



December 2017 Volunteer of the Month

Philadelphia VIP recognizes **Frank Trapani** as our **Volunteer of the Month** for going above and beyond in answering the call to serve. Thank you, Frank!

Imagine being pursued by a relentless debt collector, who is threatening to garnish your wages, put a lien on our home, ruin your credit score, and take you to court? If you then received notice you'd been sued, you might think the creditor had the power to make good on each of its threats. You might assume you had no defenses and there was no point in fighting the court case.

For low-income Philadelphians who cannot afford to hire an attorney, the chips are more stacked against them. There are at least 9,000 collections cases filed in Philadelphia's Municipal Court every year. The vast majority of consumer-defendants are not represented by counsel and default judgments are entered against more than half.



Experienced litigator and VIP volunteer, Frank Trapani, changes that narrative. When a volunteer attorney steps in to represent a client, the power dynamic shifts. As Frank describes it: "Opposing counsel sometimes threaten people with a wide range of legal action. Once I'm involved, that stops. I understand the rules, what creditors have to prove, and how the legal system works."

A founding partner of Kreher & Trapani LLP, Frank has significant experience representing clients in class action, employment, and complex commercial litigation matters in state and federal courts nationwide. He began his legal career in Philadelphia at Dechert LLP, and has aggressively litigated hundreds of cases on behalf of his clients, including in the United States Supreme Court.

Frank has taken five VIP collections cases, and won each one. Frank explains his approach to these cases as follows: "First, I'll sit down with my client to discuss our options, the possible defenses, and the risks involved. If it looks like some payment will be necessary, I'll ask my client what he can afford to pay, or if we should negotiate a payment plan. If we have good defenses and my client wants to fight the collections action, I'll file a motion to get rid of the claim."

In VIP's experience, any legal representation in collections cases results in a favorable outcome, such as negotiating down the debt amount, reaching an affordable payment plan, or having the case dismissed entirely. The typical steps in handling a VIP pro bono collections case are to:

1. Review the case file, which has been put together by VIP a staff member.
2. Talk to your client to gather additional information and discuss any defenses.
3. File any responsive pleadings, if the case is in the Court of Common Pleas.
4. Negotiate a successful resolution with the creditor or present the case to the judge, if no settlement can be reached.

Frank makes a compelling pitch for volunteer attorneys to say "yes!" to collection cases:

Collections cases require both negotiation skills and expertise in managing client expectations. It's such a valuable experience to handle case aspects on your own. From speaking with your client to negotiating settlements, to drafting motions and trying the case, if needed, you gain useful skills that will benefit your career. Plus, you're helping people in difficult situations. Whether you're giving someone peace of mind or achieving a victory, your client's happiness and financial stability are what really matter.

Frank is a dedicated volunteer who is committed to helping his community. We applaud his leadership and partnership in helping VIP achieve access to justice for all.