

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UPSOLVE, INC., *et al.*,

Plaintiffs,

-v-

Case No. _____

LETITIA JAMES, Attorney General of New
York,

Defendant.

DECLARATION OF TASHI LHEWA

1. My name is Tashi Lhewa. I am over the age of twenty-one and competent to testify to the matters set forth in this Declaration. Unless otherwise indicated, the facts stated herein are based on my personal knowledge or upon my review of documents to which I have access.

BACKGROUND

2. I am the Supervising Attorney of the Legal Aid Society's Consumer Law Project. I have worked at the Legal Aid Society for more than ten years focused primarily on debt-collection defense. I currently oversee the Project's work providing representation, legislative and regulatory advocacy, trainings and outreach to low-income New York City residents. In particular,

I have extensive experience representing clients in state and federal courts on a variety of consumer debt matters.

3. In addition to my work at the Legal Aid Society, I am a Lecturer in Law at Columbia Law School, I co-host the New York City Consumer Advocates Taskforce and Broken Lease Taskforce, I am a member of the New York City Bar Civil Court Committee, and I serve on the New York State ADR Advisory Committee and New York State Supreme Court (Civil) and Legal Services Advisory Committees on E-filing.

4. I have also served as a consumer law expert and trainer of volunteers for the Civil Legal Advice and Resource Office (CLARO), a program organized through the New York State Courts Access to Justice Program and operated the auspices of the New York City Civil Court, which provides free legal advice to unrepresented debtors. In that capacity I have trained volunteers to provide limited legal advice to unrepresented consumers in debt-collection actions. However, all in-person CLARO programs are currently cancelled due to COVID-19.

5. I received my B.A. from the University of Minnesota, and his J.D. from the University of Minnesota Law School in 2006.

6. In my experience, many self-represented individuals in debt-collection actions in New York State lack the knowledge, experience, or support to adequately protect their interests. In particular, individuals often fail to file an answer or file an answer failing to raise affirmative defenses, even when they have potentially meritorious defenses, and thereby lose the opportunity to raise those defenses.

7. Through my experience representing people in debt-collection actions, I have also learned that there are far more people in need of assistance than there are free legal services

available. The consequences for such individuals of not being able to get free legal assistance can include wrongful wage garnishment, bank seizures, car repossession, eviction, and damaged credit.

REVIEW OF AMERICAN JUSTICE MOVEMENT TRAINING GUIDE

8. I have had the opportunity to closely review the entire Justice Advocate Training Guide prepared by the American Justice Movement.

9. Based on my experience, the Training Guide is sufficient to teach a non-lawyer how to provide limited assistance to unrepresented individuals in debt-collection actions to help those individuals respond to debt-collection lawsuits against them. Any unrepresented individual who receives personalized advice based on the Training Guide will be better off than they would be without receiving such advice.

10. To the extent that the Training Guide and attached exhibits include statements that the Justice Advocate may provide or is or will be providing “legal advice,” I do not endorse such statements. Any endorsement of the Training Guide is limited to the accuracy of the substantive information used in responding to consumer debt lawsuits, and not the unauthorized practice of law in any form.

11. Given the limited resources available to unrepresented individuals in debt-collection actions—resources that have been further curtailed as a result of the COVID-19 pandemic—allowing trained professionals who are not lawyers to provide carefully circumscribed assistance is critical to ensuring that all low-income New Yorkers can vindicate their rights in court and will prevent significant harm to consumers who currently fail to adequately represent themselves.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 9th day of December, 2021.



Tashi Lhewa