

MESSAGE FROM REAL PROPERTY SECTION CHAIR CONNIE LANE TO REAL PROPERTY SECTION MEMBERS:

Dear All,

Thanks to those of you who attended the Real Property Section on June 8th or who contacted me in advance with your suggestions/recommendations. We had about 20 members present to determine what the Section should recommend to the Board of Governors regarding the SAFE Act (RSA 397-A). Here are the recommendations that we will be submitting to the Board of Governors:

1. Provide a letter to the Banking Department and other state/federal officials similar to that sent by the American Bar Association to the FTC and HUD regarding the issues raised by the Safe Act with respect to its effect upon the practice of law. A small group of volunteers has offered to assist in the drafting of this letter. We anticipate providing a draft to the Board in the week.
2. Develop corrective legislation of RSA 397-A that addresses the provisions preventing attorneys from representing clients in loan modifications, the regulation of the practice of law by the Banking Department and other issues that prevent attorneys from representing clients in private financings. We will also draft a statute that revises the effective date to coincide with the implementation of the applicable HUD regulations. A small group has been assembled to begin drafting these bills over the summer.
3. Recommend a legislative solution at the federal level, working with the ABA and NH members of Congress.
4. Explore obtaining an Order of the Commissioner of Banking regarding certain definitional or other issues (e.g. "ancillary").
5. If appropriate in the context of the case, file an amicus brief in the *Dargon* case at the appellate level to address the issues related to the attorney-client relationship and the regulation of the practice of law by the Banking Department.
6. Explore intervening in the *Dargon* case at the Superior Court level with respect to the attorney-client issues it presents and the regulation of the practice of law by the Banking Department.

If you would like to assist with any of these items, please contact me. We need to move quickly, and I would appreciate any assistance.

Again, thank you to all who attended the meeting to address these critical issue facing consumers who are in need of legal advice.

Best regards,

Connie Lane

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