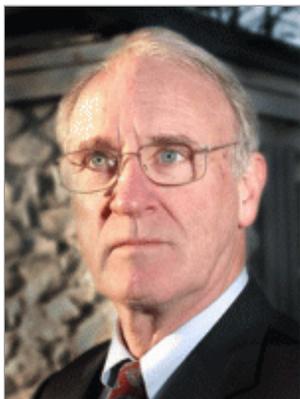


Profile: Lawyers who uncovered the foreclosure scandal

by Dolan Media Newswires

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Thomas Cox

The tireless efforts of two Maine lawyers brought the “robo-signing” scandal to light this fall, and foreclosures across the country to a screeching halt.

Thomas Cox of Portland, Maine, who has been practicing law for 41 years, spent the bulk of his time in private practice representing banks and the FDIC in foreclosure-related matters. That experience put him in just the right position to see what was wrong with homeowners’ foreclosure documents when he helped start a foreclosure prevention program called MASH — Maine Attorneys Saving Homes — representing consumers on a pro bono basis.

Cox realized quickly that something wasn’t right with the foreclosure affidavits signed by Jeffrey Stefan, a “limited signing officer” at GMAC.

“One of the first things that jumped out at me was that the lawyers who were preparing [the affidavits] left a space for a name to be filled in by the person who was going to sign the affidavit,” Cox said. “That made me wonder whether the lawyer had any contact with the person who would sign it in the end.”

In the summer of 2009, a case against GMAC crossed Cox’s desk that would eventually bring the banks to their knees.

It was the case of Nicole Bradbury of Fryeburg, Maine, and Cox, 66, knew he needed the right local attorney to work with him on it. That’s when 36-year-old Geoffrey Lewis contacted MASH to volunteer.



Lewis

The two collaborated to build their case against the bank. And the key to uncovering the scandal was Stefan’s deposition.

“The deposition had a stunning outcome,” Cox said. “He testified he never had custody and control of [Bradbury’s] loan file, and that he never had any personal knowledge of her case. I was expecting a four or five hour struggle and it came out very easily.”

In essence, Lewis said, “Stefan admitted to signing between 8,000 and 10,000 documents a month that he didn’t read.”

Cox was virtually in shock.

“I walked down the street 100 yards, sat down on a brick wall and said, ‘holy cow,’” he recalled. “It was just mind-boggling that this conduct was so freely admitted to by GMAC, which is the fifth largest mortgage loan servicer in the country.”

That was in June.

In September, when a court ruled that GMAC acted in bad faith in its foreclosure practices, GMAC issued a foreclosure moratorium to review its procedures. When the news reached the media, one major bank after another followed suit.

“We went after GMAC in a series of three or four cases for sanctions, turned it over to the Maine attorney general and formed a team of lawyers to bring a class action against GMAC,” said Cox. “It’s that combination of pressure that made them realize they had a much bigger problem on

their hands and they had to take action to cut their losses.”

The litigation continues, with class actions pending across the country.

“I am thankful that the issue is now being fully exposed, but I am deeply disturbed by the role of the legal profession in helping facilitate this kind of dishonest affidavit filing process,” Cox said.

Lewis, who practices in a small firm in a small town, said the experience working on this case has been invaluable for him as an attorney.

“The opportunity to take on the largest industry in the U.S. and set it back was really unique for me,” said Lewis.

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