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# Outlook

NATIONAL CONSUMER LAW CENTER

## Home at Last!

For the first time since its founding nearly 40 years ago at Boston College, NCLC has a home of its own. The Center closed for business on August 8 and reopened in its new headquarters on August 11. Four and one half floors of much anticipated, carefully planned, and completely renovated space replaced the crowded, inefficient rabbit warren of offices which NCLC leased for so many years.

“Our new home is a terrific place to work, but it’s much more than just a pretty face,” said Willard P. Ogburn, NCLC executive director. “It’s our future, a guarantee of long-term financial strength that will ensure the Center’s ability to speak out and defend vulnerable consumers for many years to come. That’s what makes this building so worthwhile. The long-term savings we accrue from owning our own space will mean we’ll be able to devote more resources to our consumer advocacy.”

It’s been a long, complicated process—fundraising, finding the building, securing complex financing and tax free bonds,



gutting and renovating the building, the physical move itself, and all the while NCLC staffers kept up with their already pressing work loads. Over numerous months, many at NCLC helped make the move possible, but leading the charge were Ogburn; Robert Hobbs, deputy director; Margaret Kohler, director of finance; and Svetlana Ladan, operations manager.

Our new home is a condo arrangement with NCLC owning the top four floors (22,000 sq. ft.) of a five-story, 19th century Neo Grec building. Over the last seven months the building has been gutted and updated. The rehabbing allowed us to design with our staffing needs in mind, as

*continued on Page 11*

## NCLC Weighs in on Climate Change Debate

### Any Legislation Must Address Needs of Low-Income Households

As concerns about the effects of global climate change become more urgent, there is growing pressure on policymakers to find a way to cut domestic carbon emissions. States, acting alone and through regional initiatives, are already working on reducing carbon emissions. Congress has also begun looking at a “cap and trade” plan for reducing green house gas emissions that would limit total emissions and allow entities to trade the rights or allowances to emit.

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*Our new home  
is...more than  
just a pretty face.*

**WILLARD P. OGBURN,**  
NCLC Executive Director

# Outlook

is a biannual publication of the National Consumer Law Center intended to inform our supporters about the Center's advocacy and fundraising activities.

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## A NOTE FROM THE EXECUTIVE DIRECTOR

As Lauren Saunders makes clear in her column on our Washington advocacy, when we talk about NCLC's D.C. advocacy, we're not talking only about the House or Senate. Some of our most effective advocacy is done with regulatory agencies like the Federal Reserve Board and the Federal Trade Commission. In many cases these agencies are responsible for making decisions and regulations that can have a huge effect, for good or bad, on consumers.

With increasing frequency they're asking for input from NCLC and other consumer groups as they prepare the rules that implement existing consumer protection laws. They call on NCLC, in particular, for help with the small details—those fine points that may seem insignificant to some, but NCLC recognizes when they'll have an unintended or harmful effect. We're the experts in the nitty-gritty of consumer law who can best comment on the specifics of a rule and identify potential problems. Even the smallest details can have big effects on the meager budgets of low-income consumers.

All of this agency interest and activity is most welcome, and important, but it's putting a strain on NCLC's finances. We don't want our efforts to lessen. To the contrary, we want to do much more—we must take advantage of every opportunity to speak out on behalf of vulnerable consumers. Your support will help to ensure that we can continue to respond whenever a federal agency asks for our help. Please, make a gift today and you'll be helping NCLC make a difference.

WILLARD P. OGBURN

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# TELL IT TO THE FED!

*Lauren Saunders, managing director of NCLC's Washington office, comments on the impact federal agencies can have on consumer issues.*

When I mention NCLC's Washington work, people think immediately I mean Congress and legislation. But the federal banking agencies and the Federal Trade Commission are much more prolific than Congress, and their decisions can have a profound impact on consumers. Attorneys in both our Boston and DC offices work hard to convince these federal agencies to protect low income consumers.

Federal agencies have the power to determine:

- Whether brokers are allowed to receive a bribe for putting a home owner in a more expensive mortgage than she qualifies for. (Yes.)
- Whether credit card companies can double your interest rate based on the flimsy, unexplained claim that you have retroactively become a bigger credit risk. (No, if the Fed doesn't change its mind.)
- Whether bankers have to ask you first before giving you a hidden line of credit on your debit card that can run up hundreds of dollars of overdraft charges on approved purchases. (No, unless we convince the Fed to change its "opt out" proposal to "opt in.")
- Whether banks can partner with payday lenders to enable them to avoid state laws. (No)

NCLC has long been the primary, and often the only, consumer group to write detailed comments on the agencies' proposed regulations implementing our consumer protection laws. These rules, though arcane, directly affect the fairness of the terms of consumer mortgages, credit cards, personal loans, bank accounts, and credit reports.

In the last year, the agencies have been particularly active. NCLC has submitted over a thousand of pages of comments on rules under TILA, HOEPA, RESPA, EFTA, FACTA and the FDCA. With consumer issues now on the front pages, the agencies are increasingly reaching out to listen to NCLC and other consumer groups. Within the past two months, we have met repeatedly with officials at the Federal Reserve, FDIC, Office of Thrift Supervision, and the Federal Trade Commission, including with Federal Reserve Chairman Ben Bernanke and FTC Chairman William E. Kovacic.

*...the federal banking agencies and the Federal Trade Commission are much more prolific than Congress, and their decisions can have a profound impact on consumers.*

## LAUREN SAUNDERS

After years of watching the marketplace deteriorate, the federal agencies are starting to change. Though the Fed's proposed rules against unfair mortgages would only have prohibited lenders from engaging in a pattern and practice of making unaffordable loans, the final rules omit the pattern and practice requirement and require an ability to pay analysis for each loan. Federal Reserve Governor Randall Kroszner personally called NCLC attorney Alys Cohen when the final rules came out to tell her that our comments were very helpful to that change. The new rule is a step forward, but NCLC is continuing to work for better



*Lauren Saunders, Managing Attorney, NCLC Washington Office*

regulations and remedies for consumers. The banking agencies also came out with surprisingly good proposed rules on credit cards, though we have yet to see whether they will stick to their guns in the final rules.

We cannot do our administrative work alone.

Our detailed legal analyses are informed by what you tell us about your activities. And our proposals have much more power when they are supported by comments from all over the country. You do not need to understand the intricacies of proposed rules to tell the agencies the abuses you are seeing. In fact, nearly 50,000 consumers and advocates have written to tell the Fed their views on the need for strong credit card rules. Hearing from consumers and advocates makes a difference.

To make it easier to know when and how to weigh in, you can subscribe to our DC Updates listserv, where we will alert you to upcoming agency comment opportunities and suggested talking points.

In the near future we plan to add a new Legislation and Administrative Advocacy page to our website where you can find this information. So go on. Tell it to the Fed.

## NEW GRANTS

Following are special project grants that were received by NCLC since our Spring 2008 edition of OUTLOOK:

### **Community Catalyst:**

\$15,000 for the Hospital Accountability Project, to develop a coordinated litigation campaign against abusive medical debt buyers. Stuart Rossman is the project director.

### **Paul and Phyllis Fireman Charitable Foundation:**

\$30,000 for NCLC's Project Stay Connected, which helps low-income families in Massachusetts to address utility arrearages and avoid shut-offs. Charlie Harak is the project director.

### **Institute for Foreclosure Legal Assistance**

*(a project of the Center for Responsible Lending and managed by the National Association of Consumer Advocates):* \$200,000 for NCLC to conduct foreclosure prevention training for attorneys and provide case support, including loan document review, for legal services attorneys. Elizabeth Renuart is the project director.

### **The Institute on College Access and Success:**

\$25,000 for the Student Loan Borrower Assistance Project, to expand the project's comprehensive website for student loan borrowers, represent the interests of student borrowers before policymakers, and inform the public about important student loan issues. Deanne Loonin is the project director.

### **Massachusetts Bar Foundation:**

\$30,000 for the Foreclosure Prevention Project that provides NCLC's expert advice to advocates who represent people at risk of losing their homes in Massachusetts. Odette Williamson is the project director; \$20,000 for the Debt Collection Justice Project, to reform the treatment of individual consumers in debt collection cases before the small-claims and district courts in Massachusetts. Bob Hobbs is the project director.

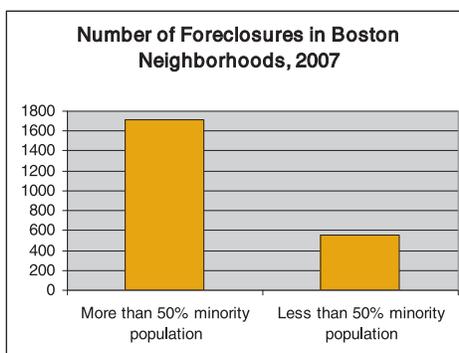
## NCLC's Williamson Leads Fight Against Foreclosures in MA

As it has in many states, the foreclosure epidemic has swept through Massachusetts. Ranked 9th nationwide in foreclosure filings as of June 2008, the state's foreclosure rate shot up 285 percent in the second quarter of 2008 compared to the year before. Like many places across the U.S., however, the distribution of foreclosed homes varies widely across the Commonwealth.

"African-American and Latino neighborhoods have been by far the biggest victims of predatory lending and the resulting wave of foreclosures," said attorney Odette Williamson. "In Boston, for example, 76 percent of all foreclosures are in just four areas of the city, all of which have large minority populations."

As the project director of NCLC's Massachusetts Foreclosure Prevention Project, Williamson is leading NCLC's efforts to help save homes from foreclosure and bring fairness to the state's harsh foreclosure process. In November of 2007, Williamson and other local advocates convinced lawmakers to adopt a 90-day "Right to Cure" provision that allows homeowners to catch up on their payments without accruing substantial foreclosure fees.

"Since the law took effect in May we've seen a big drop in the number of foreclosure filings. We hope it'll give homeowners enough breathing room in which to reach workout agreements with their servicers," she said.



*African-American and Latino neighborhoods have been by far the biggest victims...*

### **ODETTE WILLIAMSON, Attorney**

Williamson is also urging lawmakers to require court supervision of all foreclosure actions in Massachusetts. Unlike the current and ultra-quick "non-judicial" process, a court-supervised process would give the judge authority to examine the mortgage for predatory or other illegal terms. NCLC and a coalition of groups are also seeking greater protections for tenants living in foreclosed homes.

In addition to her advocacy, Williamson is busy fielding case consulting calls and training attorneys and housing advocates across the state. Along with NCLC's Stuart Rossman she trained 35 state court judges in May on state foreclosure laws. In August she organized a training for a group of legal aid lawyers on how to spot predatory loan terms and other illegal provisions in mortgage documents. And before the end of the year Williamson will create a state "Foreclosure Resource Manual" for attorneys and advocates.

"The depth of this crisis can be overwhelming at times but we're making a difference by attacking the problem on all fronts," said Williamson. "We're of course doing everything we can to prevent homes from going on the auction block today. But we've also got an eye on making the structural changes to prevent the next crisis ten years from now."

*Support for NCLC's foreclosure prevention work in Massachusetts is provided in part by the Massachusetts Bar Foundation, the Boston Bar Foundation, and the Massachusetts Legal Assistance Corporation.*

# MEET OUR Staff



## LORRAY BROWN, CONSUMER LAW FELLOW AT NCLC

Although Lorry Brown is already one of Michigan's top consumer advocates, she joined NCLC this summer as a Consumer Law Fellow seeking more experience. "I wanted to get totally immersed in consumer law, to further enhance my skills in the field," she explained.

Brown came to the Center with an interest in developing her aptitude for defending homes against foreclosures. The current foreclosure crisis, unfortunately, has provided ample opportunity for her to hone those skills. She spent a good part of her time at NCLC reviewing mortgage documents to help other litigators develop foreclosure defense strategies. "Working with someone as knowledgeable as Elizabeth Renuart [skilled in mortgage document review], and other experts at the Center, has been invaluable," commented Brown of her experience at NCLC.

It has been a busy, productive summer for Brown, to the benefit of NCLC. In addition to her efforts on loan document

review for TILA violations, Brown worked on several NCLC manuals. She updated parts of Foreclosure Prevention Counseling on state and federal responses to the mortgage crisis, and wrote several chapters in Access to Utilities on advance metering issues and their impact on low-income consumers. She also organized a day-long intensive on "Combating Consumer Issues Facing the Military" that will be part of the Center's annual Consumer Rights Litigation Conference being held in October in Portland, Oregon.

"Lorry came at a perfect time for her, for NCLC, and for the litigators trying to prevent foreclosures. She arrived as the IFLA [Institute for Foreclosure Legal Assistance] program was gearing up and she's been an important contributor," said Robert Hobbs, NCLC deputy director. "When she returns to Michigan she will be among the nation's top experts in foreclosure prevention."

Brown, whose home is in Michigan with her husband and six-year-old son when she's not summering in Boston with NCLC, is managing attorney of the Michigan Poverty Law Program, a statewide support office. She's also an adjunct professor at the University of Michigan Law School, where she teaches legal writing.

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the subject line.

## We Get Mail!

People are talking about us and we like what we hear so much we can't keep it to ourselves!

- In a note that accompanied a building campaign donation MM wrote: *"I think of it as the best investment that I could possibly make toward a better United States of America."*

- Speaking of our NLADA/NCLC Brooks Consumer Law Fellowships, Ken MacIver wrote: *"The fellowships have been a godsend for the development of legal services consumer practice and... partly responsible for the creation of a new statewide consumer task force in Massachusetts."*

- BR wrote to one of our energy advocates: *"You've done your bit to save the world with your work on New York v. Bodman. Thank you thank you! My great great great great grandchildren will thank you too."*

- Damian Nassiri described our 2007 Washington conference: *"Very, very, very good conference. Everyone was terrific. Can't wait to come again!!!!"*

- Randall Smith emailed us: *"You folks are the greatest."*

- In addition to a generous donation, KFQ wrote: *"Enclosed is a contribution for your invaluable contribution to our cause and our country."*

- After an NCLC training KH wrote: *"You'll never know how much this training has helped me help my clients."*



**NIALL P. MCCARTHY** has handled many predatory lending cases on behalf of borrowers. He has acted as Co-Lead National Class Counsel in actions against some of the largest lenders and loan servicers in the country. He is the author of *Home Equity Loss in California Through Predatory Lending*, and has spoken in many forums on subprime lending. In 2002, McCarthy was selected as one of the top 20 attorneys in the State of California under 40 by the *Los Angeles Daily Journal* and the *San Francisco Daily Journal*. From 2004 to 2008 he was selected as a Northern California “Super Lawyer” by *San Francisco Magazine*. McCarthy also has practiced extensively in the area of elder abuse, including obtaining multi-million dollar recoveries on behalf of senior citizens in actions involving reverse mortgages. He has represented qui tam relators in False Claims Act cases in state and federal courts, including obtaining a \$25 million settlement in a groundbreaking case brought under the California False Claims Act. McCarthy is a member of NCLC’s Partners’ Council and is a major supporter of the Building for Marketplace Justice Campaign.

## NCLC Cy Pres Donors

September 2007–August 2008

Our special thanks and appreciation to the following individuals who have generously directed court-awarded funds to NCLC:

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## McCARTHY CY PRES SUPPORTS CALIFORNIA INITIATIVE

NCLC’s California Economic Justice Initiative received a shot in the arm last May thanks to a \$64,000 *cy pres* award from attorney Niall P. McCarthy.

"Directing this *cy pres* to NCLC was an absolute pleasure," said McCarthy, a principal at Cotchett, Pitre & McCarthy. "I was thrilled to have an opportunity to bolster consumer protection work in California. No organization in the country has NCLC’s breadth and depth of expertise in the consumer issues that matter most to low-income Californians," said McCarthy.

"We’re enormously grateful to Niall for selecting NCLC to receive this *cy pres*. With no end in sight to the national foreclosure and energy crises, the need for our expertise has grown tremendously," said Ogburn. "This wonderful award will allow us to dedicate extra resources to supporting the work of legal services, private attorneys, and advocacy organizations in California."

The Initiative, which was started with *cy pres* funds directed by attorney Robert Goldstein, is one of many special projects run by NCLC that we support in part by *cy pres* or other court awards.

*I was thrilled to have an opportunity to bolster consumer protection work in California. No organization in the country has NCLC’s breadth and depth of expertise in the consumer issues that matter most to low-income Californians.*

**NIALL P. MCCARTHY**

### CONSUMER RIGHTS LITIGATION CONFERENCE

OCTOBER 24–27, 2008  
 PORTLAND, OREGON  
[info@www.NCLC.org](mailto:info@www.NCLC.org)

# Thank You!

We give special thanks to those listed below who have generously supported this year's annual budget. We're proud of all that NCLC has accomplished this past year and we know that support from our donors has made much of it possible. Thank you.

*(Please note that donors to our Building Campaign will be recognized in our next Campaign Update.)*

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# NCLC WELCOMES NEW BOARD

## Barron, Longtime Friend Joins NCLC Board

Nancy Barron first met NCLC years ago at its 2nd annual conference and she's been coming back for more ever since. [Note Portland this October will be the Center's 17th conference]

"We're delighted Nancy happened upon us so long ago," said Williard P. Ogburn, executive director, in announcing her election to the NCLC Board of Directors. "She's been a good friend to us for many years. She knows NCLC well and is a highly regarded consumer lawyer who will add much to the Board."

Barron describes that first conference she attended as transformative. "I was inspired and impressed by the work NCLC did," said Barron. "It's an invaluable forum for attorneys from all over the country—the range of interests and experience, the tremendous energy and dedication of the people, the intelligent way of looking at issues and the broader picture of consumer law. It was inspirational."

Barron feels strongly about NCLC, describing it as a big part of her professional life. "NCLC has changed our practice and our view of what we can do with our consumer law practice," she said.

Barron, who is a founding partner of Kemnitzer, Anderson, Barron, Ogilvie & Brewer, specializes in lemon law and is author of NCLC's book on lemon law,

*It's the anchor for a lot of us who do consumer law.*

**NANCY BARRON**

*Return to Sender.* She is active in the consumer law community and is a former board member of the National Association of Consumer Advocates.

She and her husband, Bryan Kemnitzer, have been strong supporters of NCLC over the years and have been active in the Building Campaign, which Kemnitzer chairs.

When describing her commitment to NCLC Barron said, "It's the anchor for a lot of us who do consumer law. I really think a great deal of NCLC."



*Dolores Silva Smith (l) and Nancy Barron (r) at their first NCLC Board of Directors meeting in March.*

## Q and A with NCLC Board Member

"We're very pleased to announce that Dolores Silva Smith has agreed to join our Board of Directors," said Willard P. Ogburn, NCLC executive director. "As a former top official with the Federal Reserve Board, Dolores brings new perspectives to our Board that will be most valuable."

Smith, the former director of the Division of Consumer and Community Affairs of the Federal Reserve Board, is the author of numerous articles, and was a frequent witness providing testimony before Congressional committees on behalf of the FRB.

She has also been a generous supporter of NCLC for many years, and most recently one of the lead donors to our building campaign. Smith responds below to a few questions about her relationship with NCLC.

### **How did you first become acquainted with the Center?**

My introduction to NCLC first came through its comment letters on Federal Reserve proposed regulations. (*NCLC at the time was one of a handful of organizations writing on behalf of consumers—compared with usually hundreds of banks and other financial entities presenting the industry view.*) The Center's comments were always thoughtful and offered an important perspective that often was not otherwise available to the Federal Reserve.

I also got to know NCLC staff when they served on the FRB's Consumer Advisory Council—including Bob Hobbs, Kathleen Keest, Margot Saunders, and Elizabeth Renuart. And of course, during his three-year term, Will Ogburn served as Council Chairman. Every one of them made important contributions in advocating for consumers.

### **What prompted you to give so generously both over the long term, and to our capital campaign?**

My earliest donations to NCLC were made through the FRB's Combined Federal Campaign, which allowed Board employees to designate recipients. I have always considered it important to support the work of NCLC financially, and I've tried to do that through the years. When the letter about the building campaign arrived, it asked donors to consider a \$25,000 pledge. I thought that I needed to stretch a bit more. I have also included NCLC in my estate plan, as the beneficiary under one of my IRAs. My Dad is 97 and my Mom is 94, so I really expect to be

## Q and A *continued from Page 8*

contributing “in person” for quite some years—but just in case!

### What interested you in serving on the Center’s Board?

For me, it’s a privilege to serve on NCLC’s Board. The first two meetings that I’ve attended have given me an even better sense of the broad impact of the Center’s work both as an advocate for consumers and in providing legal support to legal aid attorneys and to the expanding number of private attorneys engaged in representing consumers.



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*Dancy McKinney-Parker, newly appointed to NCLC’s Board of Directors, chats with Willard P. Ogburn, NCLC executive director, during a break at the Center’s July Board meeting. “I’ve already gained experience working on issues I care about in the local and state levels,” said McKinney-Parker. “As a member of the NCLC Board I’ll be able to do more at the national level.” McKinney-Parker is active in her community as a member of the Executive Committee of Memphis Area Legal Services, as a board member of the Tennessee Alliance of Legal Services Programs, and in leadership roles in other area nonprofits.*

## NCLC Promotes Resident Control of Manufactured Housing Communities

Promoting resident-owned manufactured housing is a key part of NCLC’s strategy to promote sustainable homeownership for low-income Americans. Commonly referred to as “mobile homes,” manufactured homes have been saddled by negative stereotypes and a poor reputation for quality. But that is changing. Today, some of the best, highest-quality low-income housing comes in the form of manufactured homes.

About 3.5 million American families live in an estimated 50,000 manufactured home communities. A sizeable number of them own their home but rent the ground on which it sits. This makes them vulnerable to excessive rent hikes and eviction if the property owner sells the land.

“When a community closes, low-income residents have limited options and often abandon their homes to the community’s operator,” said Odette Williamson, director of NCLC’s manufactured home project. “But in some states, residents have responded to threatened park closures by purchasing their communities collectively as cooperatives. Resident ownership allows them to con-

*Resident ownership allows [residents] to control their community, acquire long-term site commitments, and transform their homes into assets.* **ODETTE WILLIAMSON, Attorney**

trol their community, acquire long-term site commitments, and transform their homes into assets,” said Williamson.

With funding from the Corporation for Enterprise Development (CFED), AARP, and the Fannie Mae Foundation, NCLC has sought to achieve two major policy goals. First, to ensure that residents have a right of first refusal when a manufactured housing community is put up for sale, and second, to have manufactured homes treated as real property under state laws.

NCLC has offered its expert legal and policy advice to advocates working at the state level. Three states—Delaware, New York, and Washington—have recently passed new laws that promote resident purchase opportunities. Advocates in many other states, including Illinois, Ohio, Maryland, North Carolina, Utah, Georgia, Pennsylvania, Wisconsin, and Arkansas, are drafting similar legislation.

With help from NCLC’s advocates, Vermont recently enacted a law that provides clearer and broader opportunities to title manufactured homes as real property. A number of other states, including Minnesota, Georgia, and Oregon, are also working on improving the ability of homeowners to obtain the advantages of titling their homes as real property.

“An important factor in getting state policies changed is having advocates on the ground in a state, and then making sure they have access to back-up policy analysis,” said John Van Alst, an NCLC attorney working on the project.

“In Delaware, for example, the industry repeatedly offered amendments that would have undermined residents’ purchase opportunities,” Van Alst recounted. “But NCLC gave the local advocates the analysis and ammunition they needed to beat back these poison pills.”

## We Appreciate Your Generous Support

NCLC is fortunate to receive funding from many foundations, corporations, and government agencies. We thank the following for their generous support over the past year.

AARP  
ACTION, Inc.  
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Boston Foundation  
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## NCLC Starts Initiative for Climate Change Justice

*continued from Page 1*

“Congress is considering legislation that would mean much higher prices for gasoline, home heating oil, natural gas, and electricity generated by the burning of fossil fuels,” said NCLC’s Olivia Wein, an attorney in our Washington office. “It’s imperative that any final piece of climate change legislation ensures that low- and moderate-income consumers and communities can afford basic energy supplies and essential goods and services,” said Wein. “It’s also critical that infrastructure and buildings in low-income communities, including rural areas, receive a fair share of revenues for investments in clean energy,” she said.

A common feature among the federal climate change proposals is that the cap on emissions becomes more stringent over a period of time, with some climate change bills running to the year 2050. Those bills also assume the development of a functional market for the trading of emissions and that sales of allowances will raise billions in revenue for a variety of purposes.

Wein is spearheading NCLC’s Climate Change Justice initiative in partnership with staff from Equal Opportunity Studies, a Washington-based nonprofit. NCLC and EOS will bring together local low-income utility consumer advocates with others concerned about the costs of climate change policy to help build and share research, data analysis, and policy proposals.

According to Wein, the cap on greenhouse gas emissions is expected to lead to an increase in the cost of residential energy and gasoline as well as an increase in the costs of goods and services that require energy to produce and distribute, with the poor being disproportionately harmed. However, the cost impact on low-income households will vary greatly based on a number of factors including the fuels used by consumers’ power com-



*Olivia Wein, Attorney in the NCLC Washington Office*

panies to generate electricity, whether they live in cities or rural communities and the particular characteristics of their homes.

“We must be careful about adding extra burdens to our most financially squeezed families who are already reeling from the steady climb in energy prices,” said Wein. “The Climate Change Justice Initiative is an exciting project and one that is necessary to ensure low- and moderate-income consumers have a voice at the table.”

*It's imperative that any final piece of climate change legislation ensures that low- and moderate-income consumers and communities can afford basic energy supplies and essential goods and services.*

**OLIVIA WEIN, Attorney**

## NCLC Settles into its New Home, *continued from Page 1*

well as to install environmentally friendly features including a new energy-efficient HVAC system, occupancy sensor lights, low flush toilets, low-VOC paint, and insulated replacement windows. It promises to be an attractive, well-organized working space we'll all enjoy—once we finish the unpacking, and figure out where everything and everyone now is.

### Supporters Make NCLC Home Possible

“We have many friends to thank for this beautiful new home, especially the hundreds of generous donors who supported our building campaign with gifts large and small and always heartfelt,” said Ogburn. “We really couldn’t have done it without Bryan Kemnitzer, Mark Chavez and many others on our Partners Council who provided outstanding leadership in our fundraising efforts, by both generous example and much effort. We are most grateful to all.”

With the initial cost of the building, as well as renovations, at a much higher figure than our advisors had told us to expect, we are continuing to accept donations for the building. Cash, charges, pledges, stock, and cy pres may be directed to the

campaign. In appreciation for their support, NCLC will permanently place the names of donors who have made gifts of at least \$50 on our Campaign Recognition Wall.

For more information, or how to make a gift visit our website, [www.NCLC.org](http://www.NCLC.org), or contact Suzanne Cutler at 617 542-8010.

NCLC'S NEW ADDRESS:  
National Consumer Law Center  
7 Winthrop Square, 4th Floor  
Boston, MA 02110-1245

*All other contact information  
remains as before:*

Phone: 617 542-8010

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Email: [consumerlaw@NCLC.org](mailto:consumerlaw@NCLC.org)

Website: [www.NCLC.org](http://www.NCLC.org)

### Sheldon Honored with NACA Award

NACA presented NCLC staff attorney Jon Sheldon with the Auto Fraud Attorney of the Year award during its auto fraud conference this spring. Sheldon is the founder and overseer of NCLC's long-standing and popular auto fraud list

serve. Robert Murphy, who helped organize the luncheon in his honor, praised Sheldon, saying the award was “richly deserved.”

Murphy, Tom Domonoske, Bernard Brown, Dale Irwin, Phil Rogers, Dale Pittman, Mike Donovan, and Len Bennett provided support for the luncheon and additional funds to be used for Sheldon Scholarships to a future auto fraud conference. Cary Flitter further honored Sheldon by making a significant gift in his name to the NCLC Building Campaign.

Sheldon, a 32-year veteran of NCLC, is responsible for the production and editing of NCLC's many consumer law manuals. He also writes extensively for NCLC's publications, including *Unfair and Deceptive Acts and Practices*, *Automobile Fraud*, *Consumer Warranty Law*, *Repossessions and Foreclosures*, *Consumer Class Actions*, and *Consumer Arbitration Agreements*.

“We share NACA's appreciation of Jon's work and think that the auto fraud list serve is a fine example of the cohesiveness and strength of our consumer law community,” said Will Ogburn, NCLC executive director. “NCLC's list serve shows how well consumer advocates can work together to share insights and support each other's practices.”

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*The National Consumer Law Center is the nation's consumer law expert, helping consumers, advocates and public policy makers use powerful and complex consumer laws on behalf of vulnerable Americans. In doing so we have built—and are at the center of—a growing community of advocates with a commitment to consumer justice. We protect, promote and interpret the statutes these advocates use in their practices, knowing that as more attorneys understand the complexities of consumer law we increase access to consumer justice and move toward our goal of economic justice for all.*



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## **NCLC Works to Stop Banks from Grabbing Exempt Benefits**

Retirement Research Foundation Supports NCLC's Advocacy

Federal law bans creditors from seizing a person's Social Security as well as other federal benefits to pay debts. Nevertheless, the practice is shockingly widespread, often leaving low-income elders without money in the bank for food, medicine or rent. Adding insult to injury, they are then socked with steep fees on their checks that bounce.

"The law is absolutely clear," said Margot Saunders, of Counsel to NCLC. "Congress specifically provided that federal benefits—Social Security, SSI, Veterans' benefits, Railroad Retirement benefits, and Federal Retirement benefits—cannot be seized to pay pre-existing debts.

*What we need is for the banking agencies to step up to the plate and make sure the banks are following the law.*

**MARGOT SAUNDERS,  
of Counsel to NCLC**

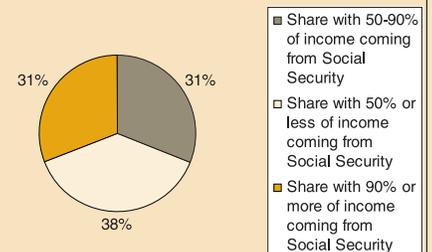
However, due to growing levels of consumer debt, we are now seeing a dramatic rise in the number of judgments against recipients of federal benefits," said Saunders.

To safeguard the precious benefits that seniors count on for their basic needs, Saunders is pressuring federal policy-makers to act on behalf of consumers. Her advocacy has received a strong boost in the form of a \$110,000 grant from the Retirement Research Foundation.

Saunders has been busy detailing to policy-makers the egregious practices by banks and creditors. In the fall of 2007 she testified (by invitation) before a Senate committee, and she has met with and submitted written comments to banking regulators. She says that in this advocacy fight, her strategy is straightforward.

"The law does not need to be changed by one word here," said Saunders. "What we need is for the banking agencies to step up to the plate and make sure the banks are following the law."

Dependence on Social Security for Elderly Couples and Individuals, 2007



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