

October 21, 2013

Dear Attorney Tobin,

As requested during our discussion of earlier today, I am writing to provide you with some additional information regarding Lustig, Glaser & Wilson, P.C. , its consumer debt collection activities and, more specifically, the functions of its non-attorney staff.

As a preliminary matter it is important to understand that all activity of the firm's non-attorney employees is undertaken under the direction and supervision of the firm's attorneys. Lustig, Glaser & Wilson, P.C. operates out of a single location and functions as a true law firm, not as a collection agency. We do not have a collection unit that is independent from the law firm or that acts as a "feeder" for the law firm. Accounts are placed by the firm's various clients with the firm (not with individual attorneys within the firm) and, at the time of placement, are approved for litigation by the firm's clients.

In performing collection litigation services for our clients, both attorney and non-attorney employees of the firm make and receive telephone calls to and from consumers. Calls made or received by non-attorney staff are done so at the direction and under the supervision of the firm's attorneys. Further, calls initiated or received by non-attorney staff members are frequently escalated to the firm's attorneys as necessary.

The firm also sends letters to consumers when providing its collection litigation services to its clients. Letters to consumers are sent pre-suit, post-suit and post-judgment. All letters used were created by firm attorneys and the logic / workflow used by the firm's software and procedures to send written communication to consumers was designed by the firm's managing attorney. Non-attorney employees cannot create or initiate the sending of written communication to consumers.

Written communication is frequently received by the firm from consumers. While non-attorney employees frequently review written communication received by the firm, (i.e. do the initial intake and recording of the communication received in the consumer's account history) such written communication is forwarded to one of the firm's attorneys for review and response. Non-attorney staff does not initiate written communication with consumers. Written communication to consumers is handled by one of the firm's attorney staff.

A significant number of the firm's non-attorney staff is devoted to directly supporting the firm's litigation efforts. Such non-attorney employee roles include litigation document review and preparation, interaction with personnel at the various state courts, the county deputy sheriffs and town constables, and other similar functions supporting the firm's consumer debt collection litigation efforts. As is the case with all firm employees, our non-attorney litigation support staff functions at the direction and under the supervision of the firm's attorneys.

While the attorney exemption articulated in the Division's 2006 Opinion Letter clearly applies to attorneys licensed in Massachusetts, we believe the exemption also applies to a law firm such as Lustig, Glaser & Wilson, P.C. since, as a practical matter, the law firm is the legal entity through with the exempt attorneys operate. Lustig, Glaser & Wilson, P.C. is a true debt collection law firm and not a collection agency or a debt purchaser. Finally, as you know, Massachusetts attorneys and the firm's in which they operate are subject to the supervision of the Commonwealth's Supreme Judicial Court and

those of us who engage in consumer debt collection must also abide by the debt collection regulations promulgated by the Massachusetts Attorney General.

Please let me know if any additional information is needed.

Kenneth C. Wilson – Managing Attorney



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