Debt Collection and Arbitration Resources for Pro Se and Pro Bono Cases

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Presenter – Arielle Cohen

• Works on NCLC’s class action litigation efforts and other advocacy activities.
• She is a co-author of Consumer Class Actions (7th ed. 2010) and a contributor to several other NCLC publications.
• Prior to joining NCLC in 2009, Ms. Cohen was a Skadden Fellow at the New Jersey Institute for Social Justice.
Presenter - Kristin Verrill

- Has been a staff attorney with the Atlanta Legal Aid Society since 1999.
- Currently she is Atlanta Legal Aid’s template developer and statewide website content manager.
- She has created over 70 HotDocs or A2J templates. Kristin’s article, *Setting Up an Automated Document Assembly Program*, was published in the LSTechie Journal at [www.eJustice.org](http://www.eJustice.org) on December 19, 2005.
Atlanta Legal Aid Society and the National Consumer Law Center

- Legal Services Corporation’s Technology Initiative Grant program
- Minnesota settlement with the National Arbitration Forum
- 2010 consumer related TIG grants
- Materials now available to the broader legal services community
Consumer Law Materials

- Foreclosure and debt collection pro se videos
- Scripts for debt collection, garnishment and foreclosure videos
- Pro se arbitration brochures
- Sample pro bono debt defense pleadings
- Decision tree regarding arbitration and debt defense for pro bono training
Links

• ProBonoNet’s Document Assembly Support site:

http://www.probono.net/dasupport/library/folder.228351-Partnerships
Links

• Coming Soon!

www.sharelaw.org
Links

• Atlanta Legal Aid’s YouTube Channel:

http://www.youtube.com/AtlantaLegalAid
Materials for Pro Se Litigants

• Brochures on Arbitration and Debt Collection

• Sample Letters for Exercising Rights under the Fair Debt Collection Practices Act

• Scripts for Videos
Materials for Pro Se Litigants

- Brochures
  - Information about 3 topics
    - Arbitration
    - Debt Collection Lawsuits
    - Garnishment and Seizure
  - State-Neutral, except for contact information
  - Available in multiple formats
    - Finished PDFs
    - Word documents
    - Unformatted text
Materials for Pro Se Litigants

- Glossary of court terminology
- Warning about deadlines
- Instructions for answering a complaint, including explanations of common defenses
- Instructions for responding to Requests for Admissions
- Rights of military personnel
- Information on Garnishment and Freezing of Bank Accounts
- Where to get more information and help
Materials for Pro Se Litigants

- What is Arbitration?
- Closure of National Arbitration Forum (NAF)
- Information on dealing with old arbitration awards.
- Optional sections:
  - Using arbitration affirmatively
  - Information on Garnishment and Freezing of Bank Accounts
- Where to get more information and help
Materials for Pro Se Litigants

• Areas that could be customized
  – Contact information for local legal services
  – Court terminology
  – Court procedures
  – Garnishment protections that are higher than the federal minimum
Materials for Pro Se Litigants

• Sample Letters for Exercising Rights under the Fair Debt Collection Practices Act
  – Introductory information about rights
  – Fill-in-the-blank one page letters
  – Instructions for filling out the letters

• Packet contains two letters
  – Letter one requests verification of the debt
  – Letter two complains of harassment
  – Both request that collection contacts cease under FDCPA, 15 U.S.C. §1692c(c)
Materials for Pro Se Litigants

• Videos
  – Number one is on suits for debt collection
  – Number two is on post-judgment garnishment and seizure
  – Special bonus number three on foreclosure “freezes”
Materials for Pro Se Litigants

• Each is structured the same way:
  – Introduction explaining content, giving disclaimers
  – Discussion of topic, including warnings about who *not* to trust
  – Review of key points
  – Instructions for getting more information and help
Materials for Attorneys

- Sample Pleadings
- Flow Chart/Outline
  (Still ‘Works in Progress’)

Atlanta Legal Aid Society

NCLC
National Consumer Law Center
Advancing Fairness in the Marketplace for All
Materials for Attorneys

- Sample Pleadings
  - Answer
  - Verification
  - Certificate of Service
  - Responses to Rogs, Doc. Production and Requests for Admission
  - Propounding Discovery - Rogs, Doc. Production and Requests for Admission
  - Motion for Summary Judgment materials for lack of assignment
    - Motion, Brief, Statement of Material Facts, “Theory of Recovery”
Materials for Attorneys

• Pleadings still to come:
  – Motion for Relief from Judgment and related docs
  – Motion to file answer late
  – Counterclaims based on harassment?
  – Other?
Materials for Attorneys

• Flow Chart / Outline
  – The goal is to provide a guide so that volunteer attorneys will be comfortable taking cases
  – Could be used as is (on paper) or turned into interactive forms