

WHEN LIFE GIVES YOU LEMON LAW ...

HOW AMY BENNECOFF MAKES LEMONADE FOR HER CLIENTS BY ROSS PFUND



Amy Bennecoff has a lot on her plate.

The attorney with Kimmel & Silverman, also known as “the lemon law firm,” appears regularly in court on behalf of clients in lemon law cases and other consumer issues. She’s licensed—and actively practices—in six states, including Tennessee and Wyoming. And she’s appeared on NBC and on local television and radio programs to discuss legal issues.

Then again, Bennecoff’s used to answering tough questions before a crowd.

“I’ve been in pageants since I was 5 years old,” Bennecoff says. “So I like [public] speaking; it’s always something that’s come very naturally to me.”

In 2004, while at Widener University School of Law, she competed in her final pageant, Miss Delaware USA, and finished in the top 10. She wasn’t the only future lawyer to cut her teeth on the pageant circuit, either. Some of the girls she competed with went on to become lawyers, and one was even in her law school class.

Two years later, after brief stints at smaller offices, she joined Kimmel & Silverman. She’s been busy ever since.

Unlike the lemon laws in most states, New Jersey’s provides for legal help that is completely free to consumers whose vehicles have undergone three repair attempts. If attorneys like Bennecoff prevail, the car’s manufacturer must pay legal costs on top of the verdict or settlement.

The knowledge that anyone can come to her for help is what gives Bennecoff her zest for her practice. “I like the idea of representing people that don’t have to pay me for my services,” she says. “So I can help people that otherwise wouldn’t have any opportunity to get those services.”

Her practice has given her perspective on the strength of New Jersey’s lemon law. “One of the things I’ve found in other states that is not to the advantage

of the consumer is the mileage offset,” which is the amount by which a verdict is decreased to compensate for the previous use of the vehicle, Bennecoff says. In New Jersey, the mileage offset starts when the car’s problem is first reported. In many other states, however, the mileage offset is applied when the vehicle is returned or exchanged, often after several repair attempts and substantial further use.

One of her most unusual projects involved Chrysler. In the wake of the company’s 2009 bankruptcy, it stopped payment on checks from lemon law cases that had previously been settled. Furthermore, the original sales order between the original company and New Chrysler didn’t include a provision that the new company would assume liability for previous lemon law settlements or claims. Bennecoff met with Chrysler’s counsel in New York to resolve the issue. Firm partner Robert Silverman worked with Bennecoff in negotiating and drafting revisions in the final sales order, and in the end, the company agreed to accept limited liability on previous claims. Bennecoff, Silverman and counsel for Chrysler drafted an addendum to the agreement that resolved the issue.

“It was a huge victory for consumers,” she says. “Chrysler was willing to work with us. They were receptive to the concept of assisting consumers. It looks good for them, as well.”

One side benefit of her career? Bennecoff now knows a lot about cars. “Coming to Kimmel & Silverman,” she says, “I didn’t have any background in mechanics, and I never had done any work on a car. But after a while, if you do enough cases, and represent enough clients, you get a working knowledge.” **SL**