

MORTGAGE FRAUD TRIALS – PREVENTING A TRYING EXPERIENCE



NOT JUST A FEDERAL CRIME

- THEFT/IDENTITY THEFT
- FORGERY
- MAIL FRAUD/WIRE FRAUD
- LOAN FRAUD
- INSURANCE FRAUD



PREPARING FOR TRIAL

- ALWAYS CLOSING: THINKING ABOUT HOW TO TRY THE CASE FROM THE INITIAL INTAKE OF THE INVESTIGATION THINKING
- WHAT'S THE LOSS
- WHO SUFFERED THE LOSS
- WHO TOLD WHAT LIES TO GET THE MONEY
- WHO DID THEY TELL THOSE LIES TO

WITNESSES

- LENDER
- LOAN SERVICER
- TITLE COMPANY
- BANKS
- EYEWITNESSES
- DETECTIVES



WHO ARE YOU GOING TO SEND TO CHICAGO TO TESTIFY?

- SOMEONE WHO CAN ESTABLISH DOCUMENTS RECEIVED BY LENDER
- SOMEONE WHO CAN ESTABLISH THE MATERIALITY OF THE LIES ON THE APPLICATION AND APPRAISAL
- SOMEONE WHO CAN ESTABLISH THE LOSS TO THE VICTIM LENDER

OBSTACLES WE FACE IN TRYING THESE CASES

- FINDING THE VICTIM
- FINDING THE VICTIM
- FINDING THE VICTIM
- GETTING THE VICTIM TO COURT
- FIGURING OUT WHAT DOCUMENTS PROVE THAT A CRIME WAS COMMITTED

SOLUTIONS

- HAVE LEGAL DEPARTMENT NOTIFY FRAUD INVESTIGATORS OF GRAND JURY SUBPOENAS
- CONTACT PROSECUTOR REQUESTING DOCUMENTS IN GRAND JURY SUBPOENA
- TENDER INVESTIGATIVE REPORTS TO LAW ENFORCEMENT
 - WRITE REPORTS OF ALL INTERVIEWS
 - IF POSSIBLE INTERVIEW WITNESSES IN PERSON WITH PROVER
 - ASSIST LAW ENFORCEMENT WITH INTERVIEWS
 - ASSIST LAW ENFORCEMENT WITH DOCUMENTS: AUDIT DOCS
- EDUCATE PROSECUTORS

HOW WE GET THESE CASES

- INVESTIGATIVE AGENCY
- DUPED INVESTORS, AKA DUPED STRAW BUYERS
- FORMER EMPLOYEES
- IDENTITY THEFT VICTIMS
- TITLE COMPANIES
- LENDERS

INVESTIGATIVE STEPS

- IDENTIFY THE SCHEME AND POSSIBLE TARGETS
- IDENTIFY THE AMOUNT OF LOSS AND THE VICTIM
- SUBPOENA DOCUMENTS TO ESTABLISH PAPER TRAIL
 - WHO TOOK THE MONEY
 - WHAT LIES DID THEY TELL TO TAKE THE MONEY
 - WHO SUFFERED THE LOSS

INTERVIEW THE WITNESSES

- GOALS OF INTERVIEWS: FIGURE OUT WHO IS ACCOUNTABLE FOR THE THEFT
- WHAT LIES WERE TOLD TO GET THE MONEY
- WHO TOLD THE LIES
- WHO GOT THE MONEY

SO FAR SO GOOD

- IT HAS TAKEN SOME DIGGING BUT WE HAVE HAD COOPERATION

