



THE PLAIN DEALER

Lawyers urged to give free help in foreclosure cases

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Alison Grant
Plain Dealer Reporter

Even if every lawyer in Ohio handled a home foreclosure case, there would be almost 50,000 cases left over.

But that's more reason to help out, the Ohio Supreme Court says.

Chief Justice Thomas Moyer wrote to all of the state's 37,000 active lawyers Friday calling for more free legal help for Ohioans about to lose their homes.

Gov. Ted Strickland, Attorney General Marc Dann, Treasurer Richard Cordray, legal-aid societies, bar associations and other groups also are part of the push, the biggest pro bono drive in Ohio in recent memory.

Lenders filed about 83,000 foreclosures last year in Ohio courts. And the cases are expected to pour in at that pace through 2011 or beyond.

The Constitution guarantees the right to an attorney only in a criminal case, not in a civil case like a foreclosure. And if you're poor and in court to face a foreclosure, chances are you can't afford a lawyer.

With pro bono contributions, some disputes could be resolved through mediation, said Melanie Shakarian, development director at the Legal Aid Society of Cleveland.

Pro bono help also informs people of their legal rights, such as the right to appeal if they lose a complaint.

So what difference does the unpaid legal work make for Ohioans generally?

Moyer pointed to communities riddled with vacant and abandoned houses, struggling with smaller tax bases and crowded court dockets.

U.S. District Judge Christopher Boyko called the ripple effect "astounding." The most successful pro bono service in the country has involved the judiciary keeping polite pressure on lawyers, he said.

Details of the foreclosure program - including exactly who will qualify for volunteer attorneys - have not been finalized. The help won't be available until about the second week of March. In general, it will work like this:

Low-income homeowners who can't afford a lawyer can call a toll-free number, 1-877-244-6446, or visit www.ag4ohio.gov to be screened for eligibility (and get general information about the foreclosure process).

Homeowners meeting income and other criteria will be referred to the legal aid society in their region.

The societies will match them with attorneys.

Some lawyers will work as "case developers," interviewing homeowners, analyzing mortgage documents, identifying ways to rework loans and handling defenses.

Others will be "deal brokers" who negotiate a workout of the mortgage with the lender.

Trial lawyers will represent homeowners in foreclosure litigation, including mediation.

The group has come up with the name FLAG-Ohio - for Foreclosure Legal Assistance Group of Ohio.

"I don't recall anything in the last 10 years or so of this breadth," said E. Jane Taylor, associate director at the Ohio Legal Assistance Foundation. "The foreclosure crisis is something that's unprecedented as well."

FLAG-Ohio is an outgrowth of a foreclosure task force that Strickland appointed in September. One of its recommendations was to recruit and train lawyers to help poor homeowners.

Participating lawyers will get foreclosure-specific training late this month, mostly through a satellite link from Columbus. Classes will last half a day to two days, depending on the scope of help the lawyer plans to give.

To reach this Plain Dealer reporter:

agrant@plained.com, 216-999-4758

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