

## JOANNA K. DARCUS

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### EXPERIENCE

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#### NATIONAL CONSUMER LAW CENTER - Boston, MA & Washington, DC

##### Staff Attorney

February 2019-Present

##### MLAC Racial Justice Fellow

February 2017-February 2019

- Advocate on behalf of low-income consumers and people of color to address and ameliorate systemic problems they face in the student loan and debt collection markets, including through direct representation of student loan borrowers in judicial and administrative proceedings during fellowship.
- Research, write, and contribute to publications, including NCLC's *Student Loan Law and Surviving Debt* treatises, blog posts, issue briefs, and reports, such as *Road to Relief: Supporting Federal Student Loan Borrowers During the COVID-19 Crisis and Beyond* (November 2020).
- Serve as subject-matter expert and witness, including during hearings on Higher Education Act reauthorization, student loan servicing, and state oversight of servicing before the U.S. Senate HELP Committee; a U.S. House Appropriations subcommittee; and the U.S. House Financial Services Subcommittee on Oversight and Investigations, with emphasis on consumer protection and how policy choices and implementation affect low-income people and communities of color.
- Draft and submit or present comments and testimony to state and federal lawmakers and regulators in response to notices, public hearings, or other opportunities for input.
- Build strong relationships with key decisionmakers on Capitol Hill and at federal agencies, providing client stories, rapid response to breaking news, and in-depth review of draft legislative text and policy proposals.
- Collaborate with colleagues, economic justice, higher education policy, civil rights coalition partners, and other stakeholders to advance shared goals:
  - Contributed to the Progressive Governance Project's 2021 Economic Justice and Education agendas as a member of two working groups.
  - Developed a robust set of higher education equity principles and policies with other members of the Leadership Conference on Civil and Human Rights in 2018-2019.
  - Provided strategic support and backup assistance to negotiators in advance and during U.S. Department of Education's 2017-2018 Negotiated Rulemaking on Borrower Defense and Financial Responsibility.
- Monitor developments in the higher education finance space to evaluate promising and risky features of emerging products or services; submitted public complaint to the Federal Trade Commission to urge investigation into income-share agreement companies that use deceptive marketing practices.
- Use litigation, including class actions, to bring claims under the Administrative Procedure Act, Freedom of Information Act, Fair Debt Collection Practices Act, state unfair and

deceptive practices laws, and other statutes as a strategy to pursue remedies and a safer, more equitable financial marketplace for low-income consumers:

- Obtained full loan discharges for three student loan borrowers defrauded by the now-defunct Marinello Schools of Beauty whose initial applications for false certification ability-to-benefit discharge had been denied by the U.S. Department of Education.
- Reached quick settlement in mediation to resolve Fair Credit Reporting Act claims of nationwide class of thousands of former students who sought to access their educational records.
- Train and provide ongoing technical assistance to consumer attorneys, civil legal aid programs, financial counselors, regulators, policy advocates, and lawmakers:
  - “The Equity, Economic, and Policy Case for Administrative Action to Cancel Student Debt,” Panelist: Demos and Student Borrower Protection Center’s Delivering on Debt Relief Conference, Webinar (December 11, 2020).
  - “Digital Summit: Higher Education Policy Responses to COVID-19,” Panelist: Bipartisan Policy Center and New America, Webinar (April 7, 2020).
  - “Achieving Equity in Higher Education: The Civil Rights Community’s Perspective,” Panelist: Leadership Conference on Civil and Human Rights Education Fund Hill Briefing, Washington, DC (June 14, 2019).
  - “Student Loan Debt and Older Adults,” Presenter: National Center for Law & Elder Rights, Webinar (January 29, 2019).
  - “Students’ Rights and Remedies After For-Profit Colleges Shut Their Doors,” Presenter: Poverty Law Section of the State Bar of Texas, Webinar (January 11, 2019).
  - “Debt, Degrees, and Democracy: A Critical Look at the Value of College Completion,” Co-convenor: Boston College Law School, Newton, MA (November 30, 2018).
  - “Envisioning More Equitable Alternatives: Expanding Access to High Quality Degrees,” Panelist: The Century Foundation, New York, NY (March 22, 2018).
- Serve on advisory boards for academics, researchers, and grantmakers about areas ripe for inquiry, data gaps, survey design, analysis of findings, and policy recommendations concerning student loan borrowing outcomes and racial equity.
- Provide commentary to the media about consumer rights and student loan issues.
- Supervise law student interns, serve on ad hoc hiring and conference curriculum committees, and plan curriculum for annual conferences attended by 1000+ attorneys and advocates.

**COMMUNITY LEGAL SERVICES, INC. - Philadelphia, PA**

***Homeownership & Consumer Rights Unit***

**Supervising Attorney, Intake Unit**

**January 2016-February 2017**

**Staff Attorney**

**September 2014-January 2016**

**Independence Foundation Fellow**

**September 2012-August 2014**

- Launched economic justice project as the only student loan lawyer and the sole lawyer focusing solely on non-mortgage consumer rights issues:
  - Represented hundreds of low-income consumers, averaging 75+ client caseload.
  - Filed objections and obtained repeated dismissals of error-laden and unsubstantiated debt collection lawsuits, including dozens of National Collegiate Student Loan Trust cases concerning hundreds of thousands of dollars of private student loans.

- Challenged and opened several old default judgments thereby stopping sheriff sales of personal property, preventing bank account garnishments, and preserving housing.
- Won numerous bench trials in Philadelphia Municipal Court and before arbitrators in the Philadelphia Court of Common Pleas, as well as a bench trial after successive appeals in the Court of Common Pleas.
- Raised client's affirmative claims in federal district court proceedings and also defended clients who were sued in federal court for defaulted federal student loans.
- Guided scores of clients who had defaulted on federal student loans to request hearings/review to stop wage garnishment or Social Security offsets and either cure default through consolidation or rehabilitation or by obtaining full discharges of their federal student loans on the basis of their disabilities, because of school misconduct, or due to identity theft/forgery.
- Spoke and trained lawyers, law students, financial empowerment counselors, and others on debt collection and student loan issues and best practices in case handling while also developing know-your-rights resources for self-represented litigants and contributing to NCLC's *Student Loan Law* treatise:
  - "Evolving Issues in Fair Debt Collection: FDCPA, TCPA & Beyond," Panelist: Pennsylvania Bar Institute CLE, Philadelphia, PA (June 20, 2016).
  - "Introduction to Student Loans and Default Resolution," Co-presenter: NCLC's Consumer Rights Litigation Conference, San Antonio, TX (November 11, 2015).
  - "Remedies and Default Management for Borrowers with Student Loans," Panelist: Federal Reserve Bank of Philadelphia's Payment Cards Center's Student Loan Repayment: Data, Research, and Policy Conference, Philadelphia, PA (September 17, 2015).
- Pursued policy and court reforms, building support at local, state, and federal levels:
  - Honored with 2015 Pro Bono Publico Award for the Municipal Court – Civil Division, presented by the First Judicial District of Pennsylvania for work with other stakeholders to design and implement Consumer Debt Conciliation Pilot Program.
  - Presented testimony before Philadelphia City Council in support of resolution against predatory payday lending.
  - Drafted comments and met with agency staff in response to Consumer Financial Protection Bureau's Advance Notice of Proposed Rulemaking on Debt Collection.
  - Joined, by invitation, roundtable conversations with Deputy Secretary of Treasury and Under Secretary of Education regarding the Fiscal-Federal Student Aid Pilot for Servicing Defaulted Student Loan Debt.
  - Ensured that clients who spoke Spanish, Arabic, Russian, Chinese, and other languages received language access services in court proceedings.
- Supervised 3-4 direct reports while overseeing daily operation of walk-in intake process in busy North Philadelphia office:
  - Proposed and implemented improvements to intake systems, leveraging technology from copiers to a reconfigured client database to electronic signature programs to increase efficiency.
  - Ensured timely completion each day of up to 25 applications for free help (representing nearly 100% of CLS's homeownership and consumer intakes, as well as more than 50% of applications for other services).

- Provided on-demand assistance to intake paralegal team, front-desk staff, and backup attorneys, while delivering brief advice and counsel to hundreds of applicants.
- Executed daily compliance/quality assurance functions and carried out periodic file reviews and staff evaluations.
- Onboarded two new intake paralegals while arranging and supplementing professional development for team; conducted monthly team and 1:1 meetings.
- Participated in quarterly strategic planning sessions to analyze intake data, identify unmet needs and consider additional opportunities to deliver legal services, and fine-tune practices in consultation with other supervising and managing attorneys at CLS and sister organization, Philadelphia Legal Assistance.
- Provided extensive services to the organization:
  - Served on the Attorney Hiring Committee to vet applicants for post-graduate legal fellowships and experienced attorney roles.
  - Co-chaired Law Student Hiring Committee, coordinated annual process to conduct 200+ interviews to fill 20+ positions and plan intensive, two-day training.
  - Supervised paralegal volunteer and law clerks during the summers, academic year.
  - Elected Delegate, Vice President, then Acting President of Philadelphia Legal Services Union, a unit of the National Organization of Legal Services Workers/UAW Local 2320, which required attending CLS Board of Directors and Finance Committee meetings, regular communication with senior management, taking primary responsibility for handling grievances through each stage of appeal including conducting formal hearings, and leading renegotiation of contract.

**LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW - Washington, DC**

**Community Development Intern**

**May-July 2011**

- Collaborated with local grassroots and policy advocates to design and implement a community-based analysis of impediments to fair housing in New Orleans; studied and proposed strategies for affirmatively furthering fair housing.
- Researched creation of limited equity housing cooperatives, jurisdictional issues for environmental justice litigation, and displacement caused by gentrification in major cities.
- Prepared documents to file for 501(c)(3) status on behalf of community land trust.

**DUKE UNIVERSITY SCHOOL OF LAW - Durham, NC**

**Research Assistant for Professor Lisa Kern Griffin**

**December 2010-May 2011**

- Conducted research for scholarly article on substantive and procedural guarantees of the Confrontation Clause: Lisa Kern Griffin, *The Context of Confrontation*, 7 DUKE JOURNAL OF CONSTITUTIONAL LAW AND PUBLIC POLICY 51 (2011).

**COMMUNITY LEGAL SERVICES, INC. - Philadelphia, PA**

**Consumer Law & Housing Unit Intern**

**June-August 2010**

- Managed caseload of low-income clients facing mortgage foreclosure, unfair debt collection practices, civil recovery demands, and bankruptcy; offered support through legal research.
- Negotiated with creditors and collectors; drafted pre-litigation settlement proposal.
- Administered survey and screening of prospective clients to assess strength of their affirmative claims under the Fair Debt Collection Practices Act.

**JUVENILE LAW CENTER - Philadelphia, PA**

**Case Manager / Paralegal**

**June 2006-July 2009**

- Supported attorneys in representation of young people who had been adjudicated dependent and/or delinquent, some of whom were parenting their own young children.
- Assisted with class action litigation stemming from Luzerne County kids-for-cash scandal.
- Coordinated *amicus* work for appellate cases across the country that dealt with youth strip searches, sentencing, and conditions of confinement, as well as monthly interagency meetings to plan for housing, education, and treatment options for young people with mental health needs who were aging out of the child welfare system.
- Led workshops at secure juvenile justice facilities, responded to intake inquiries, worked on long-term research study on girls in juvenile detention, participated in collaborative restorative justice project with Mural Arts Philadelphia, and prepared data for funders.
- Supervised high school and college student interns.
- Co-authored publications with Riya Saha Shah: *Juvenile Records: A Know Your Rights Guide for Youth in Pennsylvania* (2008); *Child Abuse and the Law, Seventh Edition* (2007).

**MONTICELLO AREA COMMUNITY ACTION AGENCY - Charlottesville, VA**

**Family Support & Development Intern**

**June-August 2005**

- Contacted clients, attended home visits, and community meetings; conducted preliminary intakes for emergency cash assistance program.
- Revised transitional housing residency agreement and Head Start Parent Handbook.

**JOHN M. PERKINS FOUNDATION FOR RECONCILIATION & DEVELOPMENT - Jackson, MS**

**Classroom Leader (Grades 5-9) & Community Development Intern**

**June-August 2003**

- Developed lesson plans; instructed students in math and reading summer day camp.

**EDUCATION**

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**DUKE UNIVERSITY SCHOOL OF LAW - Durham, NC**

*Juris Doctor*, May 2012

- **Honors:** *cum laude*; Clinical Legal Education Association Outstanding Student Award, 2012; Faculty Award for Public Service, 2012; Elected JD Class Speaker for Hooding Ceremony, 2012; Carroll-Simon Endowed Summer Fellowship, 2010 & 2011; Equal Justice Works Summer Corps Member, 2010.
- **Activities:** Duke Law Innocence Project (Managing Director); Human Rights Law Society; Environmental Law Project; Student-Faculty Alumni & Development Committee; Government & Public Service Society; Black Law Students Association; IRS Volunteer Income Tax Assistance.
- **Clinics:** Children's Law Clinic, Fall 2011; Community Enterprise Clinic, Spring 2012.

**WILLIAMS COLLEGE - Williamstown, MA**

Bachelor of Arts in Sociology, June 2006

- **Honors:** Stephen H. Tyng Scholar (most prestigious need-based scholarship); Alumni-Sponsored Summer Internship Grant, 2005.
- **Activities:** Williams Women's Varsity Crew; Students for Social Justice; IRS Volunteer Income Tax Assistance; Williams Christian Fellowship; *The Williams Record*.
- **Travel Abroad:** Social Activism in Senegal, January 2006; Restorative Justice in South Africa, July 2004.

**BAR ADMISSIONS, ASSOCIATIONS, AND COMMUNITY ACTIVITIES**

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**BAR ADMISSIONS:** Permitted to practice in Massachusetts pursuant to S.J.C. Rule 3:04, 2017-2019; U.S. District Court for the Eastern District of Pennsylvania, 2014; Pennsylvania, 2012.

**ASSOCIATIONS AND SERVICE TO THE PROFESSION:** National Association of Consumer Advocates, 2012-Present; Philadelphia Bar Association–Municipal Court Committee, 2014-2016; Barristers’ Association of Philadelphia, 2014-2016.

**COMMUNITY ACTIVITIES:** Mentor for Duke Black Law Students Association’s Paving Pathways Program, 2017-Present; Volunteer with Biden-Harris Campaign, Policy, 2020; Member, Vice President of Board of Directors at Neighborhood Bike Works - Philadelphia, PA, 2015-2019; Member, Duke Law Alumni Association Board of Directors, New Lawyers’ Division - Durham, NC, 2014-2017.