

Celebrating
our 40th
Anniversary

Brooklyn Legal Services Corporation A

Brooklyn A

NEWS

Spring 2009



Former HPD Commissioner Shaun Donovan and NYC Council Speaker Christine Quinn with BROOKLYN A Project Director and Chief Counsel Marty Needelman and Advisory Committee Member Terri Thomson and Bed Stuy Restoration Executive Director Corwin Grannum during a Foreclosure Prevention Press Conference.

Photo credit: Mel Wright

Turning Up The Volume: BROOKLYN A's Foreclosure Prevention Unit Expands Legal Services During Housing Crisis

Jason Portwood Hipp

Ms. Jones* is one of the lucky ones – if you can consider losing equity of more than \$150,000 a stroke of luck. Ms. Jones, a mother of four adopted children facing foreclosure, was offered a deal purporting to assist her with saving the deed to her home. Afterwards, Ms. Jones learned the deal was offered by one of the many foreclosure rescue scam artists using the mortgage crisis as a business opportunity. Thinking she was signing documents for financial assistance and a modified mortgage, she was actually the victim of a scam that transferred the property's deed to a third party. With the help of Brooklyn Legal Services Corporation A (BROOKLYN A)'s Anti-Predatory Lending/Foreclosure Prevention Unit, Ms. Jones filed a complaint against the phony buyer and the mortgage company this past summer, and by the Fall the deed was returned to her. Although this was an unusually swift success, BROOKLYN A is still

assisting Ms. Jones in negotiations to modify the mortgage to an affordable and sustainable amount.

Mr. Ramirez* had been attempting to modify the terms of his home loan prior to a referral to BROOKLYN A by a housing counselor at a local community organization. Mr. Ramirez had been stuck with a “balloon payment” – a mortgage loan structured to pay small amounts of interest in the beginning before the complete payment is owed after a limited period of time. Mr. Ramirez had unsuccessfully attempted to modify the loan, but the monthly payments he was being offered were far in excess of his means, particularly after losing rental income. After he filed a pro se legal document drafted by BROOKLYN A for his foreclosure case, the bank offered him a loan modification three weeks later with terms he could meet.

The successes achieved by Ms. Jones and Mr. Ramirez come as a result of BROOK-

* Names of clients have been altered to protect privacy.

See **Foreclosure**, Page 7

Inside:

Equal Justice for All

page 2

A Tree Grows in Brooklyn

page 3

Celebrating 40 Years!

page 4



Expanding CED in NYC

page 6

**BUILDING COMMUNITIES
ENSURING OPPORTUNITY
ACHIEVING JUSTICE**



Equal Justice For All, President Obama, & “Brooklyn Planning”

Marty Needelman

BROOKLYN A Project Director & Chief Counsel

Recent years have been especially problematic for programs attempting to provide legal representation to low income people, the communities in which they live, and the local groups who serve them. Lack of support for “legal services for the poor” by the Bush and Pataki Administrations and by the U.S. and state senates reduced funding for Brooklyn Legal Services Corporation A (BROOKLYN A) and programs like ours dramatically below the levels going back over 15 years ago. Any honest analysis, would have to conclude that the oft articulated vision of our legal system providing “Equal Justice for All,” that Americans take so much pride in, is - at best - self deception. However, recent changes at both the federal and state levels, particularly the election of President Obama, should give all those of us who truly care about the deficiencies in resources in the “legal services” world and otherwise in our system of justice, real reason for hope of turning things around and moving things in the right direction. That should be even more so, now that such big bucks are being thrown around to “bail out” the US economy after its recent shocking collapse. We should have every hope that a pittance of that (a couple of billion dollars or so at most) would go toward the fulfillment of the dream and desperate need for legal representation for low-income people. Yet, it is extremely disappointing and shocking that restoration and dramatically increased funding for these basic needs and goals of our democratic society do not seem to be on the decision makers’ current agenda!

Ironically, at this critical watershed moment in our history and for what should be the struggle for equal justice for all, leaders of the city wide legal services program (LS-NYC) have decided to invest significant focus and human resources on “Brooklyn Planning,” a process intended to evaluate and address the Brooklyn legal services delivery system. It has been concluded that there is an “inadequacy of services”

in the borough, and somehow that pre-termination has been made without any description or detail of that “inadequacy” nor any explanation how the “inadequacy,” however that might be defined, substantially differs from everywhere else. Some voices believe that the Brooklyn Planning process is a pretext toward a more centrally controlled decision making system in lieu of the current decentralized and coordinated system.

Indeed, Brooklyn has five programs, three of these (BROOKLYN A, South Brooklyn Legal Services and Bedford-Stuyvesant Legal Services) with separate Boards of Directors that reflect the community based services of those programs, and which maintain four neighborhood based offices (the other two Brooklyn programs are LS-NYC Brooklyn Office and the Brooklyn Family Defense Project). Although Brooklyn is by far the largest borough by population (if independent, would be the 4th largest city in the US) and has the highest number of poor persons, the issue transcends those logistics. Fundamentally, the Brooklyn programs reflect a continuing commitment to the original, Sargent Shriver vision of a dynamic legal services program that both aggressively represents families and individuals, and the community organizations that serve them, all out of neighborhood based, conveniently located and accessible offices.

I and many others believe that it is the right model, that that vision should be sustained, resurrected and expanded, and that the recent trend to centralize and eliminate local offices and programs should be reversed. Indeed it is our constant and long-lasting presence in our neighborhoods which contributes to the strong relationship we have with the residents, community based organizations, social service agencies and political representatives in these communities.

At this crucial moment in the history of the system of justice, it is time for both we and our society to put our priorities in order! 

Brooklyn Legal Services Corporation A, providing high-quality neighborhood-based civil legal services to low-income individuals and groups in North and East Brooklyn since 1968.

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BROOKLYN A News
written and produced by BROOKLYN A staff,
including Paul Acinapura, Josh Hoffman,
Rebecca Libed, Marty Needelman,
Jessica Rose, and Rick Wagner.
Design by Tzvi S. Cohen

BROOKLYN A Thanks Velázquez and Towns

BROOKLYN A presented plaques to Congresswoman Nydia Velázquez and Assemblymember Darryl C. Towns for our deep appreciation for their extraordinary support for our program and for our clients, long term, low-income residents struggling to remain in their homes and in their neighborhoods. Both elected officials have been instrumental in our ability to provide neighborhood-based civil legal services to low-income individuals and families throughout North and East Brooklyn, and to the nonprofit organizations that serve those communities. We thank them for their many years of support! 🗳️



Photo credit: Terri Thomson



Photo credit: Evelyn Cruz

Award Presentation to Towns (left) and Velázquez (right)

Welcome Aboard!

Randy Estrada has joined the BROOKLYN A Advisory Committee. Randy is an Assistant Vice President at TD Bank and the Branch Manager of the Brooklyn Heights Branch. He's a veteran of the banking industry having spent the past 15 years at European American Bank, Independence Community Bank, and Commerce Bank. Randy and his team at the TD Charitable Foundation recently gave a grant to our Community and Eco-



Randy Estrada

nomie Development (CED) Unit so we can continue to assist our clients develop and support their neighborhoods.

Starting in January 2009, **Rafael Vasquez**, an associate at the firm of Simpson Thacher & Bartlett LLP joined the CED Unit as a full time extern for a four month rotation. As an associate at Simpson since 2006, Rafael has served as issuer counsel for high-yield debt offerings, hybrid debt offerings, merger transactions and on-going securities regulation matters. His pro bono experience includes working with

InMotion and SeedCo on various matters. He received his JD from NYU School of Law and his BA from Yale. Prior to law school, he was a Jumpstart Corps (Americorps) Headstart Teacher for a summer. Rafael is the first extern of the new externship program between his firm and BROOKLYN A's CED Unit. We are very happy to have him join BROOKLYN A in its representation of non-profit organizations in North and East Brooklyn. 🗳️



Rafael Vasquez

A Tree (and an Affordable Green Condo) Grows in Brooklyn

In October 2008, Cypress Hills Local Development Corporation (CHLDC), a client and community partner of BROOKLYN A's CED Unit for over two decades, broke ground on the first affordable condominiums to be built in its neighborhood of Cypress Hills, Brooklyn. Named Glenmore Grove, it is at the northeast corner of Glenmore Avenue and Miller Avenue. "This is a wonderful success story for the Cypress Hills Local Development Corporation," said Executive Director Michelle Neugebauer. As the Brooklyn Eagle reported in its article on the groundbreaking, "Cypress Hills LDC... fought long and hard for the construction of affordable housing in the area" (see Officials Break Ground For Affordable Homes in East New York, by Linda Collins, published online 10-16-2008, available at <http://www.brooklyn-eagle.com/categories/category.php?id=23832>).

Glenmore Grove will consist of twelve 2- and 3-bedroom condos affordable to first time home buyers earning between 80-100% of the average median income. Glenmore Grove also marks a significant stride in green affordable housing develop-

ment – the project incorporates cutting-edge design, energy efficiency, healthy living and environmental stewardship. Construction is expected to be completed by Winter/Spring 2010.

The sales price of the condos will be partially subsidized with HOME and Affordable Housing Corporation (AHC) funds combined with a grant from the Brooklyn Borough President Marty Markowitz. The private construction lender is Capital One, NA. The AHC funds were secured through the Housing Partnership Development Corporation (the Partnership). The construction was also funded through a predevelopment loan with the Local Initiative Support Corporation and a bridge loan from the Community Partnership Development Corporation (a subsidiary of the Partnership).

Since 1983, CHLDC has worked to revitalize its neighborhood through housing preservation, economic

development, and educational, after-school and community services for youth and families. CHLDC has developed over 237 units of affordable housing in approximately 65 buildings, with another 344 units in the pipeline (plus 7 commercial units and a 450-student capacity public school). Many of these renovated buildings are operated by CHLDC as rentals to low-income tenants; many are two-to-three unit small homes and, in the near future, condos for sale to eligible purchasers. In all of its housing development work, as with many of its other programs, CHLDC has been represented by BROOKLYN A. 🗳️



Groundbreaking Ceremony for Glenmore Grove

BROOKLYN A Celebrates 40 Years

At this year's Annual Partnership Awards Benefit, on November 13, 2008, Brooklyn Legal Services Corporation A (BROOKLYN A) celebrated 40 years serving the communities of North and East Brooklyn. Our annual event, once again, acknowledged BROOKLYN A's remarkable Partnership for Community and Economic Development, the collaboration of our lawyers with the vital and amazingly effective community organizations and corporate partners that are building, improving and sustaining the low income neighborhoods of North and East Brooklyn which we have served since 1968!

Our Master of Ceremonies Fox 5 News Anchor, Rosanna Scotto, started off

the evening with introducing our Project Director and Chief Counsel Marty Needelman, and General Counsel Paul Acinapura, who presented awards to our honorees for their strong commitment to public service and to Brooklyn's low-income communities. Former City Bar President Betsy Plevan of Proskauer Rose, LLP, Dime Savings CEO Vinny Palagiano, El Puente's Founder, President & CEO Luis Garden Acosta, and our beloved late Denis Berger, each in their own way both personally and with the organizations that they have been a big part of, reflect that commitment in vision and deed.

The music for the evening kept the dance floor full and vibrating. Bobby Sanabria

Sextet, a critically acclaimed Latino band, featuring world renowned percussionist Candido Camero energized Steiner Studios with its salsa and mambo. The evening closed with BROOKLYN A's Board Chair, Valarie A. Hing, acknowledging our 40 years of service to our clients, and reaffirming the Board and staff's commitment to our community-based law practice.

This annual event in support of our Community and Economic Development work would not have been possible without the generosity of our sponsors for the night. We especially thank our Platinum sponsors Davis Polk & Wardwell, Dime Community Bank Shares; Proskauer Rose LLP; and Skad-



den, Arps, Slate, Meagher & Flom LLP.

We again would like to thank you for your generosity throughout these 40 years. Together we have been able to represent community groups that organize tenants, build affordable housing, expand access to health care, and establish community-run senior centers, schools and daycare facilities. BROOKLYN A, together with our grassroots partner organizations, help struggling Brooklyn residents build a brighter future. Our staff and Board have a continued commitment to ensure access to justice for Brooklyn's lowest-income families and communities. We thank each one of our supporters throughout the many years! 



▲ *Top Row: Marty Needelman with Honoree Betsy Plevan and her family; Rosanna Scotto; Dime Savings Bank Staff; Staff Attorneys Roberto Marrero and Susan Barrie; Michael Cordozo, NYC Corporation Counsel*

◀ *Second Row: BROOKLYN A Staff; Maria Posner and Candido Camero; Comptroller William C. Thompson, Jr.; Board Member Saul Shapiro*

◀ *Third Row: Emily Blank and Michelle Neugebauer, Cypress Hills LDC; BROOKLYN A Staff; Rosanna Scotto, Marty Needelman, Vincent Palagiano, Joshua D. Hoffman, Board Member James Windels*

2009 Annual Partnership Award Honorees

Luis Garden Acosta is a national voice for human rights in the context of community building. In 1982, he founded El Puente in his home community of Williamsburg, Brooklyn. For the past 23 years, he has led El Puente as a beacon for holistic learning and development, inextricably tied to the quest for peace and justice. Luis embodies a commitment to the arts with a passion for science and a missionary zeal for peace and justice. He is at once a not-for-profit CEO who is at home leading community campaigns for educational reform and environmental justice; a Principal Investigator for federally funded, scientific research; and



an arts advocate who has chaired and founded diverse arts organizations.

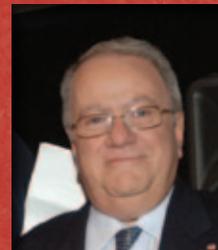
Bettina B. Plevan is a partner in Proskauer Rose, LLP's Labor and Employment Law Department and a member of its seven-person Executive Committee. She has built her practice handling all types of labor and employment litigation, as well as counseling clients in employment matters. Named by New York magazine as one of the "100 Best Lawyers in New York", Betsy is also listed by National Law Journal as one of the 50 most influential women lawyers in America and by Chambers USA as one of the best labor and employment lawyers in the country. She has also been recognized by The International Who's Who of Management Labour & Employment Lawyers, and she is a fellow of the College of Labor and



Employment Lawyers. In addition to maintaining her active practice, she recently completed a two-year term as President of the New York City Bar.

Vincent F. Palagiano has served as the Chairman of the Board and Chief Executive Officer of Dime Community Bancshares, Inc. since 1989. He has served as a Trustee or Director of the Bank since 1978. Mr. Palagiano joined the Bank in 1970 as an appraiser and has also served as President of both the Company and

the Bank, and as Executive Vice President, Chief Operating Officer and Chief Lending Officer of the Bank. Prior to 1970, Mr. Palagiano served in the real estate and mortgage departments at other financial institutions and title companies. Mr. Palagiano has also served on the Board of Directors of the Boy Scouts of America, Brooklyn Division since 1999, and served on the Boards of Directors of the Institutional Investors Capital Appreciation Fund from 1996 to 2006, and The Community Banker's Association of New York from 2001 to 2005.



The first **Denis Berger Commemorative Award** was presented to family of Denis Berger. Our dear friend Denis Berger passed away on February 20, 2008. For over 15 years Denis served as our long term Director of Development and later Development consultant, but he was those things and so much more to all of us here at BROOKLYN A and to our program. Denis was instrumental in creating BROOKLYN A's Advisory Committee and initiated and launched BROOKLYN A's Annual Benefit. Denis also led the capital campaign that enabled BROOKLYN A to purchase the building that houses our Williamsburg office. Prior to BROOKLYN A, Denis was a founder of the Venceremos Brigade, a Cuba solidarity organization; and worked as an organizer in Springfield, Mass. He was also Executive Director of the Nation Institute and co-founder of the United Electrical Workers Union, staff member of the New York City Chapter of the National Lawyers Guild, an activist in the Puerto Rican independence movement, and a mainstay of the New York Labor Chorus.

Photo Credit: Photobureau

Expanding the CED Practice in NYC

A collaboration between CUNY School of Law and BROOKLYN A

“My experience at BROOKLYN A has been diverse and fulfilling. The process of creating affordable housing has provided me with an intensive transactional legal experience in a social justice context that is influencing my future career goals. I have learned a lot about structuring public and private partnerships, federal and state subsidies, and the impact that this work has on the lives of ordinary people.”

—Ali Najmi

By Min Chang

This year, in an effort to further their motto of “Law in the Service of Human Needs”, CUNY School of Law has added the Community and Economic Development Clinic (CEDC), broadening their existing clinical programs. Headed by Professor Carmen Huertas, CEDC builds on the small handful of schools in New York City that currently offer clinical training in this developing area of law. At CUNY, the CEDC is a twelve credit

Since 1976, BROOKLYN A, led by Project Director Marty Needelman and General Counsel Paul Acinapura, has made CED a major program priority. The CED Unit is led by director Jessica Rose with the collaboration of Mr. Acinapura; senior staff attorney Mike Haber; and Equal Justice Works Fellow Nicole Prenoveau (and most recently Rafael Vasquez, a Simpson Thacher & Bartlett LLP extern). The CED Unit is unique as it is one of the only not-for-profit, neighborhood-based, public interest legal services offices in the country to develop a sustained, substantial practice representing community-based organizations and community development corporations in low-income communities. Through their efforts they have been successful at facilitating the creation of new and rehabilitated housing, the empowerment of tenants, the expansion of health, dental and childcare services, the development of community centers and nursing homes, and the creation of minority and community owned businesses and jobs.



BROOKLYN A CED Unit with CUNY Law CEDC externs and Professor Huertas

“Beyond the hard work and competency of our staff, BROOKLYN A and its practice is grounded in our neighborhoods. We are ourselves part of the fabric of the communities we serve. This connection runs deeply through all of our work. It enables us to better appreciate the nature of the problems our clients face and to understand the importance and value of empowering a community to take control of its future. Our presence in our neighborhoods for 40 years speaks loudly to our clients and is one of the sources of the bonds of trust and respect which exist between BROOKLYN A and its CBO clients.”

—Paul Acinapura

“The practical experience I’ve received from working at BROOKLYN A has been invaluable in terms of quality supervision and substantive work. I’ve had the opportunity to take the lead on drafting organizational and tax documents for a community based organization doing amazing work in Brooklyn.”

—Emily Langdon

clinic designed to provide students with an in-depth, robust, academic and practical experience. Twice a week, students attend a three-hour seminar covering the nuts and bolts of community and economic development (CED) lawyering that include theories and critiques of CED as a public interest practice. Additionally, students are assigned in-house projects and are placed at an externship. Professor Huertas states that “this collaboration enriches the students’ learning experience by increasing the volume and breadth of the complex transactional matters that students handle. It provides students an opportunity to assume the role of independent lawyer as well as effective collaborator within a fast paced, high volume legal services office.” In addition to the supervision the CEDC students received at their externships, Professor Huertas provided extensive complimentary supervision aimed to help guide reflections on lawyering approaches and the choices made throughout the representation of clients.

However, despite the efforts and successes of both these organizations, there is still much more to be done. Therefore, by sharing in the rich experiences of the respective organizations, both CUNY and BROOKLYN A hope to address these issues and further develop CED practice. To this end, members of the CED Unit taught three seminar classes at CUNY, including a class on negotiating and drafting construction contracts, introducing sustainable/ “green” building into CED, and negotiating and drafting commercial leases. Reciprocally, the CEDC sent four students: Ali Najmi, Emily Langdon, Noah Marmar, and myself, Min Chang; to BROOKLYN A for a semester-long externship placement.

In the end, it is clear to me the importance of the work that needs to be done and the positive impact CED has on the many families within these communities. As I reflect on my first client meeting, I realize that like the community groups they serve, BROOKLYN A and the CEDC are taking innovative steps to do something about the issues that plague these communities...now it is my turn! 

LYN A's increased legal activity during the mortgage crisis. With the addition of three full-time attorneys and an additional paralegal over the last year, the Foreclosure Prevention Unit now offers legal representation services to a greater number of clients than ever before.

The services are sorely needed: foreclosures have risen 25 percent since last year and more than three times their level just three years ago. Although the foreclosure rate is lower in New York than other major cities, the number of high-cost loans originated in the City has increased steadily since 2004, and the number of lis pendens filings – the legal notice of intent to initiate foreclosure proceedings – reached 15,000 in 2007 and was expected to surpass 20,000 for 2008.

Although the rate of foreclosures is in itself a concern, it is often accompanying circumstances that most harm homeowners. Foreclosure rescue scam artists, like the one who attempted to scam Ms. Jones, scour public foreclosure filings and inundate victims with offers purporting to save their homes, only to steal the title and strip hundreds of thousands of dollars of equity. Banks routinely pay outside companies to service mortgages; those servicers receive a significantly higher fee for their services if the mortgage is in foreclosure than if it is performing normally. These servicers are, therefore, often reluctant to modify mortgages and restore them to performing status because this results in a substantial reduction of fees received by the servicer.

According to the federal Department of Housing and Urban Development (HUD), Brooklyn was for years a “hot zone” for predatory lenders, who typically found it easiest to target low-income

communities with predominantly minority populations, including East New York, Brownsville, Bushwick and Bedford-Stuyvesant, the areas where BROOKLYN A is concentrating the bulk of its services. Predatory lenders target families with the least amount of financial and legal literacy. “We are the canary in the coal mine,” said Rick Wagner, Director of Litigation for BROOKLYN A, who considers the foreclosure issue as much a civil rights issue as a consumer fraud issue. “Our clientele are the first people to be affected when the house of cards starts to fall.”



As part of its foreclosure prevention efforts, BROOKLYN A is assisting clients in three ways: by offering legal counsel, referrals and general advice to direct struggling homeowners in the right direction; fully representing some clients, targeting its selection by choosing “impact litigation” cases with the possibility of affecting a large number of other cases; and direct foreclosure defense, often through the drafting of legal documents that assist homeowners representing themselves.

The latter area represents the bulk of BROOKLYN A's increased efforts. Financial institutions consider foreclosure filing the most cost-effective way to handle

cases when defendants offer no defense or fail to attend the proceedings. When a defendant instead files a pro se document explaining the case in proper technical and legal terms, the financial institution may decide that a loan modification – allowing the homeowner to remain in their home – will be more cost-effective than a lengthy foreclosure proceeding. Mortgage loans are often extremely complex; even judges can have trouble determining in a reasonable period of time the true meaning or effect of certain provisions.

By reviewing the terms of the loan carefully, the Foreclosure Prevention Unit often identifies defects that implicate the loan's very validity. The lack of attention to detail in the loan securitization process, which bundles thousands of mortgages together in a “pool” in which it sells shares to investors, a process that resulted in huge profits for commercial and investment banks, becomes crucial in legal proceedings on behalf of clients.

Repeated transfer of complex mortgage loans from one holder to another often occurred without the proper accompanying documents or adherence to legal technicalities, and these deficiencies can be identified with enough scouring by a legal professional.

Unfortunately, some victims fault themselves for their foreclosure problems. “It can be a shameful thing for people; they are embarrassed that they've gotten into a bad deal or been scammed,” said Joseph Sanders, Staff Attorney in BROOKLYN A's Foreclosure Prevention Unit. It is important to remember that victims are not alone – millions of families across the country have been trapped in similar situations – and that these financial transactions can be extraordinarily difficult to understand, even for professionals in the financial market. 

If you are a victim of predatory lending and/or your home is about to be foreclosed, call BROOKLYN A's Foreclosure Prevention Unit at 718-487-1300.

BROOKLYN A Offices

**Shriver Tyler MacCrate
Center for Justice
Williamsburg Office**
256-260 Broadway
Brooklyn NY 11211
718 487-2300
Fax: 718 782-6790

East Brooklyn Office
80 Jamaica Avenue
Brooklyn NY 11207
718 487-1300
Fax: 718 342-1780

Bushwick Office
1455 Myrtle Avenue
Brooklyn NY 11237
718 487-0800
Fax: 718 326-2944

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\$5 we would reach our goal and raise \$10,000

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Check out our new BROOKLYN A video!