

Consumer Rights Project

Year-End Report 2022



Executive Summary

The Consumer Rights Project at Legal Aid Center of Southern Nevada fights to protect low-income consumers in Southern Nevada from threats to their economic security and advocates on behalf of individuals threatened or victimized by deceptive business practices, illegal or abusive debt collection efforts, predatory and high-interest lending, and other harmful businesses, frauds, and scams that threaten the basic financial wellbeing and stability of vulnerable Nevadans.

As Nevada begins to recover from the COVID-19 pandemic, the Consumer Rights Project has helped safeguard that recovery by aiding low-income Nevadans in accessing the benefits and protections they are legally entitled to, including rental assistance and unemployment benefits. We continued to assist disabled Nevadans with applications for Social Security, and we started a new program to help Clark County residents seal their criminal records. We also protected tenants from foreclosure, illegal eviction, auto fraud, home repair scams, and many other tragic situations.

In 2022 the Consumer Rights Project of Legal Aid Center of Southern Nevada has helped safeguard Nevada's recovery from the COVID-19 pandemic by aiding low-income Nevadans in accessing the benefits and protections they are legally entitled to. They have also created the Housing Justice Program to help keep families housed, provided members of the Culinary and Bartenders Unions with much-needed help through the Legal Service Fund, and provided assistance to low-income Nevadans across a wide variety of consumer financial issues. Through their tireless efforts, the Consumer Rights Project is making a tangible difference in the lives of those in need.

Representation

Below are charts showing new cases and existing cases and the total number of individuals represented in 2022.

Consumer Right Project 2022	
Consultations 2022	10,202
New cases accepted 2022	8,661
Total cases worked on by attorneys (includes previous years cases)	1,597
Total clients served	11,799
Pro Bono Consumer Cases 2022	
New cases placed 2022	147
Total cases worked on by attorneys (includes previous years cases)	614
Number of clients served in Ask-A-Lawyer	2,087
Total clients served	2,701

Accomplishments

Housing Justice Program

In 2022 the Consumer Rights Project welcomed its newest unit, the Housing Justice Program. The Housing Justice Program is the latest in a series of programs that the Consumer Rights Project created in response to an overwhelming need in the community. Much like the foreclosure crisis a decade earlier, the end of the COVID-related eviction moratorium put a record number of Nevadans at risk of homelessness.

The Housing Justice Program has nine attorneys and support staff dedicated to keeping families housed. In 2022, we led a massive community outreach and education campaign rivaling any that Legal Aid Center has ever undertaken to ensure that tenants understood their rights and knew how to protect themselves. We held pop-up clinics at public libraries throughout the valley where tenants could receive hands-on assistance filing oppositions to eviction proceedings with the court. We also conducted dozens of trainings for local community groups and nonprofits, for governmental agencies and their staffs, and for elected officials at the local, state, and federal levels. We produced and maintained educational flyers, videos, directories of community resources, and other materials. Our lawyers did dozens of interviews with TV and print media outlets locally and nationally, ensuring that tenants were aware of their rights and the community as a whole was aware of the scope of the problem.

In addition to community outreach, Legal Aid Center worked closely with the Las Vegas Justice Court, Clark County Social Services, Neighborhood Justice Association, and other community stakeholders to develop an eviction diversion program through a \$1.25 million dollar grant that the Las Vegas Justice Court received from the National Center for State Courts. The eviction diversion program is designed to improve housing stability across Clark County and will be targeted to elderly or disabled individuals on a fixed income and low-income earners with a temporary hardship to ensure these class of people remain housed. Legal services is a vital component of eviction diversion and Legal Aid Center is committed to providing legal services to each person through the [eviction diversion program](#).

Our lawyers have represented hundreds of tenants in eviction court and on appeal. The Consumer Rights Project successfully advocated for [AB486](#) in the 2021 legislative session, which ensures that tenants who applied for rental assistance were protected from eviction while their applications were pending. In 2022, Housing Justice Program lawyers fought to ensure that as many tenants as possible could take advantage of those protections, with the ultimate goal of keeping tenants housed.

Legal Service Fund

The Consumer Rights Project continued its partnership with the Culinary and Bartenders Unions in 2022 through the Legal Service Fund (“LSF”). Unemployment issues continued to persist two years after pandemic-related closures put tens of thousands of union members temporarily out of work. The LSF team provided invaluable assistance navigating the impenetrable bureaucracy to protect union members from unfair treatment. LSF attorneys and staff were also able to help

union members with more traditional legal assistance, including estate planning and immigration.

After years of fighting to get much-needed unemployment benefits for union members, LSF spent 2022 resolving overpayment claims from DETR, Nevada's unemployment agency. Some members received notifications from DETR that they owed upwards of \$50,000 due to alleged unemployment overpayments. Members are still receiving demand letters and notices of income tax interception letters. These letters are threatening legal action against the members and interception of their tax returns. The LSF team is helping members facing overpayment appeals to meet DETR's strict requirements and filing appeals for members as needed. Now that LSF knows the format that DETR requires, we are being more successful in getting these overpayments and denials rescinded. We have had success in challenging DETR in the District Court with Petitions for Judicial Review. We have had two cases where we prevailed against DETR and both cases were remanded back for fair hearings on the merits. In one case the court found that a "check-in" policy required for all claimants was unconstitutional and violated due process. This policy now has to be updated by DETR to conform to claimant's due process rights and make the administrative appeal process more understandable and fair. The LSF attorneys will continue to challenge these arbitrary policies to protect the procedural and substantive due process rights of all member claimants.

Estate planning cases have also seen a significant jump in 2022. Word of mouth is fueling the uptick in estate planning requests. The LSF team is working diligently to give consultations on estate planning, assisting clients in completing the required paperwork and drafting the requested documents quickly and efficiently. LSF has worked hard to provide rush services for a few members who are facing difficult and scary medical diagnoses and procedures, giving these clients some vital peace of mind.

LSF also assisted many members with immigration issues. After estate planning, immigration is the most sought after service that LSF provides. The LSF attorneys and advocates have assisted members with DACA renewals (which are time sensitive due to the political and legal climate surrounding the executive order), Green Card renewals, Adjustment of Status, Immigrant Family Petitions, and Naturalizations. In the last quarter of 2022 alone, we helped four members get their United States Citizenship through naturalization and have filed six more petitions. LSF has also obtained permanent green cards for five members through the adjustment of status procedure.

The LSF team conducted outreaches at different casino properties throughout the year. Members of the team went to Vdara, Signature, Harrah's, Linq, Rio, Planet Hollywood, Caesars, MGM, Cosmopolitan, Bally's, Luxor, Mandalay Bay, and many more. The LSF team conducted four Legal Clinics in 2022 at the Bartender's Union and assisted many Union members with legal questions. The [outreaches](#) for next year have been set, and we are looking forward to a new year networking with members and offering services to a wider range of clients.

Consumer Assistance

Even as it expands, the Consumer Rights Project remains committed to providing assistance to low-income Nevadans across a wide variety of consumer financial issues. Consumer Rights

Project attorneys helped prevent foreclosure, fought auto fraud, and defended consumers against a wide range of bad actors including identity thieves, unscrupulous contractors, and scammers. In addition to providing direct representation, we gave invaluable legal advice to thousands of low-income Nevadans with nowhere else to turn.

For many years, the Consumer Rights Project has helped disabled Nevadans appeal Social Security Disability determinations and this work continued in 2022. As a direct result of these tireless efforts, hundreds of economically vulnerable individuals and families are able to get vital financial support to provide for their basic needs.

In order to help even more Nevadans realize their true potential, the Clean Slate Record-Sealing program started in 2022. The program has one attorney and two legal advocates. Once it reaches full capacity, it will help up to 500 Nevadans seal their criminal records and start over with a clean slate.

Success Stories

Li*

Li, an elderly person of color, hired a contractor to perform plumbing repairs at his house. However, the contractor turned out to be a scam artist and never completed the work—leaving Li without a shower or tub or interior walls for three years.

In January 2019, Li's pipes clogged and overflowed, leaving standing sewer water throughout the house. Li contacted a plumbing company for help with this problem, and an employee named John responded to the call. When John was at Li's home, John advised Li that the pipes would need to be dug out and replaced, at a cost of \$10,000. Li explained that he did not have \$10,000. Upon hearing this, John informed Li that if Li had homeowner's insurance, he would be able to handle the matter so that the insurance would pay Li. John further explained that to begin work immediately on the repairs, Li could apply for a loan to get the \$10,000. Li agreed and was approved for the \$10,000. Li, however, never received an agreement or contract, or any disclosures for this transaction.

The plumbing company then began tearing down the property and digging five feet down underground to address the problems. In February 2019, the plumbers stopped working on Li's residence when Li's homeowner's insurance would not pay for the work allegedly performed. Li was living in a home without a shower or tub. Li repeatedly contacted the plumbers to determine the status of the repairs, but no one returned his voicemails.

In March 2019, the plumbing company recorded a Notice of Lien against Li's property for \$44,438.16. The company then sued Li to foreclose on the lien. Li called Legal Aid Center searching for help.

Li's Legal Aid Center attorneys discovered that the plumbing company intentionally misled consumers with false promises. Specifically, to trick the consumer into signing a contract with the company, they would tell the consumer that their homeowner's insurance policy would cover the work and that the work must start immediately. The company's pattern and practice was to

cease work if the insurance refused to pay and walk away. Then, they would record a mechanic's lien against the residence. This pattern and practice left individuals like Li indebted to the company based on the agreement deceptively entered into in amounts far greater than these individuals expected.

Li's Legal Aid Center attorney filed a counterclaim against the company as well as their sureties for consumer fraud. One of the sureties deposited \$9,560 from the bond with the court. Li's Legal Aid Center attorney worked with other homeowners to get the bond funds distributed, with Li receiving \$6,314.84. Li's Legal Aid Center attorney also assisted Li with filing a claim with the Nevada Contractors Board Residential Recovery Fund. The Board reviewed the claim and awarded Li \$38,001.45. Finally, Li is able to afford the much-needed repairs to his home.

Christina*

Christina bought a used car from Meme Motors. She was looking for a reliable vehicle for work and to transport her mother. To pay for the car, Christina took out a loan from her credit union.

Shortly after Christina drove the car off the lot, it began having major mechanical problems. The car stalled while Christina was crossing a busy intersection with her 75-year-old mother in the car, and she was understandably terrified to drive it again. She also discovered, through vehicle history documents, an odometer discrepancy (a rollback), frame damage, safety issues, and recalls that Meme had not disclosed at the time of the sale.

Despite reaching out to Meme to discuss the discrepancies between the actual condition of the car and the pretenses under which Meme sold it to her, Christina and Meme reached no resolution. Several months passed and Christina contacted Meme again. In August 2022, Meme took the car back, claiming that they would inspect it.

After unsuccessfully trying to unwind the deal with Meme's sole salesperson, Christina came to Legal Aid Center. Christina's Legal Aid Center attorney sent a demand letter to Meme detailing their violations of state and federal laws regarding the odometer rollback and other undisclosed issues with the car that amounted to consumer fraud.

Meme's owner quickly responded and wanted to work out a resolution with Christina to avoid litigation. After extensive negotiations, the parties reached an agreement. Meme would pay \$9,000 (the amount Christina paid for the car) directly to the credit union and once the loan is fully paid, the credit union will return the car title to Meme.

Christina was relieved with the result. She is now looking for a reputable dealer for a reliable vehicle.

**Names changed to protect client's confidentiality.*