

New firm to combat illegal debt collection

by Mass. Lawyers Weekly Staff

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As a lawyer, entrepreneur and guitarist, Richard K. Berger likes to take the lead, but he knows all too well what can happen when you fall behind.

His father lost a popular Kenmore Square deli to the '70s stagflation. The top-tier Boston firm where Berger began his legal career went bankrupt in 1992. And his attempt to start an online production company — “think HBO, but on the web” — went bust as the recession hit in 2008.

“Business people often put all they have into their business,” Berger says. “And that’s what I did. And while I was digging out, the calls from debt collectors were awful.”

In keeping with his parents’ entrepreneurial spirit (mom founded a successful day care center and dad also ran a string of gas stations), Berger sees the potential for great things behind his latest idea: a law firm dedicated to helping consumers face their own struggles with debt collectors.

The mission of the firm — named eLegal — is to raise public awareness of illegal debt collection practices and then combat them one case at a time, says Berger, who has hired two paralegals and is already litigating a handful of cases around Massachusetts. He takes clients on a contingency basis because the Fair Debt Collection Practice Act includes statutory fines of \$1,000 for every violation, plus potential damages and attorneys’ fees.

The business plan is to get noticed, get busy and get after debt collectors who violate the FDCPA, for example, by leaving messages with debtors’ neighbors.

A Boston advertising agency has produced a hard-to-ignore ad campaign for eLegal, comparing the illegal tactics used by some debt collectors to other illegal activities, such as dumping a body in the Charles River and microwaving a cat.

“The idea behind the advertising is to inform people that they have legal rights,” Berger says. “And we wanted to do it without being depressing.”

As for the name of the firm, which has a distinct online ring to it, Berger says there’s no connection to the Internet whatsoever. “I just liked picturing myself saying it in court,” he admits.

“Ricky’s always been a little bit different than the rest of us,” notes attorney Stuart T. Rossman, Berger’s mentor at Gaston & Snow in the mid-’80s. “I remember he had a music background and was self-confident, and he made sure he could participate in trials before a lot of other young associates.”

Rossman, director of litigation for the Boston-based National Consumer Law Center, predicts Berger will have no shortage of clients in light of the dearth of “quality lawyers doing this work.”

Nevertheless, Berger isn't about to put all his eggs in one basket. For one, he's keeping his (other) day job as a probate lawyer in Framingham. And the 51-year-old rocker — who once toured the country as the lead guitarist in Walk the Line, an Aerosmith tribute band — is also planning to jump back into the music scene with his new band, the Modern Lyres.

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