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Invisible Lawyer

For \$980, Foreclosure Solutions will do nothing to save your home.

By Denise Grollmus

Martiese Head was desperate. The 36-year-old mother of four had just come out of Christopher Smith bankruptcy, but she was about to lose her East Side home.

She considered it gone -- until the letter arrived from Foreclosure Solutions.

"KEEP YOUR HOME!" it announced, offering a "FREE" consultation with a "REAL" person.

A Foreclosure Solutions representative was soon at her door with excellent news. If she paid Foreclosure Solutions \$980 and followed a simple three-month savings plan, a lawyer would work on her behalf, and the company would try to negotiate a new payment plan with her mortgage company in hopes of saving her house.

Since attorney's fees normally run in the hundreds of dollars per hour, Head considered it a bargain. And the Cincinnati company, with operations in seven states, seemed legit. President Tim Buckley claims to have served more than 13,000 clients. "It's not like we're some schmuck outfit, trying to steal people's money," he says. "No one can hire an attorney for the price we charge."

Head certainly believed him. She handed over her \$980 and began saving for the payment plan that Foreclosure Solutions would negotiate with her lender. "It was like buying that last bit of hope," she says. "But had I known what I know now, I wouldn't have done it."

Head is one of more than 250 Clevelanders who have paid the company to save their homes. And like half of those customers, she still lost her house.

"That is not an impressive record," says Mark Wiseman, director of Cuyahoga County's Foreclosure Prevention Program. "Especially when you consider that these guys do absolutely nothing to help people save their homes."

Wiseman describes Foreclosure Solutions as "a total scam," preying on the anxiety of a city that leads the nation in foreclosures. "These are people in desperate situations," he says. "As soon as they hear that they are going to get legal representation, they think it's a great deal, but it's not. There's no reason people need to pay \$1,000 to do what they can do for themselves or get other organizations to do for them for free."

Wiseman points to the company's contract, which carefully outlines the customer's obligations, "but says nothing about what Foreclosure Solutions is going to do for the customer."

And that's essentially what the company does, argues Wiseman -- nothing.

Brooking, Moeves & Halloran, a large Kentucky firm with clients that include Fifth Third Bank, handles the company's cases. From 2004 until May 2006, the firm had just one attorney, Darren Mullaney, working 241 cases in Cuyahoga County alone, according to court records. "That's an impossible caseload," says Wiseman. "There's no way one attorney can properly represent that many clients."



Details

Who / What:

Foreclosure Solutions

So he didn't. Mullaney filed the same one-size-fits-all defense in every case. "It's lazy lawyering," Wiseman says. "He just prints the exact same thing off his word processor, signs it, and he's done with 100 cases in five minutes."

Then Mullaney would just disappear. When the mortgage companies finally asked for judgments, he would provide no further defense. Half his cases spiraled into sheriff's sales. "The conduct of filing an initial pleading for consumers, without follow-through, is at least deceptive . . . if not malpractice," says Harold Williams, an attorney for Legal Aid. "And it appears that [Foreclosure Solutions] is suggesting to people that they are representing them, when, in fact, they do absolutely nothing."

(Mullaney left the law firm in May and could not be reached. Brooking, Moeves & Halloran refused comment.)

Buckley dismisses the notion that Mullaney wasn't doing his job. His defense, it seems, is that a worthless lawyer is better than none at all.

"This is the real world," he says. "No lawyer does all that on any case. Show me a lawyer that does that, because you can't. Even if we did respond to judgments, lenders don't care. They want judgments. They want these houses back right now."

Buckley says that his lawyers are intended to do little more than delay cases so that a settlement can be worked out. "Banks won't lie down just because Tim Buckley says they should," he says.

That's still malpractice, says Wiseman, who recently filed a complaint against Mullaney with the Ohio Supreme Court. "You're not allowed to file things for the express purpose of delaying a case."

Moreover, Foreclosure Solutions hooks its customers with the promise of legal representation. And there's little chance the company is telling clients up front that, for \$980, a lawyer will file a generic motion, then disappear.

Customer Rena Clark was sold on the fact that she'd get an attorney. "They said they'd hire lawyers to take care of it," says her daughter, Renetta. "Every other lawyer we called wanted too much money. This company right here was the cheapest one."

When *Scene* called, Clark was shocked to learn that she'd already lost her East Side house. As of August 7, it was slated for a sheriff's sale.

"They never told us," Renetta says. "We thought they were still in court, fighting it. I don't know what happened. They told us that when it came time, we didn't need to go to court. The lawyers would handle it."

As for Head, she's still trying to save her home. Her mortgage company recently approved a short sale of her house, which will allow Head to pay off her mortgage, regardless of what her house is sold for. Though she'll save some face, she still won't see a single penny, and she'll still be forced to move. "I should have just contacted the bank myself," she says. "It was a waste of time."