

Skip Tracing from Start to Finish

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Rules and Regulations Regarding Skip Tracing

- ▶ Compliance
- ▶ Training of skip tracers
- ▶ Recording all incoming and outgoing calls
- ▶ Protect client's personal identifiable information concerning a consumer

Fair Debt Collection Practices Act

- ▶ Do not use any false, deceptive or misleading statements
- ▶ Cannot talk to third parties about the debt
- ▶ Can you exception in FDCPA called location information to verify information from third parties

Fair Credit Reporting Act

- ▶ Permissive Use
- ▶ Pintos 504 F.3d 792 (9th Cir, 2007)
- ▶ Express consent

CFPB

- ▶ Make certain that you have policy and procedures in place concerning skip tracing
- ▶ Do not use any false or misleading methods to skip trace
- ▶ Document all attempts to skip trace

Skip Tracing the Defendant

- ▶ Use the information that you have already
- ▶ Verify that information
- ▶ Don't forget to Google
- ▶ Talk to your client

- ▶ Make certain that you use a checklist to document how you are attempting to locate a debtor.
- ▶ List known information and when gaining information, list the source

Move Fast

- ▶ Once a defendant is located- move fast!
- ▶ Which jurisdiction is best for your client?
- ▶ Any prejudgment action available?

Prejudgment Remedies

- ▶ Prejudgment attachment
- ▶ Replevin
- ▶ Temporary Restraining Orders

Using Social Media to Find Assets and Defendants

Don't violate Fair Debt Collection Practices Act by communicating with Third Parties!

How to Use Social Media

- ▶ Facebook and text messages
- ▶ Using Facebook- can you friend a debtor?
- ▶ Viewing Facebook or other sites to gain asset information
- ▶ Linked In

Post Judgment Asset Discovery

- ▶ Google
- ▶ Post office
- ▶ Contractor's board

Public Records

- ▶ State corporation records
- ▶ Tax assessor office
- ▶ Registry of Motor Vehicles
- ▶ UCC

Information Subpoenas

- ▶ Banks and other financial institutions
- ▶ Landlords
- ▶ Ex wife or husband
- ▶ The defendant

Database Recourses

- ▶ Complete name
- ▶ Relative or friend
- ▶ Place of employment

More Public Records

- ▶ Criminal Court Records
- ▶ Family Court Records

Best Databases

- ▶ Google
- ▶ Linked In
- ▶ Spokeo
- ▶ Facebook

Government Records

- ▶ Use subpoenas to gain information
- ▶ Run titles on real estate to locate tax liens

Collecting Corporate Debt

- ▶ Secretary of state
- ▶ Google
- ▶ Business licensing records
- ▶ Use subpoenas to gather information

Background Searches for Alias Names

- ▶ Run by Social Security to gain alias names
- ▶ Be careful as alias names may also trigger fraud alerts

Judgment Searches

- ▶ Was judgment satisfied?

Getting Information from the Bank and Credit Bureau

- ▶ Obtain banking information
- ▶ Obtain employment and addresses
- ▶ Find new assets

When is it Advantageous to Pay for Resources

- ▶ When all else fails, use resources for a fee
- ▶ Hire a professional if the balance is high or assets have been transferred

What to do Once You Find the Missing Person

- ▶ Don't waste time
- ▶ The longer you wait the less likely you will get the money!

End Result

Client Satisfaction
And
The Debt is Paid