

Avoiding Foreclosure: Helping Families Keep Their Homes

March 2, 2009

8:00-8:30 Registration

8:30-9:00

Introductions and Overview

John F. Goryl, Esq., Associate Counsel, PHFA, Samara Gomez, Esq., Assistant Counsel, PHFA, Samuel W. Milkes, Esq., Executive Director, PLAN, Inc.

This session will provide an overview of Neighborworks' funding, programmatic goals, challenges, guidelines and procedural requirements, a summary of legal issues commonly encountered by housing counselors, and strategies/approaches that housing counselors, paralegals and attorneys can take to achieve loan workouts and prevent foreclosure filing.

9:00-10:00

Counselors & Lawyers Coordinating Services

Michelle Lewis, President and Chief Executive Officer, NWCS, Samuel W. Milkes, Esq., Executive Director, PLAN, Inc., David Keller Trevaskis, Esq., Pro Bono Coordinator, PA Bar Association

This session will describe the roles of housing counselors, legal services lawyers, and pro bono lawyers participating in the housing counseling project. Panelists will address the kinds of information and documents legal services staff or pro bono lawyers can expect from housing counselors.

Panelists will address various ethical issues that can arise, when clients are assisted by the joint efforts of housing counselors, legal services lawyers and pro bono lawyers. The session will include materials about the referral systems, including client waivers, and it will include disciplinary rules governing attorney conduct. Some of the specific ethical issues the panel will address include:

- **Conflicts of interest:** How attorneys can look for and resolve potential conflicts of interest, when a housing counselor seeks to refer a case to legal services, but the legal services program already represents an individual whose interests conflict with those of the prospective client.
- **Confidentiality and privilege:** How can information be shared back and forth among counselor, legal services and pro bono lawyer, and how can data be reported to funding sources, allowing for the greatest flow of information among those seeking to help a client, while also adhering to restrictions upon the ability of a lawyer to divulge confidential or privileged information about a client? Are aspects of the sharing of information prohibited by any disciplinary rules?

10:00-10:15

Break

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relevant loan documents (note, application, appraisal, TILA). The panel will briefly review the rescission remedy under the Truth in Lending Act.

2:45-3:00

Break

3:00-4:30

Servicing Problems

Patrick Cicero, Esq., Managing Attorney, Beth Goodell, Esq., Senior Attorney, CLS, Daniel L. Haller, Staff Attorney, NLSA

Panelists will discuss servicing problems, i.e., disputes over amount of arrears, debt collection violations, when to send RESPA letter; and will discuss the requirements of Act 6/Act 91. Participants will review samples of Act 6/91 notices, billing statements, etc.

Panelists will also review sample loan modification agreements to illustrate the importance and need for clients to understand the terms - pros and cons.

FHA servicing options will also be explored.