



MARYLAND-DC CREDITORS BAR ASSOCIATION, INC.

Support HB 349

The MD/DC Creditors' Bar Association ("Creditors' Bar") is an association of forty-five-member law firms who practice collections law in the State of Maryland and the District of Columbia. The Creditors' Bar was formed in 2003 for the purposes of collegial support, mentorship, and collaboration to formulate and implement best practices in the field of collections law. The Creditors' Bar **supports House Bill 349** as currently drafted.

This bill proposes to eliminate the ability of consumers to be arrested in small claims cases from enforcement in District Court. The current process of allowing body attachments to be placed in civil cases is of great concern for our membership and our clients. Since 2010 the number of Body Attachments have significantly decreased with the Federal and State oversight of collection process. By 2020 all major creditors and Debt Buyers prohibit any process that would end with a possible arrest. For these reasons the use of Post Judgment Interrogatories in aid of enforcement has stopped. Court closures because of the pandemic have caused additional concerns and problems with the process.

While our organization understand the concern with customers not abiding by court orders, we believe those concerns are outweighed by the public policy argument. Additionally, many of clients will not use the post judgment interrogatories process without proper safeguards on body attachments. Without proper measures in place this entire process will severely limited.

For all the above reasons, the MD/DC Creditors' Bar Association opposes HB 349 and urges a favorable report.