



Michael T. Etmund

Attorney

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PRACTICE AREAS: Financial Services, Litigation

Mike regularly represents clients in the financial services and collection industries – including corporations and other general business entities – in matters involving defense of consumer protection statutes, compliance and regulatory analyses, and commercial collection. Compliance and regulation are at the forefront of issues for clients due to the continually evolving nature of this area of law.

Mike keeps clients up to date on important developments affecting Regulation E (Electronic Funds Transfer Act) and E-SIGN compliance, data breach laws, licensing renewals, and consumer protection regulations on the federal and state levels. This further involves advising clients with regard to federal and state privacy, accessibility, and data security laws and regulations, such as website accessibility under the Americans with Disabilities Act (ADA) and the California Consumer Privacy Act (CCPA).

A passionate advocate of creditors' remedies, Mike practices in the area of commercial litigation and in defense of the Fair Debt Collection Practices Act (FDCPA), the Fair Credit Reporting Act (FCRA), the Telephone Consumer Protection Act (TCPA), and other consumer protection statutes.

In the commercial collection context, Mike has earned a reputation for his efficient methods and his ability to obtain high recovery rates for clients, even in potentially volatile situations. Mike recognizes the economic realities of knowing which matters to litigate or resolve at an earlier stage while working with clients to evaluate strategy, tactics, and probable outcomes. As part of his work in the commercial collection practice, he acts as a facilitator of payment arrangements on behalf of clients, which allows them to concentrate on the daily operations of running a business and generating new sources of revenue instead of spending valuable time attempting to recover on delinquent accounts."

Experience

- **Second Circuit affirms district court's decision dismissing interest disclosure claims.** Successfully argued before the U.S. Court of Appeals for the Second Circuit in support of affirming the district court's decision that it is not misleading within the meaning of Section

1692e for a debt collection letter to state the amount of a debt without disclosing that the debt, which once accrued interest or fees no longer does so. The Second Circuit ruled that “a collection notice that fails to disclose that interest and fees are not currently accruing on a debt is not misleading within the meaning of Section 1692e.”

- **Landmark dismissal of “professional negligence” claims against computer programming consultants.** Prevailed on motions to dismiss claims in two separate federal courts alleging that computer consultants employed by our client committed “professional negligence” in connection with the creation of a commercial website. In cases of first impression in both Michigan and Minnesota, Moss & Barnett established that the traditional scope of professional negligence claims should not be extended to include computer consultants, despite the plaintiff’s claim of damages in the “hundreds of thousands of dollars” arising from the alleged negligence.

Education

William Mitchell College of Law, J.D.

Marist College, B.S., Business Administration; *cum laude*

Classes / Seminars Taught

Speaker, “Enforcing and Collecting Family Court Judgments,” Minnesota Family Law Institute (Spring 2018)

Speaker, “Strategies and Solutions to Become Regulation E-Compliant,” Debt Collection Forum (Spring 2016)

Speaker, “Post-judgment Collections – Getting Debtors to Pay,” National Business Institute webcast (May 2011)

Speaker, “Collection Law From Start to Finish,” Pre-suit Collection Strategies (June 2010)

Admissions

Minnesota

New York

Pennsylvania

U.S. District Court for the District of Minnesota

U.S. District Court for the Eastern District of New York



U.S. District Court for the Northern District of New York

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of New York

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Eastern District of Wisconsin

News

Unappealing Property Tax Statement? Let's Appeal. File by April 30, 2024.

02.01.2024

Moss & Barnett Announces New Shareholders: Michael T. Etmund, Mary Frances Price, and Jeffrey A. Wieland

02.22.2023

Court Operations Update

Moss & Barnett Advocate (Spring 2021 edition), 05.26.2021

Michael T. Etmund Selected for a Second Term as ACA International New York Attorney State Chair

10.20.2017

Michael S. Poncin and Michael T. Etmund Selected as ACA Attorney State Chairs

10.06.2016

Speaking Engagements

Payment Compliance 101: What Every Collection Agency Should Know

AccountsRecovery.net Webinar, 02.22.2018

Moving Forward – How Will the Election Results Impact the Collection Industry and the Proposed CFPB Rules?

Webinar sponsored by New York State Collections Association Education Committee, 02.10.2017

Impact of Recent Court Decision on New York Debt Collection

Webinar sponsored by New York State Collections Association Education Committee, 11.08.2016

Publications

CCPA Compliance: What Your Company Needs to Know

Moss & Barnett Advocate (Summer 2020 edition), 09.02.2020

Three Steps Every Company Must Take Today to Avoid CCPA Class Action Liability
ACA News | Industry News from ACA International, 01.07.2020

Property Values Are Recovering – Does that Affect Your Property Taxes?
Spring 2015 Firm Newsletter, 03.20.2015

Skyrocketing Property Values Return to Earth - Property Taxes May Not: What You Can Do to Make
Sure You Are Not Overtaxed
Spring 2009 Firm Newsletter, 04.01.2009

Professional Associations

Former New York state attorney chair, ACA International

ACA International Members' Attorney Program

American Bar Association

Minnesota State Bar Association

Hennepin County Bar Association

New York State Collectors Association

