



## Curbing Rising Debt for Older Americans

Like many Americans, older adults are struggling with rising debt. The consequences of debt for older people can be significant and life-changing, leading to health problems, decreased financial resilience, and increased susceptibility to predatory lenders, aggressive debt collectors, and other financial exploitation that can drain their limited resources and assets.

Debt is also a racial justice issue, as it is more prevalent in households headed by Black and Latino/Hispanic people, who have a higher amount of debt relative to their assets. Many older adults of color enter retirement with fewer resources and greater debt after a lifetime of discriminatory credit, housing, and employment practices.



In partnership with allies and funders, NCLC is focusing on two of the major drivers of increasing debt burdens: medical debt (including nursing home debt) and student loans.

*“Medical debt (including nursing home debt) and student loans are two of the primary drivers of increasing debt burdens.”*

Despite near universal coverage by Medicare, older Americans are not immune from the burden of medical debt. Gaps in Medicare coverage caused 22% of adults 65 and over to report that they currently had medical debt in 2022. The burden of medical debt falls even more heavily on older Black adults, who are 2.6 times more likely to carry medical debt than older whites, as documented in NCLC’s 2022 report, *The Racial Health and Wealth Gap: Impact of Medical Debt on Black Families*.

The medical debt crisis also impacts caregivers, many of whom are older themselves. Alarming, we have seen an increase in older caregivers being pursued in collection lawsuits for their loved ones’ nursing home bills, which have increased nationally in the wake of rising long-term care costs compounded by the COVID-19 pandemic. In September, NCLC partnered with Justice in Aging to release an FAQ for consumers dealing with nursing home debt: *Can a Nursing Home Force a Resident’s Family and Friends to Pay the Bill?*

*continued on page 8*

## CFPB Seeks Removal of Medical Debt on Credit Reports

Just over a year ago, NCLC filed a petition with the Consumer Financial Protection Bureau (CFPB) urging the Bureau to start a rulemaking process to ban the reporting of medical debts on credit reports. Medical debt harms tens of millions of consumers, and the impact of medical debt on credit reports and scores not only harms a consumer’s access to credit, but also employment prospects, insurance rates, and ability to get rental housing.

Heeding the call of NCLC and our allies, the CFPB has proposed a groundbreaking new rule that would remove all medical debt from credit reports. NCLC advocates will be deeply involved in the rulemaking process launched by the recent announcement, seeking to advance and strengthen protections for consumers whose financial lives are adversely affected by negative credit reporting due to medical debt. ■

### INSIDE

- 3 NCLC Advocacy Updates
- 4 State Advocacy Progress in CA, TX, FL, NJ, NY, MA
- 6 Report from the CRLC and 2023 Award Winners
- 7 Digital Library News
- 9 **PROFILE** Ben Bailey of Bailey & Glasser LLP
- 10 Litigation Update and a Message from Stuart Rossman


Learn more about this exciting development and NCLC’s medical debt work at [nclc.org/topic/medical-debt](https://nclc.org/topic/medical-debt)


See inside for these stories and more!

## Consumer Impact

is a biannual publication of the National Consumer Law Center to inform our supporters about NCLC's advocacy. To receive *Consumer Impact* via e-mail, contact [development@nclc.org](mailto:development@nclc.org).

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## A Note from the Executive Director

Dear friends and colleagues,

It was great to see so many members of our community at this year's Consumer Rights Litigation Conference (CRLC), which attracted over 900 consumer attorneys and advocates to Chicago! The unique camaraderie of the conference provided a boost and sent us home with renewed optimism and energy for the opportunities – and challenges – ahead.

Fall is always a busy time of year, and this year brings particular urgency. With the uncertainty that comes with an election year, there is no time to waste. Working with our network of allies, NCLC is ready to seize this window of opportunity to advance critical reforms seeking economic justice, racial equity, and basic fairness for low-income people, families, and communities.

We are encouraged by recent progress. For example, at NCLC's urging, the Consumer Financial Protection Bureau (CFPB) has recently proposed a prohibition on the reporting of all medical debts on credit reports, which would be a massive victory for millions of consumers whose financial lives have been ruined by medical debt. And at the state level, Colorado passed an important new law to protect consumers from predatory lending through "rent-a-bank" schemes.

As you know, in our fight for consumer justice we are opposed at every turn by industry trade associations and their legions of lobbyists. And it is abundantly clear that we face stiff challenges in front of certain hostile courts. Now more than ever, it is essential that we join together to stand up for consumers and fight back against forces that want to strip away the hard-earned consumer protections we have won.

We rely on supporters like you to ensure that consumers' voices are heard and that economic justice is a priority. We are grateful for every contribution, large or small, and make sure that every dollar is put to good use. I hope we continue to earn your trust and support.

Rich Dubois  
Executive Director



NCLC is grateful to *all* who support our work, and especially to those who are able to make high-impact gifts to strengthen our efforts to build the consumer law community and advance economic justice for all. The NCLC Leadership Circle, with giving levels starting at \$5,000, is a way for community leaders to support NCLC and access our essential treatises and training conferences through a single annual donation/payment. Learn more at [nclc.org/leadershipcircle](https://nclc.org/leadershipcircle) or contact Paul Laurent at [pl Laurent@nclc.org](mailto:pl Laurent@nclc.org) to discuss the program and its benefits.





Lauren Saunders and Rohit Chopra

## Advocacy Updates

### Defending the CFPB

On Oct. 3, the U.S. Supreme Court heard arguments in *Community Financial Services Association v. Consumer Financial Protection Bureau*, a dangerous case out of the U.S. Court of Appeals for the Fifth Circuit that threatens the validity of the CFPB and could destabilize a wide range of agencies, from the

Federal Reserve Board to the Social Security Administration. With our allies, NCLC is working to garner public support for the CFPB and its work over more than a decade to protect consumers and enforce regulations against unfair and deceptive practices by Wall Street and predatory lenders. Just like consumers, responsible banks and financial players benefit from the CFPB's work to level the playing field, and that work is jeopardized by the Fifth Circuit's unprecedented decision to destabilize the CFPB's funding. NCLC advocates will continue to build support for the CFPB and its essential work, and will keep the community updated on advocacy and actions we can all take to protect the CFPB, whose work is central to all our efforts to protect consumers from fraud and abuse.

As we all await the court's decision, consumer litigators can anticipate that if a consumer's claim is based on a CFPB rule, the defendant may argue that the rule is invalid based on the CFPB's allegedly unconstitutional funding mechanism. An NCLC digital library article provides approaches to respond to this serious threat to consumer law litigation.

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Read more about Practice Implications of Fifth Circuit Ruling That CFPB Funding Unconstitutional in the *NCLC Digital Library*.

### Medical Debt and Hospital Financial Assistance Policies

Many consumers struggle with medical bills in the United States, and it is more important than ever for states to require that all hospitals provide comprehensive financial assistance for hospital care. In addition to preventing aggressive medical debt collection, NCLC seeks to address the medical debt crisis by advocating for laws that reduce the burden of medical debt at the outset. Our recently updated report, *An Ounce of Prevention: A Review of Hospital Financial Assistance Policies in the States*, reviews hospital financial assistance policies and reveals that many states have few or no guidelines for hospitals caring for patients who may not be able to pay. The report lays out steps policymakers can take to strengthen financial laws to mitigate medical debt by protecting low-income patients from unaffordable hospital bills.

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Read more about the impact of medical debt on consumers at [nclc.org/topic/medical-debt](https://nclc.org/topic/medical-debt)

### "Digital Denials" Report Highlights Harms to Renters

Landlords in the United States almost always engage in some form of automated screening of rental applicants, which creates significant barriers to housing for millions of renters. NCLC's new report, *Digital Denials: How Abuse, Bias, and Lack of Transparency in Tenant Screening Harm Renters*, explains that the screening process is riddled with errors and bias that disproportionately harm Black and Latino/Hispanic renters. The report recommends actions the Federal Trade Commission, the Consumer Financial Protection Bureau, Congress, and states can take to rein in the tenant screening industry and secure renters' access to decent and affordable housing.

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Read more about the impact of tenant screening at [nclc.org/topic/tenant-screening](https://nclc.org/topic/tenant-screening) and [library.nclc.org/article/fcra-remedies-when-criminal-records-lead-rental-denials](https://library.nclc.org/article/fcra-remedies-when-criminal-records-lead-rental-denials)



### New Colorado Law a Model for Stopping Predatory Rent-a-Bank Lending

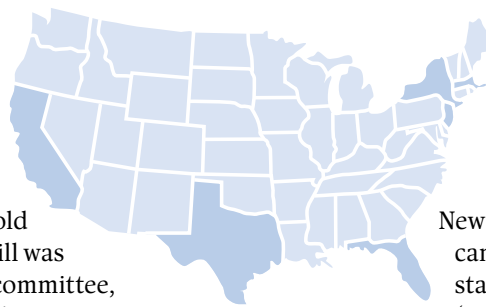
In June, Colorado became the first state in decades to opt out of a federal law that facilitates predatory lending through "rent-a-bank" schemes. The law, sponsored by Rep. Mike Weissman, Rep. Javier Mabrey, and Sen. Julie Gonzales and signed by Colorado Gov. Jared Polis, exercises the state's right to opt out of the federal Depository Institutions Deregulation and Monetary Control Act of 1980. Predatory lenders have used that law to ignore state interest rate laws and charge obscene interest rates of 100% to 225% by laundering their loans through an out-of-state bank. NCLC applauds Colorado's leadership and urges other states to follow its lead and stop rogue, out-of-state banks from helping predatory lenders evade laws against high-cost lending.

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Learn more about NCLC's work to fight predatory lending and evasions of interest rate caps and other credit laws at [nclc.org/issue/high-cost-credit](https://nclc.org/issue/high-cost-credit)

# State Advocacy Project

Progress in CA, TX, FL, NJ, NY, MA



The 2023 legislative session has been productive for NCLC's State Advocacy Project. Building on last session's wage seizure protection win in California, an NCLC-sponsored bill to ensure that no one in the state can be imprisoned because they owe a consumer debt was signed into law by Gov. Gavin Newsom in October. "It should be a model for other states to take steps to extinguish these last vestiges of debtors' prisons," said NCLC Senior Attorney Michael Best.

In Texas, NCLC has continued to support advocates with grant funding and technical assistance on a bill to protect the bank accounts of working

people from old debts. That bill was voted out of committee, which is excellent progress in a challenging legislative environment. Further east in Florida, NCLC answered an urgent request from local advocates for a grant to hire a lobbyist to battle a bill to increase interest rates on loans, which was a key piece of the puzzle that led to a veto of the bill.

Moving up the coast, NCLC worked with New Jersey advocates to develop a bank account protection bill that has been introduced. In New York, NCLC assisted local advocates by becoming the contracting party for a lobbyist for

New York advocates' campaign to improve the state deceptive practices (UDAP) statute and our

Executive Director Rich Dubois did personal outreach to key legislative stakeholders. In Massachusetts, we have reached an agreement with most of the groups in opposition to our debt collection reform bill. We are optimistic we will pass these key reforms before the end of the session.

As poverty rates spike with the expiration of pandemic assistance programs, proactive state legislation to protect working families is becoming ever more urgent. ■

Contact Michael Best ([mbest@nclc.org](mailto:mbest@nclc.org)) if you are interested in working with NCLC in your state.

## Campaign for the Future Update

NCLC's Campaign for the Future continues to regain momentum following a lengthy pause during the COVID-19 pandemic.



David Sugerman



Nadia Dahab



Kim Richman

We are honored to welcome three new supporters as Campaign Co-Chairs: **David Sugerman** and **Nadia Dahab** of Sugerman Dahab in Oregon, and **Kim Richman** of Richman Law & Policy in New York. David, Nadia and Kim join **Elizabeth Cabraser** and the late **Andy Spanogle** in this role as Campaign leaders.

The Campaign is a multi-year initiative to raise funds to enable permanent and long-term new investments in critical areas of organizational and network development, including a Next Generation Campaign to build a bigger and stronger consumer law community; a Legal Aid Partnership Program to strengthen our support of legal aid services for low-income consumers; a State Advocacy Initiative to expand NCLC's impact at the state

level; a Communication Capacity-Building Campaign to enhance our ability to reach decision makers and influence public opinion; and an Advancing the Agenda Fund to invest in new strategies for advancing fairness in the marketplace.

In addition to the Campaign Co-Chairs, other community leaders who have stepped up to help transform NCLC into an even stronger and more sophisticated consumer rights and economic justice advocacy organization to date include:

**Campaign Chancellors:** Nancy Barron & Bryan Kemnitzer; Leonard Bennett; Rob Bramson; Jim Francis, Mark Mailman & John Soumilas; Nicholas Ortiz; Scott Owens

**Campaign Cabinet:** Mark Chavez; Cary Flitter; Abbas Kazerounian, Robert Hyde & Mike Kazerouni; Kristi Kelly & Andrew Guzzo; Jon Kravetz; Matthew McCue; Brian Wanca

**Campaign Counsel:** Mike Donovan; Robert Green; Joe Jones & Ben Wolf; Seth Lesser; James Sturdevant; Hassan Zavareei

These leaders join hundreds of community members who have made personal donations to support the Campaign and its priorities. We are grateful for every single gift and pledge, of every amount, made to invest in a vision of a nation in which economic opportunity is available to all – and we are still seeking new support to achieve the Campaign's fundraising target. ■

Contact NCLC Director of Leadership Giving and Engagement Paul Laurent at [plaurant@nclc.org](mailto:plaurant@nclc.org) to get involved or learn more about the Campaign for the Future at [nclc.org/campaign-for-the-future](https://nclc.org/campaign-for-the-future)

## Racial Justice

### Supreme Court Decisions a Blow for Progress and Opportunity

By Odette Williamson, Racial Justice and Equal Economic Opportunity Project Director



The U.S. Supreme Court's radical decision in *Students for Fair Admissions, Inc. v. Harvard* upended decades of federal precedent and struck down affirmative action programs in higher education. In the wake of the decision, opponents of race-conscious remedies have increased their assault on

private sector diversity, equity, and inclusion initiatives, as well as programs designed to help underrepresented groups gain access to federal contracts. More legal and legislative challenges to education and employment opportunities are sure to come.

Coupled with the Court's decision in *Biden v. Nebraska*, which struck down the Biden Administration's plan to cancel up to \$20,000 in federal student loan debt for some grant recipients, higher education as an engine of economic mobility for people of color and students from low-income families is at a crossroads. Borrowers of color, particularly Black women, rely on loans rather than family wealth to cover the cost of a college education. The typical Black borrower owes more than the principal borrowed 12 years after starting school, while the average white borrower owes about 35% less than their original loan balance. Borrowers struggling to pay off this outsized debt experience financial insecurity and harsh collection practices, including siphoning of money needed to pay for food, rent, medicine, and other necessities directly from paychecks, Social Security benefits, and antipoverity tax credits such as the Earned Income Tax Credit.

NCLC will continue to push aggressively to mitigate the effect of these twin decisions. This includes advocating for long-overdue structural changes to the student loan system that prevent borrowers from getting loan relief promised by law, challenging predatory forms of higher education, and increasing protections for older borrowers and those who file for bankruptcy. Every option will be pursued to ensure borrowers get the relief they need now as student loan payments resume for the first time in three years. In all of our advocacy we engage a broad coalition of civil rights organizations and community groups as partners.

Sixty years after Dr. King Jr. and civil rights activists marched to Washington, D.C. for freedom and economic justice the struggle continues. NCLC will continue to fight for policies that honor the daily lived experience of people of color in the United States by dismantling systemic racism, expanding educational opportunities, and building generational wealth for all Americans. ■

## Student Loans

### Successes Despite Setbacks

As the cost of financing the higher education system falls increasingly on students and their families, student loan debt continues to rise precipitously, with first generation college students, students from low-income families, and Black students carrying the heaviest debt burdens. In June, the U.S. Supreme Court dealt a major blow to the hopes of student loan borrowers when it struck down the Biden Administration's student debt relief program, which would have offered up to \$20,000 in debt relief to working and middle class borrowers. But progress on student debt reform continues in the wake of this setback.

Two developments are particularly noteworthy: first, hours after the Supreme Court's decision, the Biden Administration announced that it had finalized new rules to reform the income-driven repayment (IDR) program and make it work better for all borrowers, and low-income borrowers in particular. NCLC advocates participated in the rulemaking and were pleased to see that many of our recommendations were included in the final rules. Among other things, the rules create a new payment plan option, the SAVE Plan, which offers more affordable payments to low-income borrowers, prevents balances from ballooning with interest while borrowers are in repayment, and shortens the time in repayment for some borrowers, including many who borrowed for community college or short-term programs.

Second, in July, the Department of Education (ED) announced that it would cancel \$39 billion in federal student loans for more than 800,000 borrowers who had already been in repayment for more than two decades and who were eligible for discharge of their remaining balances under the IDR program – but who hadn't yet received relief due to systemic failures. NCLC had been calling attention to the decades-old problems with the Department's IDR program and fought for the fixes that led to this important relief.

Other recent progress to which NCLC has contributed includes a special program to give borrowers in default a Fresh Start, new guidance that is improving access to student debt relief in bankruptcy, and a safety net for borrowers during the first year after the payment pause ends. NCLC continues to provide guidance through its Student Loan Borrower Assistance Project, which helps borrowers understand student loan rights and obligations.

As the student loan landscape continues to evolve, NCLC remains undeterred in its fight to make the system better for borrowers. NCLC attorney Kyra Taylor is currently a member of a new rulemaking committee working to develop new paths to debt relief for borrowers struggling with unaffordable student loan debt. ■

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Learn more about NCLC student loan resources on our newly updated Student Loan Borrower Assistance website, which provides easily understandable information for borrowers and advocates who represent them at [studentloanborrowerassistance.org](https://studentloanborrowerassistance.org)

## Successful Conferences Pave the Way for 2024 Gatherings in Atlanta, Orlando, and Online

It has been an exciting and active time for NCLC conferences, with attendance returning to and surpassing pre-pandemic levels! In June 2023, the Summer Mortgage Conference convened in Philadelphia with record attendance, and experts from around the country delved into topics such as post-pandemic loss mitigation options, RESPA caselaw updates, a variety of hot issues in the representation of homeowners, and a keynote address from Sofia Ali-Khan, author of *A Good Country: My Life in Twelve Towns and The Devastating Battle for a White America*.

The 31st Consumer Rights and Litigation Conference (CRLC) and Class Action Symposium in October was a resounding success, with more than 900 consumer attorneys in attendance in Chicago! The Chicago CRLC was the first to be hosted jointly by NCLC and the National Association of Consumer Advocates (NACA), and featured a robust agenda for consumer advocates of all experience levels. Highlights included the first-ever Introduction to Consumer Law intensive, a Student Loan intensive, newcomers breakfast, Womxn's networking suite, Advocates of Color luncheon, as well as more than 60 breakout sessions covering every major area of consumer law. More than ever, the lessons learned and relationships made at NCLC conferences continue to provide a strong foundation for growth and

success as a consumer champion, and help build a pipeline of strong consumer attorneys for the future.

There is much to come in 2024 in the Consumer Law Educational Events Series produced by NCLC and NACA. The annual Spring Training will be held in April in Atlanta, and will once again combine the focus of a subject matter-centered conference with the networking and resource opportunities of a large conference. The Summer Mortgage Conference will be held virtually in June 2024. And finally, the 32nd annual Consumer Rights Litigation Conference will be held in October 2024 in Orlando.

Sponsorship opportunities for each event and the 2024 conference series as a whole are now available and can be found at [nclc.org/annual-conferences](https://nclc.org/annual-conferences).



**Above left:** NCLC Partners Council member Hassan Zavareei speaking at the 2023 CRLC



**Below left:** 2023 Consumer Rights Litigation Conference Host Committee members Larry Smith and Stacy Bardo



**Above right:** NCLC Senior Attorney Jerry Battle (center) confers with consumer community colleagues at the conference



**Below right:** NCLC Senior Attorney Chi Chi Wu with consumer attorneys Jim Pietz, Len Bennett, and Cary Flitter

## Recognition

### Countryman Award

NCLC presents the Vern Countryman Consumer Law Award each year to an attorney whose special contributions to the practice of consumer law have strengthened and affirmed the rights of low-income and other vulnerable consumers. This year's Countryman Award winner is **Beth Terrell**.



Beth is a member of Terrell Marshall Law Group, PLLC, where she concentrates her practice in complex litigation, including the prosecution of class actions on behalf of consumers and employees. She routinely serves as co-lead counsel on multi-state and nationwide class actions,

and represents individual employees including those who have suffered from race, gender, age, marital status, and disability discrimination.

NCLC congratulates Beth on winning the 2023 Countryman Award, and looks forward to her continuing impact in the field of consumer law.

***“Whether she is in a courtroom, a conference room, or an auditorium, Beth is one of those rare people who leads and inspires all of us to be better consumer protection lawyers.”*** –David Sugerman

### 2023 Rising Stars

Each year, NCLC presents the Rising Star Award to attorneys in practice for 15 years or less who have made major contributions to consumer law by trying or settling a case of great success and significance. NCLC is pleased to recognize this year's Rising Stars:

**Ariel Levinson-Waldman** is the Founding President of Tzedek DC, an independent public interest center working to safeguard the rights of low-income Washington, D.C., residents facing debt-related problems.

**Jessica Ranucci** is an attorney with the New York Legal Assistant Group, where she litigates on behalf of debt collection defendants in New York City civil court.

**Annie Rodriguez** is a staff attorney with Jacksonville Area Legal Aid in Florida, where she focuses on Consumer Advocacy and Litigation.

Congratulations to all of this year's award winners for your impact and accomplishments! ■



NCLC Partners Council Chair Elizabeth Cabraser (L) and NCLC Executive Director Rich Dubois (R) with (L-R) 2023 NCLC Rising Star Award Winners Annie Rodriguez, Jessica Ranucci, and Ariel Levinson-Waldman

## NCLC Digital Library News

Full 2023 brings the revision of two essential treatises in NCLC's Consumer Law Practice Series, as well as the re-introduction of a highly regarded practice tool for those new to consumer bankruptcy representation.

The 11th edition of *Truth in Lending* updates the definitive Truth in Lending Act treatise from the nation's TILA experts. *Truth in Lending* is an essential statute for any litigation involving mortgages, auto loans, credit cards, high-cost loans, and also such emerging forms of credit as Property Assessed Clean Energy (PACE) loans, earned wage access, income share agreements, and rent-to-own home transactions. Subscribe for analysis and practice pointers on the latest law changes, including dealing with the Supreme Court's Article III standing requirements set forth in *TransUnion v. Ramirez*.

Extraordinary changes concerning student loans all came together this summer with a Supreme Court decision, important new regulations, and essential guidance from the Department of Education. The 7th edition of *Student Loan Law* keeps readers current on all of these changes with comprehensive explanations of all student loan borrower rights and relief programs.

Finally, *Bankruptcy Basics* is back! Published again for the first time since 2013, this resource makes a perfect introduction for advocates new to bankruptcy cases. Available in print and digital format on the NCLC Digital Library, *Bankruptcy Basics* guides readers through the chapter 7 filing process and provides helpful tips along the way, including filled-in and annotated sample initial filing forms. Subscribers to *Consumer Bankruptcy Law and Practice* can add *Bankruptcy Basics* to their library at a discount, and new readers can save when they subscribe to both. ■

Learn more about these resources, as well as the other books and thousands of free and publicly available practice tools published by NCLC at [nclc.org/library](https://nclc.org/library)

## Housing Advocacy in the Courts, Congress, and White House



Vildan Teske



Sarah Bolling Mancini

NCLC seeks to expand access to sustainable homeownership by removing barriers to affordable mortgages and establishing solutions for homeowners trying to save their family homes in the face of economic hardship. Our work on housing stability and advancing racially just housing policies has borne significant fruit over the past six months for homeowners as well as for renters.

In *Tyler v. Hennepin*, a case originally brought by National Association of Consumer Advocates (NACA) member **Vildan Teske**, and in which NCLC filed an amicus brief supporting the elderly homeowner, the U.S. Supreme Court struck down Minnesota's property tax foreclosure law as unconstitutional. The court ruled that states which fail to return surplus equity to the homeowner after a tax foreclosure violate the Takings Clause. As a result of this ruling, over a dozen states' tax foreclosure laws are unconstitutional. NCLC is seizing this opportunity to push for a slate of reforms in these states to prevent tax foreclosures, especially among the older adults and homeowners of color who are disparately at risk.

NCLC also continues to prioritize stable housing for owners of heirs property

as a means of preserving Black homeownership. Our pre-conference convening at the June 2023 Mortgage Conference on this subject drew 140 advocates to learn and strategize about protecting heirs from home loss.

In July NCLC's Co-Director of Advocacy **Sarah Bolling Mancini** testified before a Senate Banking subcommittee on the dangers of rent-to-own contracts that exploit the dream of homeownership. She described the patchwork of state laws that leave these contract-for-deed and lease-purchase consumers in a legal no-man's land and laid out the evidence of a failure rate of over 50%. The Senate is exploring possible federal legislation to address these predatory practices.

Also in July, the White House launched an initiative focused on rental housing junk fees, citing NCLC's report, *Too Damn High: How Junk Fees Add to Skyrocketing Rents*. NCLC advocates will continue to push for substantive reforms in all of these areas with the goals of promoting housing security, economic stability, and wealth-building opportunities among vulnerable consumers, especially in communities of color. ■

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To learn more about our work to expand access to sustainable homeownership for low income consumers, visit [nclc.org/issue/homeownership-foreclosure/](https://nclc.org/issue/homeownership-foreclosure/)

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### Curbing Rising Debt for Older Americans *continued from page 1*

Student loans add to the financial burden of many older adults. Loan balances for borrowers over 50 have increased 512% in the last 20 years, and those over 60 are the fastest growing age-segment of student loan borrowers. Older borrowers have significantly higher rates of default on their student loans than younger borrowers, and default can have devastating consequences. For example, in 2015, almost 114,000 Americans had a portion of their Social Security benefits seized to collect on defaulted student loan debt—pushing many below or further below the poverty level—and that number is expected to continue to grow in coming years.

NCLC has an ambitious agenda to curb rising debt for older Americans, including prohibiting credit reporting of medical debt; prohibiting deferred interest on medical credit cards; reducing unlawful collection actions against third-party caregivers for nursing home debt; increasing the amount of Social Security income protected from seizure to collect on defaulted federal student loans; expanding access to student debt cancellation for older borrowers; and much more. ■

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To learn more about NCLC's work to combat abusive practices, increase consumer protections, and challenge emerging financial threats to the economic well-being of older adults, visit [nclc.org/topic/older-adults](https://nclc.org/topic/older-adults)



## NCLC Staff Updates



**Berneta Haynes**, Senior Attorney, was named a Consumer Champion for Energy and Health Equity by Georgia Watch for her dedicated state and federal advocacy focused on the nexus between consumer protection and racial justice, especially to reduce medical debt and high energy bills. Georgia Watch is the state's leading consumer advocacy organization, and a trusted resource for the public, the media, legislators, and regulators. Congratulations, Berneta!



In response to its growth in recent years, NCLC has named senior staff attorneys **Abby Shafroth** and **Sarah Bolling Mancini** to new roles as Co-Directors of Advocacy. Working with other functional groups such as finance, development, and communications, Abby and Sarah will help NCLC improve its systems for planning and tracking our advocacy work, coordinating workflows across subject-matter teams, and maintaining the high quality of NCLC's advocacy and written work. NCLC is grateful to Abby and Sarah for adding these important new responsibilities to their ongoing work on student loans, criminal justice debt, homeownership and foreclosure, and credit reporting.



**Sarah Bolling Mancini**, NCLC's Co-Director of Advocacy, was recently named incoming chair of the Consumer Financial Protection Bureau's Consumer Advisory Board, which helps inform the Bureau about emerging practices and trends in the consumer finance industry and shares analysis and recommendations. Over its 12-year history, the CFPB has ensured strong consumer protections, returning nearly \$20 billion in restitution and canceled debts to tens of millions of consumers.



**Jennifer Wagner** joins NCLC's Litigation Project as a Senior Attorney. Jen brings 15 years of experience in consumer law and litigation, including at Mountain State Justice in West Virginia and the Shriver Center on Poverty Law. A well-respected litigator and consumer advocate, Jen is a frequent speaker on consumer law issues, has presented at NCLC conferences, and has contributed to NCLC's Foreclosures.



**Caroline Cohn** joins the Criminal Justice Debt Team as a staff attorney. Caroline first came to NCLC during her 2L summer as an intern. After clerking on the U.S. Court of Appeals for the Tenth Circuit and the U.S. District Court for the Eastern District of New York, she joined NCLC as an Equal Justice Works Fellow sponsored by Nike, Inc. Over the past two years, she has developed expertise on a variety of topics affecting justice-involved people, including criminal justice debt, profiteering by private actors operating within the criminal justice system, and criminal records issues, and will continue to build on that work in her staff attorney role.



**Cristina McFadden** joins NCLC as Fundraising and Donor Relations Manager, where she works to increase the engagement of NCLC's valued supporters. Cristina comes to NCLC with more than a decade of experience in donor communications at Harvard University, and she holds degrees from the University of Rochester and the University of Miami. ■

## "My role is both attorney and educator"



**B**en Bailey's younger children may not know the specifics, but they know their dad makes a positive impact in the world. Ben is proud to make a difference as a consumer attorney, and looks forward to celebrating the 25th anniversary of his firm Bailey Glasser LLP in March 2024. Based in West Virginia, Ben is acutely aware of the challenges facing rural consumers. "Rural America suffers from a lack of access to information, and many of our clients don't know they are victims until someone explains it to them. My role is both attorney and educator."

Ben's early career in the U.S. Department of Justice, focusing on cases dealing with fraudulent coal tax shelters, prepared him well for consumer law. "Those cases taught me to be detail-oriented and thorough, both aspects important to consumer law."

Ben's first dip into consumer law was with John Barrett on a TCPA claim. The firm's next big case was a class action against H&R Block involving refund anticipation loans. The case was about to be settled for eight cents per class member in West Virginia by a preliminary approval hearing at a Federal Court in Chicago. "We thought that was ridiculous and had an expert witness testify that it made more sense to borrow money from Tony Soprano than from H&R Block. We ran off to the preliminary hearing and made our case. The judge agreed and sent the case to West Virginia. That was where I met John Roddy, and that case gave us the broadest exposure in the shortest time period. The Tony Soprano reference was one of my favorite lines in all the years I've been practicing law."

John Roddy, John Barrett, and Elizabeth Ryan introduced Bailey Glasser to NCLC, and the firm has been pleased to nominate NCLC to receive cy pres awards and sponsor the Consumer Rights Litigation Conference (CRLC). "NCLC's publications are our bibles and we routinely work closely with NCLC attorneys, which gives us better results for our clients, who desperately need all the help they can get. We appreciate the collegiality and support the community gets from the Conference and are happy to be part of the solution to help address injustice. We are thankful for NCLC being a resource for us, and our clients."

NCLC is grateful to Ben and the attorneys at Bailey Glasser for their years of support. ■

## A Message from Stuart Rossman

NCLC's Litigation Project was created in 1999, and I proudly have served as the organization's Litigation Director since its inception. Time really flies, however, and I will be retiring and turning the Project over to the capable and talented hands of Shennan Kavanagh at the end of this year. I leave confident and gratified in the knowledge that Shennan will successfully continue NCLC's litigation practice and take those efforts to new and exciting levels in the future. But I also can look back with satisfaction and fulfillment at what we accomplished in the past 25 years.

When NCLC lost its Legal Services Corp. funding in 1995 it faced an existential threat. However, at the same time the organization was freed of the significant litigation restrictions Congress imposed upon the receipt of those funds. Provided with this opportunity, our Board authorized the creation of a Litigation Project dedicated to supplementing and complementing our existing consumer advocacy work and expanding our representation of low-income consumers.

NCLC survived and ultimately has thrived, overcoming significant obstacles and building an impressive record of success as a leading nonprofit public interest consumer advocacy force to be reckoned with. And so too has the Litigation Project thrived and contributed to that success.

We started with a fundamental goal of focusing our representation of consumers on cutting-edge litigation that would reform the rules of the marketplace. We pursue cases that have a far-reaching impact and would benefit from our unique legal and policy expertise. To maximize our resources and leverage our capacities, we coordinate our efforts with federal and state enforcement agencies and create strong litigation co-counseling teams made up of private lawyers, legal aid, and nonprofit groups.

As a result, during my tenure we have brought and co-counselled over 150 major class action, declaratory judgment, Freedom of Information and Administrative Procedures Act cases

in federal and state courts across the country. We also have participated in hundreds of amicus briefs.

The breadth and depth of these achievements is rewarding, and we have made a real difference. But the challenges remain and continue to evolve. That is why our efforts must remain unabated. Just take a look at the two recent case updates that Shennan has highlighted in the accompanying sidebar. Both cases reflect our ongoing commitment to our priorities through innovative litigation strategies, working together with our private, public, and nonprofit partners to deal with new technologies and creative schemes that threaten the economic wellbeing of low-income consumers.

We look forward to accomplishing much more with your support and assistance. For now, however, thanks for being my valued partners during this great experience. It truly has been an honor and a privilege (and a heck of a lot of fun). ■



## Litigation Update

NCLC prioritizes litigation that will advance racial justice, and is currently counsel in Fair Housing Act (FHA) cases in Michigan and Massachusetts. In July, Judge Angel Kelley (D. Mass.) denied defendants' motions to dismiss a case NCLC brought with Cohen Milstein Sellers & Toll in Washington D.C. and Greater Boston Legal Services. *Louis, et al. v. SafeRent Solutions, LLC*.

In *Louis*, we are challenging SafeRent's tenant-screening algorithm, which calculates a "SafeRent Score" for property management companies to use to select tenants. Our lawsuit alleges that the defendants' use of the algorithm, which relies on past credit history and fails to consider housing vouchers, caused a disparate impact on low-income, Black and Hispanic prospective tenants under the FHA and violates Massachusetts' anti-discrimination and consumer protection laws. Among other things, the court found that our allegations that use of the "SafeRent Score" resulted in discrimination in the privilege of renting were sufficient to confer standing. The court rejected SafeRent's argument that the FHA does not apply to it as a tenant-screening service, finding that provision of the SafeRent Score is directly related to the rental transaction.

NCLC's amicus practice supports cases that have a national impact on

a wide range of issues faced by low-income consumers.

Recently, the Massachusetts Supreme Judicial Court recognized an amicus brief drafted by the AARP Foundation, which NCLC joined and filed, supporting the Secretary of State's fiduciary duty rule for investment broker-dealers, which the SJC upheld. *Robinhood Financial LLC v. Secretary of the Commonwealth, et al.*

The amicus brief highlighted the ways new technologies and business models undermine unsophisticated and low-income investors, necessitating a higher standard of care. The SJC noted that the more rigid interpretation of the law proposed by the challenger would "...freeze the ability [of the Secretary] to adapt to changes in the industry that require new standards of conduct." This decision is important because it reaffirms the principle that states are permitted to adopt regulations in the securities area that are more protective than the federal standards. ■

Learn more about NCLC's Litigation Project: [nclc.org/litigation](https://nclc.org/litigation)

## Cy Pres Awards Advance Justice for Consumers

**C**y pres awards use unclaimed or impractical-to-distribute funds from class action settlements to promote the core interests of class members and are one of the most effective ways to promote and advance consumer protections. NCLC is honored to have been nominated for over 500 cy pres awards since 1996. If you are interested in nominating NCLC, please contact Paul Laurent at [pl Laurent@nclc.org](mailto:pl Laurent@nclc.org). Thank you to all consumer attorneys who have recommended NCLC as a recipient for cy pres awards, including these recent successful nominators:

Irv Ackelsberg	Michael Hilicki	Don Nichols
Adrian Bacon	Ignacio Hiraldo	James Noblin
Gregg Barbakoff	Manuel Hiraldo	Nicholas Ortiz
Joseph Bourne	Kenneth Jay Grunfeld	Scott Owens
Edward Broderick	Benjamin Johns	Stephanie Ozahowski
Tiffany Buda	Joseph Jones	Grace Parasmó
Alex Burke	Jeffrey Kaliel	David Parisi
Shelli Calland	Avi Kaufman	Anthony Paronich
Shanon Carson	Abbas Kazerounian	Andrew Polk
Alexis Castillo	Kristi Kelly	Timothy Quenelle
Saul Cohen	Keith Keogh	Marquel Reddish Longtin
Nicholas Coulson	Taras Kick	Kai Richter
Patrick Crotty	Yongmoon Kim	Kevin Roddy
Nadia Dahab	Jeffrey Klafter	Evan Rothfarb
Rachel Dapeer	Robert Kleinman	Susan Rotkis
Kathleen DeLaney	John Kristensen	Seth Safier
E. Michelle Drake	Theodore Kuyper	Joseph Saveri
Scott Edelsberg	Travis Lenkner	Enrico Schaefer
Michael Eisenband	Seth Lesser	Sarah Schalman-Bergen
Jordan Elias	Eileen Linarducci	Daniel Schlanger
Tamra Ferguson	Joseph Lipari	Thomas Segal
Andrew Ferich	Matthew Loker	Lawrence Semenza
James Fishman	Bret Lusskin	Shaun Setareh
Jon Fougner	Patrick Madden	Andrew Shamis
Todd Friedman	Ari Marcus	Timothy Sostrin
Ryan Gentile	Jesenia Martinez	David Sugerman
Daniel Girard	Marie McCrary	Jason Sultzer
Adam Gonnelli	Matt McCue	Evan Sumer
Robert Green	Kevin McCullough	Trevor Tan
Simon Grille	Adrienne McEntee	Beth Terrell
Adam Gutride	David McGlothlin	Jessica Titler-Lingle
John Habashy	Raven Moeslinger	Melissa Weiner
Matthew Helland	Robert Murphy	Stephen Weisbrod
Lawrence Hersh	Brian Murphy	Benjamin Wolf



### Legacy Giving has a Lasting Impact

**M**any people donate to causes they care about during their lifetime, but are not familiar with estate planning options that can provide invaluable support for the future work of an organization like NCLC.

A “legacy” gift is a gift to a charity or nonprofit organization in your last will and testament. Legacy gifts can take a variety of forms, including bequests, beneficiary designations, or a gift of a retirement account. You can design legacy gifts to accommodate your unique circumstances, and you always have the right to modify your legacy gift in the future if necessary.

We are deeply grateful to all members of The NCLC Legacy Society, and to all who consider making NCLC a part of their lasting legacy. Visit [legacy.nclc.org](http://legacy.nclc.org) to learn more. ■

***“Legacy is not measured in terms of what you did for yourself, but instead what you have done for others. That’s why I’m supporting the Campaign for the Future and including NCLC in my estate plan.” –Scott D. Owens, Esq.***



## PAGE 8: Conference and Award Photos!

The nonprofit National Consumer Law Center® (NCLC®) works for economic justice for low-income and other disadvantaged people in the U.S. through policy analysis and advocacy, publications, litigation, and training.

### Save the Dates for the 2024 NCLC/NACA Consumer Law Educational Events Series!

#### 2024 Spring Training

April 11-12, 2024  
Atlanta, GA

#### 2024 Mortgage Conference

June 3-6, 2024 (with pre-conference  
intensives on May 29-30)  
Virtual Event

#### 2024 Consumer Rights Litigation Conference (CRLC) and Class Action Symposium

October 24-27, 2024  
Orlando, FL

See more conference information  
inside!

## NCLC Receives Highest Ratings from Charity Watchdogs



In recognition of our commitment to financial stability and transparency, NCLC recently received the highest possible rating of 4-stars from Charity Navigator, the world's largest and most trusted nonprofit evaluator. We also received a highest-level Platinum Seal of Transparency rating from Candid (previously known as GuideStar), the world's largest source of nonprofit information.

Your financial support sustains and strengthens NCLC's core work in key areas including:

- High-impact advocacy to strengthen the consumer protection laws and regulations that consumer attorneys need to succeed
- Extensive education of consumer advocates through conferences, trainings, listservs, and webinars
- Cutting-edge litigation to reform the rules of the marketplace, often in partnership with private lawyers, legal aid, and nonprofit groups
- Definitive treatises on consumer law, an indispensable resource for all practitioners ... and much more!

Your gift to NCLC supports one of the nation's most trusted and respected non-profit organizations working to advance economic justice. ■