

7 Important Questions You Should Ask Before Hiring a Collections Attorney

By Alexander L. Ullenberg, Esq.

1. **Does your collections attorney have experience with the credit laws of the State you are operating in?** For example, in Wisconsin your collections attorney should be intimately familiar with the various requirements of the Wisconsin Consumer Act, Federal Truth-in-Lending Act and associated regulations. Ask your attorney how many cases like yours they have handled before and whether they have ever “crossed over to the other side” and represented a debtor? There is no substitute for extensive experience with credit laws on both sides of the coin – i.e. creditor and debtor sides. Make sure your attorney has the experience.
2. **How extensive is your attorney’s practice in the area of collections?** Has he or she ever prosecuted or defended claims in Bankruptcy Court or executed on real property pursuant to judgment? Make sure your attorney has the experience to use all the judicial collection tools available to you from simple garnishments to extensive Bankruptcy adversarial remedies.
3. **Does your attorney understand your business?** Each industry faces its own unique challenges and regulations when attempting to collect overdue accounts. For example, in the medical industry, your attorney needs to be familiar with the Community Service Assurance Program of Title 6 of the Public Health Service Act (i.e. Hill-Burton Act) which in certain circumstances can make it difficult to collect overdue account in economically disadvantaged areas.
4. **Does your attorney work near the area your debtors live in?** Often times the “local connection” can make the difference – an attorney and his staff who are located within the general vicinity of your debtor often times hear useful things “around town”. For example, in small towns if someone wins a few thousand dollars in the lottery it’s big news in that town – but probably nowhere else. Wouldn’t you like to know if your debtor won the lottery and can now pay you?
5. **Can you reach your attorney directly and quickly?** Successful collections depends upon quick and prompt action. Take that lottery news for example – you’ll have to act quickly once you discover this otherwise it’s likely your debtor will find another use for the winnings. Make sure your attorney is available and responds quickly to your inquiries.
6. **Is your attorney’s office computerized?** While it can be done the “old way” with paper rolodexes and file folders, today’s effective collections attorney can respond quicker and more easily with extensive office computerization.
7. **Do you have confidence in your attorney?** Your collections attorney is in essence an extension of you. Who do you want representing you?