**CONSUMER PRIORITIES**

***Our mission: To assure due process by championing equal justice for low income consumers.***

***Our vision: Protecting income and assets for those with no access to justice.***

**General Aspirations**

* Protect wages, housing, employment, Social Security, or to otherwise stabilize a client.
* Defend debtors in collection actions filed by debt buyers.
* Enforce debtors’ rights under state and federal law.
* Coordinate with ongoing Legal Aid projects to prioritize clients from certain groups, i.e. clients introduced through employment opportunity projects, veteran’s hospital, MLP, LEP community outreach, etc., and considering minority populations and those with no other resources.
* Identify and address systemic issues that perpetuate poverty.
* Work with outside organizations such as the Attorney General’s Office to combat abuse and exploitation of low-income Arkansans.
* Partner with other workgroups to provide comprehensive services.

**LITC Clinic Representation Priorities**

*Priorities specific to taxes are separate but related to the Consumer substantive work group.*

**Income Taxes**

* Assisting with responses to collection activities, including liens and levies.
* Innocent Spouse Relief cases.
* Audit reconsiderations for examinations, including Earned Income Tax Credit, exemptions, filing status, and self-employment income, among others.
* Assisting with IRS examinations.
* Offer in Compromise.
* Identify theft.
* Audit and Tax Court Representation, including *Pro se* petitioners referred by U.S. Tax Court (will usually involve one of the priority issues).
* Worker misclassification (1099 –MISC instead of W-2).
* Tax liens.
* Responding to IRS notices.
* Tax debts and Installment Agreements.
* Non-filers coming into voluntary compliance.
* State Income Tax issues.
* Other meritorious tax claims.

Tax Court assistance will be provided on both small and regular case dockets, and will be made available to unrepresented clients who otherwise meet Legal Aid LITC case acceptance guidelines. Assistance may be provided by Legal Aid staff members or attorneys and enrolled agents who volunteer for Legal Aid’s Pro Bono Panel.

The level of assistance provided to each individual client may range from counsel and advice or brief services to full representation. Determination regarding the level of assistance will be made by the Tax Clinic Director, after a review and assessment regarding the merits of the case and a factual evaluation based on clinic priorities.

**Reentry**

* Criminal Record Sealing – Felony- Where a felony Petition to Seal falls within a petition to seal statute and the applicant is seeking housing and employment and the felony would be a hindrance, extended services, extended services. For multiple felonies priority is given to cases where we can seal all of the felony records but exceptions can be made where one conviction is causing particular harm. Where no petition to seal statute allows for the sealing of the criminal record, advice and pardon application.
* Criminal Record Sealing- Misdemeanors, Arrests, Nol Prosequi- Where a Petition to Seal is likely to be approved by a Court, advice on how to proceed pro se to successfully seal the record. If a misdemeanor record is particularly detrimental to housing or employment (recent thefts, possession, assault as examples), extended services as resources allow. Extended services will be considered when the client does not appear to have the capability of proceeding pro se.
* Housing – where background check is wrongfully being used to deny housing to reentry client or where client is being evicted because of background check, extended services with input from Housing workgroup.
* Employment – where background check is wrongfully being used to deny employment to reentry client or where licenses need to be reinstated (and is not part of an ongoing sentence), extended services.
* License suspension and license reinstatement related to criminal record, advice.
* Other- where legal services will increase the likelihood of successful integration into society or decrease the likelihood of recidivism and those legal services are meritorious. Two community outreach events during 2017 addressed to eligible pro se filers in counties to be determined by AmeriCorps Reentry attorney, Ryan Hill and the Consumer Work Group. Reentry work plan of Ryan Hill incorporated by reference.

**Bankruptcy Priorities for Consumer Group**

Chapter 7 bankruptcy petitions

* Where the wages of the client are being garnished or subject to garnishment.
* Where the primary transportation of the client is subject to repossession, to stop repossession of the car, or to recover the car for the client.
* Where loss of the home is threatened through foreclosure see Housing group priorities below.
* Pro bono referral in priority areas.
* It is estimated that the Consumer Work Group will accept ten cases for bankruptcy in NW Arkansas and possibly Boone and Baxter counties and ten cases in the Delta where pro bono resources are not available.
* In NW Arkansas, referrals for Chapter 7 Bankruptcy are made to the Law School’s Bankruptcy Clinic at the beginning of the fall and spring semester.
* Higher priority for non-English speaker applicants in the Springdale office.
* Where the debt has accrued due to circumstances beyond the client’s control extended services can be considered.

**Bankruptcy Priorities for Housing Group (see Housing Priorities)**

**Debt Collection**

* Fair Debt Collection Practices Act, Fair Credit Reporting Act- where client has a cause of action and likelihood of prevailing.
* Creditor Harassment – where a creditor is violating federal laws through harassment or some other means, brief services in the form of demand letters to creditor. In particularly egregious harassment cases, extended services see above.
* Where bad service affects the validity of the judgment, advice on how to set the judgment aside. Acceptance for extended services when attorney resources are available on a case by case basis or when the client does not appear to have the capability to be successful pro se. Referral to pro bono volunteers as resources allow.
* Deficiency Judgments – when there is a defense that will allow the client to prevail, advice. Extended services when defenses are present and staff or pro bono resources are present.
* Other Debt Collection – where original creditor sues, provide brief services in the form of answer and advice on how to proceed in the case. If meritorious defense exists consider extended services to client.
* Medical Services – where a client receives Medicaid and is sued for the provider’s failure to submit the claim to Medicaid; where the client is insured and is sued when the provider has failed to submit the claim to the insurer. Referral to the Office of Civil Rights for discrimination against immigrant clients who suffer disparate impact by medical providers. All other cases advice with brief services as resources are available for limited English populations.
* Coordinate with the Consumer Federal Protection Bureau consent decrees regarding actions filed suing debt buyers.

**Auto Fraud**

* Violations – where a used car dealer has violated state or federal laws, rules or regulations, whether the violations be of the UDTPA (Unconscionable and Deceptive Trade Practices Act), the UCC (Uniform Commercial Code), or any other, extended services to help clients be justly compensated for dealer’s wrongdoings.
* Buyer’s Guide – Where no Buyer’s Guide is posted at the time of sale, help for the client in revoking the sale or enforcement of requirement for the dealer to make necessary repairs since sale was not AS IS. With continuing help from FTC office in Dallas, be mindful of any dealership not abiding by Used Car Buyer’s Guide rule.
* Deficiency Judgments – see “Deficiency Judgments” in “**Debt Collection**”

**Financial Exploitation of the Elderly**

For clients over 60

* Where caretakers coerce clients into signing financial documents that are against their interest.
* Where an elderly client has been or is being exploited by a car dealer or debt buyer.
* We will refer these elder abuse cases to Valerie Morato, Equal Justice Works Fellow Attorney in Harrison, or Brooke Thompson, AmeriCorps Fellow Attorney in Jonesboro.

**Other Claims with an Adverse Party**

* Public Utilities – Advice to prevent shut off of public utility, and referral to Public Service Commission. Advice for non-regulated public utilities such as water.
* Contracts – Where there is a meritorious claim for breach of contract advice on how to proceed *pro se*. Where the breach cannot be adequately litigated at small claims level, advice on the cause of action, the time to pursue the claim and referral to a private attorney. Where circumstances merit, referral to pro bono program for representation.

**Other Matters**

* Student Loan matters and cases – Advice and Brief Services
* Fair Credit Reporting Act - Help client dispute and clear reports. Violations see “**Debt Collection.”**
* Identity Theft – Advice or brief services to victims in collecting reports and helping clients navigate the credit reporting system. Assistance to those who need to utilize the Fair Credit Reporting Act to block the erroneous item from their report to qualify for a home or car loan.
* Incorporation for Nonprofits–referral to University of Arkansas School of Law Transaction Clinic where a nonprofit has legitimate basis for incorporation and for application for tax-exempt status.

**Advice and Limited Services**

All cases receive some minimal advice regarding the cause of action, the time to pursue the claim and to contact a private attorney if Legal Aid cannot give advice or provide brief services. Cases not within priorities may be screened or referred to the private bar as a mechanism to strengthen response times and work product on priority cases by work group members or if the group is at capacity handling priority cases.

A focus on community education and outreach through fact sheets, advice letters, and blog posts is contemplated for 2017.

A focus on veterans’ issues is contemplated with regularly scheduled outreach to the VA Clinic in Fayetteville and the Seven Hills Homeless Shelter Day Center in Fayetteville. The work plan of the Veterans’ AmeriCorps Attorney is incorporated by reference. Advice and brief services are contemplated for the veterans’ project, with cases for extended services at the discretion of the Veteran’s AmeriCorps attorney in consultation with work group leaders.