

The Top 12 Questions To Ask A New York Foreclosure Attorney

1. Are you licensed to practice law in New York?

Although this may seem like a silly question at first, this is first thing you should ask a prospective law firm. There are many non-licensed out-of-state attorneys who are taking advantage of homeowners and are only trying to make a buck in New York. Asking questions such as “Will you represent me in New York court?” may seem to be superfluous at first, but may be the difference between a successful or failed foreclosure defense.

2. How do you get paid?

It would seem to make the most sense that lawyers who are helping financially troubled people would attempt to find some way to help people pay for their services. However, many law firms still charge high hourly rates for foreclosure defense. Some law firms offer alternative fee structures that make it easier for homeowners to afford their services.

3. Will I have to pay any additional fees that you haven't mentioned?

Additional fees vary by law firm, and unlike other states, New York has no filing fees. Some law firms ask that you pay additional fees up-front; others integrate them into their regular payment structure.

4. If I retain (hire) you to represent me, how long will a foreclosure case like mine typically take to complete?

No one can or should guarantee how long your case will take, but in New York courts, an uncontested foreclosure case can be completed as quickly as 6 months.

5. Will I have to attend a foreclosure settlement conference?

In New York, once foreclosure has been served, the court is required to schedule a settlement conference within 60 days. This conference allows the homeowner to meet directly with their lender to attempt to find a resolution. It's important to have an experienced foreclosure attorney at your side for this type of conference, as a successful conference can lead to loan modification or some other solution to stop foreclosure.

6. How many cases similar to mine have you and your firm handled?

The art of foreclosure defense and loan modification have been in the mainstream for long enough now (the housing crisis was in 2008), that you should expect for your legal representation to at least have a reasonable amount of experience. Believe it or not, many lawyers and law firms are still cutting their teeth on foreclosure defense cases... even if the fate of someone's house hangs in the balance! It's a smarter decision to select an experienced attorney.

7. What is the general trend in foreclosures in my part of New York?

It's important for your lawyer to stay abreast of the latest trends in foreclosure defense. With New York's fluctuating property values and the vast amount of homes in foreclosure, you should be able to trust your attorney to help you determine what actions are best for you and get results.

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7501 NW 4th Street, Suite 207, Plantation, Florida

A Law Firm Providing Foreclosure Defense, Loan Restructure, Deed-in-Lieu of Foreclosure, Short Sale, Bankruptcy and Other Services.
Representing Clients in Florida, Illinois, New Jersey, New York, and Pennsylvania.

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8. Will you be negotiating a loan workout solution for me or do I have to work with my bank on my own?

- Some law firms provide you with legal advice to help organize your negotiations, but require you to do the talking with your bank.
- Other law firms will negotiate with your bank for you, but will charge hourly fees for each call to the bank.
- Some law firms handle negotiation with the bank as part of their strategy to help you keep your home, and simply include this as part of their foreclosure defense services at no additional cost.

9. What is your approach to client interaction?

Over the years, law firms have developed a terrible reputation for their lack of communication with clients. If a law firm is dedicated to open communication with its clients, they will be able to tell you how often (weekly, monthly, “as necessary”), and by what means you will receive updates on the status of your case. Some firms communicate by email, phone, or even an internet portal.

10. Are you trying to help me stay in my home permanently, or are you simply trying to keep me in my home as long as possible?

Even though there are several types of foreclosure defense, the goal of foreclosure defense falls into one of two categories: trying to help you keep your home, or trying to help you stay in your home as long as possible until the foreclosure has been completed. A good lawyer will evaluate your individual situation to understand your desires and will then recommend the best course of action to achieve your goals. The attorney should help to set your expectations to be realistic and obtainable. If you are guaranteed a “free house,” **run FAST!!**

11. What sets your firm apart from others?

While there are several different ways to handle foreclosure defense, such as:

- Just filing the necessities
- Proactive foreclosure defense
- Suing the bank

The majority of lawyers only use one kind of defense and stick with it. Other law firms may offer several kinds of foreclosure defense, but aren't incredibly experienced in any particular method. The optimal law firm would be one that is highly experienced in several kinds of foreclosure defense, and is able to correctly select the method of foreclosure defense that best fits your situation.

12. If your law firm has told you how they've chosen to go about your foreclosure defense: Why would you choose this method as opposed to another method?

When you ask a question, you don't want an answer that amounts to “because I said so.” Instead, a law firm should be able to explain why they have chosen to defend you in a particular way. As their client, you have the right to understand what is going to happen to you, and the success of your attorney will be greatly increased by your cooperation.

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