

Bar association president: Fight for your home

By Don Dodson

Thursday November 12, 2009

CHAMPAIGN – For heaven's sake, do something.

That's the advice the president of the Illinois State Bar Association gives to those who have gotten word – or just suspect – that their home faces foreclosure.

"Be proactive. Call somebody. You've got 10 months before you're really in trouble. You've got a lot of time to do something," said John G. O'Brien, a real estate attorney from Arlington Heights who founded the Illinois Real Estate Lawyers Association.

More than half the time, homeowners never even call the lender to discuss the problem and try to work something out, he said.

"Don't be that lamb walking silently to the slaughter," he said.

It's probably no surprise that O'Brien recommends the first call be made to a real estate lawyer who can help develop a course of action.

If you don't think you can afford a lawyer, call your local bar association or a legal assistance foundation, he said. They may be able to offer an affordable alternative.

Next, call the lender to establish the root of the problem. Ask whether the lender has any kind of loan-modification program.

There are government-backed programs, such as HOPE for Homeowners, that can help. There are also "deed to rent" programs that allow you to give back your house, but stay in it with an affordable lease, he said.

O'Brien said those facing foreclosure should realistically assess their chances. Only "a very small number" successfully defend against foreclosure actions.

"Start thinking of alternatives," he said. "If you have equity in your house, try to sell it."

That way, you might be in a better position to save money for a security deposit on an apartment, he said.

Above all, make sure that once you've worked things out, you get a release of liability on the property from the lender, he said. Too often, people think they're free, only to find they're still on the hook.

O'Brien visited Champaign-Urbana to visit with Champaign County Bar Association members on Tuesday evening and to moderate a panel discussion at the University of Illinois College of Media on Wednesday.

In an interview at The News-Gazette, he discussed diversity in the bar association and minority enrollment in law schools.

Only about 6 percent of the state bar association's members are minorities, a percentage O'Brien called "too low."

After years of increasing, "minority enrollment in law school is now falling back," and tuition is a big factor, he said.

"Youngsters coming out of law school have a debt load of \$100,000 to \$150,000," he said, adding that young lawyers can hardly afford to take low-paying positions.

Even finding a job is difficult, he said. Some law school graduates who had been offered jobs have had their start dates deferred for a year, he said.

O'Brien said he believes the best way to attract minorities to legal careers is through local bar associations. He suggested local associations pull together 20 or so attorneys and adopt a civics class, visiting weekly. Students with an interest in law can be taken to courthouses and law schools.

Contending that "lawyers are generous people by nature," O'Brien said Illinois lawyers did 2.2 million hours of pro bono work last year. If they had charged \$100 an hour for that free work, the value would have been nearly a quarter of a billion dollars, he said.



O'Brien

He said he particularly likes the Peoria County Bar Association's practice of taking out a newspaper advertisement listing all the association's members and the community groups in which they're involved.

"It speaks volumes," he said.

Tips to help avoid a foreclosure

- Contact lender as soon as you're aware of a problem.
- Open and respond to all mail from your lender.
- Know your mortgage rights by reading loan documents and learning about state foreclosure laws.
- Understand foreclosure-prevention options by going to www.hud.gov and clicking on "I want to ... avoid foreclosure."
- Contact a HUD-approved housing counselor by calling 800-569-4287.
- Prioritize spending, putting health care and housing at the top. Cut other expenses.
- Consider selling some assets, such as jewelry or a second car.
- Avoid foreclosure-prevention companies. They'll charge for services you can get for free.

Source: U.S. Department of Housing and Urban Development.

Find this article at:

http://www.news-gazette.com/news/2009/11/12/bar_association_president_fight_for_your_home

Comments

The News-Gazette.com
The East Central Illinois Online News and Advertising Source

Contents of this site are © Copyright 2009 The News-Gazette, Inc. All rights reserved.