

Consumer Impact

Mortgage Servicing Abuse Still on the Loose

New Advocacy Tool and Training Resources

To assist the still millions of financially distressed consumers who need fair and lawful mortgage servicing to save their homes from foreclosure, the National Consumer Law Center and the National Housing Resource Center are offering free, comprehensive resources

to aid housing counselors in recognizing, documenting, and reporting violations of the National Mortgage Settlement (NMS).

Resources include a free two-part webinar, *Understanding the National Mortgage Settlement: A Road Map for Housing Counselors*, an accompanying

guidebook, and an easy-to-use online checklist to report violations of the settlement. The training got off to a great start: when the webinar series aired live this past spring, it drew more than 1,000 housing counselors from across the nation. But there's more.

"To provide a legal basis for challenging mortgage servicers' noncompliance with the terms of the National Mortgage Settlement, it is essential to report violations of the servicing standards and other terms of the settlement," says NCLC attorney Odette Williamson. "We hope that housing counselors will use our NMS Checklist to regularly report the problems they are having with the mortgage servicers who signed the agreement with the federal government and attorneys general of 49 states and the District of Columbia."

continued on page 6

NCLC's housing counselor resources team: Jessica Hiemenz, development events & training coordinator (l), and Odette Williamson, attorney (r).



"The consumers who pay the most overdraft fees are also the most economically vulnerable. So the fattest profits of some of the biggest banks are being made off the backs of those least able to afford it."

—Chi Chi Wu,
 NCLC attorney

History Is on Consumers' Side

NCLC Urges Rule-Makers to Take a Centuries-Old Common Law Path to Prohibit Overdraft Fee Abuses

Last year, banks skimmed \$32 billion through expensive checking account overdraft fees, hitting low-income and minority customers the hardest.

NCLC advocates for stronger consumer protections from overdraft fee abuses. In *Restoring the Wisdom of the Common Law: Applying the Historical Rule Against Contractual Penalty Damages to Bank Overdraft Fees*, NCLC attorney Chi Chi Wu provides historical context and a legal roadmap for requiring that fees be held to a reasonable and proportional standard.

continued on page 5

Inside this issue

- 2 A Note from the Executive Director
- 3 Consumer Rights Litigation Conference
- 3 NCLC Is Making Legal History in the Struggle for Economic Civil Rights
- 4 Cy Pres Fuels Our Shared Mission
- 5 Ramping Up AMPs
- 6 NCLC Foreclosure Defense Trainings & Tools
- 8 Advocate Spotlight: Chi Chi Wu
- 9 Get FREE NCLC eReports!
- 9 Notable Mentions
- 10 Taking a Stand for Boston Marathon Bombing Survivors
- 10 Keep Your Consumer Law Library Up To Date
- 11 Thank You to NCLC's Donors and Supporters

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.



[Facebook.com/nationalconsumerlawcenter](https://www.facebook.com/nationalconsumerlawcenter)

Please join us to learn, network, and be inspired!



NCLC Partners Council Leadership for NCLC

Chair

Elizabeth J. Cabraser

Chair Emeritus

Bryan Kemnitzer

Roy E. Barnes

Leonard Bennett

Jeffrey K. Berns

O. Randolph Bragg

Robert M. Bramson

Bernard E. Brown

James L. Brown

Sheila Canavan

Mark A. Chavez

William H. Crowder

Michael D. Donovan

Timothy E. Eble

Cary L. Flitter

Robert S. Green

Kathleen E. Keest

William M. Krieg

Steve D. Larson

Robert I. Lax

Seth R. Lesser

Arthur D. Levy

Michael P. Malakoff

Niall P. McCarthy

Daniel J. Mulligan

John T. Murray

David J. Philipps

John Roddy

James C. Sturdevant

Janet R. Varnell

A Note From the Executive Director

Welcome to *Consumer Impact*. I hope this issue updates you on some of NCLC's activities designed to support your work to advance consumer protection and economic justice.

I am pictured below with Rosemary Shahan, long-time crusader for car safety and recipient of NCLC's Consumer Impact Award at last year's Consumer Rights Litigation Conference (CRLC). This fall, we will publish a report about NCLC's work to help low-income families acquire and retain safe, affordable cars (see back cover).

A car and home are the two main purchases that help boost low- and moderate-income families' economic security. We are pleased and proud that NCLC is seen as one of the best choices for training legal services attorneys and housing counselors to help struggling consumers retain their homes in California, Illinois, Louisiana, Nevada, and New Hampshire – among other states. (See stories on page 1 and pages 6-7.)

Your support makes this work and other vital work possible. Please find out more about the range and depth of our activities at nclc.org.

We are not alone in our work. NCLC was thrilled to see the Consumer Financial Protection Bureau (CFPB) finally have a confirmed director. The CFPB has much to do to properly protect consumers. Agency staff have looked to NCLC for suggestions and support. We plan to back them when they lead the way and push them when they do not.

Thank you for joining us in this important work.

Sincerely,

Willard Ogburn, Executive Director

P.S. I look forward to seeing you at this year's Consumer Rights Litigation Conference in Washington, D.C. from November 7-10. You can register online at nclc.org.



NCLC Executive Director Will Ogburn presents Rosemary Shahan (founder of C.A.R.S. – Consumers for Auto Reliability and Safety) with the Consumer Impact Award at NCLC's 2012 Consumer Rights Litigation Conference. Rosemary was honored in recognition of her visionary leadership in protecting consumer rights and preserving access to economic justice.

MARTINA MACHACKOVA



DESTINATION DC

REGISTER NOW for the CRLC!

November 7-10 in Washington, D.C.

nclc.org

Please join us for the 2013 Consumer Rights Litigation Conference – the nation’s largest gathering of consumer attorneys.

Find new consumer litigation ideas, inspiration, and information to keep your practice on sound footing.

“This is the most valuable legal education conference of the year. I have been coming for more than a decade and have always found it enormously informative and inspiring.”

—2012 CRLC Attendee

For the speakers, workshops, and gatherings you will find at this year’s CRLC – visit nclc.org

⇒ Impact Update

With You, NCLC Is Making Legal History in the Struggle for Economic Civil Rights

Adkins v. Morgan Stanley Survives Motion to Dismiss

NCLC is part of a ground-breaking racial discrimination class action lawsuit brought against one of the world’s largest and oldest investment banks for its role in facilitating and promoting toxic high-cost loan terms in predatory loans that have caused incalculable harm to consumers. This summer, the bank’s motion to dismiss the 2012 case, *Adkins v. Morgan Stanley*, was denied by the Federal District Court in New York.

Now engaged in discovery, NCLC and co-counsel are developing a factual record that will, with the analytical assistance of our expert consultants and witnesses, expose



Rubie McCoy, Detroit homeowner and plaintiff

COURTESY OF ACLU

the nature and scope of the discriminatory impact of Morgan Stanley’s subprime mortgage securitization practices as they affected African-American homeowners in the Detroit metropolitan area.

We are grateful to NCLC donors, supporters, and co-counsel American Civil Liberties Union (ACLU), ACLU of Michigan, and Lief Cabraser Heimann & Bernstein for helping to make this historic litigation possible. *Adkins v. Morgan Stanley* is the first private racial discrimination enforcement action brought against a Wall Street investment bank under the Fair Housing Act.

Your Cy Pres Fuels Our Shared Mission

Class actions are under attack by the U.S. Supreme Court, but the consumer law community and other class action attorneys continue supporting NCLC – and the work we all share – by directing *cy pres* in support of that work. Here we highlight a few of the 20 *cy pres* donations NCLC has received in 2013 (at press time). These awards illustrate the wide range of cases for which NCLC provides benefits to the affected classes.

Thank you to each attorney who has directed *cy pres* to NCLC. This support makes every element of our consumer rights work possible – from advocacy, to litigation, to training, to publication of legal treatises that help lawyers in their practice (and that have been cited by courts across the United States, including the U.S. Supreme Court).

January 2013

- Mario Alioto, Dan Hume, and Renae Steiner settled *In Re: Aftermarkets Filter Antitrust Litigation*, a settlement directly related to false product claims.
- Laurence King, Kevin McInerney, Matthew Righetti, and Todd M. Schneider settled a case in which LexisNexis had allegedly furnished consumer reports in violation of California and federal laws.
- William Horn and Lilys McCoy settled a fair debt collection practices case in favor of the class. William Horn also joined with Robert Arleo in providing a second fair debt collection practices *cy pres* later this year, as did Brian Bromberg.

February 2013

The Johnson and Johnson law firm, in Beverly Hills, California, directed a *cy pres* to NCLC, resulting from a case in which one product was advertised and another was provided to consumers.

Make a difference in these five lives – and the lives of countless others.

Support NCLC and the work we share. Donate at nclc.org.

Thank you.

May 2013

- Greg Blankinship directed *cy pres* that became available once the class received its settlement funds around Walmart's allegedly deceptive membership renewal fees practices.
- Janet Varnell and Brian Warwick challenged the practice of tagging an undisclosed fee to the purchase of a driving course purchased over the internet – and then directed to NCLC *cy pres* related to the settlement.



Janet R. Varnell, attorney, Varnell & Warwick, P.A.

June 2013

Michael McKay directed to NCLC *cy pres* related to vehicle repossessions. Also in June, Mark Griffin, Amy Williams-Derry, and Richard Kellner directed *cy pres* related to a case against classmates.com's false claims made to sell membership upgrades.

July 2013

David Philipps directed two *cy pres* awards in fair debt collection practices class actions to NCLC.

The variety of cases and *cy pres* cover a broad range of issues related to consumer protection and economic justice, even during this short time period.

Because of you, the range of our activities in these areas – and the impact from your directed *cy pres* to NCLC – is even greater.

Thank you.

For more information about directing *cy pres* to NCLC, please visit our new web page: nclc.org/about-us/cy-pres-awards.html.



Cy Pres Donors

March 2013 – July 2013

Many thanks to the following individuals and firms who have directed recent *cy pres* and other court awards to NCLC that support greater impact through our shared work. Many of the *cy pres* awarded to NCLC come from multiple plaintiffs' counsel. We have endeavored to name all involved.

Mario N. Alioto
Robert L. Arleo
Irving Berg
Greg Blankinship
Daniel S. Blinn
O. Randolph Bragg
Thomas R. Breeden
Brian L. Bromberg
Joshua Cohen
Mark A. Griffin
John Heenan
William F. Horn
Daniel Hume
Richard L. Kellner
Michael McKay
Robert W. Murphy
David J. Philipps (4)
John Roddy
Elizabeth Ryan
Todd M. Schneider
Renae Steiner
Janet R. Varnell
Brian W. Warwick
Amy Williams-Derry
Garrett Webster Wotkyns

Ramping Up AMPs

When an Incentive and Helping Hand Are More Effective Than Utility Terminations

Carrot anyone? A Massachusetts initiative to incentivize low-income customers to better manage overdue gas and electric bills is winning praise from all stakeholders. A new NCLC report trumpets the program's success and encourages states to replicate the Arrearage Management Programs (AMP) administered by Massachusetts utilities.

What are AMPs? These programs are rooted in an innovative payment collections approach started by the Wisconsin Public Service Corporation (WPSC) in 1983, and based on the assumption that most consumers want to – and do – pay their bills if they can. AMPs provide relief for low-income consumers with significant past due utility bills. Each time a participant makes a leveled monthly payment, the overdue amount is reduced until completely eliminated. In 2005, NCLC successfully advocated for a state law that requires all Massachusetts utilities to offer AMPs to low-income customers. The AMP is an important tool for responding to spiraling energy costs and the increasing numbers of customers who cannot afford to pay their utility bills.

The AMP incentive model brings dignity to low-income seniors, individuals, and families by helping them manage their bills. And utility companies recover money they likely would not have received. According to Susan Corson, a utility company administrator in Massachusetts, “Customer service representatives ‘love, love, love it!’”

In Massachusetts, there are now approximately 17,000 households enrolled in AMPs, and participants made utility payments of \$17.8 million in 2012. As an incentive for financially strapped customers to make those payments, utilities forgave \$15.9 million in largely-uncollectible past bills.

The main takeaway from NCLC's report? Unaffordable consumer utility debt does not have to result in gas and



Community Action Agencies often refer financially struggling utility consumers to Arrearage Management Programs for help with unaffordable heat and electricity bills. Pictured: Charlie Harak, NCLC attorney (l) and Barry Ingber, director of energy programs at Tri-City Community Action Program (Tri-CAP) in Massachusetts.

electricity terminations; and low-income customers, other ratepayers, *and* utility companies benefit from addressing long-overdue bills with AMPs.

As one AMP participant, a disabled former marine, says, “Paying my bills gives me a sense of dignity and integrity. It [the Arrearage Management Program] helped me to catch up on my bills which gave me a sense of financial freedom, dignity, and self-respect. It also helped me to catch up on my other bills too.”

Read More! The report is available at nclc.org/special-projects/public-policy-reforms.html.

You make advocacy for low-income energy consumers possible.

NCLC thanks The Boston Foundation, The Paul and Phyllis Fireman Charitable Foundation, and the Barr Foundation for their generous support of our low-income energy advocacy.

Overdraft Fee Abuses... continued from page 1

Sixty-one percent of banks' consumer checking account revenues come from overdraft and non-sufficient-funds fees, according to a recent Consumer Financial Protection Bureau (CFPB) study. A substantial portion of these fees are paid by financially struggling consumers who are charged 10 or more overdraft or non-sufficient-funds fees per year – less than 8% of consumers.

Overdraft fees are very lucrative. The median overdraft fee is \$35 – more than most low-income consumers earn after several hours of work. However, only 14.4% of net overdraft revenue goes

toward the cost of covering the unpaid drafts while processing costs are only a few dollars. Add it all up and a bank makes more than \$25 in pure profit from each overdraft fee.

These outsized profits drive other abusive bank practices that escalate overdrafts, according to NCLC's report. These include extending overdrafts to debit and ATM card transactions, where previously transactions were declined without a fee; pressuring, badgering, and using deceptive statements to persuade consumers to opt in to debit card and ATM

overdrafts; re-ordering checks and other debits from high-to-low amounts in order to maximize the number of overdraft fees that are charged; and promoting overdrafts to consumers and encouraging them to use overdrafts as a source of credit.

“For checking accounts to work for low-income consumers, we need to crack down on banks' overdraft abuses,” says Wu.

Links to the full analysis – and information on the CFPB's overdraft fee study – are available at nclc.org/cfpbod.

Mortgage Servicing Abuse...

continued from page 1

The 2012 National Mortgage Settlement (NMS). After years of loan servicing abuses that were a major cause of 10 million foreclosures in the United States since 2007, five large banks/ mortgage servicers (Bank of America, Citi, JPMorgan Chase, Wells Fargo and Ally/GMAC) agreed to provide relief to eligible homeowners and to use new guidelines for servicing mortgage loans. These servicing standards restrict those banks from proceeding with foreclosure when a loan modification application is pending and require:

- better communication with borrowers, including a single point of contact;
- adequate staffing levels and training of employees hired by mortgage servicing companies; and
- appropriate standards for executing documents in foreclosure cases.

How are consumers faring under the NMS?

Housing counselors, consumer advocates, and some states are reporting substantial problems with servicer performance. Also, the Office of Mortgage Settlement Oversight (the overseer of the NMS) has reported pockets of underperformance. “The bottom line is that homeowners are not receiving the help they deserve to preserve the largest and most important asset they have, in terms of security,” notes Willard Ogburn, executive director of NCLC.

With your help, the NMS Checklist can promote fair housing goals. The stakes are particularly high for African-American and Latino borrowers, who are almost twice as likely to be affected by the foreclosure crisis. Fair and lawful mortgage servicing – including loan modifications for qualifying borrowers – can help reduce the financial devastation caused by predatory lending that targeted communities of color in the lead-up to the recent foreclosure crisis.

“The housing counselor NMS Checklist can give a first-time picture regarding how mortgage servicers are treating homeowners of color, disabled homeowners, and Limited English Proficient homeowners,” says Williamson. “Are the new loan servicing rules and guidelines being followed? Are loan workouts and loan modifications being made available?”

Learn more and access the project resources at: nclc.org/nmschecklist. Together, we can prevent more foreclosures and help protect the homes, assets, and communities of vulnerable households. Your donations to NCLC make this work possible. Please donate at nclc.org.

NCLC is also grateful for the support of this work provided by the offices of several state attorneys general and from the Consumer Protection and Education Fund.

Helping You Help Save Ho

Empowering Advocates to Make the Nati

Since 2012, NCLC has trained more than 6,700 attorneys and housing counselors in foreclosure prevention and the nuts and bolts of the National Mortgage Settlement (NMS), through grants provided by state attorneys general (funded in part through the NMS).

Goal: Ensuring that local counselors and attorneys can stop foreclosures in their tracks.

On the Horizon: NCLC, the National Housing Law Project, and the Office of the California Attorney General are scheduling additional foreclosure prevention trainings in California, funded through the NMS.

Other NCLC Trainings & Webinars: NCLC offers dozens of in-person trainings and free webinars every year, on a wide range of consumer protection topics. For schedules and more information, go to nclc.org/conferences-training/conferences-a-training.html.

By the Numbers (2012-2013)

28	NCLC In-Person Trainings on Foreclosure Prevention & Understanding the NMS
18	NCLC Webinars on Foreclosure Prevention & Understanding the NMS
3,276	Participants in NCLC Webinars on Foreclosure Prevention & Understanding the NMS

Resources for Housing Counselors

AVAILABLE AT: nclc.org/nmschecklist

- ☑ Online Checklist to report NMS violations
- ☑ Two-part webinar recording and PowerPoint presentations to learn about NMS guidelines and new CFPB servicing standards
- ☑ Accompanying guidebook



AVAILABLE AT: nclc.org/resources-aids

- ☑ Practice aids and sample counseling forms

AVAILABLE AT: <http://shop.consumerlaw.org/foreclosurepreventioncounseling.aspx>

- ☑ NCLC's Foreclosure Prevention Counseling book (\$60)

Names: NCLC Foreclosure Defense Trainings & Tools

Personal Mortgage Settlement Work for Homeowners, Families, and Communities



On-Line Courses

Donations Enable NCLC to Use Technology to Promote Justice

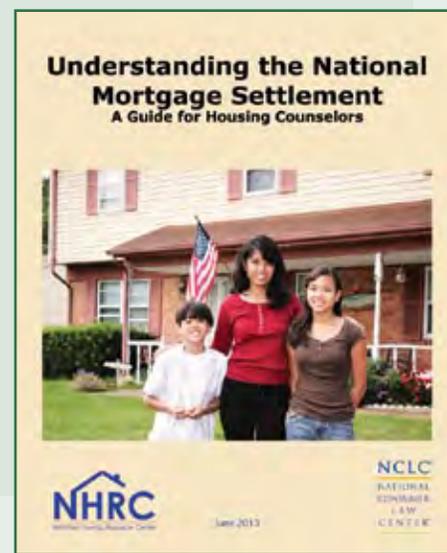
NCLC hosts free webinars that are broadcast nationwide. Search nearly 100 (and growing) webinars by topic at nclc.org/webinars.html.

Topics cover a wide range of consumer and elder issues and feature respected experts in their fields. Recordings, PowerPoint presentations, and supplemental materials all are available for free download and instant viewing. "NCLC is pleased to provide this learning tool so that speakers and attendees do not have to leave their offices," says Jessica Hiemenz, NCLC development events and training coordinator. "These high quality webinar trainings can save a lot of time and travel money that can be put toward other advocacy resources."

Jessica has built NCLC's webinar training program since hosting our first webinar in April 2009. Her initial training was provided through the Legal Services National Technology Assistance Project, with a grant from the U.S. Administration on Aging (now known as the Administration for Community Living).

- ➔ Want to receive notifications of upcoming NCLC webinars? Sign up at <http://tinyurl.com/ltttbe3>.
- ➔ Want to suggest a topic or speaker for a webinar? Please email trainings@nclc.org.

This free guidebook is at nclc.org – and covers how to recognize and document violations of the National Mortgage Settlement. A two-part webinar, *Understanding the National Mortgage Settlement: A Road Map for Housing Counselors*, is also available.



Promoting Better Credit Opportunities for the Poor

An NCLC attorney since 2001, Chi Chi Wu promotes better credit reporting practices and fair bank fees to help struggling consumers achieve financial security and build assets. (See page 1 for related story.)



Also, her leadership in a 10-year coalition campaign helped end bank-issued refund anticipation loans (RALs) in the United States (see box below).

Q: What gives you the most hope for consumers at this time?

A: The passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act – and the creation of the Consumer Financial Protection Bureau (CFPB) – gives us a lot of hope. The CFPB has new tools and resources that prior regulators never had.

Q: And the most worry?

A: Mandatory arbitration worries me greatly. The United States Supreme Court's recent decisions on mandatory arbitration expand the power of financial institutions and other companies to insulate themselves from legal redress by consumers to hold these companies accountable for violating the law.

Q: If you could create your ideal system of credit reporting, what would that look like?

A: I think we should explore the idea of creating a public credit reporting

system that is truly independent, impartial, accountable, and not economically beholden to the creditors and debt collectors.

Credit reporting is a financial report card for consumers in the United States, playing a critical role in their economic health and well-being. Yet this vital resource is in the hands of an oligopoly of three private, for-profit corporations. Furthermore, these companies are unlike most other industries in a fundamental respect – their primary customers are not consumers but the very creditors and debt collectors that they should be, but are not, screening the data of, auditing, and overseeing.

Consumers have no marketplace power with respect to these companies; they cannot avoid having a credit history. Thus, unlike almost all other business relationships, consumers who are unhappy with the actions of a credit bureau cannot vote with their feet. Reforming this unjust system keeps me working on behalf of consumers, especially those with the least means.

Preventing Tax-Time Fraud & Abuse That Harms Consumers Charitable Support Enables Campaign Shift to New Fronts

We cheered when banks stopped offering high-cost loans, secured by tax returns, called refund anticipation loans (RALs). "No longer will bank-issued RALs drain the tax refunds of mostly low-income taxpayers, nor will they skim hundreds of millions in Earned Income Tax Credit dollars from the most vulnerable workers in our economy," explains Chi Chi Wu, NCLC attorney.

What are the next steps to ensure tax-time justice for low-income consumers?

① Refund Anticipation Checks. Advocates and consumers need to keep their eyes on these products and press for fair rules. No faster

than direct-deposited refunds, refund anticipation checks are often nothing more than a high-priced loan of the fee for tax preparation.

② Non-Bank RALs. Consumers should steer clear of these because they are "expensive and risky," cautions Wu.

③ Fundamental regulation of tax preparers. In most states, store-front tax preparers are less accountable to professional scrutiny than hairdressers – allowing incompetence and fraudulent schemes to flourish.

In response, NCLC and the National Community Tax Coalition filed an amicus brief this year supporting federal rules to govern the conduct

of paid tax preparers. The case is *Loving v. U.S.*

Learn More Online

- Read the amicus brief: tinyurl.com/paid-prep-amicus.
- Helping to ensure tax-time justice for low-income consumers? Get reports and more resources at nclc.org/issues/refund-anticipation-loans.html.

NCLC thanks the Annie E. Casey Foundation, Ford Foundation, the Open Society Foundations, and individual donors, who make much of this advocacy work possible.

Get FREE 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 NCLC treatise, and all issues are archived for viewing at your pleasure. Visit: nclc.org/webaccess.

Not on automatic subscription? Sign up by calling 617-542-9595 or complete a web form at nclc.org/subscribe. You will receive treatise updates at 20% off when released, with free shipping and a 30-Day Review Policy. You also will receive NCLC eReports at no charge.

Or subscribe to NCLC eReports for \$60 annually. Order at nclc.org/shop.

Notable Mentions

Your support has empowered advocates to advance consumer law in several exciting new roles and venues during 2013. Thank you for amplifying the voices and impact of veteran – and also very new – champions of equal economic opportunity and financial marketplace justice.



ELECTED to the National Bankruptcy Conference: **Tara Twomey** (pictured), who is of counsel to NCLC and the Amicus Project Director for the National Association of Consumer Bankruptcy Attorneys.

Tara will join NCLC Attorney John Rao, who has served as a conferee of the National Bankruptcy Conference since 2010. A Lecturer in Law at Stanford, Tara is also a contributing author of several

books published by NCLC including *Foreclosures: Defenses, Workouts and Mortgage Servicing* and *Bankruptcy Basics*.

PUBLISHED: *Financial Justice – The People’s Campaign to Stop Lender Abuse* by Larry Kirsch and Robert N. Mayer. This book documents the fight to establish the Consumer Financial Protection Bureau. “It belongs on your shelf – as a reminder of what is possible, and a resource for how to make change happen,” says Willard Ogburn, NCLC executive director.

The book reviews NCLC’s advocacy to limit federal pre-emption of state consumer protections and to expose and prevent racial discrimination in automotive lending. Purchase *Financial Justice* at <http://fcs.utah.edu/financialjustice.php>.

LAUNCHED to better help student loan borrowers: New website for NCLC’s Student Loan Borrower Assistance program. Same great content; improved look and design. Visit: studentloanborrowerassistance.org.

APPOINTED to U.S. Senator Elizabeth Warren’s advisory committee on Massachusetts judicial nominations: **Will Ogburn**, NCLC executive director. The committee solicits, interviews, and comments on applications for the federal district court vacancy in Boston. Senator Warren will review the work of the committee and recommend a judicial nominee to President Obama.



BEVERLIE SOPIER

APPOINTED by the Federal Communications Commission to the Board of Directors of the Universal Service Administrative Company (USAC): **Olivia Wein**, NCLC attorney (pictured).

The USAC oversees the \$8 billion Universal Services Fund to provide access to telecommunications services for low-income and other vulnerable consumers. A staff attorney at NCLC since 1999, Olivia co-authors NCLC’s *Access to Utility Service*.

LEARNING Consumer Law and Advocacy: Thank you to the NCLC summer interns.



BEVERLIE SOPIER

NCLC’s summer 2013 legal interns (l to r): Joseph Myer Sanderson (Yale Law School), Alma Quijada (Suffolk University Law School), Michael Denham (Boston University School of Law), Anna Deknatel (University of Pennsylvania Law School), Matthew Balotta (Harvard Law School), Annalyce G. Shufelt (University of Michigan Law School).

With Your Support, NCLC Is Empowering Boston Marathon Bombing Survivors

When he received an emergency request from the Massachusetts Office of Victim Assistance (MOVA) to help two survivors of the Boston Marathon bombing who were threatened with loss of their utility services due to financial hardship, NCLC attorney Charlie Harak sprang into action.

In just over an hour, he reached out to the households' electric and natural gas providers to stop the termination of their electric and gas services under the state's "serious illness" statute.

Charlie also forwarded *Stay Connected* materials and sample forms to MOVA so they can help other Marathon bombing victims facing financial problems to avoid utility shut-offs as they recover from their injuries.

Learn more about NCLC's Stay Connected project to help low-income consumers maintain their utility services at nclc.org/special-projects/stay-connected.html.

Keep Your Consumer Law Library Up To Date

In August, NCLC released updates to our Consumer Law Practice Series. Highlights include:

- *Consumer Class Actions 8th Edition* analyzing the implications of recent U.S. Supreme Court cases
- *Consumer Banking and Payments Law 5th Edition* explaining the law regarding prepaid cards and other novel payment devices
- *Consumer Warranty Law*
- *Automobile Fraud*
- *Consumer Law on the Web*
- *Foreclosures 2013 Supplement* with a new chapter on the recent CFPB servicing rules
- *Fair Debt Collection 2013 Supplement* covering over 100 new Circuit Court of Appeals decisions
- *Credit Discrimination 6th Edition*

NCLC also released these 2013 supplements: *Collection Actions*, *Mortgage Lending*, and *Consumer Credit Regulation*.

All titles include free updated companion websites so you can download,



Legal treatises ready to ship to consumer champions.

print, and edit pleadings, agency interpretations, case summaries, and more.

For more information and to order, visit nclc.org/shop or call 617-542-9595.

Thank You!

We appreciate all of the contributions from the generous donors listed below from August 1, 2012 – July 31, 2013, who have provided much support for the work we share through NCLC advocacy and programs. Without your help, our work would not be as strong and effective as it is.

If you have been left off the list unintentionally, or there appears to be an error, please contact Jerry Tuckman (gtuckman@nclc.org).

Sustaining Gift \$50,000+ Elizabeth J. Cabraser	Anthony B. Ching William H. Crowder Mary C. Fons Eric H. Gibbs Robert S. Green Melissa A. Huelsman Dale K. Irwin Mary E. Philipps James M. Pietz John Roddy Seth P. Rosebrock Arnold Rosenberg James Shedden Claude M. Steinberg Beth E. Terrel
Leadership Circle \$5,000 – \$19,999 Nancy Barron and Brian Kemnitzer Mark Chavez Timothy Eble Steve D. Larson Michael P. Malakoff, P.C. David J. Philipps Dolores Silva Smith Thomas Tarter	Benefactors \$2,500 – \$4,999 Mark Ankcorn Schwarb Charitable David Humphreys Jordan Hymowitz Michael D. Kinkley Seth R. Lesser Arthur D. Levy Cyrus Mehri Robert W. Murphy Steven A. Skalet Janet R. Varnell Luke Wallace Brian W. Warwick
Good Friends \$1 – \$999 Irv Ackelsberg David F. Addleton Adam Alexander Luz Arevalo Karla Armenoff Jonathan D. Asher Noah Axler Gregory T. Babbitt James L. Baillie Stacy M. Bardo Jacqueline Barillet Justin M. Baxter Suzanne Begnoche Andrew P. Bell Robert Belovich Elizabeth Bennett Jennifer S. Bidwell Daniel E. Birkhaeuser David F. Black J. Thomas Black Brian L. Boger	Advocates \$1,000 – \$2,499 Bill Bartmann John C. Bazaz O. Randolph Bragg Bernard E. Brown James L. Brown

Alana Brenner	Nate Gangelhoff	Christopher M. LeFebvre	Deborah G. Roher
Stephen J. Brobeck	Bradley S Gelder	Gary Leshaw	Florence W. Roisman
Randall H. Brook	Susan E. Gibson-O'Gara	Balam O. Letona	David W Rosenberg
Ashley Brooks	John D. Giglio	Martin E. Levin	Craig E. Rothburd
Sarah H. Brooks	Robin L. Godfrey	Mark H. Leymaster	Toby J. Rothschild
Karen E. Brown	Joseph K. Goldberg	Gai Lorenzen	Phyllis Rowe
Lauren E. Brown	Phil Goldsmith	Christine Luzzie	Richard J. Rubin
Lorray S. C. Brown	Dennis Goldstein	David E. Lynn	Scott J. Rubin
Sarah K. Brown	Harvey Goldstein	Sue Lyon	Jane Santoni
Barbara E. Buckley	Robert A. Goldstein	Thomas J. Lyons, Jr.	Ernest L. Sarason
Leo Bueno	Tara L. Goodwin	Peter L. Maier	Margot Freeman
Alexander Burke	John C. Gray, Jr.	Kevin Mallon	Saunders
Jim Campen	Christopher E. Green	Sara Manaugh	Alan L. Scheinine
James Charles	Michael D. Green	Annie Lainer Marquit	Cathy A. Schoen
Jeanne Charles	Michael M. Greenfield	Toby Marshall	Gary D. Sesser
Gail E. Chester	Kenneth L. Gross, Esq.	Henry W. Martin	Charles Shafer
Michael Childers	Kathryn Harlow	Zachary Mason	Marshall S. Shapo
Francisco Cieza	Robert M. Hart	Mandi Lee Matlock	Elizabeth P. Shay
Ellen S. Citron	Mark Heaney	Scott Maurer	Nina F. Simon
Daniel E. Claggett	Robert J. Henry	Thomas A. Mayes	Steven A. Simons
Theodore Clattenburg	Dorothy Herrera	Mallam J. Maynard	Larry P. Smith
Andrew Cogdell	Settlage	Ken McEldowney	Chris Snodgrass
Harvey and Naomi Cohen	Stan Herring	Dancy McKinney-Parker	Henry J. Sommer
Joshua Cohen	Suzan Hester	Lisa M. Mezzetti	Lili Sotelo
Lynn Coleman	Robert Hobbs	Dina Micheletti	John A. Spanogle, Jr.
Gwendolyn Connolly	Peter A. Holland	Elizabeth A. Miller	Samuel L. Spear
Trisha Connors	George Holler	Armando Montalvo	Stephen L. Speicher
Venicia Considine	Michael G. Howard	Ryan Moore	Jacob Speidel
Fred Corbit	David Huey	Michael A. Mullett	Autumn L. Spritzer
Karen Cordry	James Hunt	Robert A. Myers	Diane Standaert
Anne Cralle	Adrienne Hurt	Yugo Nakai	Andrea Bopp Stark
Lynn Cunningham	SaraEllen M. Hutchison	Gary H. Nash	Kevin Stein
Paul Patrick Daley	Susan Ingles	Fred A. Neil	Mark H. Steinbach
Walter Dartland	Heather Jarvis	Michael O. Nelson	Albert Sterman
Antoinette Davis	Jerry J. Jarzombek	Julie Nepveu	James C. Sturdevant
Malcolm Decker	Michael Joe	Karl Olson	Stephanie Tatar
Connie Deer	Joseph Jones	Konstantine G. Orfanos	Steven A. Taterka
Tullio Deluca	Katherine J. Jones	Jonah Orlofsky	Vildan A. Teske
Sharon M. Dietrich	M.R. Jordan	Scott D. Owens	Gerald J. Thain
Michael DiPaolo	Devonna Joy	Augustin H. Parker	Allison P. Thompson
Robert Ditzion	Todd Kaplan	Lois E. Parris	Diane E. Thompson
Lorca Divale	Scott Kaufman	Lowell C. Paul	Sarah Timmers
Cindy Drinkwater	John B. Keating	Barry Penn	Robert Treinen
Peter Drymalski	Kirsten E. Keefe	Lee M. Perlman	John N. Ukegbu
Kurt Eggert	Kathleen E. Keest	John Person	Tayyab Walker
Marley Ford Eiger	Thomas G. Keith	Mark Pettit, Jr.	Mona Lisa Wallace
Kenneth J. Eisner	John R. Keller	Roger Phillips	Geoffry Walsh
Kathleen Engel	William E. Kennedy	Theresa Joan Player	G. Ray Warner
David L. Entin	Susan Kephart	Ofra Pleban	Thomas W. Weeks
Janet Fagan	Novlette R. Kidd	Susan W. Present	Michelle Weinberg
Victor Farah	Ronald J. Kim	Mary Dee Pridgen	Ronald D. Weiss
Joanne S. Faulkner	Eugene Kimmelman	Concetta Puglisi	Diana C. White
Richard N. Feferman	L. Paul Kossman	Kieron F. Quinn	Richard B. White
James B. Fishman	Robert Krughoff	Raun Rasmussen	Judith Whiting
James Flug	Michelle Ku	M. Kathi Rawls	Lauren E. Willis
Neil J. Fogarty	Peter Kuzma, Jr.	Mark R. Reedy	Martin E. Wolf
Jean Ann Fox	Jerome S. Lamet	Anne Marie Regan	Christine A. Wolk
Henry A. Freedman	Heather Latino	Mary Reiten	Martin Woodward
Christopher Friar	Therese M. Lawless	Charles N. Riley	Shawn N. Wright
Oda C. Friedheim	Mark A. Laws	Phillip Robinson	James Youngerman
George Gaberlavage	Irene Leech	Allan G. Rodgers	Debra Zimmerman
	David A. Leen	Charles Roedersheimer	Philip D. Zuzolo

We also appreciate the generous support of the following foundations, corporations, and government agencies over the past year:

AARP
 Action, Inc.
 Anonymous Funder
 Barr Foundation
 Borchard Foundation Center on Law and Aging
 The Boston Foundation
 Boston Private Bank & Trust
 California Consumer Protection Foundation
 California Office of the Attorney General
 The Annie E. Casey Foundation
 Center for Excellence in Financial Counseling
 CFED
 The Commonwealth Fund
 Consumer Protection and Education Fund of the Attorneys General
 Directions for Rural Action Fund
 Doris Duke Foundation
 Economic Opportunities Studies, Inc.
 The Energy Foundation
 Paul and Phyllis Fireman Foundation
 Ford Foundation
 Illinois Office of the Attorney General
 Massachusetts Legal Assistance Corporation
 Massachusetts Office of the Attorney General
 National Association of Attorneys General
 National Conference of Bankruptcy Judges
 National Philanthropic Trust
 NW Consumer Law Center
 Oak Ridge National Laboratory
 Open Society Foundations
 The Pew Charitable Trusts
 The Regulatory Assistance Project
 The Rhode Island Foundation
 Working Assets/Credo
 U.S. Department of Justice
 U.S. Administration for Community Living/ Administration on Aging
 W.K. Kellogg Foundation

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

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.

Just Around the Corner...
**The 2013 Consumer Rights
Litigation Conference!**

November 7-10 in
Washington, D.C.

Register at nclc.org.



COURTESY OF WAYS TO WORK

Transportation today means opportunity tomorrow. This consumer celebrates becoming a car owner, through the support of a vehicle ownership program called *Ways to Work*.

Your Support Is KEY for Making Moments Like This Possible

Coming this fall! An NCLC report for those interested in helping credit-challenged consumers obtain a car through vehicle ownership programs located across the U.S. Visit: workingcarsforworkingfamilies.org.



DESTINATION DC