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Foreclosure attorneys making changes after Act 48 gets OK

BY DUANE SHIMOGAWA
PACIFIC BUSINESS NEWS

Changes to how Hawaii handles foreclosures — including the creation of a mandatory dispute-resolution program prior to starting nonjudicial proceedings — following last year's approval of Act 48 have caused some law firms to shift resources or retrain staff while others are adding people to help handle these cases.

Marvin Dang, managing partner of the Law Offices of Marvin S.C. Dang LLC, told PBN that his law firm is looking to expand as a result of the legislation.

Currently, his firm has five attorneys, with two to three handling foreclosure cases.

"Our practice is not exclusively foreclosures, [but] that area seems to be increasing," Dang said. "So we are looking at perhaps bringing in another attorney. We are examining that situation closely."

In addition to foreclosures, Dang's Honolulu-based boutique law firm works in the areas of creditor's rights, collections, legislation, lobbying, government relations, real estate, estate planning, probate, business, summary possession and bankruptcy.

When it comes to foreclosures, he said his firm represents local lenders such as American Savings Bank and Central Pacific Bank as well as Mainland mort-



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Attorneys Marvin Dang and Summer Okada discuss a foreclosure case in Honolulu. Dang says Act 48 likely will cause his firm to add an attorney.

gage companies.

"Since Act 48, we have not done nonjudicial foreclosures, so the emphasis has been on judicial foreclosures," he said.

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FORECLOSURE: Some attorneys think more change on the way

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“With regard to it, we have not reached a peak yet based on what I see happening. And something will pass [in the state legislature] with regard to some changes to Act 48, but regardless, the amount of foreclosures in a way will probably still be at the same amount that it has been for awhile or show a slight increase.”

Honolulu attorney David Rosen, who has a total of four attorneys working at the firm in his name, has no plans of expanding because of Act 48.

Instead, he told PBN that he has switched his firm’s focus from nonjudicial to judicial, which required him to retrain his attorneys.

“Resolving these cases is more expensive and time consuming,” he said. “We were busy before and we’re busy now, and there’s only so much we can do.”

Rosen’s firm, which also handles other areas of law, represents banks in foreclosure cases.

“We’re going to stay the same size,” he said. “It’s just about extending the cycle for doing these cases.”

Honolulu attorney Walter Beh’s firm, which employs more than 20 lawyers who exclusively represent lenders, hasn’t hired more people just yet, although he’s not ruling out the possibility in the future.

“There are always judicial foreclosures, and then the big crunch of non-judicial now,” Beh told PBN. “So if you have been working in this area, you have always done both.”

Attorney John Morris, co-manager of Honolulu’s Ekimoto & Morris LLC, said that despite business being steady in the area of foreclosures his firm does not plan to add more people to his staff of six paralegals and two attorneys.

“We seem to have been able to keep up,” he told PBN. “We are still doing foreclosures, which we are still seeing a fairly good number of.”

But Morris, whose firm handles foreclosures for its condominium and homeowner associations clients, said it has had to instill some extra training for its staff in this area.

“We have had to explain to our people about following the requirements of the law,” he said. “We have also gone through all of our procedures to make sure that they are compliant with the law, as it has made a difference because of the potential liability that stands before us.”

With some attorneys expecting lawmakers to amend Act 48 before this session is over, law firms could have more changes coming their way as well.

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