

Directions for completing this form: Place the title of your workshop in the space indicated, followed by the name and contact information for each of the presenters. Provide a brief description of your workshop by placing the cursor on the line below "Brief Description" and commence typing. To complete the "Topical Outline", place cursor next to each Roman numeral and begin typing. Then place the cursor next to the "a." to begin listing sub-topics. To list more than one sub-topic, push "Enter" and "b." should appear on the next line, and so on. Place the cursor on the line under "Notes" to begin providing your notes. To list bibliographic information, place the cursor next to "1." and start typing. Push "Enter" to move on to "2." and etc.

ABA / NLADA 2010 Equal Justice Conference

Title:

A-Z for Assisting ID Theft Victims: From New Resources to Proven Models

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Brief Description:

Identity theft is when someone else uses someone's sensitive personal information to commit fraud. This includes crimes ranging from the unauthorized use of a credit card to using someone's identity including SSN to open new accounts and obtain things such as loans, employment, and medical care.

ID Theft can have a devastating effect on its victims. ID theft can take an especially hard toll on lower income, elderly, and ESL victims.

The presentation will cover how to assess victim's needs through a successful intake interview process; empower victims, when appropriate, to take self-help recovery steps that exist under civil law; enforce their rights under criminal laws; and determine when and how to intervene on a victim's behalf when self-help measures do not resolve issues. Participants will receive information on ways to incorporate pro bono services to victims of identity theft into existing delivery systems and the array of federal and state resources available to help them assist identity theft victims. They will also receive comprehensive materials with step-by-step advice on how to deal with a variety of forms of ID theft.

Topical Outline:

- I. The Role of the FTC in Identity Theft
 - a. Centralized Federal Consumer and Victim Education and Assistance Service
- II. The Role of VICARS in Identity Theft
 - a. VICARS provides self-help materials to victims via the website www.idvictim.org. We also provide legal advice to identity theft victims who reside in Texas.
- III. Brief Overview of MCVRC
 - a. History of the organization.
 - b. Recent involvement in increased services to victims of identity theft and fraud.
- IV. What It Means to be a Victim
 - a. Federal legal definition under U.S.C. 3771(e).
 - b. Maryland definition: state example
- V. The Scope and Nature of Identity Theft
 - a. Identity theft is someone stealing or using the sensitive personal information of someone else, without their knowledge or permission, to commit fraud.
 - b. Approximately 4.5% of the adult population discovers they are victims of identity theft each year, which translates into roughly 9 million people per year.
 - c. Thieves are more likely to use existing accounts without authorization (reported by 92% of all victims) than to open new accounts or commit other fraud using their victims' names and/or SSNs (22% of all victims). Some victims report both.
- VI. The Impact of Identity Theft on its Victims
 - a. Victims, particularly those who have had their SSNs misused, often experience serious problems while recovering from identity theft.
 - b. Victims experience many physical and emotional hardships during their recovery process.
 - c. Jaimee Napp testimony: a victim's experience.
- VII. The Needs of Identity Theft Victims
 - a. Many victims can be empowered to help themselves with individualized advice and forms;
 - b. Victims need an attorney when:
 - i. law enforcement refuses to take a report;
 - ii. credit bureaus refuse to remove items from credit report;
 - iii. collection agents refuse to cease and desist collection efforts;
 - iv. businesses refuse to provide copies of underlying documents;
 - v. victim has been sued to collect an impostor account;

- vi. victim has been denied benefits or medical care due to impostor activity;
- vii. victim is facing eviction or foreclosure due to impostor activity.
- viii. the impostor has been arrested, and victim is not being accorded rights in the criminal proceedings

VIII. General Steps Most Financial Account Identity Theft Victims Should Take

- a. Contact Credit Reporting Agencies (CRAs)
- b. Contacts Creditors/Companies Involved
- c. File Complaint with FTC
- d. File Police Report

IX. Federal Laws Address Many of the Needs of Identity Theft Victims

- a. FCBA limits victims liability for unauthorized use of credit cards to \$50 per card if company notified in 30 days
- b. EFTA limits liability for unauthorized ATM and Debit Card withdrawals and purchases
- c. FCRA requires CRAs to maintain accuracy standards for credit reports
- d. FCRA enables victims to correct credit reports using Credit Information Dispute when ID theft victim wants inaccurate information about account corrected on credit report
- e. FCRA enables victims to correct credit reports using Credit Report Information Blocking when ID Theft victim wants fraudulent information permanently removed from credit report
- f. FCRA and FDCPA impose restrictions and requirements on Debt Collectors
- g. FCRA enables victims to place Fraud Alerts on credit reports
- h. FCRA provides all consumers with annual Free Credit Reports
- i. CARD Act addresses exploitation of annual Free Credit Reports
- j. FCRA requires companies disclose identity theft-related Business Records

X. How to Assist Victims of Other Types Of Identity Theft

- a. Employment Related
- b. Criminal ID Theft
- c. Medical ID Theft
- d. Using Declaratory Judgments to assist victims

XI. Victims Rights in Criminal Matters

- a. Criminal matters - 18 U.S.C., § 3771(a):
- b. Maryland Constitution, Declaration of Rights Article 47
- c. Maryland Guidelines for treatment of victims

XII. Resources available for victims if they need more help.

- a. Maryland Crime Victims Resource Center
- b. Victims Initiative for Counseling, Advocacy, and Restoration of the Southwest (VICARS): www.idvictim.org.
- c. Direct Victim Services Networks
- d. Legal Services

- e. Other Resources:
 - i. Federal Trade Commission: www.ftc.gov/idtheft.
 - ii. Identity Theft Resource Center: www.idtheftcenter.org.

Notes:

Bibliography & Website Links:

1. FTC's resources for consumers and victims
 - i. Toll free Hotline, 1-877-438-4338
 - ii. Website: www.ftc.gov/idtheft
2. FTC's resources for pro bono attorneys and victim assistance providers
 - i. www.idtheft.gov/probono
 - ii. User Name: probono
 - iii. Password: toolkit
3. Maryland Crime Victims' Resource Center, Inc.: www.mdcrimevictims.org
4. Victims Initiative for Counseling, Advocacy, and Restoration of the Southwest www.idivictim.org
5. LawHelp.org – How to find free legal help: www.lawhelp.org/
6. Victim's Toolkit in English and Spanish
<http://www.idivictim.org/LocalResources.cfm?pagename=Victim's%20Toolkit>
7. Take Charge: Fighting Back Against Identity Theft:
www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt04.pdf – English
www.ftc.gov/bcp/online/spanish/credit/s-idtheft.pdf – Spanish
8. ID Theft Complaint and Affidavit
www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf - English
www.ftc.gov/bcp/online/spanish/credit/s-affidavit.pdf – Spanish
9. Remediating the Effects of Identity Theft Using FCRA
www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt09.pdf – English
www.ftc.gov/bcp/online/spanish/credit/s-idthsummary.pdf – Spanish
10. Statement of Rights – Identity Theft Victims
www.ftc.gov/bcp/edu/microsites/idtheft/consumers/rights.html
11. Medical ID Theft
www.ftc.gov/bcp/edu/microsites/whocares/medicalidt.shtm
12. Your Access to Free Credit Reports
www.ftc.gov/bcp/online/pubs/credit/freereports.pdf – English
www.ftc.gov/bcp/online/spanish/credit/s-freereports.pdf – Spanish