

# Brooklyn Legal Services Corporation A

BUILDING COMMUNITIES  
ENSURING OPPORTUNITY  
ACHIEVING JUSTICE

SPRING 2015



## Sometimes It Just Has To Be a Federal Case

By: David Bryan, Esq., Program Director, Consumer and Economic Advocacy Program

This winter, Brooklyn A's Consumer and Economic Advocacy Program increased its focus on seeking relief for our clients in the Bankruptcy Courts. We began pursuing cases in federal Bankruptcy Court because these courts are often better equipped than NY State Courts to handle loss mitigation and mortgage foreclosure.

**We began pursuing cases in federal Bankruptcy Court because these courts are better equipped . . . to handle loss mitigation and mortgage foreclosure. Bankruptcy Court generally has judges and Court personnel with . . . understanding of the needs of foreclosed homeowners**

Bankruptcy Court generally have judges and Court personnel with more experience addressing debt, are generally more understanding of the needs of foreclosed homeowners, and a history of compelling lenders and servicers to act fairly towards homeowners. Additionally, bankruptcy action can force the lender/servicer to respond or face the threat of substantial loss. This is in sharp contrast to the situation in state foreclosure proceedings where banks obstinately refuse to negotiate with the homeowner. In many of these bankruptcy proceedings, we represent clients who are members of traditionally under banked, financially unsophisticated, protected classes that have

been exploited by predatory lenders. Recently Brooklyn A, attorneys successfully defended two clients whose struggles are typical of the cases we see every day.

The first case was of a low income African-American woman, DA, and her elderly, disabled mother. DA's mother was sold a predatory loan during

the height of the housing bubble at a vulnerable time shortly before her death. DA was solicited as the jointly liable "co-signer"

on the mortgage despite the fact that she was also retired, on a fixed income and didn't live at the residence. Unfortunately, these details fit the typical profile of people targeted by lenders for unfair, predatory lending schemes. Upon her mother's death, the lender refused to negotiate in good faith to make the loan affordable or permit the property to have a short sale or simply accept the keys in exchange for relieving DA of the responsibility for the debt. Senior Staff Attorney, Ndukwe Agwu's filing of a Chapter 7 Fresh Start petition with consequent liquidation of assets petition changed the landscape entirely. By simply giving up all interest to the creditor bank, the

question of ongoing debt and responsibility was quickly resolved. With the legal expertise of Brooklyn A, DA was able to competently navigate the bankruptcy court, a rare asset for our client base. We resolved the earlier high cost loans by requiring the bank to accept the consequences for predatory lending by reclaiming its collateral. Because of this victory, DA will no longer be responsible for her mother's high interest mortgage. This relieves DA from worry of garnishment or asset seizure while she adjusts to retirement on a fixed income.

In another victory, Brooklyn A brought an aggressive, unscrupulous mortgage servicer to heel by exposing them to a Chapter 13 bankruptcy filing. In this case, Brooklyn A's client, DZ, is a female primary wage earner in her large Orthodox Jewish family. DZ provides interven-

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tions to disabled children as a contractor for the New York City Department of Education. While she is an accomplished, educated woman, her limited experience with real estate and finance

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put her at a profound disadvantage to successfully understand, evaluate, and negotiate a mortgage contract. She was targeted and sold an unaffordable mortgage by a person she had every reason to trust. After a diligent effort to pay, DZ inevitably defaulted on her mortgage. Her lender refused to alter the terms

of the loan in any meaningful fashion. At best, the lender vacillated between offering “breaks” in her payment obligations for several months or slight alterations in the monthly payment.

Our attorneys mediated and litigated this case for several years in state court and found the lender consistently resistant to creating an affordable loan.

Upon finding state court judges disengaged while the arrears continued to pile up, Mr. Agwu filed a chapter 13 petition. Within a month of the filing of the petition, DZ received an affordable loan modification that she can sustain as her family continues to grow.

In both of these cases, the credi-

tors have a history of discriminatory lending and reluctance to work with clients to modify loans to more reasonable terms. However, when Brooklyn A brought these creditors to Bankruptcy Court, creditors are quick to change their position and become amenable to renegotiating the terms of a loan. We believe putting corrupt lenders on the defensive by filing petitions on behalf of the borrower makes all the difference in obtaining a workable solution for our clients. Bankruptcy court is a crucial forum to gain leverage against creditors and battle the consequences of discriminatory lending. Brooklyn A is committed to obtaining all the relief that is possible in this new forum. ■

## Going Above and Beyond for all Members of the Family

By: Janna Levin, Esq., Staff Attorney, Persevering Affordable Housing Program, Individual Representation Unit

When I met Ms. W, this formerly homeless, disabled woman was facing eviction from the supportive housing residence she had come to call home. After suffering harassment and threats from her landlord’s employees, Ms. W asked management to intervene to keep her safe. Building management failed to stop the harassment, forcing Ms. W to make a police report. Ms. W felt the landlord had branded her a troublemaker, as the landlord changed her locks, and insisted that she give up her beloved cat, Pookie.

The harassment continued, culminating in a housing court case in which the landlord sought to evict Ms. W, blaming her for the harassment and threats she had endured. Brooklyn A got involved in the case, and quickly realized the landlord’s Petition was defective, and that the landlord had not provided the 30 days of notice required under New York City Department of

Housing Preservation and Development regulations. After Brooklyn A attorneys moved to dismiss the Petition, the landlord’s attorney agreed to drop the eviction proceeding. The landlord acknowledged Ms. W’s disability and agreed to transfer her to the first suitable vacancy in another of its buildings, away from the employees who had threatened her.

Brooklyn A also helped Ms. W reunite with her cat Pookie. Brooklyn A wrote a letter to the landlord, explaining that Pookie was legally classified as an emotional support animal, and the law required the landlord to allow disabled tenants to keep support animals as a reasonable accommoda-

tion. Brooklyn A helped Ms. W secure a letter from her doctor to document her needs. A few weeks later, building management agreed that Pookie could return. Reunited at last! ■



# New Staff at Brooklyn A

Help us welcome these great new additions to our staff!



## Caroline Iosso

Fair Housing Advocate, Preserving Affordable Housing Program, Group Representation Unit

Before joining Brooklyn A, Caroline did community outreach with the ACLU of New Mexico on the U.S./Mexico border. She focused on immigrants' rights issues, leading Know Your Rights trainings, documenting civil and human rights abuses, and helping to coordinate border wide campaigns. Prior to that, she worked as a homeless shelter advocate in Colorado. Caroline received her BA in Social Geography and Latin American Studies from Vassar College in 2012. She is fluent in Spanish.



## Yin Sok

Development & Communications Coordinator, AmeriCorps\* VISTA

Yin received her B.A. in Political Science from CUNY City College of New York in 2012. Prior to coming to Brooklyn A, she served as a Civic Corps member at the Mayor's Office

of Immigrant Affairs as a program coordinator. She is fluent in Mandarin and Khmer. She likes to read and cook.



## Joyce Vargas

Paralegal, Consumer & Economic Advocacy Program

Joyce is a recent graduate of New York City College of Technology with a BA in Legal Studies. She has been working in Foreclosure Defense since 2013 and is an avid advocate for homeowners. She hopes to advance her career in the legal field by attending law school in the future. In her spare time she enjoys spending time with family and friends.



## Tamara del Carmen, Esq.

Senior Staff Attorney, Low-Income Tax Clinic

Tamara del Carmen has 10 years of experience practicing law in New York and New Jersey. She is also admitted in the Federal Courts of New York and New Jersey. She received her bachelor's degree and graduated mag-

na cum laude from St. John's University, and her law degree from Albany Law School of Union University. Prior to joining Brooklyn A, Ms. del Carmen was a partner in a private practice for seven years representing clients in a diverse range of matters including bankruptcy, tax, real estate, immigration and litigation matters. During law school, Ms. del Carmen participated in the Low Income Taxpayer Clinic where she represented individuals with tax matters and negotiated with the Internal Revenue Service and the New York State Department of Taxation and Finance.



## Gustavo Silva Cano, Esq.

Staff Attorney, Community and Economic Development Program

Gustavo is an extern from Simpson Thacher and Bartlett LLP, where he is an associate in the corporate group. He is a 2013 graduate of the University of Pennsylvania Law School, where he was a senior editor for the University of Pennsylvania Law Review and a board member of the Latino Law Student Association. During his time in law school, Gustavo also volunteered with the Nationalities Service Center in Philadelphia doing pro bono immigration legal work. He received his B.A. from Princeton University in 2010. Gustavo was born and raised in Bogota, Colombia and is fluent in Spanish and proficient in Portuguese. ■



Brooklyn Legal Services Corporation A

Shriver Tyler MacCrate Center for Justice  
260 Broadway, Suite 2  
Brooklyn, New York 11211  
Phone: (718) 487-2300

### STAFF

**Martin S. Needelman, Esq.**  
Co-Executive Director, Chief Counsel

**Paul J. Acinapura, Esq.**  
Co-Executive Director, General Counsel

**Ndukwe Agwu, Esq.**  
Senior Staff Attorney

**Christina Bernardo J.D.**  
Brooklyn Law School Fellow

**David J. Bryan, Esq.**  
Program Director, Consumer & Economic Advocacy

**Samuel Chiera, J.D.**  
Brooklyn Law School Fellow

**Devin Corrigan**  
Development & Communications  
Coordinator, AmeriCorps\* VISTA

**Tamara del Carmen, Esq.**  
Senior Staff Attorney

**Vincent Duran**  
Legal Services Coordinator, AmeriCorps\* VISTA

**Joshua D. Hoffman, Esq.**  
Director of Finance & Administration

**Caroline Iosso**  
Fair Housing Advocate

**Shekar Krishnan, Esq.**  
Program Director, Preserving Affordable Housing, Group Representation Unit

**Tricia Lendore, Esq.**  
Americorps\* VISTA Law Fellow

**Janna Levin, Esq.**  
Staff Attorney

**Gregory Louis, Esq.**  
Staff Attorney

**Andrew Malozemoff, Esq.**  
Staff Attorney

**Leander (Lee) McRae, Esq.**  
Program Director, Preserving Affordable Housing Program Individual Representation

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Staff Attorney, Skadden Fellow

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Berkeley Law Bridge Fellow

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Program Director, Community & Economic Development

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Reception

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Staff Attorney, Simpson Thacher & Bartlett Extern

**Christopher Sina, J.D.**  
New York University School of Law Fellow

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Development & Communications  
Coordinator, AmeriCorps\* VISTA

**Joyce Vargas**  
Paralegal

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Young Professionals for Justice  
presents  
**RUCKUS FOR JUSTICE**  
an event benefiting  
Brooklyn Legal Services Corporation A  
THURSDAY, MAY 7TH  
7-11PM  
Bedlam  
Lower East Side

Brooklyn Legal Services Corporation A  
For more information and tickets <http://www.bka.org/events/ruckusforjustice>

**RAISE A RUCKUS FOR JUSTICE ON MAY 7TH!**

DATE  
**Thursday, May 7th, 2015**

TIME  
**7:00pm - 11:00pm**

WHERE  
**Bedlam**  
Bedlamnyc.com  
Lower East Side, 40 Avenue C  
New York, NY 10009

TICKETS  
**VIP Ticket - \$50**  
includes open bar wristband  
**Individual Ticket - \$30**  
includes 2 single- drink tickets  
**YPJ Member - \$25**  
includes open bar wristband

RSVP no later than May 1st, 2015

YPJ's Spring Fundraiser celebrates the young attorneys and social justice advocates that have been integral to Brooklyn A's work. YPJ members and their friends will enjoy a night of dancing, drinks, and light appetizers at Bedlam. Throughout the night, Brooklyn A staff will be on hand to share the stories of our clients, and how your support preserves vibrant, diverse communities throughout NYC.

CONTACT  
For questions about ticket purchases or support opportunities, contact:  
**Gloria Ramón (718) 487-2328**  
or [gramon@bka.org](mailto:gramon@bka.org)