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## Letter from the Executive Director

“As a lawyer, I will endeavor to make our legal system work fairly and efficiently. To that end, I pledge to act professionally, with civility and integrity; to abide by the letter and spirit of the Rules of Professional Conduct; to adhere to this Creed of Professionalism when dealing with my clients, courts, attorneys and other participants in the legal system; and to serve the general public and our system of justice.”

- A Lawyer’s Creed

“I am committed to advancing the cause of just treatment for and ethical representation of consumers.”

- NACA Pledge

For some reason lately, I have found myself thinking a lot about why I became a lawyer (a consumer lawyer, in particular), our justice system, and our commitment to the rule of law. Fundamentally, I believe that justice matters, that facts do exist, and that a consensus about truth can be achieved when open-minded people act with equanimity and fairness. I, however, also understand that the rich and powerful often create systems and processes that deny facts, distort truth, and disable our ability to achieve real justice. That’s why I became a consumer lawyer and that’s why our work on behalf of the least powerful among us is so very important.

As our organization—your organization—begins its 26th year, we at NACA have rededicated ourselves to strengthening and building a consumer bar that can and will stand up for truth and justice. That is why we remain committed to ending forced arbitration—now and always a blight on a fair and equitable justice system. That is why we must end the double taxation of attorneys’ fees on our clients; otherwise, the consumer protection laws we helped develop and enforce will not be worth the paper on which they are written. And that’s why we continue to offer programs, benefits, and trainings that will make all of us better and more successful consumer lawyers.

In the coming year, you will see us focus on building and nurturing smaller, more directed affinity communities in our continuing effort to develop a more racially diverse community and to create stronger and closer relationships among our members. You will see us be more welcoming to attorneys wanting to be part of our community through our “New to Consumer Law” networking events and our newly launched mentoring program. You will see us more focused on the future of our community embodied by our joint Consumer Law Advocates, Students, and Scholars (C.L.A.S.S.) project that seeks to connect law students with consumer attorneys and to help them pursue a career in consumer law. And finally, you will see—with our Online Spring Training—our concerted effort to develop educational programming and benefits that support and develop all of our members no matter their practice type or their stage of career.

Facts. Truth. Fairness. Justice. together, our NACA community, through our projects and through our shared commitment to one another and our clients, can and will make sure that all of those words remain the bedrock of our laws and our society.

Until we talk again.

Ira Rheingold  
Executive Director

## Statement of Activities

|  | 2019 (pre-audit)   | 2018               | 2017               |
|--|--------------------|--------------------|--------------------|
| <b>INCOME</b>  |                    |                    |                    |
| Membership Dues  | \$377,952          | \$406,782          | \$405,409          |
| Conferences and Trainings                                  | \$201,147          | \$135,962          | \$185,694          |
| Cy Pres Awards   | \$293,767          | \$1,178,176        | \$104,622          |
| Donations  | \$28,192           | \$44,828*          | \$56,747           |
| Other  | \$24,360           | \$11,507           | \$7,634            |
| <b>Total</b>   | <b>\$925,418</b>   | <b>\$1,777,255</b> | <b>\$727,144</b>   |
| *This total includes the cy pres donated to NACA’s 501(c)3 |                    |                    |                    |
| <b>EXPENSES</b>  |                    |                    |                    |
| Membership   | \$232,004          | \$230,942          | \$238,804          |
| Conferences and Trainings                                  | \$359,292          | \$304,618          | \$250,363          |
| Advocacy   | \$45,639           | \$35,973           | \$64,665           |
| Management and General                                     | \$373,811          | \$332,076          | \$352,772          |
| Other  | \$45,409           | \$70,413           | \$29,858           |
| <b>Total</b>   | <b>\$1,056,155</b> | <b>\$974,022</b>   | <b>\$936,462</b>   |
| <b>Net Income</b>  | <b>(\$130,737)</b> | <b>\$974,022</b>   | <b>(\$209,318)</b> |

# Report to Members

## A Year in Review

This has been a very exciting and active year for NACA as we celebrated our 25th anniversary. There have been significant changes to our membership. In 2019, all NACA membership became anniversary based. No matter when you renew or join, your membership will last for twelve full months. We also introduced the ability to auto renew your membership and began the process of looking at our higher-level membership benefits. We currently have 1,500 consumer attorneys in membership and look forward to increasing the community in the years to come.

In 2019, NACA held its FCRA conference in Long Beach, California. At that event, NACA introduced new networking events and an FCRA 101 workshop to allow the conference material to be taught at a higher level. It was a terrific conference and a great segue into our new 2020 Spring Training, our first multi-track conference. Due to concerns about COVID-19, NACA leadership made the decision to convert the planned in-person Spring Training to an online format. The online version of the Spring Training consisted of three tracks (FCRA, Auto, and Litigation Skills), two workshops (Auto Fraud Fundamentals, and FCRA Fundamentals) and new online networking events. We are looking forward to next year when we are able to meet in person for the 2021 Spring Training in New Orleans, Louisiana!

This year also saw the launch of new NACA member benefits aimed at helping you be more efficient in your practice, provide more support to your clients, and network with your colleagues. Information is important. With this in mind, we now publish the weekly electronic NACA News Brief of helpful news covering a variety of consumer law topics and consumer-related issues helpful for your work.

We have restructured our Member Resources page on the website to list all of our online resources in one place to make it easier to see what we offer and to find what you need. We revamped our Document Libraries on our listserv community site. Each community has its own library, and you can filter to search a specific community or all communities, and you can filter by document type. We will soon release a new FCRA eCourse, which will be available in the Training Library along with our Debt Defense eCourse, professional development packages, and webinars for you to access. Many of these resources are free to members, and you can specifically search for these free resources using the right sidebar on the Training Library page.

Our Mentor Match program is now hosted on our listserv community site, and it will facilitate matches between members who are early in their careers and our established members who want to develop and support the next generation of consumer attorneys.

Special thanks to all of our member volunteers serving on our various committees and taskforces. None of these projects could have been successfully implemented without your help, and we are very appreciative of you!

# Legislative and Policy Developments

## **Attorneys' fees tax policy**

NACA is leading the work to change the IRS policy that burdens consumers who win civil cases by taxing them on attorneys' fee awards. The problem has become more urgent following passage of the Tax Cuts and Jobs Act, which has suspended certain deductions. Tasks have included research and data gathering, congressional meetings, electronic and in-person outreach to congressional offices, press communications, and NACA member outreach.

NACA leads support for the End Double Taxation of Successful Civil Claims Act (EDTSCCA), S.3913 and H.R. 7171, legislation introduced by U.S. Sen. Catherine Cortez Masto (D-NV) and Rep. Steven Horsford (D-NV). The EDTSCCA provides an above-the-line income deduction for consumers that will ensure that attorneys' fees and costs awarded in consumer cases are not considered consumers' income. Meaning, consumers will not be taxed on those funds.

NACA members including state chairs conducted outreach to congressional offices and their community newspapers to alert their representatives and the public of the issue.

## **Defending and advocating for robust consumer financial protection policies**

NACA spent much of 2019 advocating for a debt collection regulation that would protect consumers from abusive practices, in response to the Consumer Financial Protection Bureau (CFPB)'s proposed rule on debt collection. The effort included lobby meetings, a membership survey and resulting report, news media engagement, public outreach, and other campaign strategies.

NACA is focused on CFPB oversight to both defend the federal agency and evaluate its work on behalf of consumers. The effort included supporting Freedom of Information Act (FOIA) requests submitted by allied organizations to the agency regarding its law enforcement actions.

NACA continues to participate in coalition efforts to advocate on federal regulatory processes and consumer financial service protections. We also join our allied organizations in evaluating policy proposals: oppose harmful ones and support meaningful ones (such as H.R. 3621, the "Comprehensive CREDIT Act," legislation to reform credit reporting, credit scores, and the credit reporting agencies).

## **Elimination of forced arbitration clauses from consumer contracts**

NACA strongly supported the Forced Arbitration Injustice Repeal Act (FAIR Act), H.R.1423, introduced by Rep. Hank Johnson (D-GA), a bill introduced to eliminate forced arbitration clauses and class action bans in consumer and worker contracts. Through extensive coalition work, the bill passed the U.S. House. Sen. Richard Blumenthal (D-CT) sponsors the identical Senate version of the FAIR Act, S.610.

NACA continues to be alert to consumer sectors and stories to highlight examples that demonstrate the harm of forced arbitration on individuals' rights.

## **Growth of consumer law through member, client, and public engagement**

NACA annually calls for additional funding for Legal Services Corporation and support for legal services attorney members supported by substantial evidence and data received from its legal aid attorney members.



Consumers Ascending Launched—In 2019, NACA launched a campaign, including a monthly online communication, to improve our outreach and motivate action by members and their clients about significant consumer protection and “access to justice” issues impacting everyday lives.

C.L.A.S.S. Project Launched—NACA and the UC Berkeley Center for Law and Economic Justice have partnered to connect with students, professors, and consumer law practitioners around the country with the goal of forming student groups on law school campuses focused on consumer law. So far, six student groups have been formed and officially recognized by their law schools and NACA: UC Berkeley School of Law, West Virginia University College of Law, St. John’s University Law School, Duke University School of Law, University of Southern California Gould School of Law, University of Utah’s S.J. Quinney College of Law, and University of Florida.

Consumer Lobby Day—In 2019, NACA joined with groups for the second annual spring lobby day with state and national organizations, a day of meetings with congressional offices for consumer advocates across the country to advocate on topical consumer policy issues. NACA is an original sponsoring member of the organizing committee for Consumer Lobby Day.

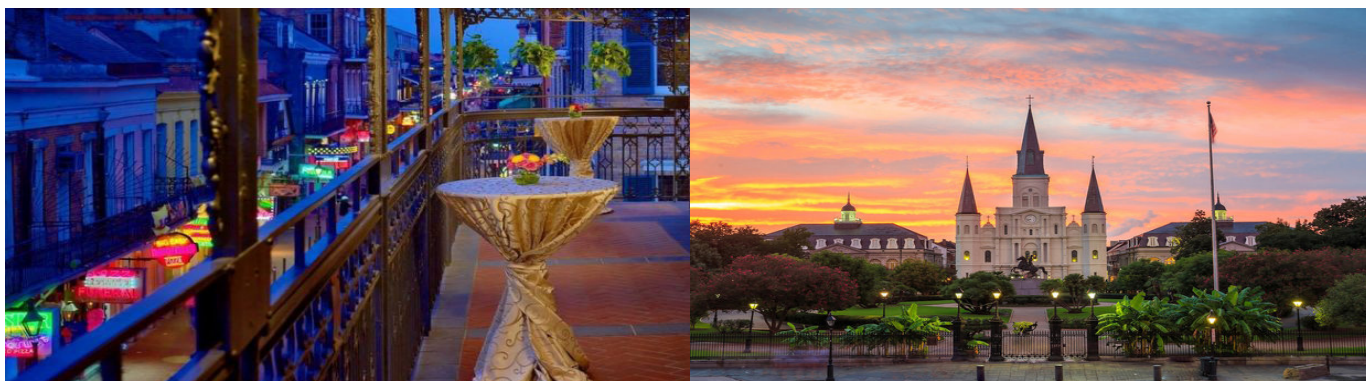
Social media engagement continues to grow. Since January 2019, Facebook followers increased by 28 percent, and Twitter followers increased by 12 percent. The most popular posts in 2019 on both Facebook and Twitter related to the CFPB’s proposed rule on debt collection.

The NACA community is actively engaged in responding to consumers impacted by the global health and economic crisis caused by COVID-19. We anticipate that the next year will focus on defending consumers against harmful policies and corporate practices, including civil liability restrictions, debt collection abuse, and illegal evictions.

## Looking Ahead

We’re looking forward to providing even more educational and networking opportunities for you in the coming year, as well as new benefits and initiatives. Here’s a sneak peek of what we’re working on:

- the 2021 Spring Training, which will take place May 5–7 in New Orleans, LA
- a Co-Counsel Directory, so you can connect with other members about co-counseling opportunities
- enhancements to the Find an Attorney directory, including the ability to have four bar listings
- more members-only resources on the website, to make it an even more valuable benefit for you
- increased collaboration with like-minded organizations, particularly the National Consumer Law Center, so that we can better work together to serve the consumer law community



# Members Making a Difference

A large part of NACA's strength comes from those members who go above and beyond to make a difference in the financial position of our organization. We would like to thank the following individuals for their generous support of our association.

## Higher-Level Members

### Platinum

Leonard Bennett  
Michael Donovan  
Steve Mikhov

### Gold

Daniel Blinn  
Seth Lesser  
Michael Malakoff  
David Philipps  
Mary Philipps

### Silver

Bryce Bell  
Alexander Burke  
James Pietz  
Taras Rudnitsky  
Mark Steinbach  
Tom Stubbs  
David Sugerman

### Bronze

Stacy Bardo  
John Barrett  
William Bensley  
Scott Borison  
O. Randolph Bragg  
Robert Brennan  
Ronald Burdge  
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