

A line of CDs and High-Yield Savings Accounts.
No minimums. No monthly fees.

LEARN MORE



PERSONAL SAVINGS
from American Express

Accounts offered by American Express Bank, FSB. MEMBER FDIC

Dow Jones Reprints: This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers, use the Order Reprints tool at the bottom of any article or visit www.djreprints.com

See a sample reprint in PDF format.

Order a reprint of this article now

THE WALL STREET JOURNAL

WSJ.com

MARKETS | DECEMBER 28, 2011

Judge Says Widow Harassed

Collection Firm Was Hired by Bank of America to Pursue Dead Man's Debts

By JESSICA SILVER-GREENBERG

[Bank of America](#) Corp. and a debt collector it hired to go after deceased customers' debts violated state law by repeatedly calling a Florida woman about paying the credit-card bill of her late husband, a Florida state-court judge ruled this month.

Judge Keith R. Kyle in Lee County, Fla., found that collection attempts by West Asset Management, an Omaha, Neb., firm working on behalf of Bank of America, amounted to harassment.



Edward Linsmier for The Wall Street Journal

Linda Long could collect damages.

The ruling clears the way for the plaintiff to get punitive damages from the collector, a unit of West Corp., and Bank of America, which is the second largest U.S. bank by deposits. A civil jury will determine the size of the award next year.

The companies declined to comment on the latest ruling. Judge Kyle didn't return calls for comment.

The case could set a precedent across the U.S. and discourage lenders from using collectors to get money from surviving relatives on debts left behind by the deceased, according to other state-court judges.

Bank of America and other major U.S. lenders hand over accounts of the deceased to firms specializing in death-debt collection. The collection firms then zero in on family members who they think might agree to pay some of what the dead person owed even though they have no legal obligation to do so.

In a 2010 investigation of the industry, the Federal Trade Commission found that some death-debt collectors flout federal and state laws by duping relatives into thinking that they have to pay the debts of the deceased. Surviving family members typically have no legal obligation to pay unless they co-signed a loan.

The latest ruling is part of an August lawsuit filed by Linda Long, a 68-year-old retired office worker, alleging that the debt-collection firm harassed her by calling as many as 10 times a day about \$16,651.52 that her husband Millard had accumulated on

Related Reading

[For the Families of Some Debtors, Death Offers No Respite](#) 12/3/2011

Related Video

Your Household Debt is Hindering Recovery
(06/27/2011)

Debt Collectors Taking It to Court
(11/28/2010)

a Bank of America credit card before his death from colon cancer in March 2010.

Mrs. Long was the subject of a page-one article in December about collecting debts left by people who die.

Bank of America won't say how much debt-recovery work is outsourced to collection firms focused on death-debt collection. The bank says it complies with all applicable laws.

William Howard, Mrs. Long's lawyer, called the judge's ruling a "stunning victory for Mrs. Long and other widows and family members."

Write to Jessica Silver-Greenberg at jessica.silver-greenberg@wsj.com

Copyright 2011 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our [Subscriber Agreement](#) and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com