

The National Consumer Law Center

Honors

Carlene McNulty



with the 2011  
Vern Countryman Award

Carlene McNulty is a North Carolina hero, a public interest attorney, a passionate and dedicated advocate.

She has been a staff attorney for the past sixteen years at the North Carolina Justice Center after serving ten years at North State Legal Service in Hillsborough, North Carolina as a staff attorney and managing attorney. While there, Carlene won the prestigious Julian Pierce Award as North Carolina's outstanding legal services advocate.

Let us use some of the words of those who know her best – and who were, in the words of one proponent, an enthusiastic chorus in favor of nominating her for this award.

“Ms. McNulty is widely known among those in North Carolina's legal community for fighting on behalf of low-income consumers facing foreclosures, evictions and predatory lenders. Ms. McNulty is highly regarded as an expert on these consumer law issues.

She is the bedrock attorney for the Justice Center, where she acts as a senior consumer protection litigator. She was one of the chief lawyers involved in obtaining class certification in the precedent-setting case of *Tomin v. Dylan Mortgage, Inc.*, 2002 NCBC 1 (N.C. Super. Ct. Feb. 1, 2001), which

is one of the most important and precedent-setting consumer class action victories in our State's history.”

-Mona Lisa Wallace, Attorney, Partner, Wallace and Graham

The payday lending litigation, five cases connected in 2002-2005, precipitated an administrative action by the North Carolina Commissioner of Banks. As a result of the Commissioner's parallel case, all payday lending activity ceased in North Carolina in early 2006. During the course of the payday litigation, Carlene contributed significantly to reshaping North Carolina law concerning arbitration through her *amicus* brief in the *Tillman* case. After many years, the payday cases were recently certified as class actions, and motions to compel arbitration were recently denied.

In addition, Carlene has been involved in other significant litigation that seems likely to reform the legal landscape for North Carolina consumers, including ongoing litigation involving “witness only” mortgage closings and past and imminent litigation challenging the legitimacy of National Arbitration Forum proceedings. Moreover, her work in the General Assembly has contributed significantly to substantial additional legislative protections for mortgage borrowers and consumers who are subject to claims by debt buyers.

-- Jerry Hartzell, Attorney and Partner, Hartzell & Whiteman

Courage is the first of her many qualities that come to mind when I think of Carlene. She is a fearless litigator. She speaks truth to power with clarity, conviction and passion. I have had the privilege of trying cases before juries with Carlene. I know firsthand the strength of her character in the midst of intimidation, racism and violence.

I want to bring special attention to the fact that Carlene's leadership in North Carolina payday lending litigation recently resulted in a settlement of the 3 lead cases in the amount of 44.75 million dollars. It is the largest such settlement that we know of in the nation.

There are simply too many cases to mention, but Carlene has been involved with nearly all the significant class action cases on behalf of consumers in North Carolina. Carlene's tenacity and her ethical leadership in these cases have been absolutely inspiring.

Carlene is the go-to person for lawyers with Legal Aid of North Carolina who are struggling with complex issues. She is well known among legislators and private practitioners throughout the state as the go-to person for answers involving public interest legislation and litigation issues. She has done the heavy lifting on the drafting of numerous consumer protection statutes.

Carlene is the model of what a lawyer and a public interest lawyer should be. She raises the bar for all of us, setting a standard to which we should aspire.

-- Mal Maynard, Attorney, Executive Director, Financial Protection Law Center

Those who know her best have said it best, so now all can understand why the 2011 Vern Countryman Award was awarded to Carlene McNulty. Congratulations and many thanks for Carlene's service to low-income consumers.