuals and businesses claiming losses related to the April 2010 BP oil spill. Approved claims are paid from a \$20 billion fund. According to Feinberg, about \$5.5 billion has been paid to over 213,000 claimants. An additional \$400 million in outstanding payment offers have also been made, Feinberg said.

Feinberg and the GCCF have been criticized both for the criteria used to compensate shrimpers and for the administration's slow processing of claims. Rep. Jeff Landry of New Iberia, Louisiana said Feinberg's offer to pay commercial shrimpers a quick payment without evidence of damage resulted in thousands of claims paid to individuals not registered as commercial shrimpers. Landry also criticized Feinberg for not using the Louisiana Department of Wildlife and Fisheries registry of commercial shrimpers to identify legitimate claimants who base their livelihoods on shrimping.

According to the LDWF registry, Louisiana is home to 1,500 registered commercial shrimpers. The majority of registered commercial shrimpers in Louisiana have not reached a final settlement under Feinberg's initial offer to shrimpers, instead opting to hire a lawyer or wait to see if GCCF policies towards commercial shrimpers change.

"It is clear that GCCF does have to be more responsive to the shrimpers", Feinberg stated at the hearing. "There are a lot of shrimpers that haven't filed a claim with the GCCF because they are watching and waiting to see how GCCF will treat the shrimp industry".

Although Gulf Coast shrimpers had a profitable brown shrimp season, this year's white shrimp season has not been a good one. Although the \$20 billion fund is slated to close in August 2013, shrimpers face the additional difficulty of not knowing what the long term damage on their businesses will be.

About one-third of all claims made have been denied by the GCCF so far. In Louisiana, about 38% of claims made have been denied by the foundation. The \$20 billion fund is currently set for dissolution in August 2013.

Landry's Rescue Boat Legislation Gets Political Bill Would Require Standby Rescue Vessels Near Offshore Rigs

The House of Representatives is considering a bill that would require standby rescue vessels within three nautical miles of offshore oil and gas rigs. The Offshore Installation Emergency Evacuation Act is sponsored by Rep. Jeff Landry of New Iberia, LA. Although Landry has been critical of previous post-spill regulations introduced by the Obama administration, he views the bill as a way to protect rig workers in the event of a disaster.

Eleven rig workers were killed in the April 2011 Deepwater Horizon blowout. A U.S Coast Guard report credits a nearby supply boat for the successful rescue of some 100 Deepwater Horizon rig workers.

"You know me, I'm not a big regulatory type of guy,"



Landry stated. "I looked at how we could codify safety standards to protect the workers with the minimum impact on the industry."

The proposed legislation would require a standby vessel no more than three miles from offshore when certain rig operations such as drilling, plugging, or abandonment are undertaken. The rescue vessel could be up to 12 nautical miles away while less dangerous tasks are being performed.

According to Don Briggs of the Louisiana Oil & Gas industry, the proposed legislation would impose a significant cost burden and slow the recovery of offshore drilling in the Gulf.

"Adequate response mechanisms are already in place and the addition of standby vessels is a redundant measure," Briggs said.

Louisiana's two largest industries, the oil and gas industry and the maritime industry, are divided over the bill. The maritime industry would gain new business if the bill is approved and is supportive of the legislation. The oil and gas industry opposes the bill, calling the proposal unnecessary and expensive. Both industries represent major campaign donors to Louisiana Congress members including Rep. Landry. Read more on the bill at <http://www.opencongress.org/bill/112-h1572/show>



Meet Charles E. Lavis, Jr.

Charles Lavis is the founder and managing shareholder of Lavis Law Firm, APLC. He was born in New Orleans in 1965 and has practiced law there for 15 years. Charles represents workers, consumers, homeowners and business owners against insurance companies and corporations. He represents clients in matters involving BP Oil Spill Claims, Job Injuries, Accidents, Products Liability, Hurricane Insurance Claims, Personal Injury, Wrongful Death and Survival Actions, and Insurance Bad Faith. If you have questions, please call Charles at **1-866-558-9151**.

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As Your Law Firm***

***If you have a legal
question or problem,
please don't hesitate
to call or e-mail.***

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**Website Can Help
Shoppers Score Deals
on Electronics**

Missed this year's Black Friday deals? Don't worry! According to consumer research, prices for electronics are actually most likely to be low in early December.

Visit Decide.com for specific recommendations about when to make an electronics purchase. Simply type in the name of an electronic product and Decide.com will pull prices from around the Web and tell you whether to buy now or wait. Decide.com pulls current and historical prices, information about new models and rumors about new product introductions to suggest the best time to buy electronics such as iPods or laptops.

Remember retailers across nearly every category of consumer good from electronics to toys tend to increase prices in the days before Christmas!

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to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

Call us. You're going to feel a whole lot better about things.



Season's Greetings!
*Wishing you and yours a happy
holiday season and best wishes in the
New Year!*

-Charlie

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