



PRO BONO COMMITTEE QUARTERLY NEWSLETTER OCTOBER 2010

Welcome...

...to Volume 1 Issue 1 of the Pro Bono Committee Newsletter. We hope this will be a useful tool for committee members. Our goal is to provide tips for pro bono representation; highlight new and ongoing projects that may be of interest to committee members; and update you on other committee projects and events. This issue has a timely article on mortgage modifications by Pamela Simmons, information on a pro bono program for military personnel and a new program being rolled out by Special Olympics, as well as several other items.

Please help us make this as useful as possible and share your pro bono ideas and opportunities with us! If you are involved in or have information on a pro bono program for RPTe Section members or could write a short article, please let us know. Articles should be 300 words or less and submitted to Relliott1543@gmail.com. Have some fun and let us know about all the good that you are doing.

Thank you!

Dave Sprentall

Rebecca Elliott

Attacking Windmills or Slaying Giants

By Pamela D. Simmons

With hundreds of thousands of homeowners still attempting to obtain loan modifications of their home loan, many attorneys are looking for a way to ethically assist them. In the last year, there has been serious push back in many states where for-profit attorneys have stepped in to handle consumer's loan modifications only to find that they were, for the most part, unable to obtain loan modifications for a high

percentage of borrowers. As a result, some states, including California, have effectively banned for-profit attorneys from assisting with loan modifications. In addition, most loan modification applications did not benefit from attorneys trying to obtain leverage with sometimes spurious legal claims. For the most part, loan modification applications require merely the gathering and reviewing of the client's financial data – work more in the line of a scrivener than a lawyer. Key points regarding loan modifications will be discussed in greater detail in the next newsletter.

HUD approved, non-profit, housing counselors are still the best bet for starting a loan modification request and following it through the long and arduous process of review. That being said, there is still a place where attorneys can bring value to the loan modification process.

Homeowners routinely dismiss the threat of impending foreclosure hanging like the sword of Damocles over their heads. This is because the loan servicers tell them the foreclosure will be postponed while they are in the loan modification process. The HAMP rules require this as well. However, it is all too common to find homeowners who have been rigorously making their trial loan modification payment only to discover that the lender has never the less foreclosed on their home. Undoing this fiasco is certainly a matter where an attorney can assist a homeowner. Claims for wrongful foreclosure and breach of contract are helping to undo these foreclosures. Attorneys knowledgeable in how to bring an action to set aside such a wrongful foreclosure and willing to do so pro bono, will find many homeowners needing their service.

There are several sources to find such clients. If you haven't already made contact with your local housing agencies and legal aid clinics do so at your earliest opportunity. There are also several list serve who post the need for referrals regularly. ABA's DIRT and Broker

DIRT sometimes post such referral requests. In addition consumer attorneys may also be eligible for membership in a CA based list serve dedicated to serving homeowners facing foreclosure. Members include a mix of both legal aid and private consumer attorneys and is a potential source for referrals and networking. For further information please contact attorneys Allan Cory (cory@sonic.net) or Walter Hackett (whackett@icls.org OR whackett3@yahoo.com). The National Association of Consumer Advocates (www.NACA.net) also has many opportunities to network with other consumer attorneys and gives trainings throughout the country. Joining NACA will provide you with the opportunity to network and share with other attorneys trying to help homeowners.

Pamela is a Partner in the law firm of Simmons & Purdy located in Soquel, California, previously known as the Law Office of Pamela D. Simmons. The firm specializes in representing homeowners with mortgage loan or loan servicing issues. She has been representing homeowners with federal Truth in Lending Act violations since 1996. Since that time she has developed a practice which consists of representing borrowers relating to lender violations of federal and state lending laws.

Pamela is a frequent contributor to the Pro Bono committee events and publications.

VOLUNTEER OPPORTUNITIES:

Military Pro Bono Project:

If you are looking for a worthwhile program to consider for pro bono hours then look no further than the ABA Military Pro Bono Project.

It was created by the ABA standing committee on legal assistance to military personnel.

The service member initially meets with a legal assistance attorney. That attorney gathers information and prequalifies the individual for services. Then the case is staffed by a military attorney that supervises referrals made to the project. Once the case is approved then a pro bono attorney is located to handle the case.

There is a tremendous need for attorneys who are knowledgeable in the area of property, guardianship, consumer and family law to volunteer for this program.

Often times the service member may be deployed so that the need for assistance is critical. Step up now and make a difference to someone that has made a difference to our Country.

The website is <http://www.militaryprobono.org/> , take a minute and sign up for cases with just a few clicks of your keyboard. Now is the time to do this important work for those that have given so much.

Special Olympics Project SOAR:

With sports at its core, Special Olympics is a leader in the field of intellectual disability and the world's largest movement dedicated to promoting respect, acceptance, inclusion and human dignity for people with intellectual disabilities. Special Olympics has nearly 3.5 million athletes in 226 programs in more than 170 countries. It conducts over 44,000 competitions around the world each year, which equates to 121 competitions every single day. Special Olympics has recently announced the Special Olympics Advocacy Resource ("SOAR") program which will be dedicated to providing legal services and education to Special Olympic athletes in an effort to improve the quality of life for people with intellectual disabilities. The SOAR program will partner with law, accounting and financial planning firms, as well as state agencies and corporate sponsors. The SOAR program will not seek to supplant current resources, but will support and supplement existing providers by matching athletes with service providers working in the local communities and filling any service gaps. By providing pro bono legal services and life skill development training, the SOAR program hopes to assist Special Olympic athletes to successfully navigate day to day challenges, improve their financial security and receive the rights and benefits to which they are entitled.

This is a new program. If you are interested in finding out more or participating, please email me at dsprentall@swlaw.com or you can contact Barbara Habhab at 480-563-6390 (Barbara.habhab@ge.com).

COMMITTEE WORKS IN PROGRESS:

Home mortgage deficiency laws:

As an outgrowth of the housing crisis, earlier this year the committee started a project to collect state laws and regulations regarding homeowner liability for deficiency judgments after a mortgage foreclosure or nonjudicial sale. We have collected a number of states and plan to start publishing the preliminary results shortly. We still have need for information from the following states:

Alaska	Connecticut
Delaware	District of Columbia
Hawaii	Idaho
Illinois	Indiana
Kansas	Maine
Maryland	Michigan
Mississippi	Missouri
Montana	Nebraska
New Hampshire	New Mexico
New York	North Carolina
Oklahoma	Pennsylvania
South Carolina	South Dakota
Tennessee	Vermont
Virginia	Virgin Islands
West Virginia	Wisconsin

If you or someone at your firm might be interested in providing information for one of these states, please contact Rebecca at Relliott1543@gmail.com. All that is required is to fill out a fairly simple survey form.

Spring Symposium:

The 22nd annual RPTE Spring Symposia will be held in Washington DC on April 28 and 29, 2011. As part of the program each group within the section has been asked to provide a program. We are planning a committee program as part of the Practice Management Group Program. More information will follow. This is a great event, always provides timely CLE, and is a good chance to meet other Section members. Please consider attending.

Conference calls:

Each group within the section has been asked to schedule quarterly conference calls. Each committee member should be receiving notice of these calls. The topics vary; the pro bono committee will be providing at least one of the topics for discussion in the upcoming year. The calls are informal and usually do not run for more than an hour. Please look out for the e-mail announcements and participate if you can. If you would like to present at a quarterly call, please contact us.