

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

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## Presenter – Arielle Cohen

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- 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.



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## Presenter - Kristin Verrill

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- 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.



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# 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



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# Consumer Law Materials

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- 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



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# Links

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- ProBonoNet's Document Assembly Support site:

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



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# Links

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- Coming Soon!

[www.sharelaw.org](http://www.sharelaw.org)



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# Links

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- Atlanta Legal Aid's YouTube Channel:

<http://www.youtube.com/AtlantaLegalAid>



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# Materials for Pro Se Litigants

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- Brochures on Arbitration and Debt Collection
- Sample Letters for Exercising Rights under the Fair Debt Collection Practices Act
- Scripts for Videos



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# Materials for Pro Se Litigants

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- 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



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# Materials for Pro Se Litigants

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- 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



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# Materials for Pro Se Litigants

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- 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



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# Materials for Pro Se Litigants

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- Areas that could be customized
  - Contact information for local legal services
  - Court terminology
  - Court procedures
  - Garnishment protections that are higher than the federal minimum



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# Materials for Pro Se Litigants

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- 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)



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# Materials for Pro Se Litigants

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- 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”



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# Materials for Pro Se Litigants

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- 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



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# Materials for Attorneys

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



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# Materials for Attorneys

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- 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”



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# Materials for Attorneys

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



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# Materials for Attorneys

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- 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



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