

Cease and Desist Letters Research Guide

Overview

This research guide includes information and resources on cease-and-desist letter. A cease-and-desist letter is a cautionary notice sent to an alleged wrongdoer, describing the offensive activity and the complainant's remedies, and demanding that the activity stop. (*Black's Law Dictionary, 11th ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Code of Federal Regulations

- 12 CFR Part 1006 Fair Debt Collection Practices Act
<https://www.consumerfinance.gov/rules-policy/regulations/1006/>

Finance Code

- Ch. 159 §159.301 Cease and Desist Order
<https://statutes.capitol.texas.gov/Docs/FI/htm/FI.159.htm#159.301>

Insurance Code

- Ch. 83 Emergency Cease and Desist Orders
<https://statutes.capitol.texas.gov/docs/IN/htm/IN.83.htm>

Secondary Resources in Print

Texas Administrative Code KFT 1235.A215

- 22 TAC §518.1 *et seq.* Accountants Cease and Desist Orders

- 28 TAC §1.901 *et seq.* Insurance Cease and Desist Orders
- 43 TAC §215.314 Motor Vehicles Cease and Desist Orders

United States Code Services (USCS) KF 62.5 L49

- 15 USCS §1692 Debt Collection Practices

Texas Transaction Guide REF KFT 1268.K45

- Vol. 14, Ch. 64 §64.22 Regulation of Advertising Activities by the Federal Trade Commission

Texas Litigation Guide REF KFT 1730.T4

- Vol. 13, Ch. 200 §200.62 Declaratory Relief; §200.75 Equitable Defenses; §200.203 Case Law

Texas Jurisprudence III KFT 1265.T48

- Vol 19, Ch. 25 Grounds for Cease-and-Desist Orders Against Banks and Their Agents
- Vol. 19, Ch. 54 Imposition of Administrative Penalty to Enforce Cease-and-Desist Order Regarding Unauthorized Banking

Texas Practice Guide REF KFT 1280.T4931

- Financial Transactions, Vol. 1, Ch. 6 §6.115 Enforcement-Cease-and-Desist Orders
- Business Litigation, Vol. 3, Ch. 18 §18:62-18:64 Cease and Desist Proceedings Before Commission

CLE Materials

Advanced Business Law KFT 1405.A75S7

- 2021 Ch. 6 Audit Response Letters and Reserve Items

Advanced Intellectual Property Law KFT 1530.A75S7

- 2021 Ch. 7 Patent Law Year in Review: Federal Circuit 2020-2021

Entertainment Law Institute KFT

- 2021 Ch. 2 Annual Roundup of Notable Entertainment Industry Court Ruling – Section V. Key Roles for Cease-and-Desist Letters in Entertainment Industry Litigations

Collections and Creditors Rights KFT 1367.C6S7

- 2022 Ch. 17 Risks and Exposure in Collections: Boorish Debtors and How to Manage Them

Essentials of Business Law KFT 1405 .A7S7

- 2022 Ch. 5.1 Private Causes of Action Under the Recodified Texas Securities Act, pp. 67-68, 77.

Attorney blog: I Received a Cease-and-Desist Letter: What Should I Do Next?
<https://www.hchlwyers.com/blog/2022/august/i-received-a-cease-and-desist-letter-what-should/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)

Online Resources

Alternatives to Bankruptcy (Texas Law Help)
<https://texaslawhelp.org/article/alternatives-to-bankruptcy>

Debt Collection – You’re your Rights (TSLI)
<https://guides.sll.texas.gov/debt-collection/know-your-rights>.

What is a Cease and Desist Letter (NOLO)
<https://www.nolo.com/legal-encyclopedia/what-is-a-cease-and-desist-letter.html>.

Sample Letters (Texas Law Help)
https://texaslawhelp.org/sites/default/files/sample_letters.pdf

Debt Collection (Texas Law Help)
<https://texaslawhelp.org/article/debt-collection>

Attorney blog: Cease- and -Desist Letters
<https://www.txcrimdefense.com/practice-items/cease-desist-lawyer/>

Attorney blog: Cease-and-Desist Letters
<https://kaplanlawatx.com/austin-cease-and-desist-lawyer/>