

How to Interview a Florida Foreclosure Defense or Consumer Rights Lawyer



LOAN LAWYERS

Your Total Debt Solution Law Firm

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Introduction

As the old adage goes, knowledge is power. If you have downloaded this guide you are in the process of searching for an attorney to help you with your debt issues. First, congratulations on your decision to stand up for your legal rights and seek out an experienced law firm for help. Sadly, statistics show that in South Florida over 95% of homeowners that have had a foreclosure lawsuit filed against them or consumers facing other debt related legal problems, will never hire an attorney to represent them. Since the onslaught of The Great Recession (the global recession of 2009) we have tragically witnessed hundreds of thousands of South Florida homeowners lose their homes and livelihoods due to negligent, unscrupulous, and fraudulent actions by the banks and lending institutions that they had entrusted their whole lives. The bygone days of having personal relationships with people at their banks that really cared for their well-being were swept away by greed and excess, with peoples lives becoming nothing but another blip on a computer screen. What is even more tragic than the financial losses that destroyed countless families lives is the fact that if they would have had proper legal representation they may have not only been able to save their homes and savings, but even recovered money against the banks, loan servicers, and lending institutions as a result of their widespread fraud.

There are 3 main obstacles that are usually the determining factor in consumers failing to seek legal representation for their debt related needs. Our goal in providing you with this guide is to briefly touch on those issues, as well as provide you with a simple and effective tool that you can utilize when searching for the right lawyer to assist you for your specific legal needs. Our hopes and wishes are that you should never have to use this guide. Nevertheless, if your bills are mounting and you find yourself in the need of debt assistance and don't know where to turn, our intentions are to provide you with a clear compass on how to find an honest and fair law firm that can guide and assist you.

Obstacle #1: “But I Owe the Money”

This is the most common reason given by homeowners and consumers as to why they do not hire a lawyer for their debt problems. While it may seem to make sense logically, from a legal standpoint nothing could be further from the truth. What most people fail to realize is that there are a multitude of State, Federal, and Regulatory statutes, codes, and laws that are in place to help protect citizens’ rights that are facing foreclosure or other debt related issues. The fact that someone owes the money on the underlying debt is completely irrelevant as to whether or not his or her rights have been violated under the law. Banks, lenders, and debt collectors exist for one reason, and that is to make money, and as much of it as possible. They know that statistically most people will never seek out a lawyer to help them with their problems, and many of those that do will not hire a lawyer that is seasoned enough to know the many nuances of consumer law and litigation. With that knowledge they often cut corners, act negligently, or willfully deceive or defraud consumers in an effort to minimize the amount of time they spend and maximize profits.

An experienced and effective consumer rights litigation lawyer will not only be well versed on the many laws in place to help consumers, but will know how to effectively implement the right combination of legal strategies, that could result in not only collecting a monetary recovery on behalf of their clients’, but even completely eliminating the underlying debt that they are being sued over in the first place.

Obstacle #2: “I Cannot Afford a Lawyer”

People that are in debt often don't even consider hiring a lawyer to stand up for their legal rights, reasoning that if they can't afford to pay their bills, how could they possibly afford to hire an attorney! Furthermore, if you are going to hire a lawyer you want to hire the best law firm available to fight for your rights, and don't the top lawyers charge a fortune? Before we even get into the costs of hiring an experienced and aggressive lawyer that will diligently fight for your rights, the first step is to sit down for a face-to-face meeting with a lawyer to explain the specific debt problems that you are dealing with. Any lawyer that has the slightest altruistic demeanor will be willing to offer you a free consultation to go over your legal matters in detail. An educated consumer is a smart consumer, and you have absolutely no commitment whatsoever to hire the law firm that you meet with for a free consultation. You have nothing to lose and everything to gain by explaining your debt problems to a local licensed South Florida attorney that can advise you as to what your rights are, what solutions are available to you, and what they will cost you.

As far as the actual cost of hiring an experienced consumer rights lawyer to help you with your debt issues, you will be surprised at how affordable it really is. While lawyers in general don't have the greatest reputation as being compassionate, we firmly believe that there are still many lawyers out there, especially those that are fighting for consumers' rights, whose primary focus is still on helping people by providing them with exceptional legal representation at an affordable price. There are far more lucrative areas of law to practice in, so those lawyers that do limit their practice to consumer rights and debt solutions are well aware of the plight of the average working class citizen. Therefore with a little bit of research and legwork, you should be able to easily find an experienced attorney that is also affordable. Furthermore, lawyers that are willing to help usually offer an affordable payment structure, as well as payment plans that work for your budget. In addition a large majority of consumer debt cases are handled strictly on a contingency fee basis, meaning that if your case isn't won and there is no financial recovery on your behalf, you won't owe any legal fees or costs whatsoever.

Obstacle #3: “How do I Know Which Lawyer to Choose?”

Looking for and hiring an attorney, especially the right attorney for your specific legal needs is an intimidating and daunting decision for many people. The truth is that it shouldn't be. Like doctors, good lawyers specialize in their particular field. Often people make the mistake of hiring the wrong lawyer by asking a friend or an acquaintance, “Do you know a good lawyer?” While that may be a starting place, it should by no means be the end of your search. It is important to meet with more than one lawyer and not just pick the one that someone you know tells you about.

You want to find a lawyer that is confident, trustworthy, and has the right experience to most effectively represent you. When you are facing debt issues you don't just want to hire a lawyer, you want to ensure you find the right lawyer for your individual problem. We invite you to read on, and hope this guide will help.

12 Questions to Ask When you Are Interviewing a Consumer Rights or Foreclosure Attorney:

1. How many lawyers are in your firm?

While the number of attorneys that practice at a particular firm is not conclusive as to what kind of legal representation you are going to get, it is important to know. Typically sole practitioners may not be in a position to always be available to help. I'm sure you have been to businesses or law firms that are run by a "1 man band". While that may be okay, what happens when that lawyer gets sick? Goes on vacation? Is in trial for 2-3 weeks? Has a personal emergency? How about if he or she takes on too many matters at once, what kind of personal attention will you be able to get? The other end of the spectrum is just as discouraging; the prospect of getting lost in the shuffle at a 100 lawyer firm is more than frustrating. While there is no exact science you want to find the sweet spot in picking the right law firm to be by your side throughout the legal process. First, you want to ensure that the firm is large enough to have the financial resources and manpower to go up against the banks, lending institutions, and debt collectors, yet at the same time be able to give you the personal attention you need. Second, always make sure that you meet a licensed Florida attorney when you have your first consultation (that should always be free). If your first meeting is with a paralegal or a secretary, that is a sign that you probably won't be having much, if any, contact with the lawyer, which means stay away. Third, always make sure that you will have an individual lawyer that is assigned to your case and that you have the lawyer's phone number and e-mail so that you can reach him or her whenever you need to speak about your case.

At Loan Lawyers we have a team of 11 attorneys on staff to assist our clients in every aspect of consumer rights litigation and foreclosure defense. We are large enough to have the knowledge, tools, and resources to go up against the banks, credit card companies, and debt collectors, yet small enough to give you the personal attention you need. When you contact Loan Lawyers you will have a free, no-obligation consultation with a licensed Florida Attorney. Once you retain our firm to represent you, you will be assigned a specific attorney that will be working together with you on your case. That attorney will be available to you, and reachable by phone, e-mail, and face to face meetings whenever needed. We take great pride on being accessible to our clients throughout the legal process.

2. Where is your firm's main office located?

This is a simple question that makes all the difference in the world. You want to make sure that you not only hire a licensed Florida attorney to hire you with your debt problems, but that the lawyer's main practice location is in South Florida. There are many "statewide" or "national" law firms that put satellite offices in South Florida, but whose main presence is in a different part of the state, or a different state completely. You want to make sure that you can visit the lawyer assigned to your case at any time, and that the law firm you hire doesn't just have a local presence, but their main office is in South Florida.

Loan Lawyers, as well as all of our attorneys and staff work and live right here in South Florida. Most of us grew up here and truly want to give back to our hometown community. Our main office is in Fort Lauderdale, and we also have offices in Miami and Delray Beach.

3. What is the combined amount of years the lawyers in your firm have been practicing?

While there is no magic formula here, the right answer is usually obvious when you hear it. There are lawyers that have been around forever, but may not be abreast of the latest changes and innovations in the law. There are also lawyers that just started practicing who may not have the requisite experience that you need, but are very eager and hardworking. You want to stay away from a firm that is very young and has no experienced lawyers, and at the same time steer clear from a firm that is filled with dinosaurs. Generally speaking the best fit is usually a firm with varied levels of experience that has both senior lawyers and junior lawyers. This way you have a good mix of seasoned knowledge and experience and young hungry ambition.

Our Lawyers have over 90 years of combined experience helping and representing people. We have older seasoned experienced lawyers, as well as younger ambitious associates. We are energized, dynamic, and on the cutting edge of all the aspects of law we practice in.

4. What percentage of your practice is dedicated to transactional work and what percentage is dedicated to litigation?

As a result of the tremendous financial recession over the past several years, not only have consumers been negatively affected, but lawyers and law firms have been adversely impacted as well. The result of the fall out has been that many lawyers whose practices have been predominately involved in transactional work (such as drafting contracts, doing real estate closings, or negotiations) have recently started handling litigation (going to court, filing motions, conducting discovery, going to trial, and filing appeals). This is a sign that the law firm is probably not what you are looking for. No matter how big or small your consumer debt issue is, rest assured that the bank, lender, or debt collector that is trying to take your home or money, is going to go to great lengths to fight and win your case. Therefore you want your lawyer to have a wealth of experience, knowledge, and skill where it matters the most, in the courtroom. Even if your debt issue may not yet have resulted in a lawsuit being filed against you, you want to make sure that the other side knows that you have a firm on your side that has the courtroom experience necessary to win your case. Make sure to ask the lawyer you are interviewing what kinds of discovery they are going to file in your case (discovery is a tool utilized to gain facts and information in litigation; it consists of Request for Admissions, Interrogatories, and Request for Production). Also ask them if they plan on conducting depositions in your case (depositions are face to face sworn, recorded interviews with employees, officers, and other officials from the other side that are used to gain valuable information). If the lawyer you are interviewing doesn't conduct extensive discovery in your case, you probably are not interviewing a lawyer that is really going to fight on your behalf. This is especially relevant in foreclosure defense where many fly by night foreclosure defense lawyers have popped up who don't really litigate cases, and instead just use delay tactics. When selecting a consumer rights firm for your debt problems, make sure you hire a law firm that not only does some litigation, but whose practice is solely dedicated to truly litigating and fighting cases in court.

At Loan Lawyers our practice is 100% dedicated to litigation. We don't work on contracts, handle closings, or any other transactional work. We believe in being the best at what we do, and thus we vigorously fight to protect our clients' rights from the beginning of the case to the end. We conduct all aspects of discovery and utilize whatever legal means available to win for our clients.

5. Do you go to trial? If so how many trials have your firm handled? What is your winning percentage?

This is probably the single most important question that you are going to ask the prospective law firm that you are interviewing. As mentioned in the question above there is a big difference between a law firm that does some litigation work and a law firm that only handles litigation. Well there is even a bigger difference in a litigation lawyer and a trial lawyer. While the majority of court cases do wind up reaching settlements, those settlements, and the success of your case, is directly impacted by your lawyers' actual trial experience. Bluffing it can only go so far, every bank, lender, or debt collector attorney keeps detailed records of the lawyers that represent consumers. Always remember that banks and debt collectors look at you and your legal matter solely as a dollar sign. Every case is sent to accounting and risk management departments that measure the financial risk of going to trial versus settling the case. When they know that they have a good chance of winning at trial due the consumer lawyer's inexperience or total apprehension to go to trial, the result is substantially different then when they are facing a lawyer with over a hundred trials under his belt, especially when the majority of those trials have resulted in the consumer winning the case. Furthermore, not all cases will settle. Too common are the stories of so-called 'litigation' attorneys that sell their clients out due to their being unable or unwilling to go to trial. This is a very common practice in foreclosure defense, where a lawyer will litigate the client's case up to the point where its set for trial, then instead of going to trial the client will be told they need to agree to a 120 sale date. We've seen tens if not hundreds of thousands of people give their homes back to banks solely because they hired the wrong law firm that doesn't try cases. When it comes down to it, you want to make sure that you hire a firm that not only has extensive trial experience, but that has a proven track record of winning.

From the moment that Loan Lawyers accepts a case we have the courtroom and trial in mind. We fight to win, which means that we build our legal strategy in every case with the end goal being defeating the other side at trial. Our trial team has taken over 100 cases to trial, and when we are facing the bank and collector lawyers in court, they know that we are going to go the distance if needed. Over the past 2 years alone we have tried close to 50 cases with an 80% success rate. As a result of our hard work and success at trial we have been able to not only win most of our trials, but put our clients' in the best position possible to maximize their results, whether it be at trial, or in settlement negotiations prior to.

6. Do you handle appeals?

Things don't always go the right way in court and judges, like anyone else, sometimes make mistakes. In the event a judge misapplied the law, made an incorrect factual finding, abused his or her powers or acted outside the scope of his or her jurisdiction, was biased, or did not properly consider the evidence, an appeal can be made to a higher court in order to review and possibly change the lower court's decision. A good trial lawyer litigates a case from day one with the thought that the case may wind up in trial. The same goes for appellate law as well. While at trial a good trial lawyer that also handles appeals will always lay the proper foundation in the event of an adverse ruling so that the case can be appealed to a higher court in the event of judicial error. Thus it's of the utmost importance to make sure that you hire a law firm that not only takes cases to trial, but that will appeal improper or incorrect decisions to a higher court if necessary.

Loan Lawyers is not only a litigation and trial firm, but we are also an appellate firm. We are diligent in making sure that the court record is preserved, and in the event that a judge misapplies the law or makes an incorrect legal ruling, we are readily available to file an appeal on our client's behalf. In fact, there is rarely a time that we don't have several appeals being written and filed, eager to hold the lower court to the strictest of compliance, and ensuring that our client's legal rights are protected and represented to the highest court possible.

7. What other areas of law does your firm handle?

This is an extremely important question that you want the prospective law firm you are interviewing to answer. If God forbid you or a loved one needed to have open heart surgery how comfortable would you be if you interviewed the prospective doctor and found out that he or she also handles podiatry, pediatrics, and dabbles a little in optometry? Lawyers, just like doctors, fall in to two main categories; there are general practitioners and specialists. We strongly believe that in order to be the best in your particular field, the optimal situation is to specialize in one area of law and excel in that area. There are plenty of "door lawyers" out there who are called door lawyers because they handle any case that comes in the door, but when you want the best team for your legal issue, especially in consumer litigation which can be quite complex, make sure you hire a firm that specializes in only consumer debt related issues.

We believe in being the best, and giving our clients' the best legal representation possible. In order to do that we specialize in only one area of law, and therefore our practice is limited to only helping homeowners and consumers with debt related issues.

8. What areas of consumer litigation does your firm handle?

This is also a very important thing that you should find out. Too often we have seen clients that met with consumer lawyers that only file bankruptcy or only do foreclosure defense, or don't handle loan modifications, and as a result they have been given improper or incomplete advice. If a lawyer only handles one aspect of consumer litigation, the chances are that you will not be given the optimal solution for your problem. Debt problems are often so intertwined and tend to cross over between various state, federal, and regulatory laws and statutes. A good lawyer not only knows the law, but is an expert strategist, knowing not only the many areas of law that apply to the client's specific situation, but when and how to utilize them. In order to make sure that you are getting the correct legal guidance for your specific problem it's highly recommended that you meet with a lawyer that can offer you a multifaceted approach by applying the ideal legal solution for your debt problem, not just the area of consumer law that he or she happens to be handling.

What sets Loan Lawyers apart from other firms in South Florida that help consumers is our unique and multifaceted approach. Too often we have had clients tell us that the previous attorney they met with told them they should just file bankruptcy, yet after analyzing their whole debt picture we have been able to recover tens of thousands of dollars for them by filing multiple lawsuits against their debt collectors for violations under State and Federal law, while vigorously defending their credit card cases and getting the debts removed, and taking the bank that is holding their mortgage to task and emerge victorious against them at trial. Then there are lawyers that only handle foreclosure defense and cannot give their clients' the best legal solution, which may be a Chapter 13 Bankruptcy with cram downs and loan strip-offs that could result in hundreds of thousands of dollars in principal reductions and owning their properties free and clear in 5 years. That is why from day one Loan Lawyers was built around putting the client first, and therefore we provide a unique and creative approach to every client's debt situation, often employing a multi-prong defense and attack for each area of their debt obligations. We represent consumers and homeowners in Foreclosure Defense, Lender Fraud, Loan Modifications, Short Sales, Bankruptcy, Credit Card and Debt Defense, Debt Collection Harassment and Abuse, Unauthorized Texting and Cell Phone Contact Litigation, Credit Reporting Abuse, and Student Loan Debt Assistance and Litigation.

9. What kind of lawsuits do you file against banks, lenders, and debt collectors?

The saying “The best defense is a good offense” couldn’t be more apropos then in consumer rights litigation, and especially in foreclosure defense. If a client is sued by a bank, debt collector, or foreclosed on, simply defending the case is not enough. The whole purpose of filing lawsuits against these entities is to not only recover additional money on behalf of the client, but to gain leverage in the underlying cases. When a bank forecloses against a homeowner for non-payment to try to negotiate with them is the equivalent of being covered in blood and swimming up to a shark and asking it for help. But when the bank is put up against the wall after being sued numerous times throughout the litigation, the homeowner is able to gain leverage and is put into a much better negotiation or settlement posture. The same holds true for other aspects of consumer litigation as well. Getting the maximum result for your clients means suing banks, lenders and debt collectors through whatever means possible in order to level the playing field. Prior to hiring an attorney, make sure that they aren’t just ‘defending’ you, but that they will also aggressively file lawsuits on your behalf. Some of the main statutes that are key to sue under for not only maximizing your financial recovery, but also putting you in the best position possible in the underlying case include; TCPA (Telephone Communications Protection Act), FDCPA (Fair Debt Collection Practices Act), TILA (Truth in Lending Act), RESPA (Real Estate Settlement Procedures Act), CFPB (Consumer Financial Protection Bureau), FCCPA (Florida Consumer Collections Practices Act), and the FDUTPA (Florida Deceptive and Unfair Trade Practices Act).

When a client comes to Loan Lawyers for help with their debt issues, rest assured we will use every legal strategy available to maximize their recovery. It’s not uncommon for a consumer or homeowner to come to Loan Lawyers for foreclosure defense or bankruptcy, and wind up making money by our unique approach of holding the banks and debt collectors responsible for their negligent or fraudulent behavior. Furthermore, by suing banks and collectors under the TCPA, FDCPA, TILA, RESPA, CFPB, FCCPA, FDUTPA or any combination of these statutes we have been successful in getting clients’ principal reductions of 70% or more on their mortgages as well as their underlying debts completely removed.

10. How many actual homes has your firm saved in South Florida?

If you are interviewing a foreclosure defense lawyer with the goal of saving your home, it's paramount to know what their previous track record is for saving homes. Since many lawyers will simply delay a case until the end and then agree to a 120 sale date as opposed to going to trial, you want to make sure that before you hire someone they can tell you how many homes they have saved here in South Florida.

There is nothing more rewarding for us than to save a client's house from foreclosure. This may mean winning their case at trial and them living in their home without needing to pay their mortgage, or by getting them a loan modification that they can afford, often with a substantial principal reduction. Through hard work, effective litigation, and winning at trial we have saved well over 1,000 homes in the South Florida area.

11. How much money has your firm collected on behalf of your clients due to bank or collection agency violations?

As discussed above in question 9, it is of the utmost importance that the law firm you hire not only will defend you, but that they will also file lawsuits on your behalf against the bank, servicer, or debt collector. In addition to gaining leverage in the underlying foreclosure or debt case, these lawsuits could result in you recovering thousands of dollars, tens of thousands of dollars or more. Make sure you hire a law firm with a proven track record for recovering money on behalf of their clients for debt violations.

By holding banks and debt collectors responsible and suing them under a multitude of state, federal, and regulatory statutes we have recovered over \$2 million dollars on behalf of our clients. In addition we are currently litigating hundreds of cases against banks and collectors with tens of millions of dollars in violations pending.

12. How much money in principal mortgage reductions, elimination, and other discharge of debts has your firm obtained for your clients?

While a lawyer's past results are not a conclusive indicator of future results, they are definitely a good way to see what kind of work the lawyer is doing. Many law firms promise the world to clients just to get their case, yet they may not have any proven record of success to back it up. If the lawyer you are interviewing cannot tell you how much money in principal reductions, mortgage elimination and discharged debt they have procured on behalf of their clients, then you should probably seek out a different law firm that has proven quantifiable results for their clients.

Loan Lawyers results truly speak for themselves. We have procured over \$15 million dollars in mortgage principal reductions and have eliminated over \$10 million dollars in debt on behalf of our clients. These numbers are constantly growing and we currently have more than double that amount pending in litigation.