Michael S. Poncin

SHAREHOLDER

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Practice Groups

Business & Commercial Litigation
Financial Services
Consumer Finance
Class Actions

Overview

In his nationwide civil litigation practice, Michael Poncin places significant emphasis on defending creditors, debt buyers, debt collectors, and lawyers in actions arising under:

- Fair Debt Collection Practices Act (FDCPA)

- Fair Credit Reporting Act (FCRA)

- Telephone Consumer Protection Act (TCPA)

- Additional federal and state laws and regulations

Mike provides advice and counsel on litigation and compliance issues across the United States, frequently securing decisions in his clients' favor. His areas of practice also include contract law and defense of consumer law claims.

Mike is a frequent presenter and lecturer on FDCPA, FCRA, and collection issues. He has helped shape debt collection law in various published cases that preserved and expanded the rights of debt collectors, debt buyers, and creditors. As a member of the ACA International Members' Attorney Program (MAP), Mike is approved by the ACA as counsel qualified to review collection notices for compliance with the FDCPA.

Education & Admissions

Education

- University of Minnesota Law School, J.D.
  - Dean's List
- St. Cloud State University, B.S., *cum laude*

Bar Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- U.S. District Court, District of Colorado

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- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Michigan
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, District of Nebraska
- U.S. District Court, District of North Dakota
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Western District of Tennessee
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Minnesota

Experience

Representative Cases

- Victorious defense of FDCPA claim based on the alleged failure to include an interest disclosure. Devised strategy and defended a national collection action in an action that tried to expand upon existing U.S. Court of Appeals for the Second Circuit case law. Client prevailed via summary judgment in which the U.S. District Court held that a collection agency was not required to include an interest disclosure statement when interest was not accruing. The decision was affirmed on appeal to the Second Circuit and thus nullified the attempt to expand negative case law.
- Court decisions holding that tax consequence language did not violate the FDCPA. Successfully obtained numerous decisions in multiple jurisdictions holding that the inclusion of language in debt collection notices advising consumers of the potential tax consequence of debt settlement did not violate the Fair Debt Collection Practices Act.

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Other Representative Cases

- *Taylor v. Fin. Recovery Servs., Inc.*, 886 F. 3d 212 (2nd Cir. 2018)
- *Taylor v. Fin. Recovery Servs., Inc.*, 252 F. Supp. 3d 344 (S.D.N.Y. 2017)
- *Feldheim v. Fin. Recovery Servs., Inc.*, 257 F. Supp. 3d 361 (S.D.N.Y. 2017)
- *Jewsevskyj v. Fin. Recovery Servs., Inc.*, 704 Fed. App'x 145, 147 (3rd Cir. 2017)
- *Sutton v. Fin. Recovery Servs., Inc.*, 121 F. Supp. 3d 309, 313 (E.D.N.Y. 2015)
- *Peters v. Fin. Recovery Servs., Inc.*, 46 F. Supp. 3d 915 (W.D. Mo. 2014)
- *Ranwick v. Texas Gila, LLC*, 37 F. Supp. 3d 1053 (d. Minn. 2014)

Seminars

ACA International Presentations

- *Litigious Attorneys and Bad Claims*, presenter, ACA International Hot Topics Webinar, November 21, 2024
- *Are You Smarter Than the Least Sophisticated Consumer?*, presenter, ACA International Annual Convention & Expo, San Diego, CA, July 22, 2024
- *How to Write Collection Letters that Avoid FDCPA Claims*, presenter, ACA International Annual Convention & Expo, Nashville, TN, July 25, 2018
- *Protect Your Assets! Protect Your Assets! Four Things You Need to Know for Call Center Compliance*, presenter, ACA International Annual Convention & Expo, Denver, CO, June 18, 2016
- *Recent Court Decisions On Leaving Messages: Impact On Your Call Center Operations*, presenter, ACA International Annual Convention & Expo, Boston, MA, July 19, 2015

Other Engagements

- *Consumer Law: Innovative Strategies for Avoiding and Defeating TCPA Lawsuits*, presenter, Minnesota Continuing Legal Education Webinar, January 10, 2019
- *ARM Industry Pressures: A Frank Conversation with Industry Experts on Challenges and Best Practices*, presenter, Interactive Intelligence Live Webinar, November 17, 2015
- *Current Trends in Consumer Litigation*, presenter, insideARM's Larger Market Participant Summit, Washington, D.C., April 23, 2015

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Professional & Civic

Bar Associations

- American Bar Association
- Minnesota State Bar Association
- Hennepin County Bar Association

Professional Associations

- ACA International, Inc.
  - Members' Attorney Program
  - Collection Notice Review (CNR) Panel
  - MAP State Compliance Chair, Minnesota, 2016-2017

Civic Involvement

- Taekwondo, Volunteer Teacher, Mike is a 3rd Degree (Dan) Black Belt in Taekwondo