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**HAPPY LAW DAY - MAY 1, 2013**  
**from the Board of Directors, New York State Foreclosure Defense Bar**

Dear Colleagues - another Law Day has come and gone (May 1, 2013). Our work continues on behalf of New York homeowners. On behalf of the Board of Directors of the NYSFDB, kudos!

Kudos for the work we all are doing, over long days and into late nights, many times without lunch or with quick-bite dinners, certainly way into the late of the night, and giving up weekends, all in our effort to secure a family's place in their home and in their community. Our work in the private bar to preserve homeowners' rights to 3408 workouts -- to stave off bad faith or secure redress for dilatory tactics - grows. The arduous tasks of vacating default and foreclosure judgments gained with illegal tactics and fraudulent submissions, responding to non-compliant motions for orders of reference, and crafting orders to show cause to stop illegal auctions have kept us all in our offices when not in the court room - but we need to once again start meeting regularly.

Let me take this opportunity to apologize for not providing updates in keeping with my 2011-2012 custom. To stem the tide of non communication, and get back on track to build our membership activities, here goes: **FIRST, PLEASE EVERYONE -- ENCOURAGE OUR COLLEAGUES TO JOIN THE LIST SERVE.** We have been successful at communicating daily there.

**Second**, as you know, the guard has changed at Kings County Supreme Court, as have the foreclosure rules and the FSC Part itself. I would like to send you NYSFDB's communications with the Court in that regard, and the Court's responses (join the listserve). We have also joined in with the pro bono legal bar's meeting with the Court to discuss these developments and their impact on homeowners. In sum, the changes tilt the scale towards an imbalance in the scale of justice for homeowners. We must be attentive.

**Third**, NYSFDB is not only at the table, in many instances we have spearheaded and led discussions with the Court as it changes direction. **Fourth**, a major law firm has agreed to act as the organization's pro bono counsel to secure its tax exempt status and assist with board and organizational development.

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We have not been asleep. Our work requires giant leaps of faith, with no organizational funding, for families with little to spare for legal fees, in a climate where modifications are hard come by (especially in light of the Appellate Division, Second Department's "*Shot-of-Chill-Into-the-2013-Spring-Air Decision*" reported on Law Day itself, May 1, 2013: *Wells Fargo Bank v. Meyers*, 2011-00482).

**Excerpts of Law Day Remarks  
by Chief Judge Jonathan Lippman - May 1, 2013**

*"We gather here today at a truly historic moment. This year marks anniversaries of three events that have helped define and shape our country, our system of justice, and who we are as Americans. One hundred and fifty years ago during the American Civil War, President Abraham Lincoln issued the most controversial document in his presidency, the Emancipation Proclamation, setting free all slaves within the rebellious states. Although he knew that it was a temporary measure and that only Congress could abolish slavery, the President stated that he never felt more certain that he was doing right. One hundred years later, the Reverend Doctor Martin Luther King Junior passionately called upon America to live up to the grand promises made in the Constitution and the Declaration of Independence and ensure that all Americans would be guaranteed the inalienable rights of life, liberty and the pursuit of happiness – regardless of color. That same year, a unanimous Supreme Court in the landmark case of *Gideon v. Wainwright* found it to be an "obvious truth" that a defendant in a criminal matter cannot get a fair trial without a lawyer, and held that states are required under the Constitution to provide representation in criminal cases for defendants who are unable to afford their own attorneys.*

*"All three of these events were critical steps forward in our nation's constant pursuit of equal justice for all. This year's Law Day theme, "Realizing the Dream: Equality for All," calls upon us to reflect on the underlying significance of these events and to think about what we can do to help realize the dreams that drove pioneers of justice throughout our history and continue to drive us to this day.*

*"Dreams and grand declarations are often an essential first step on the path to change and reform, but the real challenge truly lies in translating those ideals into practice– in taking action to give them real meaning. Agreeing on principles to strive towards –even as fundamental as liberty, justice or equality – can be difficult and nuanced, but taking the steps to make them tangible and give them weight is often even harder and does not happen overnight.*

*"Yet making the dream of equality for all a reality is precisely what we are called upon to do and what we must do to fulfill our obligations as a people, as a state and as a Judiciary. **The pursuit of justice that is equal and fair for all is our very reason for being, it is what drives us in everything we do. Justice, to be meaningful, must be accessible to all, both rich and poor alike. If we cannot live up to this most basic of principles, we might as well close our courthouse doors. . . . l"***

Full Text at following link: <http://www.nycourts.gov/ctapps/lawday13trans.pdf>

**HOPEFULLY LAW DAY MAY 1, 2014 WILL BRING FUNDING FOR LEGAL REPRESENTATION OF HOMEOWNERS ELIGIBLE FOR CPLR 3408 CONFERENCES, AS THAT STATUTE HAS REQUIRED SINCE 2008.!**

