



## **QUALIFICATIONS FOR INDIVIDUAL MEMBERSHIP**

*The following individuals or entities shall be eligible for Individual Membership in the Association:*

1. In-house counsel of a non-law firm, defined as an attorney who is employed full time by a non-governmental corporation, partnership, association, or other legal entity, including its subsidiaries and organizational affiliates, that is not itself engaged in the practice of law or the rendering of legal services outside such organization; and
2. Law student

### **NCBA CERTIFICATION OF QUALIFICATION FOR INDIVIDUAL MEMBERSHIP**

All entities applying for Individual Membership or renewing their membership must meet one of the qualifications set forth above.

In consideration of the acceptance of their application or renewal, and the approval of their membership in NCBA, the member agrees to hold NCBA harmless and defend them against any claim against them because of the member's act or failure to act, or for any other reason arising out of their Individual membership in NCBA. Further they agree to pay any expenses, costs and attorney fees in connection with the defense thereof and will indemnify or pay and judgement rendered against NCBA arising out of said actions.

All individual members and applicants certify annually to the Board of Directors upon the submission of their application for membership or for their renewal of membership, that member attorneys (Law Firm and Individual Member) who practice in the area of creditors' rights law and consumer collections have completed at least five (5) hours of legal education credits in the area of creditors' rights and/or consumer collection law in the preceding calendar year, with at least one (1) hour of those five (5) being devoted to ethics.



## **NATIONAL CREDITORS BAR ASSOCIATION CODE OF CONDUCT**

### **PREAMBLE**

The National Creditors Bar Association (“NCBA”) is an association of law firms and attorneys that practice creditors rights law. NCBA expects its members to demonstrate the highest standards of conduct and professionalism, particularly as memorialized in the NCBA Code of Conduct. Members are expected, as a condition of membership, to uphold and adhere to federal and state laws and regulations, Members’ applicable codes of professional responsibility, this Code’s Guidelines and the spirit of these Principles. The NCBA Code of Conduct is not intended to replace or supersede rules and regulations governing the legal profession. It is not intended to reflect the legal standards in any particular jurisdiction, nor should they be a substitute for an analysis of each situation.

### **I. GUIDING PRINCIPLES**

#### **Section 1. Responsibilities.**

1. Professionalism: Members should exercise the highest moral and professional judgment in their practices and demonstrate a dedication to professional excellence. Members should protect the interests of clients and give prompt and diligent attention to their representation. Members should observe the profession’s technical and ethical standards and strive continually to improve competence and quality of services. Members are expected to cooperate with each other to advance and improve the practice of creditors rights law.
2. Education: Each Member attorney should continually improve his or her professional competence, by a commitment to learning and professional improvement. Each Member is responsible for evaluating whether the Member’s education, experience, and judgment are adequate for the responsibility that an engagement requires. In addition, Members must continually supervise all professional activities of attorneys and non- attorney staff working for the Member.

#### **Section 2. The Public Interest.**

NCBA Members should serve the public interest, honor the public trust, and demonstrate a commitment to the legal profession and the rule of law. Members should discharge their responsibilities with integrity, due professional care, and respect for the rights of all parties. Members are expected to provide high-quality services in a manner that demonstrates the highest level of professionalism in their interactions with the public and the judicial system consistently with these Principles and Guidelines.



## **II. GUIDELINES**

In conducting professional activities, all Members shall:

### **GENERAL CONDUCT**

1. Maintain a high standard of business principles and avoid all conduct that would bring reproach upon the NCBA, its Members, or the creditors rights industry.
2. Abide by the NCBA's Bylaws, Code of Conduct, and other policies adopted by the Board of Directors.
3. Never mislead any person to believe that the Member represents or is endorsed by the NCBA.
4. Never misrepresent qualifications, capacity, experience, or abilities.
5. Never operate in any manner that implies affiliation with any branch of any governmental or law enforcement agency.
6. Treat consumers with dignity at all times and not take advantage of an uneducated or uninformed consumer.
7. Not discriminate against anyone on the basis of race, religion, age, disability, gender, orientation, or national origin, as required by applicable laws.
8. Maintain a sufficiently strong financial position to reasonably assure continued business operation, including required insurances.
9. Always compete in a fair and honorable manner. Never distort an evaluation of competitors or colleagues.

### **EDUCATION AND SUPERVISION**

1. Delegate tasks only to qualified personnel and exercise appropriate oversight over subordinate personnel.
2. Ensure that all Member firm personnel are knowledgeable of and compliant with all relevant laws and rules governing the Member's practice.
3. Provide appropriate educational and training opportunities to Member firm personnel.
4. Maintain proper supervision over retained coverage or appearance counsel and provide sufficient and timely information so that such counsel may properly represent the client in the matter referred.
5. Maintain proper supervision over third party contractors sufficient to obtain an understanding of their procedures and processes and compliance with applicable laws.

### **SERVICES AND COMPLIANCE**

1. Comply with all federal, state, and local laws and ordinances relating to the practice of law, including, but not limited to, laws governing consumer financial services.
2. Communicate with all parties in accordance with applicable law.



3. Understand and respond to the reasonable expectations of clients.
4. Follow directives given by clients, except where doing so would violate legal or ethical duties.
5. Prioritize and endeavor to use best efforts to request or collect only amounts supported by appropriate documentation and applicable law.
6. Maintain appropriate safeguards for consumers who are in bankruptcy, the military, or who are elderly or victims of fraud.
7. Ensure a Member firm's procedures demonstrate an absence of false, fraudulent, abusive, misleading, deceptive or unfair practices.
8. To the extent required by law, secure and segregate all collected assets from those of the operation of the Member firm.
9. Disburse all collected assets to the client on a timely basis or according to client requirements.
10. Implement procedures to safeguard any personal identification information of consumers, including the development, implementation, monitoring, and periodic review of security measures adopted for its protection.
11. Take reasonable steps to correct a claim that the member discovers is incorrect, including after a court enters judgment.
12. Comply in all respects with federal and state antitrust laws, and notify the Association's president, executive director, or legal counsel if a Member becomes aware of activity among members that violates antitrust laws, including but not limited to actions to: raise, lower, or stabilize prices; regulate production; allocate markets; encourage boycotts; foster unfair trade practices; assist monopolization; engage in any standardization which will injure competitors; or violate federal or state antitrust laws or discuss with competitors: prices or competitors' prices (except when buying from or selling to that competitor) or anything which may affect prices such as costs, discounts, terms of sale, or profit margins; uniform terms of sale, warranties, or contract provisions; division of customers or territories; or future pricing, marketing, expansion, policy, or other plans with a competitive overtone.

Adopted by the Board of Directors - October 3, 2018