

# Consumer Impact



Rubbie McCoy, Detroit homeowner and plaintiff

## Class Action Filed to Hold Wall Street Accountable for Mortgage Financing Discrimination

Detroit Homeowners Fight Back Against Predatory Subprime Loans

Ensuring equal access to credit with fair terms is an important victory we can achieve together. That is the goal of *Beverly Adkins et al. vs. Morgan Stanley*—a groundbreaking case filed by NCLC, the American Civil Liberties Union (ACLU), ACLU of Michigan, and the law firm of Lief Cabraser Heimann & Bernstein.

*Adkins* is the first private discrimination enforcement action brought against an investment bank under the

Fair Housing Act and the Equal Credit Opportunity Act. In fact, *Adkins* “may become the most important civil rights case in a generation,” according to John A. Powell, professor at Berkeley Law and internationally recognized expert in the areas of civil rights and liberties.

The case alleges that Morgan Stanley’s mortgage securitization practices and policies resulted in discrimination against African-American homeowners living in

*continued on page 10*

## Update on Unemployment Prepaid Cards

States Respond As NCLC Pushes for Fair Use of Cards

NCLC has provided a resource so helpful to state policymakers that it was recently featured at a press conference announcing a vastly improved prepaid debit card for unemployed workers in the Keystone State.

“We looked to the National Consumer Law Center’s leadership when it came time to build a better program in Pennsylvania, and it was a great resource,” said Pennsylvania Treasurer Rob McCord. “The National Consumer Law Center report informed us about the practices of other states and identified areas where we could improve.”

Pennsylvania’s newly revamped card is projected to save its unemployed citizens more than \$5 million annually and was highlighted in NCLC’s 2013 *Survey of Unemployment Compensation Prepaid Cards*.

How are improved prepaid cards saving consumers money? Since NCLC’s initial groundbreaking 2011 report was published, many states now prohibit banks from nickel-and-diming workers through multiple fees on prepaid cards used to distribute unemployment benefits. (This was a common practice revealed in the 2011 report.) Overall,

18 states have improved their prepaid cards through fee reductions, and only 3 states’ cards received a “thumbs down” compared with 16 states’ cards in 2011. Unfortunately, 5 states (California, Indiana, Kansas, Maryland, and Nevada) continue to violate federal law by refusing to offer their workers the

*continued on page 9*

*“We looked to the National Consumer Law Center’s leadership when it came time to build a better program in Pennsylvania, and it was a great resource.”*

—Pennsylvania Treasurer Rob McCord

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## 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 [gtuckman@nclc.org](mailto:gtuckman@nclc.org).



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## A Note From the Executive Director

### You and Me.

Together, we are the National Consumer Law Center.

Some of the work, which you make possible, is highlighted here in these pages.

Did you see on the cover, the groundbreaking litigation to hold investment banks accountable for their outsized role in the mortgage crisis—a role that cynically targeted so many low-income families and families of color? Hungry for more innovative, public justice advocacy? Imagine what could be possible, now that consumer advocates have won reversal of an unfair robo-signing debt buyer settlement—as described in this issue's "Advocate Spotlight."

We also use this newsletter to look back on victories won for consumers in 2012. As *Consumer Impact's* new design indicates, NCLC continues to evolve to better inform, support, and inspire. Also, if you are reading *Consumer Impact* online, just follow the links to obtain much more information on our website.

In closing, I want to thank you.

Thank you for your tireless work to build a fairer marketplace that less frequently strips resources from low-income and other economically-disadvantaged consumers.

And thank you for investing in NCLC's work to strengthen and expand—to make even more effective—the work that you do.

Sincerely,

Willard Ogburn, Executive Director

P.S. Washington, D.C. will be the location of the annual Consumer Rights Litigation Conference and Class Action Symposium in November this year. I hope that you plan now to attend! The conference is full of great content and provides an impassioned atmosphere where our consumer law community—a community with a social justice and social action agenda—energizes us for the year ahead.



(l-r) Chi Chi Wu & Will Ogburn (NCLC), Lorry Brown (Michigan Poverty Law Program)

MARTINA MACHACKOVA PHOTOGRAPHY & DESIGN

ADVOCATE SPOTLIGHT **Charles Delbaum**

**Because of your support...** NCLC Helps Win Reversal of Unfair Nationwide Robo-Signing Debt Buyer Settlement; Paves the Way for Other Suits

In late February, the Sixth Circuit Court of Appeals threw out a nationwide class action settlement (*Vassalle v. Midland Funding*), delivering justice to 1.44 million victims of robo-signed affidavits. The false affidavits had been used to obtain state court debt collection judgments. NCLC attorney Charles Delbaum helped argue the appeal.

**Q: Why was the settlement rejected?**

**A:** The Court found the settlement unfair and inadequate. Class members would have received very little—\$17 at most—in exchange for giving up the important right to sue Midland Funding L.L.C. to undo judgments for thousands of dollars. The notice to class members about settlement terms was inadequate because it didn't tell class members this important right they were giving up. Also, class representatives were slated to receive more favorable treatment than class members.

**Q: Who litigated for the reversal?**

**A:** Co-counsel Daniel E. Birkhaeuser, Ian Chowdhury, and I wrote our brief. Alongside Ian Lyngklip and Michael D. Kinkley, I presented the winning positions at oral argument on all three of NCLC's key issues: unfairness, improper class certification, and inadequate notice.

**Q: How do NCLC's donors make this work possible?**

**A:** This is exactly the innovative work NCLC can do because donations and support make it possible. Opposing a settlement is not something we take on lightly. It is a costly and difficult process that rarely provides reimbursement—let alone fees.

**Q: How will this reversal help consumers?**

**A:** Going to bat to overturn the unfair *Vassalle* settlement exemplifies the crucial role NCLC is especially well qualified to fill when protection of consumers is at stake. With this reversal, plaintiffs' counsel with cases in several states—including an NCLC case in California—are now free to continue pursuing their individual and class action cases against Midland Funding L.L.C.

And that is good news for justice-seeking clients subjected to unfair debt collection practices.

*Immediately before joining NCLC, Charles was the Director of Litigation and Advocacy at New Orleans Legal Assistance for 13 years. In 2000, he was the recipient of the Louisiana State Bar Association Pro Bono Publico Career Service Award. A 1971 graduate of Harvard Law School, Charles has devoted his career to serving low-income clients.*



NCLC litigation team: Charles Delbaum (left), Stuart Rossman, and Arielle Cohen.

BEVERLIE SOPHIEP



DESTINATION DC

Please join us for the **2013 Consumer Rights Litigation Conference**, the largest and most informative consumer law conference of the year. Learn, network, and be inspired! November 7-10 in Washington, D.C. Visit [nclc.org](http://nclc.org) for more information.

## Green Securities Cy Pres: To NCLC via San Francisco

**R**obert Green once took a deposition in the middle of the night, from a court reporter's San Francisco office, on his path to winning *Robert Lewis, et al. v. Textainer Equipment*. The defendant's chairman of the board was in Johannesburg, so Green and defense counsel set up a teleconference during South Africa's daylight hours.

"It turned out to be a good deposition that provided excellent evidence to counter summary judgment and to support our claims in the trial," said Green, a member of NCLC's Partners Council. The plaintiffs' claims sought justice for investors who entrusted their money in a company and expected fair play in return. And so it should be that consumers can expect fairness in the marketplace—consumers who NCLC vigorously protects with the support of colleagues like Robert and you.

Before this securities class action was filed in 2005, several Textainer partnerships purchased, owned, operated, leased, and sold cargo containers used by international shipping lines. After years of moderate to low earnings, the partnerships were in a position to make substantial earnings. Rather than let the investors finally receive the rewards, the general partner put together a deal to sell all of the assets to a friendly buyer, who in turn agreed to keep the general partner in place managing all the containers at a substantial profit. Green and his colleagues were retained by limited partners to assert their claims regarding the sale of assets.

"This case served to provide a reality check on corporate entities that seek



Robert S. Green, Attorney, Green & Noblin, P.C.

out money from the general public and then wrongly believe that they are free to do whatever they want with that money," Green said.

Many attorneys think of NCLC with regard to *cy pres* in the areas of mortgages, fair credit, auto or student loans. Yet Robert and others have provided *cy pres* awards that support NCLC's work in the areas of securities, privacy, employment, internet activities, and many other areas. Talk to us. We may be doing important work in an area connected to your case with a potential *cy pres*.

Thank you, Robert, for your counsel and advocacy that help so many people—and for directing *cy pres* to NCLC. Due to Robert's generosity, other *cy pres* awards, and firm and individual donors, we will be able to publish more consumer resources, conduct more capacity building trainings, conferences, and webinars, and advocate for low- and moderate-income consumers.

***Thank you all.***

### NCLC's Privacy Work Recognized with Cy Pres

NCLC was pleased to receive a recent *cy pres* award in a case against LexisNexis, thanks to the excellent work of plaintiff's counsel at King, McInerney, Righetti and Schneider. The case arose after hackers broke into the LexisNexis files and illegally produced reports on consumers in violation of the Fair Credit Reporting Act and numerous state laws. The plaintiff won a cash settlement and an injunction that requires the company to improve its security procedures and policies.

Our thanks to counsel in the case for their excellent work, and for their support of NCLC's advocacy protecting consumer privacy.

### Cy Pres Donors

September 2012 –  
February 2013

Many thanks to the following individuals and firms who have directed recent *cy pres* and other court awards to NCLC, which supports greater impact through our shared work.

Mario N. Alioto

Daniel S. Blinn

Peter E. Borkon

James E. Butler, Jr.

Joseph W. Cotchett

William H. Crowder

E. Michelle Drake

Nancy L. Fineman

Cody German

Charles A. Gower

Robert S. Green

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Laurence King

Christopher Lovell

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Lilys McCoy

Christopher J. McGinn

Kevin McInerney

Mark Cotton Molumphy

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Rena D. Steiner

Daniel R. Sterrett

Jenelle Welling

Steven N. Williams

Tracey L. Worthington

Andrew R. Wolf

Joel O. Wooten

Donald A. Yarbrough

Many of the *cy pres* awarded to NCLC come from multiple plaintiffs' counsel. We have endeavored to name all involved.

## A Rock for Us and the Disadvantaged: Geneva E. Reid, 1928 - 2012

Geneva Reid joined the NCLC board 27 years ago. "She loved the Center, and her presence and tenure at Board meetings helped set the tone for all of us," said Willard Ogburn, executive director of NCLC.

Mrs. Reid was a champion of justice nationally and locally in her state of Ohio. A mother of four, she helped create labor, consumer, and social welfare rights for women and low-income families in the United States.

Always focused on building opportunities for others, she was the originator of the local welfare rights movement in her community; a strong advocate for tenants in

government housing; organizer of SURGE, a national domestic workers group; head of national Household Technicians of America; Community Legal Aid board member; and volunteer coordinator at Someplace Safe, a battered women's shelter; among other social change positions.

The daughter of an early Urban League leader, she helped plan an inauguration party for President Jimmy Carter and brought Gloria Steinem to speak at Packard Music Hall in Warren, Ohio in the 1970s.

Thank you, Mrs. Reid, for helping so many and for standing with NCLC.



Geneva Reid (left) was the beloved vice president of NCLC's Board of Directors. She is pictured with fellow board member Nancy Barron.

### Letter of Appreciation



1700 G Street NW, Washington, DC 20552

February 4, 2013

Alys Cohen  
Staff Attorney  
National Consumer Law Center  
1001 Connecticut Avenue, NW, Suite 510  
Washington, DC 20036

Dear Alys,

Thank you for helping to make the CFPB's field hearing in Baltimore a success.

Your legal insight into how the mortgage market should function for consumers contributed greatly to the discussion on Qualified Mortgages at the field hearing and to the CFPB's understanding of the impact to consumers. I greatly appreciate the level of passion, commitment and expertise that you brought to the CFPB's many conversations about the CFPB's various mortgage market rulemakings. We very much appreciate that you took the time to engage thoughtfully in this dialogue.

Sincerely,

Richard Cordray  
Director  
Consumer Financial Protection Bureau

At NCLC's 2012 Consumer Rights Litigation Conference, Consumer Financial Protection Bureau Director Richard Cordray (middle) visits with conference attendees.



MARTINA MACHACKOVA PHOTOGRAPHY & DESIGN

# That's Impact! Top Ten Things

1

## Trained More Than 15,000 Advocates on How to Help Consumers in the Financial Marketplace

Want regular updates on NCLC's webinars, regional trainings, and/or conferences? Sign up for e-alerts at: [www.nclc.org/conferences-training/conferences-a-training.html](http://www.nclc.org/conferences-training/conferences-a-training.html).

Or listen for free to any of the 90 NCLC webinars at [www.nclc.org/webinars.html](http://www.nclc.org/webinars.html).



You make it possible for training—through seminars, conferences, and webinars—to remain an important part of what NCLC does. Pictured: A session at the 2012 NCLC Consumer Rights Litigation Conference.



Through NCLC's Project Stay Connected (PSC), 390 social workers and other front-line consumer advocates received training in 2012, to help low-income households avoid utility shut-offs. Pictured: participants at a PSC training at Action for Boston Community Development.

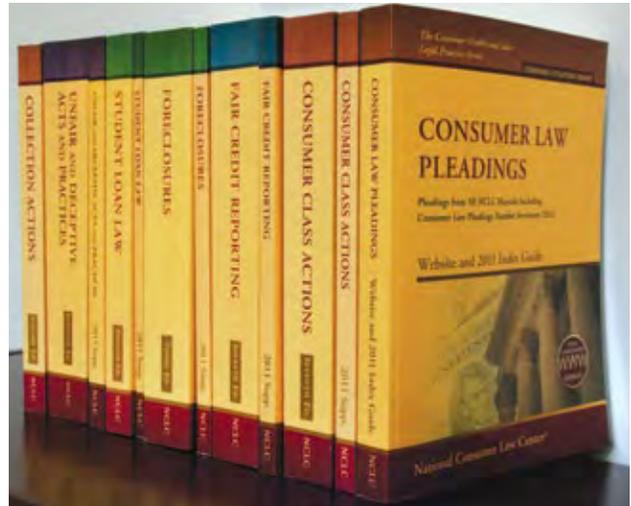


NCLC Attorney Charlie Harak leading a Project Stay Connected Training.

2

## Published Our Essential Consumer Law Books for Lawyers, Law Professors, and Consumers

Check out NCLC's online Bookstore at [shop.consumerlaw.org](http://shop.consumerlaw.org).



3

## Held Strong on the Holder Rule

The FTC's 1975 Holder Rule protects the rights of consumers who make a purchase using credit obtained through a merchant. In May, the FTC (by unanimous vote) affirmed consumers' rights under this rule. FTC Commissioner Julie Brill wrote in a thank you letter, "Our formal opinion may not have been issued but for National Consumer Law Center's request that we review the issues arising from some recent (court) decisions interpreting the Holder Rule."

4

## Stopped Evasive Payday Loans on Prepaid Debit Cards

In May, NCLC blew the whistle on CheckSmart's evasion of state laws by making payday loans on prepaid cards. By the end of the year, the payday loans were gone from the cards and the lender's plan to expand by going public was in shambles.

# NCLC Did to Help Consumers in 2012

## 5

### Led Advocacy for the Demise of Refund Anticipation Loans (RALs)

The last of the bank-issued RALs fell in 2012 when H&R Block finally stopped making these high-cost loans that targeted low-income consumers and undermined the earned income tax credit. NCLC led a decade-long campaign against RALs made by tax preparation companies.

We still issue an annual report on tax-time financial products that continue to strip money from consumers. Find out more: [www.nclc.org/issues/refund-anticipation-loans.html](http://www.nclc.org/issues/refund-anticipation-loans.html).

## 6

### Won Reforms to the U.S. Bankruptcy Process

The U.S. Supreme Court approved new bankruptcy rules to help prevent foreclosures, following recommendations by a federal rules committee on which NCLC attorney John Rao provided a leadership role.

## 7

### Filed Historic Litigation to Rein in Discriminatory Practices of Wall Street Investment Firms

NCLC, along with co-counsel ACLU and Lief Cabraser Heimann & Bernstein, filed a groundbreaking lawsuit in October (*Adkins et al. v Morgan Stanley*). The class-action suit alleges that Morgan Stanley violated federal and state housing and anti-discrimination laws by adopting discriminatory mortgage securitization policies.

For more information, go to [www.nclc.org/issues/mortgage-securitization-discrimination-litigation.html](http://www.nclc.org/issues/mortgage-securitization-discrimination-litigation.html).



COURTESY ACLU

## 8

### Continued the Mantra: Equal Access to Fair Credit Is a Civil Right. Equal Access to Fair Credit Is a Civil Right.

One way to commemorate the 50th anniversary of Martin Luther King Jr.'s *I Have a Dream* Speech: Get involved in what NCLC is doing to promote equal access to fair credit through our Racial Justice and Equal Economic Opportunity Project: [www.nclc.org/issues/racial-justice.html](http://www.nclc.org/issues/racial-justice.html).



## 9

### Stood Up for Families Being Harassed by Debt Collectors

To help consumers struggling with debt, NCLC developed legislation for states to prevent collection abuses and to help families build assets—the Model Family Financial Protection Act. Please direct your state legislators to this model law: [www.nclc.org/issues/debt-collection.html](http://www.nclc.org/issues/debt-collection.html).

## 10

### Convened Policymakers for a Day-Long Briefing on Mortgage Servicing

In July, we gathered 75 advocates and policymakers in Washington, D.C., at an invitation-only session to discuss mortgage servicing. Our goal was to hit home the policy improvements needed to head off foreclosures for 10 million homeowners still at risk.

The Consumer Financial Protection Bureau adopted some of our key proposals, but much more needs to be done. What should happen now? See our analysis at [www.nclc.org/table/servicing-policy-analysis](http://www.nclc.org/table/servicing-policy-analysis).

*Donors and Funders Make Our Work Possible:  
NCLC is Grateful for Your Support*

## Will You Help Us This Year? Join Us in Telling Policymakers: Modify Loans. Do Not Foreclose.

*Will 2013 Be a Better Year for Loan Modifications? New CFPB Rules Make Some Progress, But Key Protections Are Still Needed. A New NCLC Report Offers a Blueprint for Reform.*

January 2013 was a big opportunity for the Consumer Financial Protection Bureau to truly help homeowners facing foreclosure. Unfortunately, the CFPB's final mortgage servicing rules fell short. The new rules give little incentive—and even less requirement—for mortgage servicing companies to modify loans instead of foreclosing. Much more is needed.

“The CFPB's final mortgage servicing rules fail to implement the key lesson of the foreclosure crisis, that a loan modification requirement is essential to protect qualified homeowners from

unnecessary foreclosures,” says NCLC attorney Alys Cohen. “While the establishment of industry-wide standards is important, the failure to require meaningful loan modification protections is a retreat from current safeguards under the soon-to-expire HAMP loan modification program.”

Meanwhile, sunset for the Home Affordable Modification Program (the U.S. government's most successful loan modification program) is scheduled for December 31, 2013. Knowing that we can do better as a nation to help homeowners at risk, NCLC published

a special report this year, *At a Crossroads: Lessons from HAMP*.

**The report celebrates:** Nearly 850,000 homeowners are in sustainable, performing, permanent mortgage modifications, many of whom would never have gotten a permanent modification but for HAMP.

**But the report urges reform:** Without strong mandates and enforceable consequences for noncompliance, mortgage servicers will continue to implement modifications haphazardly or not at all, leaving the economy in a tailspin. “HAMP's failure to reach its intended scale of 3 to 4 million households has one root cause: massive servicer noncompliance,” says NCLC attorney Alys Cohen.

*Help us to keep pressing for modification, not foreclosure. Donate at [nclc.org](http://nclc.org).*

Without you, our work would not be possible.

**Please donate to  
NCLC — [nclc.org](http://nclc.org)**



DANICA BURT

## On the Home Front: Legal Services Ramps Up Foreclosure Defense Work

NCLC is administering an innovative program to deliver high-quality legal representation for homeowners facing foreclosure. Known as HomeCorps Legal Services, the project is funded by the Office of the Massachusetts Attorney General (with settlement funds provided by mortgage servicers).

Kicked off in September 2012 with the Massachusetts Legal Assistance Corporation, HomeCorps has hired, trained, and provided case consultation to 18 new attorneys working in 14 legal aid offices statewide in Massachusetts. “This project levels the playing field for low-income families close to losing their homes,” says NCLC Executive Director Willard Ogburn.



BEVERLIE SOPHER

In Massachusetts, a small battalion has been deployed to stop foreclosures in their tracks. Pictured here: newly-hired legal-aid attorneys with HomeCorps Legal Services Project Manager Meg Connolly (front with red shirt).

## Unemployment Prepaid Cards... continued from page 1

choice of direct deposit of their benefits to a bank account, and by forcing workers to receive benefits on the state vendor's prepaid card.

The new *Survey of Unemployment Compensation Prepaid Cards* also includes a review of direct deposit rates nationwide and compares the prepaid card fees that are taken from recipients' unemployment benefits.

Find out more and see how your state's card ranks in *NCLC 2013 Survey of Unemployment Prepaid Cards*: [www.nclc.org/issues/unemployment-compensation-prepaid-cards.html](http://www.nclc.org/issues/unemployment-compensation-prepaid-cards.html).

Next up—with Your Help: NCLC will continue pressing the Consumer Financial Protection Bureau to ban overdraft fees and credit features on all prepaid cards.

Keep Updated by Liking Us on Facebook!  
[facebook.com/nationalconsumerlawcenter](http://facebook.com/nationalconsumerlawcenter)

## The Best and Worst Unemployment Debit Cards (As of January 2013)

### 👍👍 Best cards

California and New Jersey (Bank of America)  
Pennsylvania (JPMorgan Chase)

### 👍 Runners up cards

Arizona, Rhode Island (JPMorgan Chase)  
Arkansas, Idaho, Minnesota, Nebraska, North Dakota, Ohio, Oregon, South Dakota, and Wyoming (U.S. Bank)  
District of Columbia, Maryland (Citibank)  
Georgia (Comerica)  
South Carolina (Bank of America)

### 👎 Problematic Cards

Alaska (JPMorgan Chase)  
Indiana (PNC)  
Iowa (Wells Fargo)

**Have You Heard?** NCLC Supporters Stopped a Bank from Using Prepaid Cards to Evade Consumer Protection Laws. Read more about this important consumer victory here: [www.nclc.org/images/pdf/pr-reports/pr-prepaid-paydayhalt-2013.pdf](http://www.nclc.org/images/pdf/pr-reports/pr-prepaid-paydayhalt-2013.pdf)

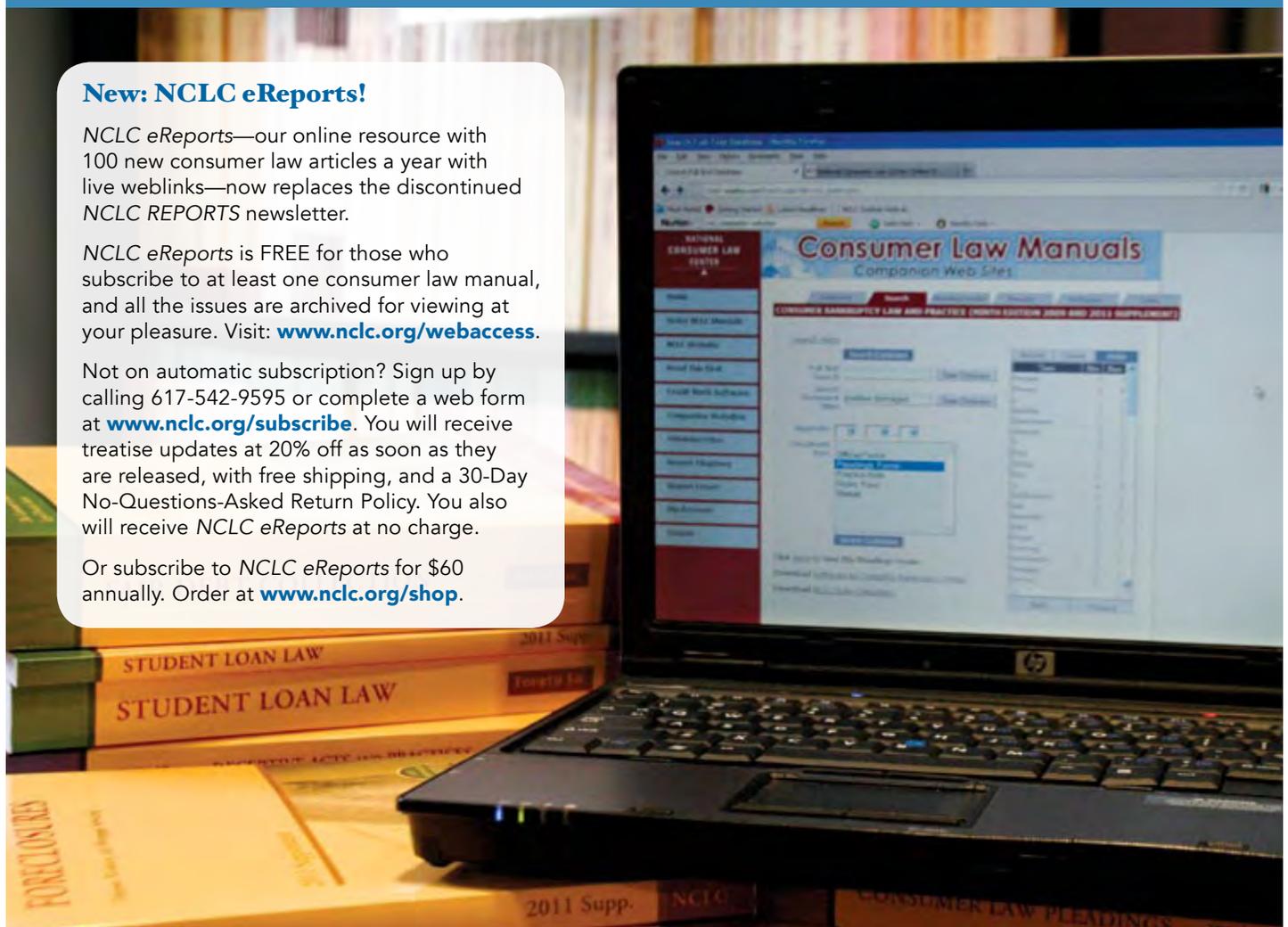
### New: NCLC eReports!

NCLC eReports—our online resource with 100 new consumer law articles a year with live weblinks—now replaces the discontinued NCLC REPORTS newsletter.

NCLC eReports is FREE for those who subscribe to at least one consumer law manual, and all the issues are archived for viewing at your pleasure. Visit: [www.nclc.org/webaccess](http://www.nclc.org/webaccess).

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Or subscribe to NCLC eReports for \$60 annually. Order at [www.nclc.org/shop](http://www.nclc.org/shop).



## Adkins vs. Morgan Stanley... *continued from page 1*

the Detroit Metro area, increasing their likelihood of receiving a toxic subprime mortgage by 70 percent over similarly situated white homeowners. A high-interest, combined-risk loan is toxic because it exposes borrowers to elevated and spiraling risk that inevitably puts many on the path to foreclosure.

“Through this lawsuit, we have brought the financial and personal devastation caused to Detroit’s neighborhoods right to Wall Street’s doorstep,” says NCLC Director of Litigation Stuart Rossman. “We seek to obtain justice for harms caused by the proliferation of predatory loans that were doomed to fail from the very start.”

Beverly Adkins and her co-plaintiffs could set a precedent for broader justice, making it more difficult for

Wall Street firms to encourage, or even require, mortgage lending practices that effectively strip consumers’ equity and assets in communities of color across the United States.

*Adkins* also could help reform investment banks’ securitization policies related to buying and selling student loans, credit card debt, and medical debt. “We want investment bankers to think about the impact they are having on consumers and families when they

securitize debt and resell it in order to maximize their profits,” explains Rossman.

“Everyone—donors, supporters, and staff—can be very proud of *Adkins*,” Rossman says. “This case goes to the heart of the greed behind the mortgage meltdown. It draws a direct line between financiers’ insatiable hunger for extreme profits and the ramifications for communities of color.”

*“This case goes to the heart of the greed behind the mortgage meltdown. It draws a direct line between financiers’ insatiable hunger for extreme profits and the ramifications for communities of color.”*

—NCLC Director of Litigation Stuart Rossman

## What You Should Know about *Beverly Adkins et al. vs. Morgan Stanley*

**FILED ON:** October 15, 2012

**FILED IN:** U.S. District Court in the Southern District of New York

**PLAINTIFFS:** Beverly Adkins, four additional African-American mortgage borrowers, and Michigan Legal Services on behalf of other African-American homeowners in the Detroit area.

**DEFENDANTS:** Morgan Stanley & Co., L.L.C.

**CO-COUNSEL FOR THE PLAINTIFFS:** National Consumer Law Center, American Civil Liberties Union (ACLU), ACLU of Michigan, and Lieff Cabraser Heimann & Bernstein.

**IN THE SPOTLIGHT:** This is the first time that homeowners victimized by subprime lending abuses directly have sued an investment bank by linking civil rights

and consumer laws. It is also the first lawsuit to connect racial discrimination to the practice of selling mortgage-backed financial products to large institutional investors on the secondary market.

**STATUS:** A motion by Morgan Stanley to dismiss the case was argued before the Court on March 13, 2013. A decision is expected this summer.

Learn More Online [www.nclc.org](http://www.nclc.org) 

### **Mortgage Securitization Discrimination Litigation (see Litigation)**

- Read the *Adkins* complaint and FAQs about the case
- Watch a video with plaintiff Rubbie McCoy
- Listen to a radio interview with Stuart Rossman

### **Racial Justice & Equal Economic Opportunity Project (see Special Projects)**

- Learn more about NCLC’s civil and economic rights advocacy work

# Oppose Disparate Impact. Create Positive Consumer Impact.

## How Donor Support Enabled NCLC to Set 14 Years of Racial Justice Legal Precedent

Being a part of the NCLC community means that you are part of the fight against unjust lending, insurance, and credit practices that affect us all—and that disproportionately harm African-American and Latino consumers.

Your donations underwrite the vital work to build case law that helps create economic rights.

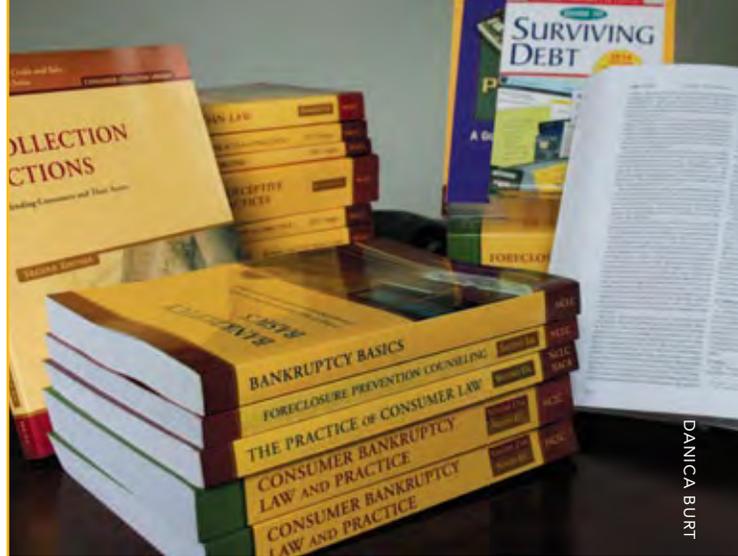
For 14 years, NCLC has won major court rulings against disparate impact discrimination, which is the foundational legal standard underpinning *Adkins v. Morgan Stanley*. Under the legal standard of disparate impact, a company can be held accountable for what the U.S. Supreme Court has described as “practices that are fair in form, but discriminatory in operation.”

Since 1999, NCLC has successfully represented plaintiffs in more than 25 cases that fought against disparate impact discrimination. Of these cases, 11 opposed automobile finance discrimination and 17 objected to discriminatory subprime lending practices that drained billions of dollars from communities of color. We also joined The Lawyers’ Committee for Civil Rights Under Law in filing an amicus brief with the U.S. Supreme Court in *Magner v. Gallagher*, a fair housing case.

The donations and goodwill of NCLC supporters allow us to use our expertise in eliminating disparate impact discrimination to assist others.

“Impact litigation is often complex, groundbreaking, and innovative. As a result, it is expensive and time consuming, requiring many hours of legal work to take on significant challenges,” says NCLC Director of Litigation Stuart Rossman. “We are fortunate to have many wonderful co-counsel to substantially lower our out-of-pocket costs. But financial support is still needed to underwrite and facilitate NCLC’s participation in such litigation.”

Join the Cause to Combat Lending & Credit Discrimination: Donate @ [NCLC.org](http://NCLC.org)



DANICA BURTT

## Keep Your Consumer Law Library Up To Date

### New Treatises from NCLC

NCLC recently released 10 updates to our Consumer Law Practice Series. Highlights include a revised *Truth in Lending* citing to both the new Consumer Financial Protection Bureau and FRB versions of Regulation Z, and *Consumer Bankruptcy Law and Practice*—now fully updated for use in 2013.

*Unfair and Deceptive Acts and Practices* has been replaced and split into two titles: *Federal Deception Law* is a separate new treatise focusing on federal rules for marketplace conduct and federal remedies for consumer deception, and the new *UDAP* 8th edition now focuses exclusively on private and state UDAP litigation.

NCLC in December also released these other new updates:

- *Fair Credit Reporting* 2012 Supplement
- *Student Loan Law* 2012 Supplement
- *Consumer Arbitration Agreements* 2012 Supplement
- *Repossessions* 2012 Supplement
- *Consumer Law Pleadings* 2012 Website and Index Guide
- *Consumer Law on the Web* December 2012

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## Snapshots from NCLC's 2012 Consumer Rights Litigation Conference: Seattle Rocked

NCLC's Will Ogburn (right) congratulates Vern Countryman award winner David A. Leen. The award is presented each year to an attorney whose special contributions to the practice of consumer law have strengthened the rights of low-income individuals in the United States.



*...And the band played on.* Conference attendees celebrated consumer rights during the premier performance by Mandatory Agitation. Band members are consumer lawyers and advocates from across the country.



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