

Quarterly Report

July-September, 2009

Inside this issue:

- 3 staff attorneys 2
join NLS
- NLS partners 2
with WLS in
Elko
- Post-foreclosure 2
eviction laws in
effect
- HR Corner 3
- Pro Bono News 3
- Notes from the 3
Executive Dir.

Special points of interest:

- Staff highlights Zoraida Cruz and Lorena Mejia.
- Pro Bono attorney highlights Brittany Woods, Esq.
- Save the Date! Don't forget the Champions of Justice Luncheon in October!
- NLS says hello to 3 new staff attorneys.

NLS Mortgage Foreclosure Program Up and Running

Starting July 1, 2009, NLS began assisting homeowners potentially facing foreclosure with foreclosure counseling and negotiation with lenders and servicers. Zoraida Cruz and Lorena Mejia have done an unbelievable job tackling this new program head on.

Both Zoraida and Lorena have attended multiple events to reach out to delinquent homeowners in order to talk to homeowners about their mortgages and complete intakes on potential clients for our program.

On July 24 and 25, Lorena and Zoraida, along with Steven McDonald, attended an event at the Aliante Station Casino and Hotel to assist homeowners. Over 1500 homeowners attended the 2 day event in order to speak with their mortgage servicer and receive foreclosure counseling. A number of housing counseling agencies in the Las Vegas area attended the event in order to maximize assistance to homeowners.

As part of the pro bono program, Steven McDonald was also able to obtain volunteer attorneys to help homeowners at the event. 10 attorneys assisted by answering questions for homeowners on foreclosure and other legal topics. On Friday, July 24, Karl Anderson, Esq., Law Offices of Karl Andersen; Sam Kern, Esq., Santoro, Driggs, Walch, Kearney, Holley & Thompson; Scott Olifant, Esq.; Susan Trautmann, Esq., NV Energy; Darren Welsh, Esq., Darren A. Welsh, Chartered; Jim Stout, Esq., Stout Law Firm. On Saturday, July 25, Paul Connaghan, Esq., Deaner, Deaner, et al.; Steven Shin, Esq., Michael R. Mushkin & Associates; Cuthbert Mack, Esq., Cuthbert Mack Chtd.; Earl Hawley, Esq., Hawley Law Offices.

Funding for the foreclosure program comes from the National Foreclosure Mitigation Counseling Program. HUD approved housing counseling agencies receive funding based on the level of service provided for each client qualifying for service.

Zoraida Cruz and Lorena Mejia also attended an outreach event sponsored by Congresswoman Dina Titus at the Henderson Convention Center in July (see picture page 3).

David Olshan and Rhea Gertken also presented an updated foreclosure CLE on July 21, 2009. Again, Lionel Sawyer graciously hosted the presentation for NLS. Approximately 60 attorneys attended the presentation with many attorneys agreeing to take a pro bono case from NLS through our pro bono program in order to attend the CLE for no charge.

In September, David Olshan presented a seminar on behalf of the CCBA and on September 16, 2009, a CLE was held at the Silver Legacy in Reno.

NLS Attends the 2009 Tax Forum in Las Vegas

NLS has, for years, been a Low Income Taxpayer Clinic (LITC) and is the only LITC in Nevada providing assistance to low income Nevadans with tax controversies and back tax debt. Roxana Castillo recently took over responsibility for the LITC program in the Las Vegas office and spent many hours at the Tax Forum talking to IRS representatives and advocates alike.

Herb Hammerstaedt from the Carson office also attended the Forum. Some of the seminars available included informational session on the Earned Income Tax Credit and problems with identity theft.

Steven McDonald also attended the Tax Forum in an effort to bolster NLS's pro bono program and to expand the pro bono panel in order to assist clients in tax controversies.

After the forum NLS staff also met with representatives from the IRS and TAS the Taxpayer Advocate Service regarding our grant. The site visit, while noting many problems with our current program, only had positive things to say about the staff and our new start in moving forward with the LITC program.

3 New Staff Attorneys Join NLS!

NLS would like to welcome 3 new staff attorneys this quarter!

Carrie Henrichsen joined the Carson City Office in August. Prior to joining us, Carrie was the first AmeriCorps legal fellow in South Dakota, having created the program and infrastructure to expand legal resources to the underprivileged. Carrie worked with law students and legal aid organizations to provide low income residents of South Dakota access to justice in family law matters.

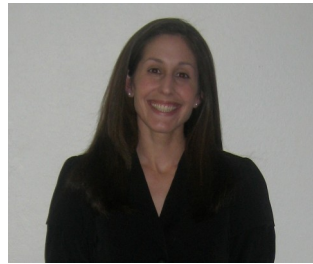


Jennifer Soderlund joined the Reno office in September from the bay area. Jennifer worked previously as a law clerk for District Attorney's offices and volunteered for Senior Adults Legal Assistance while in law school.

Tera Hodge, a recent UNLV grad, started in the Las Vegas office in September. Tera participated in the immigration clinic at UNLV Boyd School of Law and even clerked for an Immigration Law Judge in immigration court. Tera also clerked for a US Magistrate Judge prior to joining NLS.



We are very excited to have all 3 of these exceptional attorneys on staff at NLS. We look forward to working with them and helping them become great advocates for our clients and great representatives of NLS as we continue to move forward.



NLS Partners with Washoe Legal Services in Elko

In June, Amy Gonzalez of the Elko office, in conjunction with WLS' program coordinator, Renee Kelly, conducted a Self-Help Legal Forms Clinic.

Amy and Renee Kelly from WLS provided information and assistance with the family law self-help forms approved by the Nevada Supreme Court. United Way provided their facility for the event. A number of representatives from various agencies in Elko attended.

Although the clinic was far from a 'sold out' event, it was an excellent way to reach out to the community.

Amy will be coordinating another clinic in Elko in the near future.

Renee also enjoyed participating in the Forms Clinic and is excited by the prospect of continuing to partner with NLS in Elko to reach out to the community. Renee also hopes, along with Steven McDonald, to engage more private attorneys to assist with the Forms Clinics to create a pro bono component to the clinics. Pro bono attorneys interested in helping out with the clinics may provide an additional assistance to the community.

Renee Kelly from WLS is also interested in expanding the Self Help Legal Forms Clinics and, in addition to working with Amy on an additional clinic in Elko, is also interested in holding additional clinics in the Reno office.



New Post-Foreclosure Eviction Laws In Effect

Beginning May 21, 2009, bona fide tenants renting homes sold at foreclosure are entitled to a longer notice period and may even be entitled to stay through the remainder of a written lease agreement entered into before the foreclosure. The Protecting Tenants at Foreclosure Act [S.896], Public Law 111-22, effective May 20, 2009, the immediate successor of a home following a foreclosure sale must honor the lease agreement of any bona fide tenant residing at the property or provide 90 days notice to vacate if

the tenant does not have a current lease agreement. If the new owner is going to live in the home as the primary residence, only 90 days notice is required.

Nevada also adopted new post-foreclosure tenancies laws this past session which go into effect October 1, 2009. The Nevada law expands the notice period to 60 days instead of the former 3 days and forces the new owner to step into the shoes of the old owner prior to the foreclosure sale. While the 90 days of the

federal law supersedes the 60 day state notice period, the Nevada law is not limited to bona fide tenants.

NLS staff assisted numerous tenants in foreclosed homes defend against improper eviction notices issued by new owners. Whether it was a new owner filing a Complaint for Eviction prior to the expiration of the 90 day notice or seeking to summarily evict the tenant, the evictions have been denied and the tenants allowed to remain in their homes.

S.896
To prevent mortgage foreclosures and address mortgage credit availability:
(Enacted as agreed to or Passed by both Houses and Senate)

TITLE VII-PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 70. SHORT TITLE

This title shall be cited as the "Protecting Tenants at Foreclosure Act of 2009."

SEC. 70. EFFECT OF FORECLOSURE ON PREEXISTING TENANCY

(a) In General.—In the case of any foreclosure on a federally-related mortgage loan or on an obligation secured by real property that is the principal residence of the title, any applicable notice or agreement in such property interest to the foreclosure shall remain in effect subject to—

(1) the provisions, by such recipient in respect of a notice to vacate to any bona fide tenant or tenant in possession of such interest;

(2) the rights of any bona fide tenant, or of the donee of such interest of foreclosure;

(3) the rights of any bona fide tenant entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the land to a purchaser who will occupy the land as a primary residence, subject to the receipt by the tenant of the 90-day notice under paragraph (1); or

(4) any other law or rule that is more favorable to the tenant than State law, subject to the receipt by the tenant of the 90-day notice under subsection (1).

except that nothing under this section shall affect the requirements for foreclosure of any Federal- or State-secured mortgage or any State or local law that provides longer lease terms periods or other additional protections that shall be considered bona fide rights of—

(1) the mortgagee or transferee, the mortgagee or party to the mortgage under the contract to sell the mortgage;

(2) the lender or transferee in respect of any debt that is not subordinated and that the lender or transferee of the debt must not subordinated or subordinated due to a Federal, State, or local statute;

(3) the State, the program or the recipient of the debt, or the lender or transferee of the debt (as determined in section 1 of the Real Estate Settlement Procedures Act of 1974) (12 U.S.C. 2601).

S. 896 became effective on May 20, 2009. Nevada's new 60 day notice goes into effect on October 1, 2009.

HR Corner

HR Notes and News

The Administration staff moved in order to accommodate our growing staff. Elleyette and Roberta began working across the street from the Las Vegas office, at 525 S. 6th Street, in September.

Staff Additions

3 new staff attorneys joined NLS this past quarter. See article on previous page.

Staff Losses

Jessica Hurtado, Office Manager for the Reno Office, left NLS at

the beginning of August. America Sanchez will take her place as Office Manager of the Reno Office and has already been filling that role.

Staff Highlight

Zoraida Cruz and Lorena Mejia, Housing Counselors

Zoraida Cruz and Lorena Mejia became Housing Counselors for NLS in July in order to meet our obligations under the Foreclosure Mitigation Counseling grant. Zoraida and Lorena have begun dedicating significant portions of their time to foreclosure counsel-

ing. Zoraida even attended a foreclosure counseling seminar to get up to speed on the basics of foreclosure counseling presented by Neighborworks in Chicago in August.

Both Lorena and Zoraida have also dedicated more than a few Saturdays to various foreclosure outreaches including a major 2 day event at Aliante Station and an event sponsored by Congresswoman Dina Titus in Henderson. They have also attended meetings to discuss foreclosure counseling in Nevada, strategies for counseling, and the current state of foreclosures in Nevada.



Zoraida Cruz (l) and Lorena Mejia (r) assist troubled homeowners at an event sponsored by Dina Titus in July 2009.

Pro Bono News

NLS continues to recruit volunteer attorneys through the Foreclosure CLEs presented by David Olshan and Rhea Gertken. Steven McDonald also attended the Tax Forum in Las Vegas in July and started recruiting attorneys to assist NLS with its LITC work. Ron Serota has graciously agreed to act as our Qualified Tax Expert under the LITC grant. As the Qualified Tax Expert, Ron has made himself available to the staff to discuss cases and to assist Roxana in her outreach efforts on tax issues.

The Reno Foreclosure CLE also provided more attorneys willing to volunteer their time for NLS. Bert Guerra has agreed to take a case of Heather Anderson-Fintak's which was transferred to Washoe County. Sarah Carrasco, Esq. has also taken a family law case in Reno.

Steven continues to expand our pro bono panels in Las Vegas and Reno. We hope to see more volunteer attorneys helping staff in the TRC and our attorney staff with cases to best help our clients.

Pro Bono Attorney Highlight

Brittany Woods, Esq. has agreed to volunteer on our LITC pro bono panel. Ms. Woods has already agreed to take one case from NLS from our LITC program and hopefully will continue to take cases as we continue to build our LITC program.

"The Reno Foreclosure CLE also provided more attorneys willing to volunteer their time for NLS."

Notes from the Executive Director

NLS revived its old Pro Bono Program in 2009. A new Pro Bono Coordinator, Steven McDonald, was hired in the Spring and the Pro Bono Program is beginning to take solid root. The Program provided CLE trainings on mortgage foreclosure in Nevada for private attorneys. As a result of the trainings, NLS now has a roster of over 60 attorneys in Clark County that have volunteered to provide legal assistance to our clients in numerous areas of law. The next CLE will be held

in Reno in September and we hope to bring in new colleagues for the four dedicated pro bono attorneys in Reno who have taken so many cases on behalf of our clients.

In addition to our in-house Pro Bono Program, NLS continues to collaborate with Volunteer Attorneys for Rural Nevada to provide pro bono attorneys for residents of rural Nevada. NLS has also begun a collaboration with Washoe Legal Services to bring

Pro Se Clinics to the rural communities where we assist those who will be representing themselves. We are also working on a project with Washoe Legal Services and the Administrative Office of the Courts to bring video conferencing capabilities to the rural courts. The video conferencing systems will allow Pro Bono attorneys in the urban areas to represent clients in rural communities and make video appearances in court.

Anna Marie Johnson
Executive Director
Nevada Legal Services
530 South Sixth Street
Las Vegas, NV 89101
Phone: (702) 386-0404
Fax: (702) 388-1641



NEVADA LEGAL SERVICES
INCORPORATED

Nevada Legal Services

Administrative Offices located at:
530 South Sixth Street
Las Vegas, NV 89101

Phone: (702) 386-0404
Fax: (702) 388-1641
Web: www.nlslaw.net



Nevada Legal Services (NLS) is a non-profit organization providing free legal services to low income Nevadans. NLS is a state wide organization assisting every county in Nevada. We have 3 main offices located in Las Vegas, Reno, and Carson City and have an outreach office in Elko. We are funded through various sources but are primarily funded through a grant from the federal government by way of the Legal Services Corporation (LSC).

The staff of NLS has represented clients in federal courts, state courts, and in administrative hearings. We have provided legal advice, assistance, and representation to countless Nevadans seeking our assistance over the years in a variety of legal issues.

Save the Date!

Foreclosure Seminar

The next NLS Foreclosure CLE will be held in Elko on December 2, 2009, from 9:00 a.m. to 12:00 p.m. The CLE will be held at the Hilton Garden Inn located at 3650 E. Idaho Street, Elko, Nevada 89801. Please contact Steven McDonald at (702) 386-0404 to register for the CLE.

Small Claims Classes

NLS has already begun hosting the Small Claims Class in partnership with the UNLV Boyd School of Law and the Legal Aid Center of Southern Nevada (LACSN). The classes are taught by UNLV law school students under the supervision of NLS and LACSN attorneys. The classes will be held in the NLS conference room beginning Friday, September 18, 2009, from 3-5 p.m. Seats are available on a first come, first served basis.

Library Series

The Las Vegas office of NLS has begun presentations at various Clark County Libraries. The first session will cover housing and landlord-tenant related matters. The presentation will take place on November 2, 2009 starting at 2 pm. The next session will be held on November 9, 2009 at the Flamingo Library. The topic for this session will cover unemployment benefits, health benefits, and other income related public benefits. This session also starts at 2 pm. Please contact Kristina Moore-Swift at (702) 386-0404 for more information.

The Gift of Giving

The attorneys at NLS provide services at no cost to our clients. Your help in advocating for the rights of low income children, families, seniors and unemployed workers will profoundly and positively affect their lives and benefit the communities we serve.

NLS is a non-profit organization and your gift is tax deductible. To make donations, please contact Roberta O'Hara at (702) 386-0404.