

Consumer Impact

Consumer Rights Under Attack

NCLC Calls on Consumers and Advocates to “Be Loud!”

Families struggling paycheck to paycheck are *always* at risk from predatory lenders, financial services companies and abusive debt collectors – but in 2018 the risks are growing, as anti-consumer forces work to weaken the Consumer Financial Protection Bureau (CFPB), reverse pro-consumer regulations, and block long-planned efforts to protect consumers from well-documented abuses.

Real damage is being done: temporary CFPB Director Mick Mulvaney has, according to the *New York Times*, “halted all new investigations, frozen hiring [except for new political overseers], stopped data collection,” and has dropped a major case against a payday lender. He has declined to request available funding to pursue the Bureau’s work, and is threatening to end public access to the database of complaints against banks and predatory lenders. And in a recent speech, Mulvaney made explicitly clear his “pay to play” philosophy as an elected official, which makes



Senator Sherrod Brown (Ohio) calls on advocates to raise their voices for consumer rights at the 2017 Consumer Rights Litigation Conference in Washington, D.C.

it no surprise that partisan contributors appear to be getting favored treatment.

Lauren Saunders, NCLC’s Associate Director, has a new rallying cry: BE LOUD! “The voices of consumers – and consumer advocates – are more important than ever in times like this,”

says Saunders. “We’ve seen in case after case that when elected officials hear from their constituents, they’re far less willing to take actions that will harm those very people – and far more likely to take steps to protect the interests of the people they’ll ask to vote for them in the next election.”

There’s no shortage of troubling news in the headlines, but a deeper look reveals that despite the hostile environment, effective consumer advocates like NCLC are still finding ways to preserve past pro-consumer victories, and take advantage of opportunities to advance consumer law.

Last month, for example, the CFPB’s payday lending rule survived a threatened repeal under the Congressional Review Act. The rule is still threatened, as Mulvaney has stated that he intends to revisit it, but important progress has been made, and NCLC will continue fighting to preserve a strong payday lending rule which prevents low-income consumers from being drawn into debt traps.

Similarly, advocacy by NCLC and others helped save the CFPB’s prepaid *continued on page 11*

NCLC Report Exposes Glaring Deficiencies in State UDAP Statutes and Charts Steps to Improve Them

Unfair and Deceptive Acts and Practices (UDAP) statutes in the 50 states and the District of Columbia provide bedrock protections for consumers from predatory, deceptive, and unscrupulous business practices in transactions such as car sales, loans, home improvements, utility contracts and mortgage lending. With many federal consumer protection laws under attack, state UDAP statutes have never been more important. Yet significant gaps and weaknesses in almost every state undermine the promise of these vital statutes. And they, too, are under attack.

NCLC’s report *Consumer Protection in the States: A 50-State Evaluation of Unfair and Deceptive Practices Laws*, released this Spring, details the strengths and weaknesses

continued on page 11



Inside this issue

- 2 A Message From the Executive Director
- 3 NCLC Supports Climate Change Initiatives
- 4 Student Loan Project Update: NCLC Helps Disabled Mom Receive Student Loan Discharge
- 5 Meet the Next Generation of Consumer Attorneys!
- 6 NEW FDCPA Case Connector
- 7 NCLC Files Lawsuit against Betsy DeVos
- 8 Thank You to Our Donors
- 9 New Offerings at NCLC’s Conferences
- 10 Justice for Sundquist Family

Consumer Impact

is a biannual publication of the National Consumer Law Center to inform our supporters about NCLC's advocacy. To receive *Consumer Impact* via e-mail, contact smcphail@nclc.org.



Facebook.com/
nationalconsumerlawcenter



@NCLC4consumers

NCLC[®]
NATIONAL
CONSUMER
LAW
CENTER[®]

NCLC Partners Council Leadership for NCLC

Chair

Elizabeth J. Cabraser

Chair Emeritus

Bryan Kemnitzer

Roy E. Barnes

Leonard Bennett

O. Rand Bragg

Robert M. Bramson

Bernard E. Brown

James L. Brown

Sheila Canavan

Mark A. Chavez

Michael D. Donovan

E. Michelle Drake

Timothy E. Eble

Cary L. Flitter

Robert S. Green

Kathleen E. Keest

Kristi C. Kelly

Steve D. Larson

Robert I. Lax

Seth R. Lesser

Niall P. McCarthy

John T. Murray

Scott D. Owens

David J. Philipps

John Roddy

John Andrew (Andy) Spanogle

James C. Sturdevant

Beth E. Terrell

Janet R. Varnell

A Message from the Executive Director

Dear Friends:

As you'll see throughout this edition of *Consumer Impact*, NCLC is working on a wide range of fronts to fight back against efforts to turn back the clock on consumer rights, and find opportunities to advance consumer protections.

NCLC's advocacy played a critical role in developing and strengthening CFPB payday lending and prepaid card regulations – and in preserving these protections in the face of threatened Congressional rollbacks. Even in tough times, we're helping move the ball forward.

NCLC's reports, like our new survey of state Unfair and Deceptive Practices (UDAP) laws, are giving advocates the data and details they need to improve laws and regulations at the federal, state and local levels.

NCLC's legal manuals are the definitive treatises for consumer lawyers. We're constantly working to make them as useful as possible, as exemplified by *Fair Debt Collection's* new FDCPA Case Connector, an innovative practice tool allowing users to access 14,000 FDCPA case holdings over the last four decades.

NCLC's litigation, as well as amicus briefs and expert witness services, helps hold government and corporations accountable, as illustrated in this issue's piece about an illegal kickback scheme grossly inflating the cost of calls made by prisoners in some corrections facilities.

NCLC's conferences, including the recent Fair Debt Conference in Chicago and the upcoming Consumer Rights Litigation Conference in Denver, train consumer attorneys to effectively represent people and families. We look forward to seeing many of you in Denver to learn from and brainstorm with one another.

The common thread across all of these areas is: you.

NCLC plays an important role, but without the network of attorneys and advocates who build upon our work to make good law and a difference in the lives of real people, our impact would be far more limited. And without the resources that our network provides through personal giving and cy pres support, the scope of our work simply could not be as far-reaching.

Thank you for your support of NCLC's work, and your ongoing engagement in the struggle to protect low-income consumers and advance economic justice for all.

Sincerely,

Rich Dubois
Executive Director



NCLC's Principles for Protecting Low- and Moderate- Income Consumers from the Costs of Climate Change Policy and for Rebuilding Their Communities

The Design of any climate change mitigation policy that raises the cost of energy and other essential consumer goods must be fair to all Americans.

The Implementation of programs, policies and investments that achieve these goals will include resources that are sufficient in size, distributed in proportion to the anticipated impact of cost increases, and available to affected low-income families and communities in a timely and efficient manner.

The Governance of climate change regulation and investment policy must be fair and responsive to emerging conditions.

NCLC Supports Climate Change Initiatives

Climate change might seem like an unusual area of focus for consumer advocates, but we know that poor people are the first to feel the adverse effects of global warming. Low-income communities are often hit the hardest by natural disasters such as hurricanes and floods, and have the fewest resources to recover, rebuild or relocate. With the support of foundation funding partners and generous donors, NCLC advocates are responding to the threats climate change poses for low-income consumers -- and we're making a difference.

Electric Vehicles Analysts predict that as soon as 2025, electric vehicles (EVs) will have lower lifetime costs than internal combustion engine cars. NCLC's consumer experts are advocating for the interests of low-income consumers as the transition to electric vehicles accelerates. We are helping to design utility rate design policies that would protect the pocketbook interests of low-income households, as the growth of EVs causes utility pricing structures to change. And we're analyzing how electric vehicles could help address the different types of transportation needs of low-income consumers in rural and urban areas.

Natural Disasters 2017 was the costliest year for natural disasters on record in the U.S. NCLC launched its Disaster Relief and Consumer Protection Project following the devastating hurricanes and wildfires last year. Communities in Puerto Rico, the Virgin Islands, Texas, Florida, California and elsewhere are still rebuilding. With support from the JPB Foundation, NCLC is working to strengthen relief programs for disaster survivors and helping ensure that people and communities can access them. NCLC is training advocates on the ground, building a strong network of advocates in affected areas who can share information and solutions, and

advocating for federal and state policies beneficial to communities post-disaster. We're creating consumer tools to help people reconnect utility service, regain access to telephones, obtain loan relief, and guard against home contractor fraud. Read more about the project at nclc.org/issues/disaster-relief-consumer-protections.html

Energy Efficiency By 2025, global warming is predicted to increase energy sector costs by \$28 billion dollars, and NCLC is working to ensure that low-income people are not left out of policies and programs to reduce energy consumption and expenses. NCLC is promoting energy efficiency investments in affordable multifamily housing, advocating for stricter appliance efficiency standards, and supporting low-income energy advocates nationally in their work on low-income energy issues. Our advocacy in these areas is funded by the Energy Foundation, and has resulted in energy efficiency investments and energy assistance in low-income communities exceeding \$100 million dollars.



Student Loan Borrower Assistance Project Update

Pro-Consumer Progress on Student Loan Discharges

NCLC has argued for years that taxing disability and death discharges of student loans is grossly unfair, and our work helped win an important victory in the 2017 tax bill. Borrowers who apply to have their loans cancelled due to their disability or the death of their child will no longer have to worry about the possible tax consequences of a cancelled loan.

This is good news – but there are some complications for borrowers whose loans were already discharged or approved for discharge prior to 2018.

Unfortunately, this change in the tax code is scheduled to expire on December 31, 2025. The disability discharge program includes a three-year monitoring period, during which time the loan can be reinstated if a borrower's income increases beyond a set threshold. Because of this period, borrowers who have their initial discharge approved after December 31, 2022 and complete the three years of monitoring could be subject to the tax. NCLC will continue pushing for this provision to be extended or made permanent.

For more information, see our student loans blog: www.studentloanborrowerassistance.org/tax-death-disability-discharges-gone-now/



PAUL LAURENT

Student Loan Borrower Assistance Project client Tracy (left) meets with NCLC Staff Attorney Persis Yu (right)

Disabled Mother Receives Loan Discharge: “NCLC Was the Best Thing That Ever Happened To Me”

Tracy and her young daughter were homeless when she was referred to NCLC's Student Loan Borrower Assistance Project (SLBAP) for help. Her only means of support at the time was Social Security Disability Insurance (SSDI), but her SSDI was offset by the federal government for her defaulted federal student loans. Moreover, her defaulted student loans were making it harder for her to qualify for housing assistance. On her behalf, NCLC filed a disability discharge, which canceled her loans. Because disability discharges were taxable when she first became a client, her case was held open until early 2018, when her three-year monitoring period came to an end. With Congress finally passing a law eliminating the tax liability on disability discharges, Tracy became the first SLBAP client to benefit from years of advocacy by NCLC to eliminate this unfair tax. Tracy is now living in stable housing and her daughter is in kindergarten in her local elementary school.

“When I first came here, I was living in a shelter. Now I have my own place and have one less thing to worry about. Getting connected to NCLC was the best thing that ever happened to me.”

– Tracy, NCLC student loan borrower client



NCLC is proud to have received a coveted 4-star rating from Charity Navigator, the leading charity evaluator in America. Approximately only a quarter of rated charities have achieved the distinction of their highest possible rating, which indicates that NCLC “adheres to sector best practices and executes its mission in a financially efficient way.” Attaining a 4-star rating verifies that NCLC “exceeds industry standards and outperforms most charities in our area of work”... and “sets National Consumer Law Center apart from its peers and demonstrates to the public its trustworthiness.”

NCLC's Internship Program Trains the Next Generation of Consumer Attorneys

NCLC hosts a group of up and coming law students as part of our annual summer internship program, and this year, we welcome the following outstanding legal interns:

Sebastian Brady is a 2L at Yale Law School and an editor of the *Yale Law Journal*. A graduate of UC San Diego, Sebastian spent a year as an AmeriCorps VISTA Legal Services Coordinator at the Brooklyn Legal Services Preserving Affordable Housing Program.

Mark Byrne is a 1L at Harvard Law School. After graduating from Boston College, Mark worked as the Medical Escort Program Coordinator for the FriendshipWorks program in Boston.

Sarah Cayer is a 1L at Harvard Law School, a student attorney for the Harvard Prison Legal Assistance Project, and a junior editor of the *Harvard Law & Policy Review*. She is a graduate of Oberlin College.

Caroline Cohn is a 2L at Stanford Law School where she is on the editorial staff of the *Stanford Journal of Civil Rights & Civil Liberties*. A graduate of the University of Pennsylvania, Carolyn interned last summer with the Prisoners' Legal Services of Massachusetts where she had the opportunity to work on NCLC's Criminal Justice Debt Project.

Olaide Junaid is a 2L at Howard University School of Law. After graduating from SUNY College of Oneonta she worked as a counselor for the New Settlement Apartments' College Access Center in Bronx, N.Y. Olaide is the 2018 recipient of the Robert J. Hobbs Fellowship, established by NCLC's Board of Directors in honor of Bob Hobbs' many years of invaluable service to our organization.

Joseph Longley is a 2L at Harvard Law School and serves as the president of the Board of Student Advisors, is an editor of the *Harvard Law & Policy Review*, and as a student attorney for the Harvard Prison Legal Assistance Project. He is a graduate of the Ohio State University.

Jennifer Stocker is a 2L at Washington University School of Law and Senior Executive Editor of the *Washington University Law Review*. She is a graduate of New York University and previously served as a legal extern at the Community Economic Development Program at Legal Services of Eastern Missouri. Jennifer is the 2018 Greenfield Intern under a generous grant provided by our colleague Professor Michael Greenfield at the Washington University School of Law.



NCLC's summer interns host the annual ice cream social for NCLC staff. Pictured left to right: Sarah Cayer, Jennifer Stocker, Olaide Junaid, Joseph Longley and Mark Byrne.



La Quita Robbins is pictured, seated, with (from l to r) NCLC Board members Donna Daley, Beverly Courtney, and Dancy McKinney-Parker

IN MEMORIAM

La Quita Robbins

It is with great sadness that we share the news that longtime NCLC Board member La Quita Robbins passed away May 3, 2018. She was a much beloved and valued member of our Board of Directors for the last 18 years, and she will be greatly missed.

La Quita was deeply committed to NCLC's mission and was an actively involved in her home community as a longtime member of the Board of Directors of the Legal Aid Society of San Diego. She also served as a member of the City of San Diego Human Relations Commission, appointed by the Mayor; the Fair Housing Council of San Diego; the League of Women Voters of San Diego; and the Ladies Auxiliary Board of the Veterans of War Post 5179.

NCLC Board Member Jonathan Kravetz wrote that "La Quita will always be one of NCLC's most memorable and special Board members. With her vibrant spirit, genuine warmth and infectious sense of humor, she brought dynamism, intelligence, engagement and fun to every Board meeting. She connected so warmly and enthusiastically with every member of the Board and every NCLC staff member, you couldn't leave an encounter with La Quita without a smile on your face. We all looked forward eagerly to seeing her as one of the unique pleasures of our service on the Board. And we knew that at every meeting, La Quita would have insightful observations to share about the topics at hand, always grounded in a deep appreciation for the work of the Center. La Quita leaves a lasting legacy of wise and thoughtful contributions to NCLC's mission, and a hole that will never be filled."

Another longtime colleague on the Board of Directors, Nancy Barron, remembers "she had a deep moral compass and knew how to speak truth to power in a way that was so engaging and embracing, yet effective, it just left me in awe ... My grief at losing La Quita is tempered only by my gratitude at having known her: her humor, her example, her intelligence, her wisdom. Most of all, I will miss her smile."

Advocate Spotlight: April Kuehnhoff

NCLC Staff Attorney April Kuehnhoff began working with clients on consumer law issues through her law school's legal clinic. Inspired by her law school Professor Elizabeth Warren, she continued her work in consumer law as a Skirnick Public Interest Fellow at the Cambridge and Somerville Office of Greater Boston Legal Services, as a law clerk with the Massachusetts Appeals Court, and as an associate at Shapiro Haber & Army LLP.



NCLC

April's work at NCLC focuses on fair debt collection. She plays a leading role in organizing NCLC's annual Fair Debt Collection Practices Conference, is a co-author of our Fair Debt Collection treatise, and works at both the state and at the national level to advance the rights of low-income consumers.

"People don't like to think about or talk about debt, but it has an enormous impact on the lives of millions of Americans... what is empowering about my work here at NCLC is that we have the ability to make a real difference for people and communities who are struggling with debt." – April Kuehnhoff

NCLC Launches New FDCPA Case Connector

Innovative Practice Tool Accesses Four Decades of FDCPA Case Law

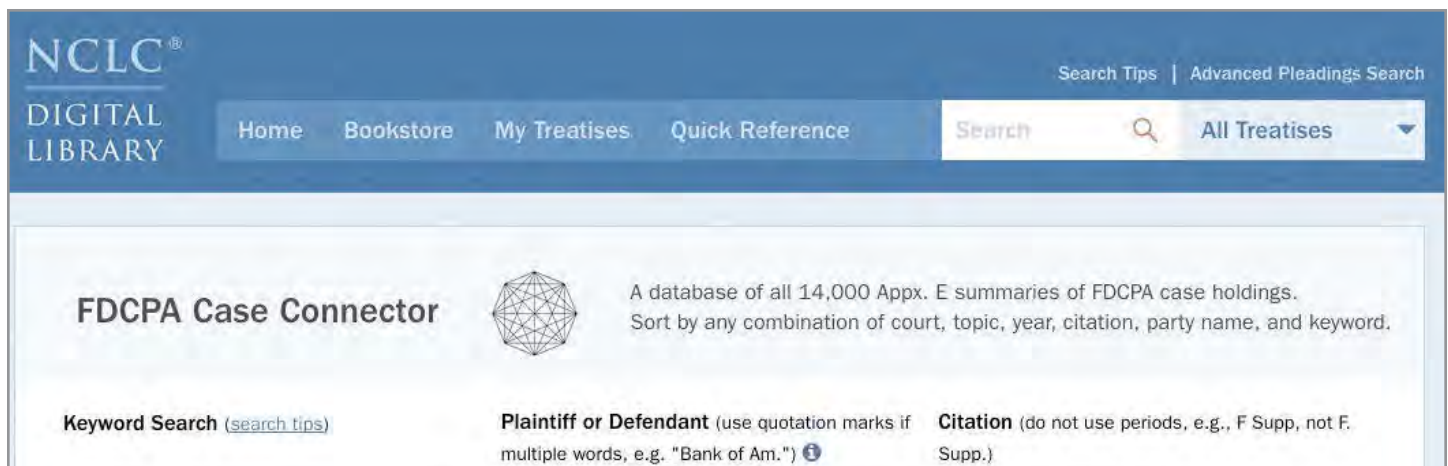
Unveiled in March at Chicago's Fair Debt Collection Practices Act (FDCPA) conference, the FDCPA Case Connector is an innovative practice tool allowing flexible searches of a database of over 14,000 FDCPA case holdings. The robust tool allows users to complete sophisticated searches in seconds, accessing holdings from four decades of FDCPA case law. It also allows users to search and/or filter by multiple criteria to select exactly the FDCPA decision summaries needed: court, selected courts, or state; topic; year or year range; keyword search; whether decision is reported or not; plaintiff or defendant name or case citation.

Search results, ordered by level of court and year, display the full text of each summary and link to additional information. Research can be extended by clicking on live links to other cases' citations and summary holdings on the same topic, summaries of other holdings for the same decision, or

other decisions in the same litigation. For example, a search for all Seventh Circuit and Illinois FDCPA cases since 2016 will produce summaries of all such decisions, with circuit court decisions first and then district court decisions by most recent year, and then any state court decisions. Or search for all Ninth Circuit decisions where the summary mentions "attorney fees." The options are almost endless.

Summary holdings for new FDCPA decisions will continue to be added to the Case Connector and access to the Case Connector is included with digital access to NCLC's *Fair Debt Collection* manual. Updates to the manual and summaries of new case holdings will be uploaded as soon as they are available. "Anyone who is not accessing the manual online is really missing out – if you can use Westlaw or Lexis, you can use the Case Connector," says April Kuehnhoff, co-author of *Fair Debt Collection* and co-developer of the Connector.

NCLC's *Fair Debt Collection* (9th ed. March 2018) (1774 pp. in two vol.), the first revised edition in four years, is now available in both print and digital formats. This is the definitive resource on the Fair Debt Collection Practices Act (FDCPA) and other debt collection law. Current print + digital subscribers received copies of the revised treatise in March and April. For immediate access, you can order a digital subscription or a print + digital subscription at nclc.org/bookstore.



The screenshot shows the NCLC Digital Library website. At the top left is the NCLC logo and "DIGITAL LIBRARY". Navigation links include Home, Bookstore, My Treatises, and Quick Reference. A search bar contains "All Treatises" and a search icon. Below this is a section for the "FDCPA Case Connector" featuring a geometric icon and a description: "A database of all 14,000 Appx. E summaries of FDCPA case holdings. Sort by any combination of court, topic, year, citation, party name, and keyword." Below the description are three search criteria: "Keyword Search" (with a link to search tips), "Plaintiff or Defendant" (with instructions to use quotation marks and an example "Bank of Am."), and "Citation" (with instructions not to use periods and an example "F Supp, not F. Supp.>").

NCLC Files Lawsuit Against Betsy DeVos and U.S. Department of Education

Marinello School of Beauty students receive loan discharge

As a result of a lawsuit filed by the National Consumer Law Center and the Legal Aid Foundation of Los Angeles (LAFLA), Lizette Menendez, et al. v. Betsy DeVos and U.S. Department of Education, students of the now-defunct Marinello Schools of Beauty have received a full discharge of their federal student loans.

The plaintiffs had all inquired about enrolling in Marinello's cosmetology program and been assured that they could earn valid high school diplomas from Parkridge Private School, which also allowed them to obtain federal loans to attend Marinello. An extensive investigation by the Department of Education determined that Marinello partnered with Parkridge to scam students, producing fake high school diplomas to falsely certify their eligibility for financial aid. Yet the

Department of Education refused to grant loan discharges to the Plaintiffs, violating the Higher Education Act.

Only after NCLC and LAFLA filed a lawsuit did the Department discharge the Plaintiffs' loans. The lawsuit also challenged the delay of an updated federal regulation clarifying students' rights to loan discharges where a school provides fraudulent high school diplomas. As with all NCLC litigation, our focus is not only on securing justice for individual clients, but also on reforming bad practices and sending warnings to bad actors that scams and deceiving consumers will not be tolerated.

Marinello had 39 campuses in California and 17 other campuses in Kansas, Massachusetts, Nevada and Utah when it abruptly closed in February 2016. If you or someone you know attended Marinello Schools and were similarly

defrauded through the Parkridge High School diploma program, please call the Legal Aid Foundation of Los Angeles at 800-399-4529.



Attorney Robyn Smith concentrates on student loan and for-profit school issues in an Of Counsel capacity with NCLC, and at the Legal Aid Foundation of Los Angeles.

NCLC Challenges Commercialized Injustice

Lawsuit Filed Against Illegal Kickback Scheme

The National Consumer Law Center, along with Prisoners' Legal Services of Massachusetts, the Legal Services Center of Harvard Law School, and Bailey & Glasser LLP, filed a class action lawsuit in May alleging that an illegal kickback scheme between the Bristol County Sheriff's Office (BCSO) in Massachusetts and Securus Technologies (Securus) – a company that operates privatized telephone systems in U.S. correctional facilities – is inflating the cost of calls and harming Massachusetts consumers. The suit seeks an injunction to halt the unlawful payment scheme and monetary relief to return the money illegally extracted from class members.

Prisoners in Bristol County who want to communicate by phone with family, friends, and legal representatives have only one option available: they must

use the privatized prison call system operated by Securus. The cost of these calls is grossly inflated because Securus agreed to pay the BCSO illegal kickbacks in order to secure its exclusive phone service contract – and passes along the costs of those payments to prisoners' loved ones and attorneys.

"The illegal kickback scheme between Securus and the Bristol County sheriff is creating needless hardship for prisoners and their loved ones, making prisoner reentry to the community more difficult, and increasing the cost of legal representation," said Brian Highsmith, staff attorney at the National Consumer Law Center. "The excessive costs imposed by these payments are an unlawful attempt to exploit vulnerable Massachusetts prisoners and their loved ones by

commercializing their contacts with the outside world."

Read press coverage of our case in *The Boston Globe* <https://bit.ly/2jOKgjs> and the editorial supporting our position, <https://goo.gl/SfSx5f> supporting reform in Massachusetts and applauding NCLC's lawsuit as a "chance for justice."

Sign up for NCLC
e-newsletters and
action e-alerts!
[nclc.org/issues/
take-action.html](https://nclc.org/issues/take-action.html)

Thank You!

NCLC depends on the support of attorneys, activists and allies who help us protect and defend consumer rights and advance economic justice in our society. On behalf of the millions of low-income families, students, elders, veterans and others whose lives are impacted by NCLC's work, we express our gratitude to *all* who have contributed to NCLC, including the following 2017-18 leadership donors:

\$100,000+

Laura and John Arnold
Elizabeth J. Cabraser
John A. Spanogle, Jr.

\$10,000+

Robert Bramson
Cary L. Flitter
David Humphreys
Luke James Wallace
Jonathan and Janet Kravetz
Scott D. Owens
Dolores Silva Smith
Erik Sundquist
Janet R. Varnell
Brian Wanca

\$5,000+

Deepak Gupta
Julia Levene
Mark H. Leymaster
Bret Lusskin
Ian B. Lyngklip
Michael P. Malakoff
David J. Philipps
Beth E. Terrell
Jonathan K. Tycko

\$1,000+

Irv Ackelsberg
Stacy M. Bardo
Nancy Barron and Bryan Kemnitzer
Suzanne Begnoche
Daniel S. Blinn
O. Randolph Bragg
Bernard E. Brown
Ronald L. Burdge
Alexander Burke
Jim Campen
Carolyn L. Carter
Mark A. Chavez
Julie Clark
Michael D. Donovan
E. Michelle Drake
Daniel A. Edelman
Victor Farah
Joanne S. Faulkner
James Flug
Mary Fons
Ray E. Gallo
Dennis Goldstein
Michael M. Greenfield
Aaron Hanford
Tanya Humphreys
Nichols Kaster
Keith J. Keogh
Ahmad Keshavarz
Steve D. Larson
Robert W. Murphy
Mary E. Philipps

Ethan Preston
Strategic Relationships
David Ricci
Phillip Robinson
Craig E. Rothburt
Ernest L. Sarason
Steven A. Skalet
Larry P. Smith
Robert S. Sola
Alan White
Andrew R. Wolf
Brian Wolfman

\$500+

Elizabeth Abbott
David F. Addleton
Hawk Barry
Joseph Barton
Fred Bopp
Jenifer Bosco
Robert Francis Brennan
James L. Brown
Kevin Byers
Alicia Campbell
Harvey and Naomi Cohen
Stephen L. Cowell
Richard N. Feferman
Roger Heller
Kristi Cahoon Kelly
Kristin Kemnitzer and Adam McNeile
Cathy Schoen
Pamela Simmons
Andrea Bopp Stark
Mark H. Steinbach
James Sturdevant
Irwin Trauss
Robert Treinen
Edward M. Wayland
Craig Weiner

\$250+

Hank Abrashkin
Jason B. Adkins
Daniel E. Birkhaeuser
F. Paul Bland, Jr.
Lisa R. Bouckennooghe
Mark E. Budnitz
David Chami
Charles M. Delbaum
David DiSabato
Tom Dmonoske
Kathleen Engel
David L. Entin
Janet Fagan
James B. Fishman
Neil J. Fogarty
Jeff Gentes
John D. Giglio
Jibrael Hindi
Melissa A. Huelsman

Adrienne Hurt
Scott R. Jeeves
Joseph Jones
David S. Kennedy
Paul Laurent
David E. Lynn
Scott Maurer
Thomas E. McIntire
Dancy McKinney-Parker
George McNally
Elizabeth Miller
Andrew Milz
Michael O. Nelson
Christopher Colt North
Stuart M. Price
Michael J. Quirk
Raun Rasmussen
Mark R. Reedy
Angie Robertson
Allan G. Rodgers
Elizabeth P. Shay
Henry J. Sommer
Mary Spector
Claude M. Steinberg
John Steinkamp
Alexander Sutherland
Benjamin Wolf

\$100+

Adelina Acuna
Phyllis Annett
Karla Armenoff
Paul Arons
James L. Baillie
L. Beazley
Bryce Bell
Robert Belovich
Meris Bergquist
Barbara Bess
Mark B. Brenner
Sarah H. Brooks
Lorray Brown
James Brusselback
Aidan Butler
Sharon K. Campbell
Roy Ann Carney
Gail E. Chester
Daniel E. Claggett
Theodore Clattenburg
Andrew Cogdell
Stacia Conneely
P. Andrew Coppola
Cory Crawford
Auley M. Crouch, III
Douglas Cuthbertson
Paul Patrick Daley
David Dawson
Marguerite DeLiema
Sharon M. Dietrich
Robert Ditzion
Robert Eden

Joshua Eggatz
Marley Ford Eiger
Kenneth J. Eisner
David Falvey
Crystal Francis
William Gammon
James Gilmore
Tara Goodwin
Norman A. Googel
Sharon Grace
Robert J. Haeger
Francisca Helmer
Robert Hobbs
James Hunt
Elizabeth M. Imholz
Catherine Jones
John R. Keller
Susan N. Kelly
Henry Kelston
Susan Kephart
Margaret Kohler
April Kuehnhoff
Peter Kuzma, Jr.
Terry L. Lawson, Jr.
Martin E. Levin
Roberta Leviton
David Lietz
Nicole Marion Love
Christine Luzzie
Martha S. Lyon
Alfonso Madrid
Lauren Mahoney
Mont I. Martin
Patricia McCoy
Alan McNeil
Ted Mermin
Lisa Mezzetti
Gary H. Nash
Julie Nepveu
Greg Nodler
Jonah Orlofsky
John Harris Paer
Thomas Papson
Augustin H. Parker
Lowell C. Paul
Mark Pettit, Jr.
James J. Pierson
Susan Plunkett
Amelia Bell Porges
Joan Price
Chet Randall
William Ritter, IV
Charles Roedersheimer
Deborah G. Roher
Robert Rosenthal
Toby J. Rothschild
Richard J. Rubin
Scott J. Rubin
Carlo Sabatini
Luis H. Salazar
Jane Santoni



CAROLYN CARTER

NCLC Board Member and donor Dolores S. Smith and her granddaughter, Madeleine Hahn-Smith, who was visiting NCLC for the first time, are pictured in front of the plaque commemorating Dolores' gift to NCLC in honor of her parents (and Madeleine's great-grandparents).

Drew Sarrett
Alan L. Scheinine
Eric Secoy
Jonathan Selkowitz
Theresa Shaver
James Shelton
Harry Shulman
Howard Silver
Linda Silver
Nina F. Simon
James Smith
Robyn C. Smith
Mary Frances Stewart
Stephen L. Swann
Michael Tankersley
David Tarshes
Stephanie Tatar

Vildan A. Teske
Gerald J. Thain
Kristin Thurbide
Gerald Tuckman
Earl P. Underwood, Jr.
Jennifer Wagner
Tayyab Walker
Geoffry Walsh
Thomas W. Weeks
Michelle Weinberg
Kristen Wesloh
Judith Whiting
Lauren E. Willis
Martin Woodward
David S. Yen
Philip D. Zuzolo

NCLC is also grateful for the partnership of the following foundations, corporations and government agencies over the past year.

Action Inc.
Annie E. Casey Foundation
Attorney General of Illinois
Attorney General's Fund
Barr Foundation
Borchard Foundation Center on Law and Aging
Boston Bar Foundation
The Boston Foundation
Boston Private Bank & Trust
E4TheFuture, Inc.
Energy Foundation
Ford Foundation
Heising-Simons Foundation
Indiana Citizens Action Coalition
JPB Foundation
Justice Catalyng
Justice in Aging
Loonin Fund
Massachusetts Legal Assistance Corporation
New Venture Fund
Ohio Office of Consumer Counsel
Open Society Foundations
Rhode Island Public Utilities
RMLow Foundation
Southern Environmental Law Center
The Regents of the University of California

If you believe you have been mistakenly excluded from this list, please contact Paul Laurent, NCLC Director of Leadership Giving and Engagement, at pl Laurent@nclc.org or (617) 542-8010. Thank you for your support!

New Offerings at NCLC's 2018 Conferences

TCPA Special Issues Briefing; Reverse Mortgage Intensive offered for the first time!

FDCPA CONFERENCE • CHICAGO 2018

This year's FDCPA Conference included a Special Issues Luncheon on March 19 to explore next steps following the D.C. Circuit Court of Appeal's Telephone Consumer Practices Act (TCPA) opinion just three days prior. The conference also included a new, five-session intensive on the Telephone Consumer Practices Act, which could not have been timelier considering it occurred within days of the Court's long-awaited opinion. The conference (welcoming our largest number of registrants to date) provided two full days of courses within introductory or advanced tracks and encompassed numerous networking opportunities for attendees. Chicago's FDCPA launched its first inaugural Host Committee comprised of Stacy Bardo, Alex Burke, Dan Edelman, Keith Keogh, Dave and Mary Philipps, and Larry Smith & David Marco, who sponsored the opening night reception.

MORTGAGE CONFERENCE • INDIANAPOLIS JUNE 2018

This year's conference, entitled "In the Eye of the Storm: Saving Homes Between the Last Foreclosure Crisis and the Next One," will take place June 14 and 15 in Indianapolis, IN. A pre-conference Reverse Mortgage Intensive on June 13 is being offered for the first time, and will include an overview of terminology and regulations, loss mitigation, the Mortgagee Optional Election (MOE) program, litigation and bankruptcy.

CONSUMER RIGHTS LITIGATION CONFERENCE (CRLC) • DENVER OCTOBER 2018

This year's CRLC, held in picturesque downtown Denver, CO, will feature a record number of sessions. With eleven additional sessions, we are hoping to cover even more areas of consumer law by providing a wider range of topics areas. New breakouts include additional Ethics sessions, along with sessions on immigration issues and working with consumers affected by natural disasters. In Denver we'll also be making changes to our annual Women's Breakfast by shifting it to an all-day resource and networking suite. More details on this in the CRLC brochure. Registration will be live in mid-June along with scholarship applications and resources to make the conference affordable. We hope to see you in Denver!

NCLC Announces Conference Code of Conduct and Anti-Harassment Policy

NCLC is committed to providing a safe and harassment-free conference environment for everyone attending our conferences. Therefore, we have been hard at work crafting a conference-wide code of conduct and anti-harassment policy, which was launched at the Fair Debt Conference in Chicago. This year before each conference, we will be sure to share our code of conduct and policy widely so that all attendees are aware of conduct expectations and reporting policies.



ALL PHOTOS THIS PAGE: MATT LeCLAIR

Bank of America Lawsuit Brings Justice for Sundquist Family – and Support for NCLC

NCLC Grateful for Lief Cabraser Heimann & Bernstein LLP's Pro Bono Representation

An unprecedented judgment in *Sundquist v. Bank of America Corp.* from U.S. Bankruptcy Judge Christopher M. Klein blasted Bank of America (BoA) and its executives for violating bankruptcy restrictions on foreclosure that forced Erik and Renee Sundquist into a “Kafkaesque nightmare,” causing astonishing harm and emotional damage. Judge Klein originally awarded \$1 million in compensatory damages and \$45 million in punitive damages, including funds directed to five law schools, the National Consumer Bankruptcy Rights Center (NCBRC), and NCLC.

Bank of America appealed the decision, and ultimately the case settled and the judgement was vacated – but the story continues.

The Sundquist family donated \$75,000 to NCLC through the settlement, sent with a letter stating their intentions in making the donation:

“We wholeheartedly send this contribution to the National Consumer Law Center in hopes that in some small way it will help in the fight for individuals who are underrepresented in our society, and who

don't always have the means to hold banks and other corporations accountable to high ethical standards, or at the very least to the established laws of our nation.”

NCLC was represented pro bono in the settlement process by Roger Heller and Michael Sobol of Lief Cabraser, with Heller taking the lead role in what Sobol describes as a “blatant case of powerful bank interests taking advantage of good working people. This was a great opportunity where litigation serves as a deterrent on such egregious action.”



Roger Heller

Heller agrees completely that the horrendous behavior on the part of Bank of America necessitated that the couple be properly compensated for their suffering, and supports the settlement as a way to “protect consumer rights and fulfill the vision of Judge Klein, which was a very creative way to deter bad conduct and help ensure great consumer representation going forward.”

Judge Klein’s decision has drawn significant praise and discussion, with many legal observers suggesting that it may start a trend of similar punitive judgements. When asked by Law360.com whether Klein’s decision would have an impact beyond this case, Heller said “I hope so, if by trend you mean this will be something courts will at least consider and use as a resource when confronted with cases where a defendant’s conduct rises to the levels seen in the Sundquist case.”



Elizabeth Cabraser

Elizabeth Cabraser, who was instrumental in securing her firm’s pro bono assistance, said, “Sundquist is a landmark affirmation of the essential role punitive damages play in protecting all of us from anyone who would exploit our free marketplace by seeking profit at the expense of the public interest in fair dealing, basic ethics, and health and safety. Plaintiffs and counsel are the necessary agents to ensure the deterrent and protective force of punitive damages is realized, and society is the beneficiary.”

NCLC is grateful to the Sundquist family for their support, and to Roger Heller, Michael Sobol, Elizabeth Cabraser and all at Lief Cabraser Heimann & Bernstein LLP for their outstanding legal assistance and generosity throughout this case.

Cy Pres Awards Advance Justice for Consumers

Nominating NCLC for a cy pres award is one of the most effective ways to help promote and advance consumer rights and NCLC is generally seen by courts as a fair and viable recipient for residual monies. NCLC can help put together a submissions package to make the case and help provide guidance or advice on the process. If you would like to nominate NCLC for a cy pres award, please contact Paul Laurent at pl Laurent@nclc.org or call 617-542-8010. Thank you for your generous support!

Recent Cy Pres Nominators

- | | |
|-------------------|------------------------|
| David F. Addleton | Robert W. Murphy |
| O. Randolph Bragg | Edward Notis-McConarty |
| E. Michelle Drake | Brian Pinkerton |
| Devin Fok | Kenneth Quat |
| Joseph Jones | Steven A. Skalet |
| Nichols Kaster | Shimshon Wexler |
| Keith J. Keogh | Benjamin Wolf |
| Joseph Kravec | Matthew J. Zevin |

Consumer Rights Truth in Lending Discrimination Co-Counseling Privacy
 Racial Justice Fair Lending Justice Access to Justice
 Level the Playing Field UDAAP Auto Loans Next Best Student Loans
 Housing Arbitration Fairness
 Credit Employment Litigation Equal Economic Opportunity Advancing Fairness In The Marketplace For All
 Utilities Consumer Law Economic Justice Expert Witnesses Consumer Protection Class Action
 FCRA Legal Treatises Debt Collection Energy Complex Case Consulting NCLC Conferences & Trainings
 Bankruptcy Litigation Conference
 Banking TCPA Bankruptcy CRLC FDCPA Criminal Justice
 Seniors

UDAP Statutes and Charts...

continued from page 1

of each state's UDAP statute. It lays out the negative consequences of weakening these statutes; calls out the states that have let down their citizens by doing so; and highlights the states that have strengthened their UDAP statutes (or plugged holes in them) and lays out a series of detailed recommendations other states can follow.

A strong UDAP statute applies to all businesses that deal with consumers, broadly prohibits both unfair and deceptive practices, and gives strong enforcement remedies to both the state attorney general and to consumers. Broad prohibitions are essential – the varieties of fraud are unlimited, and if a UDAP statute prohibits only a narrow list of specific unfair or deceptive practices, fraud artists simply develop other methods that are not on the list. A broad scope is also critically important. Some states such as Michigan and Rhode Island have carved out so many businesses and so many transactions that their UDAP statutes apply to almost nothing.

The report is intended to be a resource, a guide, and an inspiration for state policymakers and advocates working to defend and strengthen these bedrock laws. "We hope that this report, with its contrast between states with strong statutes and states with weak ones, and its clear, specific recommendations, will help advocates push forward with reforms in their states," said Carolyn Carter, the report's primary author.

To see an analysis of your state's laws or NCLC's body of work on unfair and deceptive practices, please visit: nclc.org/issues/unfair-a-deceptive-acts-a-practices.html. Subscription information for NCLC's legal manual *Unfair and Deceptive Acts and Practices* and free access to Chapter One or all of the legal treatises in NCLC's Consumer Credit and Sales Legal Practices Series is available at nclc.org/library.

Instantly Access Everything on Consumer Law

Twenty treatises available individually or as a set in print and digital formats



With powerful digital tools:

- Frequent updates integrated and highlighted
- Thousands of sample pleadings, practice tools, and primary sources
- Highlight, annotate, download, copy/paste, and bookmark text
- IP access available for libraries and large firms

Lean more and begin reading the first chapter of any NCLC treatise for free at nclc.org/library

NCLC
DIGITAL
LIBRARY

Consumer Rights Under Attack *continued from page 1*

card rule, scheduled to go into effect next year, which creates important protections for users of prepaid cards from fraud, errors and unauthorized charges.

The survival of these rules illustrates another truth: that it is difficult for industry – despite their overwhelming financial advantages – to undo reasonable laws and regulations intended to protect consumers from exploitation. The old adage of “two steps forward, one step back” rings true – and, despite the steps back, leaves us ahead in the long run. Even now, when those seeking to advance the interests of bad actors have their hands on the levers of power, no serious proposals to eliminate the Consumer Financial Protection Bureau are being considered. There are attempts to weaken Dodd-Frank regulations, but none to repeal it entirely. “We’ll come out of this Administration ahead of where we were going into the Great Recession a decade ago,” predicts Saunders.

NCLC also takes the long view when it comes to developing new ideas to protect consumers. We’re turning increased attention – and applying additional resources – at the state level, where more opportunities to help consumers exist at the moment. And in their areas of expertise, NCLC’s advocates continue working with allies to understand the economic pressures facing low-income consumers, and identify policy solutions that will have a receptive audience once the political tide turns.

“History shows that the ideas behind many of our most important consumer protections were developed – and support for those ideas built – during periods exactly like the one we’re going through now,” said NCLC’s Executive Director Rich Dubois. “When times are toughest, consumer advocates need to be thinking ahead to the next generation of consumer protections. We’re grateful to our network of consumer lawyers for helping NCLC fight hard in the present, while planning ahead for the future.”

National Consumer Law Center
7 Winthrop Square, 4th Floor
Boston, MA 02110-1245

Nonprofit Org.
US POSTAGE PAID
Boston, MA
Permit No. 57091

NCLC[®]
NATIONAL
CONSUMER
LAW
CENTER[®]

Advancing Fairness
in the Marketplace for All

INSIDE: Updates on FDCPA, Student Loans, UDAP and More!

The nonprofit National Consumer Law Center[®] (NCLC[®]) works for economic justice for low-income and other disadvantaged people in the U.S. through policy analysis and advocacy, publications, litigation, and training.

Consumer Rights Litigation Conference

October 25-28, 2018 • Denver, Colorado

Please join us at the most valuable consumer law conference of the year!

More details: nclc.org/conferences

