

Testimony of Attorney Keith K. Fuller Concerning H.B. 6351

Co-Chairs Duff and Tong, Members of the Committee, thank you for allowing me to speak today. I am Attorney Keith K. Fuller, and I am here today in support of House Bill 6351, An Act Concerning Foreclosure Mediation.

I am an attorney in private practice with a principal office in Enfield. I represent many homeowners facing foreclosure on both a paying and *pro bono* basis. I have been honored to be named co-chair of the Connecticut Bar Association's Foreclosure Prevention Subcommittee and a member of the Bench-Bar Foreclosure Committee. I can speak about H.B. 6351 from the perspective both of a private practitioner and an attorney who trains and supports efforts to recruit *pro bono* attorneys for homeowners.

About 90% of homeowners in foreclosure represent themselves, and it's not surprising that these homeowners fare worse as a group than those who have counsel. The current system is one reason this figure is so high. Homeowners in foreclosure must contend with ongoing foreclosure litigation even if they are participating in good faith in the Foreclosure Mediation Program. Addressing both simultaneously is a high burden for any homeowner unfamiliar with the court system.

If the homeowners seek counsel, attorneys must decide how to handle both litigation and mediation, and price their services accordingly. The cost of fighting foreclosure on both fronts cost forces many homeowners to represent themselves. Similarly, attorneys on the Bar Association's Pro Bono Panel cannot accept very many cases because the cases often entail dual-track litigation and mediation, increasing the time necessary to resolve each case and prevent foreclosures. As a result, homeowners who could benefit from pro bono counsel must appear by themselves.

House Bill 6351 would alleviate this problem. Foreclosure litigation often proves to be unnecessary, since more than 75% of the cases in mediation settle without continued litigation. House Bill 6351 would leverage the success of the mediation program and lower the costs to our courts of the status quo. House Bill 6351 would also make it easier for attorneys to represent homeowners on both a paying and a *pro bono* basis, as the attorneys would not need to engage in needless litigation in connection with representing the homeowner. With more attorneys helping homeowners, more homeowners would be able to keep their homes, and our state could benefit from the resulting stabilization of the housing market, tax base, and our neighborhoods.

I strongly urge you to support House Bill 6351, and thank you all for your time. I am happy to answer any questions you may have.

- Keith K. Fuller