



## THE STATE BAR OF CALIFORNIA

---

DATE: April 2011

TO: Members, Board Committee on Stakeholder Relations

FROM: Jon Streeeter, Chair  
Karen Goodman, Committee Member  
Mary Lavery Flynn, Director, Office of Legal Services

SUBJECT: Foreclosure Projects

### **IV.B. INFORMATION and DISCUSSION**

#### **Foreclosure Forums and Projects - Background**

In 2009 the State Bar Office of Legal Services applied for and was awarded a series of grants from the California Bar Foundation to fund forums throughout the state to provide legal training and education for housing advocates, encourage pro bono, as well as provide places for them to network and share information on mitigating the devastating effects of foreclosure in California communities.

In partnership with the Western Center on Law and Poverty, as well as other housing agencies, four Foreclosure Forums have been held, starting in Burbank in December of 2009, continuing in San Francisco and Fresno in 2010, and, most recently, in Ontario in 2011. Over 350 attorneys, paralegals, and/or housing counselors attended and participated in these four forums. Over 50 different agencies were represented, including legal services and pro bono organizations, support centers, and local and State enforcement agencies; HUD approved housing offices and local fair housing agencies have also been involved. Attendance at each of these forums has progressively increased.

Concurrent with the production of the four foreclosure forums, the Office of Legal Services has also:

- Contributed to the development and maintenance of ForeclosureInfoCA.org, a website designed to provide legal information and resources to both housing advocates and homeowners and tenants regarding foreclosures;

- Produced a fact sheet for the public containing contact information for the various offices of the State Bar that handle issues related to attorneys and foreclosure practice; and
- Produced, and continues to produce, a number of live and archived MCLE programs for pro bono attorneys in conjunction with pro bono partner Practising Law Institute on topics directly and indirectly related to foreclosure. To date, over 3,000 California attorneys have taken these free trainings.

Although there has been progress in the development of awareness, resources, and strategies addressing the foreclosure crisis, these issues and opportunities still remain:

1. While there are many local and regional resources working on various aspects of this crisis, there is little statewide coordination.
2. Federal, State and local legislation is rapidly developing and shifting, which forces practitioners to be flexible in their litigation strategies. Local court practices are also rapidly developing. This information needs to be shared statewide.
3. Training on all of these practices is still an urgent need, particularly in the rural and underserved areas of California, including Central California, the Inland Empire, and the farthest borders, north to Oregon and east towards Arizona and Nevada. The State Bar will continue to work with MCLE vendors like Practising Law Institute to provide pro bono training on relevant topics impacting foreclosures, such as Chapter 13 Bankruptcies and new Homeowners Association laws. The PLI platform, presented on a largely web-based medium, allows training on a statewide basis.
4. There is a lack of awareness of the different tools and resources already available and statewide entities, such as the State Bar of California and support centers like the Western Center on Law and Poverty, are best positioned to see and fill the need.
5. There is an additional lack of awareness and understanding as to the role and impact of the State Bar's Office of Chief Trial Counsel in protecting consumers from attorney scams, including the application of SB 94. Besides investigation and discipline, OCTC also provides consumer information and attorney members' education.

## **Conclusion**

As the housing crisis evolves, the need for legal assistance to homeowners in or on the verge of foreclosure, as well as tenants in foreclosed properties, will

continue. The Office of Legal Services will continue to explore ways to increase the ranks of pro bono attorneys to provide legal services for distressed homeowners and tenants. The need for increased efforts in collaborating with support centers and governmental agencies such as Western Center on Law & Poverty and the U.S. Dept. of Housing and Urban Development, as well as others, is great. The State Bar must continue to provide education and opportunities to share information in order to assist housing advocates develop long-term strategies, both in litigation and legislation.

It is also clear that some attorneys will try to take advantage of the crisis for monetary gain. The State Bar's Office of Chief Trial Counsel, as the disciplinary arm of the California Supreme Court, remains involved and is vigilant in protecting consumers from unethical lawyers.