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NEW SUFFOLK COUNTY PRO BONO FORECLOSURE PROJECT

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In April 2009, members of the Suffolk County Bar Association's Pro Bono Foundation established the Suffolk County Pro Bono Foreclosure Settlement Conference Project. It was created in cooperation with the Suffolk County ProBonoNY Committee chaired by Hon. H. Patrick Leis III, Suffolk County Administrative Judge, to address concerns raised by the courts, which experienced a ten-fold rise in the county's foreclosure filings. Many of the new filings require a legislatively-mandated settlement conference. Clearly, the courts' concerns were warranted, as foreclosure filings in the past 12 months have soared to more than 12,000.

Since the new program's inception,

[Continued on page 2, column 1.]

NEWS FROM THE NINTH JUDICIAL DISTRICT

By Carol Neiditch

Ninth Judicial District ProBonoNY Coordinator

Spring is in full swing with many CLE programs planned for the season in the Ninth Judicial District. The content of the programs was designed to address practice areas where the current need is particularly great, as identified by the courts and by Legal Services of the Hudson Valley. At the same time, the programs tap into our pool of committee members and volunteer pro bono attorneys who help provide training and leadership. All of these CLE programs will grant free credit to attorneys who agree to accept pro bono case referrals.

The Westchester County ProBonoNY Committee has paired with the New Lawyers Committee of the Westchester Women's Bar Association to co-sponsor a series of Lunch-and-Learn CLE presentations. These will cover the nuts and bolts of specific subject areas in a concise manner, both for new attorneys

[Continued on page 2, column 2.]

Access to Justice/ProBonoNY BULLETIN

April 2010 Page 2

SUFFOLK COUNTY NEWS

[Continued from Page 1.]

our volunteer attorneys have assisted hundreds of local, unrepresented homeowners. The goal of the program has two primary purposes: to educate the homeowner about the foreclosure process and, when applicable, to attempt to negotiate viable loan modification terms on behalf of the homeowner. When negotiating terms of a loan is not feasible, the *pro bono* volunteers have, where appropriate, attempted to extend the time the homeowners can remain in their homes. This additional time may provide clients with an opportunity to either obtain an additional source of income to meet their loan obligation or arrange alternate living arrangements. There is no question that the program has assisted in saving many homes owned by Suffolk County residents.

The success of the program, thus far, is due in large part to the program's volunteers. Hundreds have enrolled in the new *pro bono* program. Attorneys throughout the county have referred to participating in this program as "an effective way to give back to the community." Moreover, it is an ideal means of *pro bono* contribution. Practitioners may receive CLE credits for

[Continued on page 3, column 1.]

NINTH DISTRICT NEWS

[Continued from Page 1.]

and for attorneys wishing to update and extend their current practices to include these areas. Topics to be covered include debtors and default judgements, uncontested divorces, and adoptions by step/grandparents.

With respect to debtor default judgments and their consequences, we are fortunate to have available Guy Fairstein, a commercial litigator for nearly 40 years, who has handled many such cases *pro bono* and is very willing to share with other volunteers the expertise he has developed in these matters. His CLE presentations address the various underlying factual scenarios in these cases, strategies for counseling and representing debtors, and tactical and procedural issues. Indeed, as an active practitioner who continues to handle *pro bono* cases of this kind, he is able to tailor his presentations to varying actual practice and procedure in the different counties.

For Mr. Fairstein's CLE presentation in Poughkeepsie on March 18, the Dutchess County ProBonoNY Committee entered into a hugely successful partnership with the Dutchess

[Continued on page 3, column 2.]

SUFFOLK COUNTY NEWS

[Continued from page 2.]

training and service. Once training is completed, *pro bono* counsel will consult with clients and appear at settlement conferences. Upon completion of the program, the volunteer attorney will receive the opportunity to receive additional CLE-accredited training.

The Suffolk County Pro Bono Settlement Conference Project strives to maintain the highest standards of professional service to our *pro bono* clients. To achieve this standard, the project provides free specialized training seminars to its volunteers. This training is imperative to keep practitioners abreast of changes in foreclosure legislation. For example, in December 2009, New York law extended the mandatory foreclosure settlement conference to virtually all foreclosure transactions involving residential real estate. This modification imposes an even greater weight on already overburdened court calendars. Additionally, our lawyers must fully understand the newly implemented requirements and their effect on the participants in the proceedings.

[Continued on page 4, column 1.]

NINTH DISTRICT NEWS

[Continued from page 2.]

County Bar Association. The two-hour CLE program was scheduled to follow immediately after the Bar Association's regular monthly luncheon. The luncheon speaker was NYSBA President Michael Getnick, whose remarks emphasized the great importance of lawyers' *pro bono* work. Both luncheon and CLE portions of the afternoon were very well attended. The event was so successful that other programs under the same joint sponsorship are being planned.

In the near future, the Orange County ProBonoNY Committee will sponsor another CLE presentation by Mr. Fairstein. In addition, the program for this event will specifically address a number of veterans' issues: protections afforded by the Service Members Civil Relief Act, re-employment rights, and veterans' benefits. In addition to Mr. Fairstein, presenters will be Mark Fox, Esq., former federal magistrate judge, Robert DiNardo, Esq., a former Marine and an employment litigator, and Nancy Morgan, Esq., an attorney certified to appear before the Veterans Administration Board.

[Continued on page 4, column 2.]

SUFFOLK COUNTY NEWS

[Continued from page 3.]

Accordingly, the Suffolk Academy of Law, the educational branch of the Suffolk County Bar Association, scheduled a 5-credit CLE seminar entitled, **“Representing Defendants in Foreclosure Settlement Conferences,”** on Tuesday, May 4, 2010, at 4:00 to 8:30 p.m., at the Suffolk County Bar Association. Tuition was free to all participating volunteers and/or new registrants of the Suffolk County Pro Bono Foreclosure Settlement Conference Project.

The training course addressed all upcoming procedural changes to the program, such as changes in conference locations and schedules. Additionally, the substantive agenda incorporated the recent modifications to New York State’s foreclosure legislation. Emphasis was placed upon learning the art of negotiating viable modification terms of an existing mortgage.

Anyone seeking information on becoming a project volunteer should contact the Project Administrator, Melissa McManaman, at the Suffolk County Bar Association, 631-232-5511. For

[Continued at right, foot of column 2.]

NINTH DISTRICT NEWS

[Continued from page 3.]

The Rockland County ProBonoNY Committee has decided to focus on foreclosure issues. The court has instituted a centralized part for these cases, and there is a great need for attorneys both for representation limited to the mandatory settlement conferences and, in some cases, for full representation throughout the foreclosure proceedings. Judge Thomas Walsh, the Rockland County Committee Chair, will shortly be sending Rockland attorneys a letter (which will also be signed by the other Rockland County judges), reminding them of the great importance of pro bono work, asking them to participate in any of the many kinds of matters where pro bono work is needed, and specifically inviting them to participate in the upcoming committee-sponsored CLE program for foreclosure proceedings.



additional information about this or any other *pro bono* programs offered through the Suffolk County Pro Bono Project, please contact Linda Raphan, Suffolk County’s ProBonoNY Coordinator, at 631-232-2400, ext. 3333.