

The National Consumer Law Center

Honors

Rick Feferman



with the 2013

Vern Countryman Award

Albuquerque attorney Richard N. Feferman received the Vern Countryman Consumer Law Award given by the National Consumer Law Center (NCLC) at its annual conference in Washington, D.C., on November 9, 2013.

For more than 35 years, Rick has helped low-income families and other consumers in the Southwest struggling to obtain access to justice.

“Rick’s career has been devoted to legal services and consumer justice,” said National Consumer Law Center Executive Director Willard Ogburn. “He has won ground-breaking consumer fraud cases, substantial awards for his deserving clients, and mentored countless consumer advocates dedicated to helping victims of marketplace abuses. It is an honor for the National Consumer Law Center to give this year’s Vern Countryman Consumer Law Award to Rick Feferman.”

The Consumer Rights Litigation conference is the nation’s largest annual gathering of consumer law attorneys and is co-sponsored by the National Association of Consumer Advocates (NACA). Each year at the conference, NCLC presents the Countryman award to a legal services or other attorney whose special contributions to the practice of consumer law have strengthened and affirmed the rights of low-income people in the United States. Recipients are nominated by their peers.

“This is the Nobel, the Pulitzer, the Oscar, the Emmy, and the Grammy in my chosen field,” said Feferman. I couldn’t be more pleased, and I am very grateful.”

Feferman has built the law firm, Feferman & Warren, which handles individual and class action consumer cases throughout New Mexico, as well as some cases in Arizona and Colorado. Many of the firm’s cases are federal lawsuits against car dealers, abusive debt collectors, and predatory lenders. In 1999, the firm was nominated for trial lawyers of the year by Trial Lawyers for Public Justice, for its \$669,000 jury verdict against a New Mexico car dealer for odometer fraud and abusive debt collection practices. In 2004,

Feferman won a bench trial where the judge awarded punitive damages of \$250,000 against Fleetwood for mobile home sales fraud.

As executive director of the New Mexico Legal Services Support Project from 1977 to 1984, Feferman operated an innovative and highly successful in-house training program serving 75 attorneys among 22 offices statewide. He also litigated major statewide class action cases and consulted with individual attorneys on cases.

Below is some of the gratitude and praise that Rick's colleagues in New Mexico offered when nominating him for the Vern Countryman Award.

Sandi Gilley, supervising attorney, Law Access New Mexico, a nonprofit law firm of 12 attorneys providing free telephone comprehensive legal services to New Mexico residents who fall within 200% of the federal poverty guidelines

...When I took this job at Law Access eight years ago, I had been practicing law for over 17 years, but I knew little to nothing about the practice of consumer law. I was a stranger to Rick. Yet, he returned every phone call I made to him. He responded to every e-mail I sent to him. He reviewed every case on which I requested his help. He agreed to conduct every training workshop I asked him to do for the staff at Law Access and for the New Mexico legal services community statewide. He instilled in me a passion for this work; he is highly respected and appreciated by every legal services provider in this state and by the judges he appears before. For those of us who practice consumer law in New Mexico, Rick is an icon – the guru – the giver – the teacher. He is caring and compassionate when it comes to those who have been wronged; he is like a bulldog with teeth of steel when it comes to evil-doers; he matters; he makes a difference; and he has a heart of gold.

Nicholas Mattison, managing attorney of DNA-People's Legal Services, Inc. (in Window Rock, Arizona, the capitol of the Navajo Nation)

Early on in my practice with DNA, I asked my colleagues for the name of an attorney who might help me to understand the many consumer issues I was hearing about from my clients. The answer was immediate and unanimous: Rick Feferman was the guy. Since then, I have worked with Rick many times on many different cases. His knowledge of consumer law is unmatched, and his willingness to help has been extremely generous. I can say without qualification that no other private attorney, in any area of law, has contributed as much pro bono legal work to my office as Rick.

Rick has been more than a source of unparalleled expertise in consumer law; he also seems to sense when an attorney needs a mentor...On one occasion, after giving me some spot-on advice on an abstruse question of law that had delayed me from filing a complaint on behalf of a victim of consumer fraud, Rick offered this exhortation:

It's a gunfight. Draw first...No matter how many times you revise the complaint, it will never be perfect. Call any time. Rick.

This is just one example of the guidance Rick has provided. When Rick says 'Call any time,' he means it.

Sharon R. Wirth, J.D. Candidate, 2012

I am a student at the University of New Mexico School of Law...I had the opportunity to learn consumer rights issues from Mr. Feferman when he presented to my Poverty Law in Practice

class. His passion for his work in representing low-income individuals on consumer rights issues was infectious...Mr. Feferman's extensive knowledge and ability to communicate complex legal issues, combined with his enthusiasm for his work was truly inspiring. Mr. Feferman closed the session by welcoming each student to contact him with consumer law questions at any point in the future; it was clear that his motive behind this offer was providing services for New Mexico citizens in need of legal assistance and helping young attorneys succeed in those endeavors.

Karl W. Reifsteck, staff attorney, Law Access New Mexico

Since he dedicated his practice to consumer law issues in 1994, Rick has won numerous cases in our state and federal courts in New Mexico; affirming the rights of consumers in debt collection, auto sales, mortgage fraud and other consumer cases. He has constantly striven to expand the protections of existing consumer protection statutes through successfully suing abusive debt collection attorneys, striking down impermissible regulations that conflicted with consumer protection statutes, and seeking class action relief to achieve wide ranging impact.

Beyond these personal achievements, what is most impressive about Rick is his drive to get other attorneys to pursue consumer rights cases. Rick has a standing invitation to all New Mexico Attorneys, which he issues every time he speaks to the state bar, attorney groups and law students, to assist in any way he can on any other attorney's consumer rights case for free. This includes the entire spectrum of help; a quick consultation by phone or e-mail, providing sample pleadings, research, or even co-counseling the entire case. Rick makes good on this offer, and I have conferred with him on several of my cases. Rick always responds quickly, and with clear guidance.

Susan Warren, partner, Feferman & Warren

*Rick is the guru in New Mexico for consumer law. He is the guy everyone calls. Rick has an incredible stamina for this stuff. He has been doing it for **decades**, and yet, his sense of outrage has not diminished one bit. Sometimes I try to rein him in, but it's impossible. Just a few weeks ago, I was talking to Rick about whether to take a case where the car cost only \$2,000, but our single mom had spent every last dime on a car that turned out to be unsafe to drive. Rick said, 'Susan, this is exactly why we do what we do, go get 'em.' I can't tell you the number of times he has made uneconomical choices for the firm to help low income people.*