

Michael Fuller

Pro Bono Spotlight

by Nina Englander
YLS Pro Bono Committee

Michael Fuller, chair of the Consumer Protection Group at Olsen Daines, does not shy away from pro bono challenges. Fuller recently took on a difficult pro bono case less than 24 hours before trial - and won. In the case, Sallie Mae was suing a consumer for money allegedly owed on student loans. The consumer disputed that the student loans had been dispersed and claimed that there were defects in the student loan documentation. The consumer represented himself pro se through arbitration. When the arbitrator rendered a judgment in favor of Sallie Mae but reduced the claim amount, Sallie Mae appealed and requested a trial in circuit court. The case landed on Fuller's desk on the eve of trial. "I was told that trial was in less than 24 hours, that there was no Answer filed yet and that the consumer didn't have all of the documents," Fuller said. Undeterred, Fuller agreed to represent him pro bono.

That very evening, Fuller met with his client at his home office, drafted an Answer and counterclaims, marked trial exhibits and prepared his client to testify. Fuller also contacted counsel for Sallie Mae and identified counterclaims he intended to file on behalf of the consumer. A few hours later, Fuller received an email from Sallie Mae's counsel indicating that Sallie Mae was interested in reaching settlement. Fuller informed opposing counsel that his client would release the counterclaims if Sallie Mae would dismiss its lawsuit with prejudice. On the morning of trial, Sallie Mae presented Fuller with a judgment of dismissal with prejudice and walked away with nothing.

Cary Flitter, a prominent consumer litigation professor who initially sought assistance on behalf of the consumer, praised Fuller for doing "one incredible job," and called the result "tremendous."



Michael Fuller

Flitter further praised Fuller for creating leverage through his strategic use of counterclaims against the attorney debt collectors.

Fuller specializes in consumer bankruptcy litigation and regularly volunteers at the Legal Aid Services of Oregon's Bankruptcy Clinic. He also takes pro bono cases through the Oregon District Court's Pro Bono program. In his first case with the program, he helped secure \$80,000 for an inmate alleging cruel and unusual punishment. "I just feel lucky to be part of a profession that places such an emphasis on helping the poor," says Fuller, a member of the MBA YLS Pro Bono Committee.

mba yls | EVENT

**YLS Community Service Day
with SOLVE
Baltimore Woods
N. Baltimore and N. Decatur, Portland, OR
Saturday, March 15
9 a.m. - 1 p.m.**

Help us improve our environment and join the MBA YLS Service to the Public Committee as we partner with SOLVE for a planting day at Baltimore Woods. We will be planting native trees and shrubs to improve water quality and create natural wildlife habitat.

Friends, family, and children (waiver required for children under 18) are welcome to join us. The event will happen rain or shine, so dress appropriately.

**To sign up or for more information
contact Tracy Hooper at
th@hs-legal.com.**