

## LSNJ Weighs in on U.S. and NJ Supreme Court Cases Part One of a Two-Part Series



**Maryann Flanigan Sutherland**  
Vice President, Legal Services of  
New Jersey, and Chief Counsel,  
Foreclosure Defense

In this first installment of our two-part series, we highlight the powerful role impact litigation plays in advancing our mission and protecting the rights of those we serve. Through strategic advocacy before state and federal courts, our organization works not only to resolve individual cases, but to secure lasting systemic change that strengthens communities across our state. This edition spotlights several major initiatives that exemplify how strategic mission-driven litigation

can clarify the law, expand access to justice, and safeguard fundamental rights for vulnerable individuals and families.

Part I describes cases before the U.S. Supreme Court involving property tax foreclosures. Part II will highlight arguments made before the NJ Supreme Court by LSNJ's Consumer Chief Counsel David McMillin.

On October 6, 2025, LSNJ filed an amicus brief supporting the petitioners in *McGee, et al. v. Alger County Treasurer, et al.* (U.S. Supreme Court docket 25-203). The petition challenged whether surplus equity claim procedures that bar property owners from recovering excess value after tax foreclosure violate the Takings and Due Process Clauses of the U.S. Constitution, and asked the Court to overrule *Nelson v. City of New York*, 325 U.S. 103 (1956). Then on December 8, 2025, LSNJ filed an amicus brief supporting the petitioners in *Pung v. Isabella County* (U.S. Supreme Court docket 25-95), reviewing whether forced tax foreclosure auctions violate the Takings and

Excessive Fines Clauses of the U.S. Constitution. Both dockets are publicly available on the U.S. Supreme Court (SCOTUS) website.

In January 2026, the Court denied certiorari in *McGee*. On February 3, 2026, *McGee* filed a petition for rehearing, citing SCOTUS's grant of certiorari in *Pung* and the *Pung* respondent's reliance on *Nelson*. *McGee* requested a grant or stay of its petition pending resolution of *Pung*, but that request was denied. While *Pung* is under review and New Jersey homeowners' legal rights remain unchanged, LSNJ continues efforts to educate property owners and advocate on their behalf.

Separately in January 2026, Maryann Flanigan Sutherland presented LSNJ's work with the National Consumer Law Center on a brief entitled "New Jersey: State-Level Policy Scan of Law Impacting Heirs' Property" (available at [assetfunders.org/resource/new-jersey-state-level-policy-scan-of-law-impacting-heirs-property](https://assetfunders.org/resource/new-jersey-state-level-policy-scan-of-law-impacting-heirs-property)). LSNJ's presentation



*Dawn K. Miller, Esq.*  
*President, Legal Services of New Jersey*

For sixty years, Legal Services has stood at the front lines of the fight against poverty in New Jersey. What began as a bold movement toward equal justice under law has grown into a powerful tradition and promise—driven by advocates, strengthened by pro bono partners, and sustained by donors who believe, as we do, that access to justice is not a privilege, but a right.

This edition of our newsletter reflects both the urgency of our work and the extraordinary impact we achieve together.

You will read about a client whose life was transformed through skilled legal advocacy—a survivor reclaiming safety and stability, and

being given a meaningful second chance. This story is a reminder that behind every case is a human being whose future hangs in the balance.

Our Anti-Trafficking Unit (PROTECT) continues to expand its reach, providing trauma-informed, survivor-centered representation to some of the most vulnerable members of our community. Through coordinated legal strategy, partnership with service providers, and dedicated litigation, PROTECT is not only securing individual relief but also building systemic protections that

disrupt cycles of exploitation.

At the appellate level, our impact litigation team is advancing critical mortgage defense cases before the New Jersey Supreme Court and the United States Supreme Court. These cases have implications far beyond the individual homeowners we represent. They address fundamental questions of due process, fairness in foreclosure proceedings, and the integrity of our civil justice system. When we appear before our highest courts, we do so on behalf of thousands of low-income families whose housing stability and economic security depend on principled legal protections.

None of this work happens in isolation. It is made possible by the gen-

*As we reflect on our history, we also look ahead with purpose and determination.*

erosity of donors who invest in justice, and by members of the legal community who contribute their expertise, time, and leadership. Your partnership allows us not only to respond to crisis, but to shape precedent, strengthen protections, and build a more equitable New Jersey.

As we reflect on our history, we also look ahead with purpose and determination. This year, we commemorate our 60th Anniversary—six decades of advancing justice and expanding opportunity for low-income individuals and families across our state. I invite you to save the date (December 9) for this event, where we will honor our past and recommit ourselves to the work still ahead.

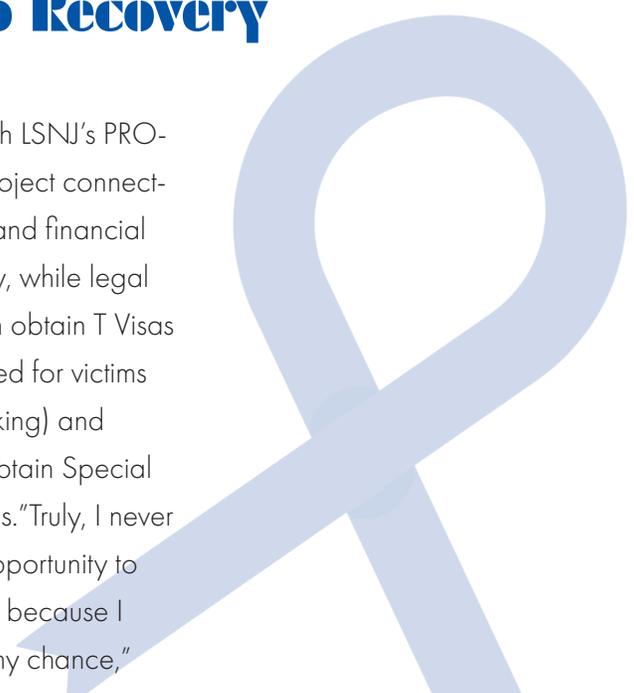
Thank you for standing with us. Together, we are not only providing legal services—we are preserving homes, protecting rights, combating exploitation, and ensuring that justice in New Jersey is accessible to all.

## Yolanda's Journey and Path to Recovery

Yolanda (not her real name) learned of LSNJ when her child's hospital social worker referred her to the Legal Assistance to Medical Patients (LAMP) Project. It didn't take long for intake staff to recognize signs of human trafficking and an extended history of abuse dating back decades.

Yolanda had given birth to her first child in her teens in her home country, following rape by a local gang member. Later, she met a man online, with whom she began to text, video chat, and develop a long-distance relationship. Lured with promises of marriage and a better life in the United States, she agreed to travel to the Midwest. Once across the border, Yolanda's trafficker demanded repayment for the journey, as well as ongoing exorbitant payments for food and rent—forcing her to work at times 75 hours a week at hotels and restaurants and hand over all of her paychecks. She was abused physically, verbally, and sexually, and told that her documents had been lost. After a dangerous escape and further abuse at the hands of men offering to help her, Yolanda eventually relocated to New Jersey and was finally able to access the help she so desperately needed and deserved.

A social worker with LSNJ's PROTECT Anti-Trafficking Project connected Yolanda with food and financial assistance for her family, while legal advocates helped them obtain T Visas (a special status reserved for victims of severe human trafficking) and helped her older son obtain Special Immigrant Juvenile status. "Truly, I never imagined having the opportunity to have immigration status because I didn't think that I had any chance," says Yolanda. "But, when I contacted the office, and I told them about my case, they gave me options." The stability of legal status with a pathway to permanent residence and citizenship is critical because of Yolanda's medically fragile youngest child, who is a US citizen. If forced to return to her home country, she would have to make an unthinkable decision. "Bringing him to her home country, with his complex and ongoing medical care needs, could be life-threatening," says PROTECT Director Avtar Shephard-Singh. Legal immigration status enables Yolanda and her family to live safely, with the stability to provide the best care for her children. With all of this behind her, Yolanda has already become a source of hope and support to her friends and neighbors.



*"They have been very good at guiding me through all the best options and also in educating me about my entire immigration process. ... I am very grateful to everyone."*

- Yolanda

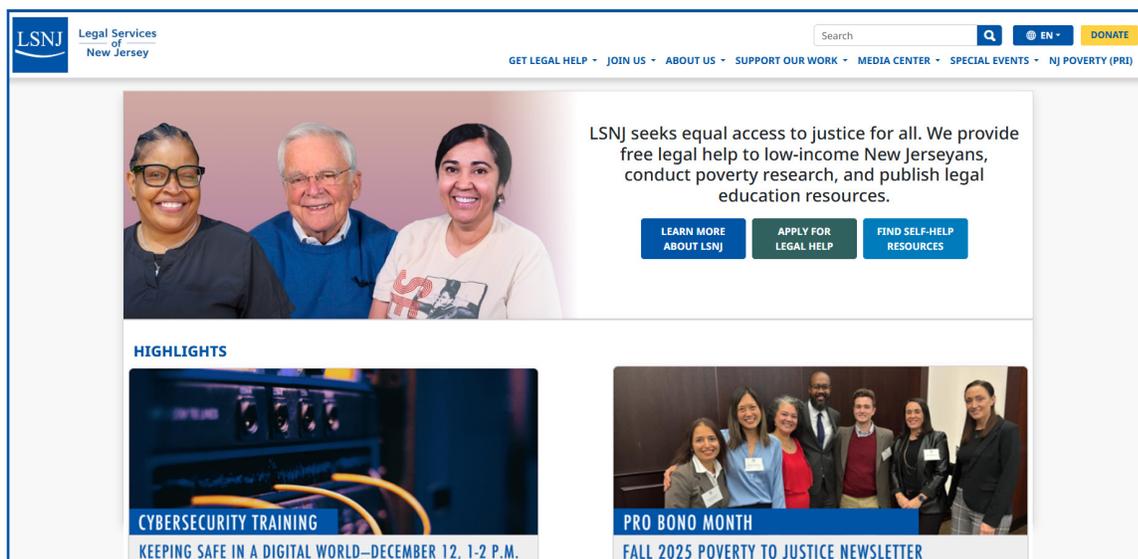
Legal Services Client

*LSNJ's PROTECT Anti-Trafficking Project assists victims and survivors of sex and labor trafficking with a range of legal issues including immigration assistance, victim witness advocacy, criminal record clearing, and family matters.*



## Keeping Safe in a Digital World Free Webinar

Cybersecurity often feels technical and overwhelming, but staying safe is less about understanding computers and more about understanding human behavior. This presentation, created in partnership with Verizon and available on LSNJ's websites and YouTube channel, cuts through the jargon to provide a practical, non-technical guide designed to defend against scams. Trainers include James Borg, Chief Technology Officer, Legal Services of New Jersey and Christopher Peacock, Distinguished Engineer, Verizon.



## LSNJ.org has a new look!

Check out our recently redesigned website to learn more about the critical mission of Legal Services in New Jersey and the many ways to get involved.

### LSNJ Weighs in on U.S. and NJ Supreme Court Cases

*Continued from cover*

emphasized generational costs of tax foreclosures, particularly for heirs facing “tangled title” issues that prevent probate resolution. The brief and an accompanying Social Return on Investment report aim to raise awareness, encourage legislative reforms that help heirs preserve assets and equity, and promote investment to assist affected communities.

#### Summary of LSNJ Amicus Arguments in *McGee, et al. v. Alger County Treasurer, et al.* and *Pung v. Isabella County*

In *Tyler v. Hennepin County*, 598 U.S. 631 (2023), SCOTUS held that when the government takes private property to satisfy tax debt, the U.S. Constitution Fifth and Fourteenth Amendments require payment to the property owner for any surplus value exceeding the debt.

*McGee*: Despite *Tyler*, Michigan and New Jersey enforce surplus equity claim procedures that do not guarantee payment of surplus value, and therefore deny property owners from receiving their just compensation promised by the U.S. Constitution. Petitioner argues that Michigan’s procedure violates the Takings and Due Process Clauses, and asks SCOTUS to find preclusive claims processes like

Michigan’s unconstitutional and overrule *Nelson* as the basis for such procedures. LSNJ argues that New Jersey’s claim procedure is unconstitutional for similar reasons and asks the Court to grant the petition.

*Pung*: Despite *Tyler*, Michigan and New Jersey are two states utilizing forced sale procedures that fail to produce “fair market value” as required for just compensation under the Takings Clause. LSNJ contends that a constitutional tax foreclosure process must ensure that surplus equity reflects fair market value.

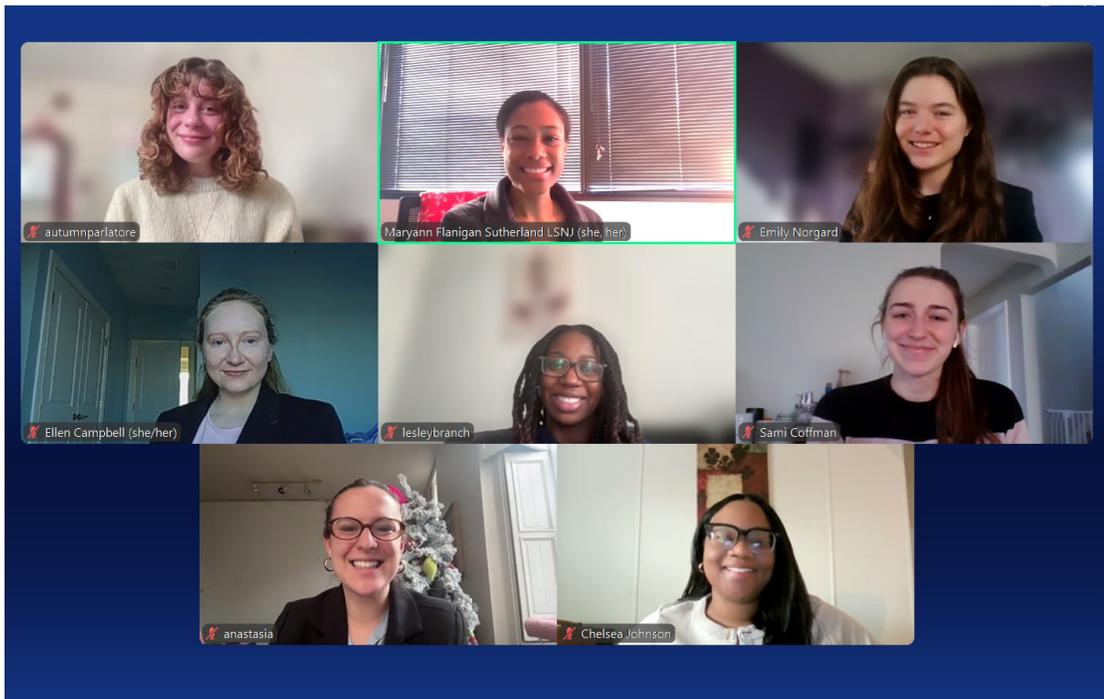
*“For most families, homes and home equity represent the largest wealth asset. NJ law offers strong protections in certain areas, but also enables the total loss of home equity in tax foreclosures which can systemically strip families of generational wealth. It is crucial that individuals understand their rights.”*

- Maryann Flanigan Sutherland  
LSNJ Vice President and Chief Counsel,  
Foreclosure Defense

### PART TWO OF THIS SERIES

The next issue of Poverty to Justice will include an article about another major case, argued on January 6 by LSNJ Consumer Chief Counsel David McMillin, involving legal remedies in predatory lending—*Scott Diana v. LVNV Funding LLC*.

## Winter Break Interns



In order: Autumn Parlatore, Emily Norgard, Ellen Campbell, Lesley Branch, Sami Coffman, Anastasia Swanson-Boyd, and Chelsea Johnson

Thank you to our Rutgers University Law winter break interns! These talented students assisted with research and writing in areas of essential civil legal aid for economically disadvantaged individuals in NJ who cannot secure a lawyer on their own.

*"I chose to intern with Legal Services this winter because I wanted to be a part of a top-quality organization committed to its local community. The experience exceeded my expectations: I learned from experienced attorneys, deepened my understanding of the law, and considered policy implications. Thank you, LSNJ!"*

*- Emily Norgard, 1L, Rutgers-Newark*

*"I wanted to spend at least some of my time over break doing some more public interest work. I want to be able to apply the knowledge I'm privileged to get to something of value. I wanted to provide some assistance, and I wanted to gain more experience and learn some new things... I learned more about administrative law, immigration, appeals. Being able to broaden my knowledge to help LSNJ and its clients, in addition to potentially use that knowledge later, is a great feeling."*

*- Sami Coffman, 3L, Rutgers-Camden*



[www.LSNJLAW.org](http://www.LSNJLAW.org) – A legal information website to help you learn more about your civil legal rights in New Jersey and access materials to help you represent yourself pro se.

[www.LSNJ.org](http://www.LSNJ.org) – An organizational website where you can learn about the work of Legal Services.

[www.PROBONONJ.org](http://www.PROBONONJ.org) – A site where attorneys can learn about and sign up for pro bono opportunities.

[www.NJEJLA.org](http://www.NJEJLA.org) – The New Jersey Equal Justice Library and Archive is an educational resource that includes a history of Legal Services in New Jersey, interviews with current and former staff, and tributes to major contributors to social justice.



## POVERTY to JUSTICE

A Quarterly Report from  
Legal Services of New Jersey

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**Poverty to Justice** quarterly newsletter includes updates on our work, our clients, and our volunteers as we move together toward the shared mission of justice.



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