

Appleseed This Week

eNewsletter - July 8, 2010



A nonprofit network of 16 public interest justice centers in the U.S. and Mexico, Appleseed is dedicated to building a society in which opportunities are genuine, access to justice is universal and equal, and government advances the public interest.

ADVOCACY ALERT!

At its July 10 meeting in Chicago, NCCUSL will consider adopting the Uniform Partition of Heirs Property Act, an important uniform law that will help low-income families preserve homeownership.

YOU CAN HELP!

New York Appleseed Program Tops 350 Cases in Brooklyn, Queens

New York Appleseed recently expanded the highly successful Volunteer Lawyer for the Day project to Queens in partnership with the New York State Courts Access to Justice Program and with funding from the ACE Rule of Law Fund. Since the inception of the Queens program in May 2010, attorneys and law students have represented defendants in more than 60 consumer-credit cases, providing legal counsel to defendants who would otherwise have none.

New York Appleseed initially received funds from Access to Justice and the ACE Rule of Law Fund, an in-house legal charitable fund established by the lawyers of ACE Group, to facilitate pro bono legal assistance to consumer-debt defendants in Brooklyn starting in December 2009. Now approaching a milestone of 300 cases, the project reveals fundamental injustices in the way debt cases are prosecuted while protecting vulnerable defendants.

As of July 8, 2010, attorneys and law students in Brooklyn have helped out in 295 total cases with the following results:

- 148 cases have been dismissed or discontinued - often with prejudice, meaning that the plaintiff can never again try to collect the debt from the defendant.
- 91 cases have been adjourned for a final hearing with discovery, meaning that the plaintiff has not given sufficient proof that the defendant owes the money claimed. Plaintiffs have been challenged to submit proof by the next court date or have the case dismissed.
- 54 cases have been settled on terms the defendant can afford, often times reducing the amount initially sought by up to 50 percent.
- Two cases that went to trial resulted in a verdict for the

Please contact your state's commissioners and express your support on or before [Friday, July 9. A list of commissioners by state can be found here.](#)

[The full text of draft act can be viewed here.](#)

QUICK LINKS

[Appleseed Website](#)
[Subscribe to ATW](#)
[Archive](#)
[Donate](#)
[More About Us](#)
[Publications](#)

defendant.

Nearly all defendants in consumer-debt cases are unable to afford legal counsel and find themselves at great disadvantage against corporate creditors represented by private attorneys who specialize in the field. Unrepresented defendants are typically unable to raise the many legitimate defenses available to them because they are simply unaware of their legal rights and options.

For more information on the project, contact New York Appleseed Director David Tipson at dtipson@appleseednetwork.org.

NY Appleseed also has published a set of innovative, low-cost proposals to ensure that every consumer debt defendant receives due process. The full report, "Due Process and Consumer Debt: Eliminating Barriers to Justice in Consumer Credit Cases," [is available here.](#)