Debt Collection Defense

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Overview

Where Clarity Meets Action

A debt collection lawsuit does not mean you have lost. It means a collector has filed paperwork, and the court is waiting to hear your side. The difference between a default judgment and a viable defense often comes down to a single decision: whether you respond.

Federal and Massachusetts law provides specific protections for consumers facing debt collection. The Fair Debt Collection Practices Act (FDCPA) restricts what collectors can say, when they can call, and how they can pursue payment. Massachusetts General Laws Chapter 93A extends further, treating certain collection abuses as unfair or deceptive trade practices with meaningful remedies. These are not abstract consumer rights. They are enforceable legal tools that shift leverage when a collector oversteps.

Cohen Cleary defends individuals against unlawful collection tactics, improper lawsuits, and wage garnishment across Massachusetts and Rhode Island, with capacity to serve clients throughout New England.

How We Defend Against Debt Collectors

Debt collection defense requires more than filing an answer. It requires examining every aspect of the collector's claim and the methods used to pursue it.

Our attorneys begin with debt validation, enforcing the federal requirement that collectors verify debts upon request. Debt buyers frequently cannot produce original account documentation, proper assignment records, or accurate balance calculations, and that failure can be dispositive. When collectors violate the FDCPA by calling outside permitted hours, misrepresenting amounts owed, threatening legal action they cannot take, or contacting consumers after receiving a cease communication request, we pursue claims for statutory damages up to $1,000 per violation, plus actual damages and attorney's fees.

Statute of limitations defense is another critical tool. In Massachusetts, the limitations period on most consumer debt is six years from the date of last payment or charge. Collectors routinely pursue debts beyond this window, and some attempt to restart the clock through partial payment solicitation. We also review collection lawsuit filings for jurisdictional defects, improper service, chain-of-title gaps in purchased debt, and inflated balance claims. Where wage garnishment is at issue, we challenge improper calculations and assert applicable Massachusetts exemptions to protect client income. Settlement negotiation and structured payment arrangements are pursued where they serve the client's financial interests.

Focused Experience. Disciplined Execution. Trusted Results.

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined

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execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

- **Practice-Focused Legal Experience** Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.
- **Clear Guidance and Proactive Communication** We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.
- **Strategic Advocacy with Trial Readiness** Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.
- **Regional Knowledge and Local Presence** With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.
- **Client-Centered Service** We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our debt collection defense work, this approach helps clients navigate aggressive collector tactics with clarity, efficiency, and confidence.

Our Approach to Debt Collection Defense

We tell our clients that the first step in any debt defense matter is understanding what the collector actually holds. Debt buyers purchase portfolios for pennies on the dollar. The original account records, payment history, and chain of assignment documentation frequently do not transfer cleanly. In Massachusetts District Courts and Housing Courts, where many collection suits are filed, collectors sometimes appear without the documentation necessary to establish standing. Our preparation focuses on identifying these evidentiary weaknesses before any negotiation begins, because a collector who cannot prove the debt has limited leverage at the settlement table.

Serving Clients Across Massachusetts and Rhode Island

Most consumers who are sued by debt collectors never respond to the complaint, and they lose by default. Simply showing up and asserting your rights changes the dynamic entirely, because collectors are often unprepared to prove the chain of ownership on purchased debt.

Cohen Cleary represents individuals facing debt collection actions from our offices in Taunton and Plymouth. Our attorneys handle collection defense matters in courts across southeastern Massachusetts, Bristol County, Plymouth County, and Norfolk County, as well as throughout

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Rhode Island, with capacity to serve clients across New England.

Frequently Asked Questions About Debt Collection Defense

What should I do if I receive a debt collection lawsuit?

Respond within the deadline stated in the summons. In Massachusetts, you typically have twenty days to file an answer. Failing to respond results in a default judgment, which gives the collector authority to pursue garnishment and asset seizure. An attorney can evaluate the claim, identify defenses, and file a proper response that preserves your rights.

Can a debt collector garnish my wages in Massachusetts?

Yes, but only after obtaining a court judgment. Massachusetts law limits garnishment to the lesser of 15% of gross weekly wages or the amount by which weekly disposable income exceeds 50 times the state minimum wage. Certain income sources, including Social Security and disability benefits, are generally exempt from garnishment.

What is the statute of limitations on debt in Massachusetts?

For most consumer debts, including credit cards and medical bills, the statute of limitations is six years from the date of last payment or last charge. Once this period expires, the debt is time-barred. Collectors cannot legally sue to collect a time-barred debt, though some still attempt to do so. Making a partial payment on an old debt can restart the limitations period.

Can I sue a debt collector for harassment?

Yes. The FDCPA prohibits specific collector behaviors, including calling outside permitted hours, using threatening or abusive language, contacting you at work after being told to stop, and misrepresenting the amount or legal status of a debt. Each debt collector violation can result in statutory damages, actual damages for emotional distress, and recovery of attorney's fees. Massachusetts Chapter 93A may provide additional remedies, including the possibility of treble damages for willful violations.

Take the First Step

If you are facing a debt collection lawsuit, receiving harassing calls, or concerned about wage garnishment, contact Cohen Cleary to discuss your options. Our attorneys evaluate your situation, explain your rights under federal and state law, and develop a defense strategy focused on protecting your financial stability. For clients facing debt beyond what defense alone can resolve, we also evaluate whether bankruptcy protection may offer a more complete path to relief. Schedule a consultation through our Taunton or Plymouth office.

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