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Letter from the Executive Director

Community: a feeling of fellowship with others, as a result of sharing common attitudes, interests, and goals.

I've thought a lot about community during these last two very difficult and isolating years. As I've worked from home, restricted my travel, severely limited my attendance at public gatherings and communal events, and tightened my in-person circle of friends and family, I have really felt a deep sense of loss. I, like so many of us, have tried hard to replace those moments with phone calls, Zoom meetings, emails, and even handwritten notes. But none of that is a substitute for the feeling of community, the sense of human connection we all get from an in-person greeting, a handshake, a hug, a pat on the back.

During my time at NACA, the idea of community has been central to all our work. We have always tried—although not always successfully—to make NACA an inclusive community of attorneys with a shared commitment to work for consumer justice. Every day, our staff and our board ask ourselves how we can better build our organization and strengthen the bonds between us. How do we make attorneys new to our community feel welcome? How do we help both new and established consumer attorneys achieve greater personal and financial success? How do we better build connections among consumer attorneys, both geographically and by subject matter? How do we build a sustainable and expansive community of attorneys who want a career in law that both reflects their values and allows them and their families to thrive?

Of course, our ability to continue to strengthen the NACA community has been hindered by these last two pandemic years. Nonetheless, hopefully you have (virtually) noticed all of our efforts to do just that. Among other things, we have launched our new co-counseling directory; greatly expanded our

online webinar, trainings, and resource libraries; aggressively increased our amicus assistance program; amplified our presence in law schools; created new leadership opportunities for members; and introduced a new project to identify and encourage consumer attorneys to become state and federal judges.

I'm very proud of all the work we've done to maintain and strengthen our organization, although nothing fully replaces the community building opportunities created by gathering in person. This year, after two false starts caused by the pandemic, we very much hope that you will join us at our first in-person Spring Training in Phoenix, AZ, May 11–14. It is our belief that NACA's Spring Training will be different than any consumer advocacy conference you've attended before. We will, of course, be providing the engaged and practical peer-to-peer learning you've come to expect from NACA, but we will also be actively working to providing you with numerous opportunities to strengthen your connections and your bonds with fellow consumer attorneys.

I cannot wait for NACA's Spring Training. I look forward to greeting you, to sharing conversations (be they silly, personal, or serious), and to simply be among my/our community again.

Ira Rheingold
Executive Director

Statement of Activities

	2021 (pre-audit)	2020	2019
INCOME			
Membership Dues	\$372,013	\$368,242	\$377,952
Conferences and Trainings	\$83,652	\$84,934	\$201,147
Cy Pres Awards	\$6,977	\$658,655	\$293,767
Donations	\$26,121	\$57,681	\$28,192
Other	\$162,001	\$3,551	\$24,360
Total	\$670,764	\$1,173,063	\$925,418
EXPENSES			
Membership	\$213,035	\$211,859	\$232,004
Conferences and Trainings	\$227,737	\$276,601	\$359,292
Advocacy	\$15,587	\$10,024	\$45,639
Management and General	\$429,745	\$388,521	\$373,811
Other	\$98,616	\$88,120	\$45,409
Total	\$984,720	\$975,125	\$1,056,155
Net Income	(\$313,956)	\$197,938	(\$130,737)

Report to Members

A Year in Review

This past year has been a very exciting for us. We are thrilled to finally be able to hold our first in-person Spring Training in Arizona this year and to be able to gather again with the NACA community for learning, networking, and socializing.

Early 2022 saw the launch of a number of technology upgrades. We moved our website to a more robust platform, which allows for a number of improvements from the old site. The new site has a much stronger search capability and more coherent navigation. The login process is now smoother and more seamless: You only need to login one time to access the website, the Find an Attorney directories, the NACA Training platform, and the listserv communities. You also have easier access to your profile for any updates you need to make to your information with the new “My Account” tab at the top of every page.

We’ve made a number of improvements to the Find an Attorney directory. You can now add up to four bar states and any additional languages that you speak. The directory has more numerous listings on the new site, making it easier for consumers to contact you when they need help. We also have added Co-Counseling fields (visible to members only) that you can fill in if you are interested in working with other NACA members to co-counsel a case or to get expert help.

Alongside the website, we launched the new NACA Training Platform, which is much easier to use and has great new features. All NACA education will take place on this platform—live and recorded. The new platform provides certificates of attendance for all learning on-demand to allow you to apply for CLE credits. Plus, you can download all your certificates of attendance and training materials, or rewatch a webinar from this platform.

We hope you are as excited as we are about the new updates that will enhance your member experience. As always, we thank all of our member volunteers serving on our various committees and taskforces. None of our projects could be successfully completed without your hard work and dedication to NACA. We are very appreciative of you!

Looking Ahead

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

- Spring Training 2023, which will take place May 2–4 in New Orleans, LA
- Improved search engine optimization for the Find an Attorney Directory to ensure that it is one of the first links that come up when consumers search for attorneys on Google

Legislative and Policy Developments

Consumer Taxation of Attorney Fees

NACA continues to lead the work to change an IRS policy that burdens consumers with a tax on awarded legal fees after they win cases. NACA leads support for the End Double Taxation of Successful Consumer Claims Act (EDTSCCA), S. 766 and H.R. 4457, legislation introduced by U.S. Sen. Catherine Cortez Masto (D-Nev.) and Rep. Steven Horsford (D-Nev.). The EDTSCCA would provide consumers with an above-the-line deduction for legal fees awarded in consumer cases. It would remove double taxation consequences, ensuring that only one party, the attorneys who performed the work and received the awarded fees, would be responsible for paying taxes on those funds.

NACA has published several written pieces highlighting consumers' experiences, and our advocacy work has led to financial contributions from advocates supporting efforts to clarify the law to save consumers from an illogical tax burden. Most notably in 2021, NACA organized Consumer Tax Advocacy Week, a weeklong event of virtual meetings and conference calls with congressional offices, where NACA members from certain parts of the country were invited to connect with their congressional representatives, share their individual experiences with the consumer tax issue, and advocate for the bills' passage. The week had seventy-four registered participants from twenty-four states participating in fifty-four congressional meetings. Immediately following the event, several members of Congress signed up as bill co-sponsors. The week was supported by the National Association of Consumer Bankruptcy Attorneys and National Consumer Law Center.

Defending robust consumer financial protection policies

Debt collection: NACA, with organizational colleagues, strongly opposed (through letters, calls to action, other communications) risky proposals in the Consumer Financial Protection Bureau's proposed rule on debt collection, including a proposed safe harbor for debt collection attorneys. Many NACA attorneys participated and made their voices heard in the rulemaking process (attending CFPB roundtables in their communities; sharing client stories; completing NACA debt collection surveys; submitting written comments to the proposed rule; participating in other meetings). The CFPB, in its final rule on debt collection, removed the most harmful provisions.

NACA advocated and supported proposals in Congress to strengthen protections against abusive debt collection practices. In particular, NACA strongly supported the Comprehensive Debt Collection Improvement Act, H.R. 2547, a bill that would provide relief for servicemembers, student loan borrowers, consumers with medical debt, and a proposal to end time-barred debt collection. H.R. 2547 also included a measure to update the amount of statutory remedies available to harmed consumers under the Fair Debt Collection Practices Act (FDCPA). H.R. 2547 passed the U.S. House.

FTC enforcement authority: NACA co-led a legislative campaign to clarify the Federal Trade Commission Act after the Supreme Court decision in *AMG Capital Mgmt v. FTC* restricted the FTC's enforcement authority under section 13(b) of the FTC Act. According to the Court, the FTC does not have the authority to seek refunds for victims of consumer fraud and deception, wiping out the FTC's primary way of returning money to victims of scams and other unfair and deceptive practices. H.R. 2668, clarifies and restores the FTC's role under Section 13(b), enabling it to seek court orders to seek injunctive and monetary relief. H.R. 2668 passed the U.S. House.

TCPA: NACA supported legislative and regulatory efforts, often led by the National Consumer Law Center and Consumer Reports, to preserve protections under the Telephone Consumer Protection Act, and to strongly oppose efforts to weaken it.

Consumer Lobby Day: NACA joined with groups for the annual spring Consumer 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, including forced arbitration, predatory lending, and the Federal Trade Commission's enforcement authority. NACA is an original sponsoring member of the organizing committee for Consumer Lobby Day.

Elimination of forced arbitration clauses from consumer and worker contracts

In our long-time campaign to end forced arbitration clauses, NACA strongly supported the legislation, the Forced Arbitration Injustice Repeal Act (FAIR Act), introduced by Rep. Hank Johnson (D-GA.) and Sen. Richard Blumenthal (D-CT). The bill would eliminate forced arbitration clauses and class action bans in consumer and worker contracts.

NACA began a written series on Medium titled "Forced Arbitration Roadblock" to highlight consumer experiences with forced arbitration, most submitted by organization members. We continue to solicit and share case examples spotlighting the use of forced arbitration, its effect on real people in the marketplace, and their ability to enforce important rights and protections. We also submitted written comments in response to the Department of Education's Notice of Intent to Establish Negotiated Rulemaking Hearings. NACA's comments focused on predatory institutions' use of forced arbitration and urged the Department to issue strong rules prohibiting forced arbitration in all enrollment contracts.

Compiling advice and resources for consumers affected by emergencies

Throughout 2020 and 2021, NACA has worked with member attorneys to gather and disseminate important tips for consumers facing emergency situations. Using our Consumers Ascending email campaign and Medium blog, we published a series titled "The COVID-19 Effect" that offered practical advice from legal services attorneys on how to handle common consumer issues during the pandemic including navigating evictions, dealing with debt collectors, and managing auto loans. When the Texas winter storm hit in February 2021, NACA published a special edition on what consumers across the country, not just Texas, should do when hit by a natural disaster.

NACA is invited each year to comment in support of funding for Legal Services Corporation (LSC) and support for legal services members. This year, we continued to call more funds for LSC, particularly in light of the COVID-19 pandemic and the central role that legal aid attorneys have played in helping Americans cope with the ensuing health and economic crisis.

Advocacy work with member leaders

NACA Advocacy worked in partnership with its state chairs on several projects:

a) state chairs signed on to a joint letter to Congress urging support for the Congressional Review Act resolution (S.J. Res. 15 and H.J. Res. 35) to repeal a federal rule that infringes on state laws that help shield residents from usury and other financial abuses. The resolution passed Congress and became law.

b) NACA first received support and engagement from state chairs on its organization and planning of Consumer Tax Advocacy Week.

Growth of consumer law through the CLASS Project and state advocacy support

NACA partnered with the UC Berkeley Center for Consumer Law and Economic Justice to launch the Consumer Law Advocates, Students, and Scholars (CLASS) project in 2019 to connect law students, professors, and consumer attorneys across the country. So far, eleven law school student groups are part of the CLASS network: 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 School of Law, University of Florida Levin College of Law, University of Michigan Law School, Notre Dame Law School, Drake University Law School, and the University of Montana School of Law.

In March 2021, NACA and UC Berkeley co-hosted the inaugural Consumer Law Students Summit which brought together over 50 law students to hear from leading consumer advocates, discuss the future of consumer law and economic justice, and participate in mentoring sessions with consumer law practitioners. NACA and Berkeley have brought relevant programming in virtual sessions to students interested in consumer law, featuring NACA members and other consumer advocates. Speakers included Deepak Gupta and Prof. Chris Peterson discussing their respective careers fighting for consumer rights; Prof. Lauren Willis, sharing her research on dark patterns in advertising; John Soumilas, discussing his work litigating *Ramirez v. TransUnion*; Irv Ackelsberg, Carla Sanchez-Adams, Janet Varnell, and Lorry Brown, discussing their career paths in consumer law.

CLASS law student mentorship programs launched in 2021. For the first year of this program, thirty-five law students from 11 different law schools registered as mentees. This program is expected to help introduce aspiring consumer attorneys to the consumer law community and illuminate career paths for law students.

NACA Advocacy is a founding organizing committee member of the Economic Justice Policy Advocates Conference (EJPAC), an event for predominantly state advocates from across the country to come together to share ideas and priorities, workshop proposals and new approaches to consumer rights and economic justice policy and state legislative advocacy. In a little over a year, the EJPAC planning committee, led by the Berkeley Center for Consumer Law & Economic Justice, hosted two national conferences and one regional conference for advocates through virtual, online sessions.



Members Making a Difference

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

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