



## Irv Ackelsberg

Each year the National Consumer Law Center honors the accomplishments of an exceptional consumer attorney who, through the practice of consumer law, has contributed significantly to the well being of vulnerable consumers. Irv Ackelsberg has distinguished himself in his commitment to low income consumer advocacy and we are proud to honor him as this year's very deserving winner.

Vision  
Commitment  
Accomplishment

# Irv Ackelsberg

2005 Recipient

## Vern Countryman Award

*If we're known by the company we keep, we could not be more proud or honored to know Irv Ackelsberg. He's one of the best consumer advocates in this country. His passion, vision, and skill inspire us all and help us all to be better advocates.*

*We share with you some comments from his colleagues who supported his nomination for the award:*

"Without CLS [Community Legal Services where Irv works], the body of consumer law regarding bankruptcy, student loans, Truth in Lending rescission, among other things, would have less strength than it does for consumers. Without Irv and his nearly three decades there, CLS would not be what it is.

"...There's no one I'd rather see at an industry or regulatory conference than Irv, because his ability to cut through to the heart of the matter to the genuine impact on people's lives and the fundamental morality of the questions, his transparent honesty, integrity, and absolute commitment make him someone industry can never undermine, and make his story one they can never counter." - Kathleen Keest, former Countryman Award recipient

"His dedication, energy, and vision are contagious and he has left a mark on consumer law for low income families across the nation.

"...He is constantly looking out for the newest consumer scams and thinking of the most appropriate strategy to attack them. He sees the problems low income clients face at the ground level, as they walk into the door of his office in North Philadelphia, and quickly assesses how to address them in a systemic way.

"...The most important thing about Irv is not reflected in a long discussion of all his accomplishments: the most important thing about Irv is the joy, love, and passion he brings to his work and shares with the people around him." - Catherine C. Carr, Community Legal Services

"For well over ten years now, Irv has been fighting the predatory lenders 'on the ground' every day with a varied and creative collection of tools. His litigation in the Eastern District Bankruptcy Court is legendary; the moratorium on Sheriff's Sales of homes was a master stroke; and his lobbying, authorship of op-ed pieces, and other uses of publicity are always cutting edge. With all these balls in the air, Irv always makes time to offer the benefit of his experience and creativity to respond to a call for help...

"...Irv can speak to a room full of creditor attorneys with equilibrium and poise, talking openly about the things that most divide us - the widening gap between the rich and poor and the need to seek justice for those who cannot speak for themselves." - Jean Constantine-Davis, Nina F. Simon, AARP

[Irv Ackelsberg's Vern Countryman Award Address](#)

# Join us as we honor Irv Ackelsberg with the Vern Countryman Award

## Awards Luncheon

12:00 noon  
Saturday  
October 29

### FORMER COUNTRYMAN RECIPIENTS

Gail Hillebrand  
Dan Hedges  
Lynn Drysdale  
Richard Rubin  
Kathleen Keest  
Alan Alop  
David Ramp  
Elizabeth Imholz  
Jim Sturdevant  
Pat Sturdevant  
Mike Ferry  
Bill Brennan  
Carolyn Carter  
Margot Saunders  
Henry Sommer

"...Irv sets the bar for what we can accomplish if we but try...Irv has shown us how to parlay media attention into political change. I still cannot believe that Irv persuaded banking regulators in Pennsylvania to work seriously on predatory lending.

"A colleague of his once told me that any client that walks into Irv's office has just won the lottery. Irv brings tenacity and passion to his representation of individual low income homeowners...Irv refuses to believe society's devaluation of our clients, as small, insignificant, and unimportant. Irv takes those clients and values their stories, and almost out of whole cloth makes justice for those clients.

"He has been a mentor to an entire generation of legal services consumer lawyers. He is the person who...reminds us all to see the bigger picture, to think beyond the individual case to see how our work can fit into the bigger picture.

"...His work with coalitions multiplies his work several fold, bringing together the militant activism of ACORN with the marble halls of the state capitol, and everything in between. By working all the forms of advocacy, Irv has been able to get moratoria on foreclosures, studies on foreclosure patterns that change the national debate on predatory lending, and a local loan rescue fund...I can always see Irv's hand in the settlements the U.S. Attorney's office announces. Whatever work or tactic I think up, Irv has been there before and done it better."- Diane E. Thompson, Land of Lincoln

"I was often concerned that consumer law, though great fun in providing a measure of economic justice for deserving people, did not provide the same level of opportunity for reform as does, for example, institutional litigation, civil rights litigation, or education litigation. Irv's combination of litigation, community organizing and negotiation disproves these concerns." - Daniel F. Hedges, former Countryman Award recipient.

"I dubbed him Don Quixote in 2002 when he challenged Philadelphia's mass-transit system over fare-hikes that seemed to unfairly charge low-income city-dwellers more than suburban commuters. (He won a couple of battles but eventually lost the war.) He takes the hard cases that other lawyers shy away from.

"After being hired by CLS...Irv spoke to me with incredible enthusiasm about the bankruptcy code, relating it to 'magic' that enables us to save homes for clients. He is so invigorated by his work, I found it contagious...He is always available to share his expertise to make consumer law not only understandable, but meaningful for how it can be used to help disadvantaged populations.

"...Irv bridges the gap between community groups, lawyers, researchers and politicians...Irv's presence at a meeting or assistance in a project is invaluable." -Kirsten E. Keefe, Empire Justice Center

## **Irv Ackelsberg's Vern Countryman Award Address**

Thank you, from the depths of heart and soul, for this award. Thank you to NCLC and to Kathleen Keest for those kind words of introduction. Kathleen, you are the founder, teacher and ambassador of our movement for justice in consumer finance, so your words treble the pleasure of the award itself.

This honor extends to many others in the web of concentric and intersecting relationships that supported and inspired me. First, I want to recognize the most intimate of those circles, my family. It is a special thrill to have my son, Dan, a future public interest lawyer, here to represent the Urevick-Ackelsbergs of Philadelphia and to share this thrill with me. Isn't a blessing to have work that can make our children proud?

The next circle of honor belongs to my beloved program, Community Legal Services/Philadelphia Legal Assistance, to the extraordinary collection of brilliance, compassion and good spirit that make up our CLS-PLA family. Can I ask current staff and alumni of CLS-PLA to stand and share in this honor?

Finally, to represent all my teachers and mentors, I would like to take a few moments to remember the late Max Weiner. Max was a consumer agitator, often referred to by Ralph Nader as the most effective grass roots consumer organizer in the country. When I worked with him in the 80's and early 90's, he was a physically tiny man in his 70's, with the heart and soul of a lion. He lead a group called the Consumer Education and Protective Association ("CEPA") that took on the utility companies, the public transit agency, and every bank, used car dealer or other business that tried to take unfair advantage of consumers.

Max loved the law and argued many cases himself *pro se*. He would shop his ideas around CLS and, in the early 80's, took me under his wing as a young, idealistic consumer

lawyer. I learned three important lessons from Max that I want to share with you today.

First, Max taught me that even the most arcane consumer law issue could and should be translated into a plain-English story of right and wrong. The most dramatic example of this were his demonstrations against banks on the evils of the Holder-in-Due-Course doctrine. Most of you, I assume, did not know that the FTC Credit Practices Rule that abolished the Holder rule in certain situations was the result not only of persuasive legal arguments but also mass protest. Consider the issues we are fighting today, issues like bank pre-emption, and consider how we can frame them in way that common citizens can understand and be enraged.

Second, Max taught me that the key to being a special lawyer, besides being well-prepared and well-versed in the law, is having the courage to stand up publicly and make the argument that no one else has the guts to make. Probably my greatest moment as a lawyer was representing CEPA against a series of mass transit fare hikes, with a legal theory that many of my colleagues told me was too thin to pursue. In the end, we stopped the fare hikes for six months, tying up the transit agency in a series of procedural maneuvers, and saving the riding public millions of dollars. I never had more fun as a consumer lawyer. Ultimately, we lost the legal battle, but we put the mass transit crisis on the front page and the editorial page of the local papers and we gave a public platform to the countless riders who embody the urban necessity of a viable mass transit system. Which brings me to Max's third lesson: cases we bring in court can play a role separate and apart from their legal merits. A law suit can function as important political theater, raising issues that need to be heard, and giving a voice to the voiceless.

So thank you, Max. I see your reflection in this award.

When Will phoned me to tell me that I had won the Countryman this year, he told me that the award comes with a 10-minute pulpit. Not being one to ever turn down a pulpit that is

offered to me, I do have a few things I'd like to say you today.

Being from Pennsylvania, I'm a little preoccupied these days with the Scopes trial going on in a Harrisburg courtroom. I heard a recent sermon from a liberal theologian who suggested that Intelligent Design isn't even good religion, let alone science. Looking at the belief in Justice as a kind of civic, non-sectarian religion, I'd have to say that recent evidence points away from Evolution, as well, being good religion. I'm using Evolution in that Old Testament kind of way that Dr. King articulated best when he described our history as a long arc, curving and evolving in the direction of Justice.

While those fundamentalist free marketeers in power would undoubtedly look at the current abominations of mandatory arbitration clauses and federal pre-emption as a sign of intelligent design, I'm have a hard time as seeing these developments as anything less than evolution going backwards. In the heady days when I began practicing law, where for a brief moment the law seemed to be trying to signify the highest aspirations of democracy, the idea that banks are legally unaccountable to citizens, or that citizens can be denied access to the courts through the legal fiction of a contractual waiver, or that the bankruptcy laws would be transformed into a humiliating obstacle course leading to mandatory debt servitude, all this would have been unimaginable thirty years ago. And this shameful degradation in the law of the markets seem almost benign in comparison to other legal developments, like the two million prisoners in our jails or the Statute of Liberty turning into a trademark for a deportation factory.

It's not just in the substantive law that see this evolution towards Justice going backwards, but in the machinery of the legal system. We talk plenty about the deteriorating character of the judiciary and what this has done to the pursuit of Justice, but we don't talk

enough about the daily injuries to Justice that are occurring throughout this country due to the destruction of the Legal Services Movement. When I consider those days when I began my career in 1976, it was not just the promise in the substantive law that fired me up, but also, the very organization of our legal work. We were young and inexperienced; we lacked many tools we have now, like cut-and-paste and the internet; we were paid ridiculously low wages; but we were alive and engaged, and were completely focused on something other than making a lot of money.

There were legendary programs throughout the land, in the mountains of Appalachia and the farms of Texas and California, and the great urban programs in Chicago, Philadelphia and Boston, to name a few. In addition, making us smarter and more effective were our teachers at the National Consumer Law Center and the other Legal Services “back-up” centers. But all during those exciting years, besides fighting our battles for justice, we had to continually fight for our lives. We played cat and mouse with the monitors from the Legal Services Corporation, we formed a national union, but eventually the movement was killed. Years before they sank their daggers into the mission of the field programs through the enactment in 1996 of those fatal restrictions, they tried to unplug the brains of the movement by defunding the backup centers.

I was at that first or second NCLC conference after the LSC defunding, when NCLC was struggling with constructing a new identity and trying to create a private consumer bar that would eventually support its work like LSC had done. I remember vividly sitting in those workshops, one of the few Legal Services lawyers there, listening to variations on a theme of how you could make a lot of money by filing the same debt collection suit over and over. I have to admit I was not inspired. I’ve always believed that the private attorney general model is a good one, but not a substitute for government enforcement and salaried public interest lawyers. I

figured that profit-seeking consumer lawyers would do as good a job promoting consumer justice as the HMO's have done promoting health care.

I know it is still true that the Market will never ever be an effective vehicle for producing the public goods we need as a civilized, democratic society. But I also know, looking around this room, that what NCLC set out to create and what they have created is something a whole lot more than a trade association. What we have all produced together, Legal Services lawyers and private practitioners, is no less than the beginnings of a movement for consumer justice, a movement that has the potential to change the political landscape in this country.

Notwithstanding all my romantic memories of Legal Services, the truth is that very few programs were actually doing quality consumer work and that some of the most important advancements toward the goal of consumer justice are being made by some of the private attorneys in this room. And it is also true, I have to admit, that CEPA was never the mass organization that Max Weiner talked about creating. It may be that what we are building today is something that never really existed before.

So maybe it's time we let go of that naive faith in the evolution towards Justice and realize that that's just another version of Intelligent Design, a faith that things will get better because that's the natural order of things. What the last thirty years have taught me is that we have nothing to rely on but ourselves: good-spirited, hard-working people organizing to achieve a better life for each other, for our communities and for our children. Whether you go for the theological imagery of the God impulse amongst us, or prefer the secular talk of the Democratic Spirit, that's all we got.

So let us learn from the past, but let us, more importantly, inspire each other in the present, with new ideas and strategies. Let us find ways not only to celebrate our victories, but

also to comfort each other in our defeats. And let those victories be more than monetary wins. May each case be a vehicle for our clients to tell their stories to their fellow citizens. May we get under the skin of judges and policymakers so as to enable those occasional outbursts of courageous action. May we expose the Hallowed Market to be the naked emperor that it is.

For the sake of all the homeowners who are being robbed by the market predators in our streets; for the sake of the American consumer who asks only for fairness and for a consumer lawyer with the guts to stand up for her; for the sake of all the good people drowning in debt; for our children's sake, let us get out there and do the work that needs doing, and let's have some fun together as we do it.