

From: Cary, G. Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=GKC2460>

To: Judges-Charlotte

Judges-Collier

Judges-Hendry

Judges-Lee

Lundy, Jack

CC:

Date: 9/17/2009 4:06:46 PM

Subject: ?FW: PUBLICATION NOTICE: Report of the Supreme Court Task Force on Residential Mortgage Foreclosure Cases

G. Keith Cary

239-533-9140

From: Victoria Milton [mailto:miltonv@flcourts.org]

Sent: Friday, September 11, 2009 3:41 PM

To: Judge Jennifer Bailey; 'Jesse H. Diner'; 'John F. Harkness, Jr.'; 'Mayanne Downs'; Laura Rush; Judge Belvin Perry, Jr.; Judge Charles A. Francis; Judge Daniel B. Merritt, Sr.; Judge Donald R. Moran, Jr.; Cary, G. Keith; Judge Hentz McClellan; Judge J. David Langford; Judge David J. Walsh; Judge Lee E. Haworth; Judge Luis Garcia; Judge Manuel Menendez, Jr.; Judge Paul Hawkes; Judge Robert M. Gross, Chief; Judge Victor Tobin; Judge Darryl Casanueva, Chief; Judge David A. Monaco; Judge David Fina; Judge J. Preston Silvernail; Judge J. Thomas McGrady; Judge Joel Brown; Judge Juan Ramirez Jr., Chief; Judge Martha A. Lott; Judge Peter Blanc; Judge Steven Levin; Judge Terry Terrell; Randy Long; Rules Opins-DCA Clerks; Rules Opins-Trial Court Clerks

Subject: PUBLICATION NOTICE: Report of the Supreme Court Task Force on Residential Mortgage Foreclosure Cases

Good Afternoon,

The Florida Supreme Court is seeking comments on the above report and will publish the attached notice in the October 1, 2009, edition of the Florida Bar News. Any comments must be filed on or before October 15, 2009, as indicated in the attached notice.

Thank you,

Victoria Milton

20TH CIR 00851

Florida Supreme Court

(850) 488-0125

The Supreme Court Task Force on Residential Mortgage Foreclosure Cases (Task Force) has submitted to Chief Justice Peggy A. Quince a report proposing a number of administrative strategies, including a statewide managed mediation program, to address the extremely high volume of residential mortgage foreclosure cases pending in the circuit courts.

The Court invites all interested persons to comment on the Task Force report, which is posted online at http://www.floridasupremecourt.org/pub_info/documents.shtml#Reports. Comments must be submitted on or before October 15, 2009, either electronically to e-file@flcourts.org, or as hard copy mailed to:

Clerk of Court
Supreme Court of Florida
500 South Duval Street
Tallahassee, FL 32399-1900

The Task Force chair has until October 22, 2009, to submit a response to any comments provided to the Court.

Oral argument on the Task Force report has been scheduled for November 4, 2009. The Court requests the attendance at oral argument of the Task Force chair and a representative of each of the minority reports.



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1925

THOMAS D. HALL
CLERK
TANYA CARROLL
CHIEF DEPUTY CLERK
GREGORY J. PHILO
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.flcourts.org/clerk.html

September 11, 2009

Ms. Cheryle Dodd, Editor
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Re: Report of the Task Force on Residential Mortgage Foreclosures

Dear Ms. Dodd:

I have provided you with a copy of a publication notice for the above report. Please publish said notice in the October 1, 2009, Bar News. Please publish a statement that the Court has placed the report on the Internet at location:

http://www.floridasupremecourt.org/pub_info/documents.shtml#Reports.

Any comments should be filed with the Supreme Court on or before October 15, 2009. The committee must file a response on or before October 22, 2009, to all comments filed. All comments must be filed in paper format and an electronic copy provided to the Court in accordance with AOSC04-84. An original and nine copies must be filed.

Ms. Cheryle Dodd, Editor
September 11, 2009
Page Two

Thank you for your cooperation in this matter.

Most cordially,

By: 
Deputy Clerk

Thomas D. Hall

TDH/vm
Enclosure

cc: Honorable Jennifer Bailey, Chair, Task Force on Residential Mortgage
Foreclosure Cases
Honorable Jesse H. Diner, President, The Florida Bar
Honorable Mayanne Downs, President-elect, The Florida Bar
John F. Harkness, Jr., Executive Director, The Florida Bar
Laura Rush, Task Force Liaison
Chief Judges of the District Court of Appeal
Clerks of the District Court of Appeal
Chief Judges of the Judicial Circuits
Clerks of the Judicial Circuits
Deborah J. Meyer, Central Staff Director

From: Cary, G. Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=GKC2460>

To: Callanan, Richard

Aloia, Nancy K

CC: Pivacek, Cynthia

Middlebrook, Mark

Date: 1/15/2010 10:24:38 AM

Subject: Collier Foreclosure Taskforce Letter

FYI.....need to add them to the list.

G. Keith Cary

Chief Judge - Twentieth Judicial Circuit

Lee, Collier, Charlotte, Hendry and Glades Counties

1700 Monroe Street

Fort Myers, FL 33901

239-533-9140

Roshawn J. Banks
Chairperson

Robin Sobo Moselle
Vice Chairperson

Donald R. Walters
Secretary

Richard D. Owen
Treasurer

Anthony J. Karrat
Executive Director



Office:
4125 East Tamiami Trail
Naples, Florida 34112
Tel: (239) 775-4555
Fax: (239) 775-3887

1402 W. New Market Road
Immokalee, Florida 34142
Tel: (239) 657-7442
Fax: (239) 657-7737

January 13, 2010

Honorable G. Keith Cary
Lee County Justice Center
1700 Monroe Street
Fort Myers, FL 33901

Mr. Richard Callanan
Trial Court Administrator
1700 Monroe Street
Fort Myers, FL 33901

RE: Supreme Court Administrative Order on Residential Mortgage Foreclosure Cases

Dear Judge Cary and Mr. Callanan:

I am writing to you today in my role as the Co-Chairman of the Collier County Foreclosure Task Force and its Mediation Sub-Committee. Patrick Neale, a member of the Task Force, contacted Mr. Callanan's office today and spoke to his assistant who suggested that we write directly to you. We are reaching out to you gentlemen today in order to work cooperatively to develop a mediation plan for our circuit that meets the requirements of the Supreme Court Order, but also addresses the unique aspects of the crisis in our circuit. It is our belief that our Task Force's experience "in the trenches" of the crisis could be of assistance in developing the plan.

As you may be aware, the various stakeholders in foreclosure crisis in Collier County came together over two years ago to attempt to minimize the community damage caused by this crisis. This effort was begun by volunteers from the Bar Association and Legal Aid and has since expanded to include representatives from the Bar, Naples and Marco Island Realtors' Associations and Chambers of Commerce, Collier County Sheriff's Office, Collier County Code Enforcement and the Clerk of Courts. Every one of the stakeholders is involved in this crisis on a day to day basis.

The Task Force has conducted a number of workshops and outreach events to the community to educate and inform people of their rights and possibilities in the face of severe financial difficulties. These events have reached almost one thousand families.

As an adjunct to the work of the Task Force, a subcommittee to develop a procedure for managed mediation was formed. This group has met almost weekly for the last year developing a plan to provide for managed mediation of appropriate foreclosure cases. It sent its comments to the statewide Task Force on Residential Mortgage Foreclosure Cases.

Since the issuance of the Supreme Court's Order AOSC 09-54 on December 28, 2009, the Task Force and the subcommittee have spent significant time reviewing this order and evaluating its application to our local circuit. In addition, we met with Mr. Rod Petrey, the President of the Collins Center today to see what services they could provide.

As noted above, we feel that the Collier County Task Force could provide valuable input on the development of the mediation plan. I will be in contact with your offices to coordinate a meeting to discuss this plan and our mutual goals. I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Ahren".

Jeffrey Ahren

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Pivacek, Cynthia

Cary, G. Keith

CC: Middlebrook, Mark

Date: 1/28/2010 3:16:16 PM

Subject: ?Re: FW: A Request From Naples

Hi Judge

Thank you for the update on the collier foreclosure task force. They will be a great resource.

I wanted to update you on where we are in the process. The process for issuing an rfp, reviewing the collins center and other proposals and looking at ways to require or encourage use of our local mediators is exactly where we are heading. Judge Cary has not decided on exact makeup of selection committee, but at a minimum it will have all Circuit admin judges represented.

We have a draft RFP with all the specifications noted in the model AO. However, before we issue it, you and all Circuit Admin judges will get a chance to review and comment. Also, as always no decisions on the RFP or selection will be made without CBC input. I expect it will be on the next agenda for discussion.

Thanks again for the helpful information on the collier task force work and suggestions. I look forward to getting the report from Mark.

Best,

Rick

20th Circuit - Integrity, Fairness, Service

Pivacek, Cynthia wrote:

Keith,

Judge Hayes, Mark and I met with our local taskforce today. They have been actively working for over two years in this area of the law..providing legal services, clinics, mediations and trying to assist with system issues. David Friedman has worked with the task force as our representative. They are a very dedicated group and in fact were honored this year by the Women's Bar Association .

The long and the short: They have put together a very comprehensive book which Mark will bring to you next week in Fort Myers. They believe the Collins Center can do the job, predominately because they have the data base for scheduling, collecting fees and notifying the parties and courts of the mediation. They can also meet the reporting requirements of the Supreme Court. Everyone understands that you would do a bid process. **20TH CIR 00858**

They further recommend that we use local mediators in the counties .

That we have a circuit wide committee to oversee the implementation of the order.

That a program be implemented in the near future.

That the group commit to providing services in all five counties.

They presented this much more eloquently. They are willing to do the work in writing a proposed Administrative Order (They have reviewed the orders that are already in place in other counties). So they will be a good resource for you. I advised that our staff attorney would have to review any order.

They would like to meet with you directly, if you have any questions or concerns.

My recommendation is that they are a great resource and willing to do the leg work...so if we can get a circuit wide committee established..maybe ask each bar to send one or two representatives, we can get the proposed order reviewed and modified (if needed) and a bid process in the works.

Let me know if you need any further assistance.

Cindy

From: Jacqueline Buyze [mailto:jbuyze@buyzemediation.com]

Sent: Thursday, January 28, 2010 2:22 PM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Friedman, David; 'L. Larsen Edward'; 'Maureen Aughton'; 'Kathleen Passidomo'; 'Jane Cheffy'; 'Jeff Ahren'; 'Tara'; 'Celia'; pneale@patrickneale.com

Subject: FW: A Request From Naples

Dear Judge Pivacek and Judge Hayes,

20TH CIR 00859

11_29_2010

We appreciated the opportunity to meet with you and discuss your work and suggestions for a foreclosure mediation program in the 20th Judicial Circuit. In furtherance of our conversation, I am forwarding information just received from the Collins Center. Please feel free to share it with anyone who may be interested.

If you would like additional information about the Collins Center or anything else presented by the committee today, please let me know. In the meanwhile, we will work on an initial draft of a proposed administrative order. Our plan is to get this to you within the next two weeks.

Thank you again for your judicial time and attention.

Respectfully submitted,

Jacqueline J. Buyze

Jacqueline Buyze Mediation, Inc.

2430 Vanderbilt Beach Rd, Suite 108-181

Naples, FL 34109

(239) 404-6926 Phone

(239) 591-0855 Fax

jbuyze@BuyzeMediation.com

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From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Pivacek, Cynthia

CC: Harkey, Sandra D

Date: 1/28/2010 3:56:10 PM

Subject: ?RE: A Request From Naples

Yes judge we are looking at 2/26 . Notice to go out tomorrow

20th Circuit - Integrity, Fairness, Service

Pivacek, Cynthia wrote:

Great..looks like we are all heading in the same direction. Do you know when the next CBC meeting is?

From: Callanan, Richard
Sent: Thursday, January 28, 2010 3:16 PM
To: Pivacek, Cynthia; Cary, G. Keith
Cc: Middlebrook, Mark
Subject: Re: A Request From Naples

Hi Judge

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Thanks again for the helpful information on the collier task force work and suggestions. I look forward to getting the report from Mark.

Best,

Rick

20th Circuit - Integrity, Fairness, Service

20TH CIR 00861

Pivacek, Cynthia wrote:

Keith,

Judge Hayes, Mark and I met with our local taskforce today. They have been actively working for over two years in this area of the law..providing legal services, clinics, mediations and trying to assist with system issues. David Friedman has worked with the task force as our representative. They are a very dedicated group and in fact were honored this year by the Women's Bar Association .

The long and the short: They have put together a very comprehensive book which Mark will bring to you next week in Fort Myers. They believe the Collins Center can do the job, predominately because they have the data base for scheduling, collecting fees and notifying the parties and courts of the mediation. They can also meet the reporting requirements of the Supreme Court. Everyone understands that you would do a bid process.

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My recommendation is that they are a great resource and willing to do the leg work...so if we can get a circuit wide committee established..maybe ask each bar to send one or two representatives, we can get the proposed order reviewed and modified (if needed) and a bid process in the works.

Let me know if you need any further assistance.

From: Jacqueline Buyze [mailto:jbuyze@buyzemediation.com]
Sent: Thursday, January 28, 2010 2:22 PM
To: Pivacek, Cynthia; Hayes, Hugh
Cc: Friedman, David; 'L. Larsen Edward'; 'Maureen Aughton'; 'Kathleen Passidomo'; 'Jane Cheffy'; 'Jeff Ahren'; 'Tara'; 'Celia'; pneale@patrickneale.com
Subject: FW: A Request From Naples

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If you would like additional information about the Collins Center or anything else presented by the committee today, please let me know. In the meanwhile, we will work on an initial draft of a proposed administrative order. Our plan is to get this to you within the next two weeks.

Thank you again for your judicial time and attention.

Respectfully submitted,

Jacqueline J. Buyze

Jacqueline Buyze Mediation, Inc.

2430 Vanderbilt Beach Rd, Suite 108-181

Naples, FL 34109

20TH CIR 00863

(239) 404-6926 Phone

(239) 591-0855 Fax

jbuyze@BuyzeMediation.com

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From: Cary, G. Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=GKC2460>

To: Pivacek, Cynthia

Callanan, Richard

CC: Middlebrook, Mark

Date: 1/28/2010 3:13:02 PM

Subject: ?RE: A Request From Naples

Thank you all for your help on this, we will be in touch soon.

G. Keith Cary

239-533-9140

From: Pivacek, Cynthia

Sent: Thursday, January 28, 2010 2:46 PM

To: Cary, G. Keith; Callanan, Richard

Cc: Middlebrook, Mark

Subject: FW: A Request From Naples

Keith,

Judge Hayes, Mark and I met with our local taskforce today. They have been actively working for over two years in this area of the law..providing legal services, clinics, mediations and trying to assist with system issues. David Friedman has worked with the task force as our representative. They are a very dedicated group and in fact were honored this year by the Women's Bar Association .

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They further recommend that we use local mediators in the counties .

That we have a circuit wide committee to oversee the implementation of the order.

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That the group commit to providing services in all five counties.

20TH CIR 00865

They presented this much more eloquently. They are willing to do the work in writing a proposed Administrative Order (They have reviewed the orders that are already in place in other counties). So they will be a good resource for you. I advised that our staff attorney would have to review any order.

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Cindy

From: Jacqueline Buyze [mailto:jbuyze@buyzemediation.com]

Sent: Thursday, January 28, 2010 2:22 PM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Friedman, David; 'L. Larsen Edward'; 'Maureen Aughton'; 'Kathleen Passidomo'; 'Jane Cheffy'; 'Jeff Ahren'; 'Tara'; 'Celia'; pneale@patrickneale.com

Subject: FW: A Request From Naples

Dear Judge Pivacek and Judge Hayes,

We appreciated the opportunity to meet with you and discuss our work and suggestions for a foreclosure mediation program in the 20th Judicial Circuit. In furtherance of our conversation, I am forwarding information just received from the Collins Center. Please feel free to share it with anyone who may be interested.

If you would like additional information about the Collins Center or anything else presented by the committee today, please let me know. In the meanwhile, we will work on an initial draft of a proposed administrative order. Our plan is to get this to you within the next two weeks.

20TH CIR 00866

11_29_2010

Thank you again for your judicial time and attention.

Respectfully submitted,

Jacqueline J. Buyze

Jacqueline Buyze Mediation, Inc.

2430 Vanderbilt Beach Rd, Suite 108-181

Naples, FL 34109

(239) 404-6926 Phone

(239) 591-0855 Fax

jbuyze@BuyzeMediation.com

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From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Kellum, Ken

CC:

Date: 2/2/2010 2:47:26 PM

Subject: ?RE: big dates for MSJ

She can use her hearing room for regular foreclosure hearings and then the big courtroom for high volume days. Can you schedule her for the below dates? Thank you.

From: Kellum, Ken

Sent: Tuesday, February 02, 2010 2:45 PM

To: Carlin, John S.

Subject: RE: big dates for MSJ

Courtroom 5-H (old C) it is directly overhead from her office. I plan to make that courtroom available to her on a regular basis. I have already taken her on a tour up the back way to familiarize her with it.

Ken Kellum

From: Carlin, John S.

Sent: Tuesday, February 02, 2010 2:42 PM

To: Kellum, Ken

Cc: Rose, Penelope

Subject: FW: big dates for MSJ

Judge Schreiber will need a large courtroom for the below dates for foreclosure hearings. What courtroom do you want to assign? One over her office is preferred if available. Thanks.

From: Linda Johnston [mailto:ljohnston@leeclerk.org]

Sent: Tuesday, February 02, 2010 2:40 PM

To: Carlin, John S.

Subject: big dates for MSJ

03-17-10
03-24-10
03-31-10
04-21-10
04-28-10
05-19-10
05-26-10

This all of the dates that I am aware of at this point.

W

Senior Court Clerk

Judge Carlin's Clerk

ljohnston@leeclerk.org

Phone: 533-2505 ext. 42690

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 2/17/2010 12:54:30 PM

Subject: ?FW: AO09-19 and Guidance Memo

From: Janice Fleischer[SMTP:FLEISCHERJ@FLCOURTS.ORG]

Sent: Wednesday, February 17, 2010 12:54:19 PM

To: Trial Court Administrators; Ann Olson; Betty White; Beverly Graper;

Waddell, Bruce; Carol Dunaway; Cathy Fullerton; David Wolfson;

Genie Williams; James Gardner; Jeanne Potthoff; Kara Lawson; Lourdes Leal;

Marcia Phelps; Mary Norwich; Nancy Blanton; Paul McGuire; Rebecca Storrow;

Robert Sterner; Stevie Buck; Vivian Perez Pollo

Subject: AO09-19 and Guidance Memo

Auto forwarded by a Rule

Dear TCAs and ADR Directors:

I hope your week is going well and that what I am about to send you only makes it better. The DRC has received questions regarding AO09-19- Performance and Accountability (attached here for your convenience). In response and after discussions with the General Counsel's office, the DRC is issuing a "Guidance" document which we hope will assist you in the proper implementation of the AO. It, too, is attached here. As more questions or concerns are received, we will issue further guidance documents. Please let us know if you have any questions or concerns, thank you and best of weeks to you, janice

Janice M. Fleischer, J.D.

Director, Dispute Resolution Center

Office of the State Courts Administrator

Supreme Court Building

500 South Duval Street

Tallahassee, Florida 32399

Tel: 850-921-2910 Fax: 850-922-9290

Supreme Court of Florida

AOSC09-19

IN RE: ALTERNATIVE DISPUTE RESOLUTION SERVICES IN
FLORIDA'S TRIAL COURTS

ADMINISTRATIVE ORDER

The Commission on Trial Court Performance and Accountability was established by the Supreme Court for the purpose of proposing policies and procedures on matters related to the efficient and effective resource management, performance measurement, and accountability of Florida's trial courts. In In Re: Commission on Trial Court Performance and Accountability, No. AOSC08-32 (Fla. Aug. 15, 2008), the Commission was directed to continue with the development and implementation of standards of operation and best practices for the major elements of Florida's trial courts, including alternative dispute resolution services.

A workgroup was authorized by the Commission, including members drawn from the Committee on Alternative Dispute Resolution Rules and Policy and other persons representative of the various programs across the trial courts, which undertook an examination of state-funded, court-connected alternative dispute

resolution programs. After an extensive interactive review process with the trial courts, the Commission submitted a report to the Supreme Court entitled Recommendations for Alternative Dispute Resolution Services in Florida's Trial Courts.¹ The Commission Report focuses on two primary areas: funding and operations. The goal in examining these two specific areas was to provide recommendations that promote equity and uniformity in court-connected alternative dispute resolution/mediation programs. The recommendations are provided in the form of either a "standard of operation," which is intended to be a *mandatory* practice, or a "best practice," which is intended to be a *suggested* practice to improve operations, but, due to the possibility of local conditions beyond the court's control, is not required.

The attached standards of operation and best practices, which were proposed in the Commission Report, are hereby adopted as a means to ensure the effective, efficient, timely, and uniform provision of court-connected alternative dispute resolution services. The entities responsible for compliance with specific standards of operation and best practices are identified on the attachment.

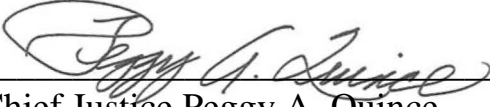
The Office of the State Courts Administrator is charged, time and resources permitting, with assisting the trial courts in implementing the standards and best practices including: establishing performance goals, developing or revising data

¹ Commission on Trial Court Performance and Accountability, Recommendations for Alternative Dispute Resolution Services in Florida's Trial Courts, (August 2008) (available online at http://www.flcourts.org/gen_public/pubs/bin/ADRMediationReport08-2008.pdf) [hereinafter Commission Report].

collection systems to monitor performance, providing educational opportunities and resource materials, and providing other technical assistance as needed. The Trial Court Budget Commission is charged with monitoring fee collections and trust authority associated with the operation of alternative dispute resolution/ mediation programs to ensure that all trial courts have the appropriate level of resources to implement and adhere to the standards of operation and best practices.

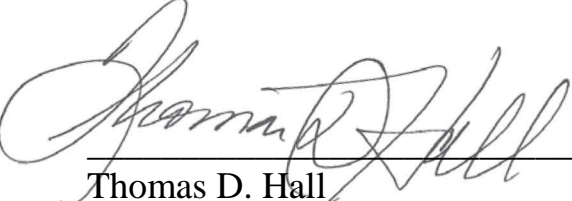
The attached standards of operation and best practices are incorporated herein by reference and shall be effective upon the signing of this order.

DONE AND ORDERED at Tallahassee, Florida, on May 6, 2009.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court



Standards of Operation and Best Practices for Alternative Dispute Resolution Services in Florida's Trial Courts

[Entities responsible for implementation of the standards and practices are identified in brackets]

I. Funding

A. Standards of Operation

1. The ADR/Mediation element shall be funded based on a formula approved by the Trial Court Budget Commission. *[Trial Court Budget Commission]*

2. The funding formula for the ADR/Mediation element shall be based on the following principles:

- a. The formula shall result in the total number of dollars required to provide ADR/Mediation services.
- b. The formula shall be based on the actual median cost of a mediation session, by case type, applied to projected event data from the Uniform Data Reporting System.
- c. The formula shall incorporate a modifier for non-direct service functions;
- d. The formula shall incorporate a modifier for multi-county circuits; and
- e. The formula shall incorporate a modifier for the use of volunteers and pro bono service providers regardless of whether a circuit uses these resources.

[Trial Court Budget Commission]

3. Funds collected for ADR/Mediation services shall be pooled into one statewide trust account for allocation by the Trial Court Budget Commission. *[Trial Court Budget Commission]*

4. Funding allocations shall take the total need for funding into consideration in order to bring uniformity and equity to the level of services provided across the trial courts and should not be based solely on the individual collections of each circuit. *[Trial Court Budget Commission]*

5. During the Legislative Budget Request process, additional resources requested by the circuits shall optimize coverage for all counties in a circuit and coverage of all appropriate case types under the Mediation Model. *[Trial Court Budget Commission and all trial courts]*

6. Additional resources requested by the circuits during the Legislative Budget Request process shall be prioritized for those ADR/Mediation functions

permitted under the Mediation Model. *[Trial Court Budget Commission and all trial courts]*

7. Positions allotted to the ADR/Mediation element shall primarily perform Mediation Model functions; however, these positions shall not be prohibited from performing other ADR functions (except service delivery) to their primary responsibilities. *[Trial Court Budget Commission and all trial courts]*

8. Expenditures from the ADR/Mediation element shall be limited to expenses associated with the ADR/Mediation element. *[Trial Court Budget Commission and all trial courts]*

II. Mediation Session Fees and Session Length

A. Standards of Operation

1. Mediation session fees for county cases above small claims and family cases shall be set by Florida Statute. *[All trial courts]*

2. Mediation fees in county cases above small claims shall be \$60 per party per session. *[All trial courts]*

3. Mediation fees in family cases shall be:

a. \$120 per person per scheduled session in family mediation when the parties' combined income is greater than \$50,000, but less than \$100,000 per year;

b. \$60 per person per scheduled session in family mediation when the parties combined income is less than \$50,000.

c. There shall be no mediation session fees charged to parties for dependency mediation services.

d. Indigent parties shall be provided services at no cost.

[All trial courts]

4. County mediations shall be scheduled for any amount of time between 60 and 90 minutes at the discretion of the ADR director, but under no circumstances shall the parties be assessed additional fees until after the expiration of 90 minutes. *[All trial courts]*

5. Family mediations shall be scheduled for any amount of time between two and three hours at the discretion of the ADR director, but under no circumstances shall the parties be assessed additional fees until after the expiration of three hours. *[All trial courts]*

6. For purposes of assessing fees pursuant to section 44.108(2), Florida Statutes, data collection and funding calculations mediation sessions shall be defined as follows:

- a. a county mediation (above small claims) session is no more than 90 minutes and
- b. a family mediation session is no more than 3 hours.

[Trial Court Budget Commission, Office of the State Courts Administrator, and all trial courts]

7. For purposes of data collection and funding calculations mediation sessions shall be defined as follows:

- a. a small claims mediation session is 60 minutes and
- b. a dependency mediation session is no more than three hours.

[Trial Court Budget Commission, Office of the State Courts Administrator, and all trial courts]

B. Best Practice

1. In county cases above small claims and family mediations, only one session should be initially scheduled per case unless both parties agree otherwise. *[All trial courts]*

III. Fee Collection Process

A. Standards of Operation

1. When court mediation services are ordered, mediation parties shall pay the statutorily authorized fees to the clerk of the court. *[Trial Court Clerks of Court]*

2. In accordance with section 44.108, Florida Statutes, the clerk of the court shall submit to the chief judge of the circuit and to the Office of the State Courts Administrator, no later than 30 days after the end of each quarter of the fiscal year, a report specifying the amount of funds collected and remitted to the state courts' Mediation and Arbitration Trust Fund during the previous quarter of the fiscal year. In addition to identifying the total aggregate collections and remissions from all statutory sources, the report must identify collections and remissions by each statutory source. *[Trial Court Clerks of Court]*

B. Best Practices

1. The ADR director should exercise due diligence and determine the per party fee assessment prior to the Mediation Notice and/or Order being sent to the party. *[All trial courts]*

2. The trial court administrator should work with the clerk of court to develop a procedure for tracking mediation service fees from assessment to collection. *[All trial courts]*

3. The fee amount owed should be provided to the parties with the mediation notice and referral to mediation. *[All trial courts]*
4. Pursuant to statute, once mediation is scheduled and noticed, assessed fees should be due and owed whether or not parties appear for scheduled mediation. *[All trial courts]*
5. If one party fails to appear at a scheduled mediation session, the party who appears should pay the assessed fee, and the party who fails to appear should be assessed for the missed session and should also be assessed both parties' mediation fees if another session is ordered by the court or agreed to by the parties. *[All trial courts]*
6. If a party fails to pay an assessed mediation fee, the initial mediation should still be conducted. *[All trial courts]*
7. At the discretion of the ADR director, no subsequent mediation session should be scheduled or conducted until all prior assessed mediation fees are paid in full. *[All trial courts]*
8. If a party fails to pay the assessed mediation fee, non-payment should be reported to the court by the trial court administrator or designee, and the court shall issue an Order to Show Cause within ten days. *[All trial courts]*
9. The court should review mediation service fees paid by the parties at the final hearing and should reapportion the fees as equitable. *[All trial courts]*
10. If the court orders a refund; authorization should be transmitted by the ADR director for processing and issuance to the OSCA Finance and Accounting Office. *[All trial courts]*
11. The trial court administrators should coordinate with the clerks of court so that collections by statutory source can be reviewed on a monthly basis in the same manner as the quarterly report required under section 44.108, Florida Statutes. *[All trial courts]*
12. The ADR director should reconcile the monthly or quarterly report with cases mediated during the month or quarter to determine if the clerk is collecting and remitting fees correctly. *[All trial courts]*

IV. Court Application of ADR/Mediation & Case Referrals

A. Standards of Operation

1. Referrals to mediation and non-binding arbitration shall be consistent with chapter 44, Florida Statutes, state court procedural rules and other policies or reports that may be adopted. *[All trial courts]*
2. The issuance of a Domestic Violence (DV) Injunction shall not be mediated. *[All trial courts]*
3. Mediation of the ancillary issues of DV Injunction cases after judicial determinations may be mediated, but shall only be conducted by an experienced certified family mediator with an understanding of domestic violence dynamics. *[All trial courts]*
4. Written mediation agreements reached in DV injunction cases shall be reviewed by the court, and if approved, incorporated into the final judgment. *[All trial courts]*
5. Orders of Referrals to family mediation shall contain, in a prominent place, the statutory language that “upon motion or request of a party, a court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process” along with information as to who a party should contact in such circumstances. *[All trial courts]*
6. All Orders of Referrals to mediation shall contain, in a prominent place, a Notice to Persons with Disabilities in accordance with rule 2.540, Florida Rules of Judicial Administration. Rule 2.540 requires that all notices of court proceedings held in a public facility and all process compelling appearance at such proceedings include the following statement:

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact [identify applicable court personnel by name, address, and telephone number] within 2 working days of your receipt of this [describe notice]; if you are hearing or voice impaired, call 711.

[All trial courts]

B. Best Practices

1. If warranted by caseload, all contested small claims and county civil cases should be referred to mediation automatically by administrative order.

- a. The Notice of Pre-Trial Conference should contain standard pre-printed information on mediation case referral.
- b. Referrals to mediation in eviction cases should be conducted within ten days of referral to mediation.
- c. Referrals to mediation for county court cases above small claims should be made at the status hearing, if possible, and no later than at pretrial conference. A standard scheduling order should be used which sets forth the time frame for discovery (30 days), mediation (45 days), and the trial date (60-90 days). The court should have available mediation dates to choose from in order to minimize delay and scheduling difficulties.

[All trial courts]

2. Referrals to family mediation should be made as soon as possible after an answer has been filed and/or financial affidavits have been filed and/or exchanged, and prior to the filing of the 30 day notice of trial.
 - a. Prior to family mediation, the case should be screened for appropriateness for mediation.
 - b. If either party seeks emergency or temporary relief, the court should determine if the case should be expedited. If so, mediation should be available within one week of referral or the case should be heard by the court.
 - c. If Case Management Conferences are held, the judge should review the file to determine whether the case is ready for mediation and whether domestic violence issues exclude the case from mediation. Available mediation dates should be provided by the ADR program to the court in order to minimize delay and scheduling difficulties for cases appropriate for mediation.
 - d. Cases that are re-opened via a Supplemental Petition or Motion for Modification should be referred as soon as possible after service is obtained.

[All trial courts]

3. All dependency cases, including Termination of Parental Rights, should be screened by the court and ordered to mediation as appropriate.
 - a. Mediation referrals made at the shelter or arraignment hearing should be held within seven to ten days. Available mediation dates should be provided by the ADR program to the court in order to minimize delay and scheduling difficulties.
 - b. In Termination of Parental Rights cases, mediation referrals should be made at the Advisory Hearing and the mediation conference should be held within 30 days. Available mediation dates should be provided by the ADR program to the court in order to minimize delay and scheduling difficulties.

[All trial courts]

4. The chief judge, or designee, of each circuit shall maintain a list of qualified arbitrators for use in court-ordered non-binding arbitrations. *[All trial courts]*

V. Court ADR Staffing and Functions

A. Standards of Operation

1. At a minimum, each judicial circuit shall be staffed with an Alternative Dispute Resolution (ADR) Director, at least one mediation services coordinator and an administrative support position. *[Trial Court Budget Commission and all trial courts]*

2. ADR staff shall perform ADR functions across all counties. *[All trial courts]*

3. The ADR director shall be responsible for all circuit-wide court-connected ADR activities and shall supervise all court mediation staff within the circuit. *[All trial courts]*

4. The ADR director shall be responsible for monitoring existing circuit-wide ADR/Mediation programs and recommending to the trial court administrator and chief judge of the circuit innovations for new and existing programs. *[All trial courts]*

5. The ADR director shall be a Florida Supreme Court certified county and family mediator who is available to mediate these types of cases for the court as needed. *[All trial courts]*

6. All mediation services coordinators shall be Florida Supreme Court certified mediators in a minimum of one area of mediation certification. *[All trial courts]*

7. The ADR director shall be present or designate someone to be present throughout all pre-trial conferences while small claims mediations are being referred and mediated in order to handle issues which may arise. *[All trial courts]*

8. The ADR director shall ensure that the appropriate number of mediation rooms is available at the court facility for all program mediations on each day that cases are mediated. *[All trial courts]*

9. The ADR director shall provide coordination, scheduling and administrative support functions for all county (including small claims), family and dependency mediations referred to the court ADR program regardless of whether these cases are mediated by staff, contract or volunteer mediators. *[All trial courts]*

10. The ADR director shall provide mentorship assistance to mediator trainees seeking certification who reside or are employed within the circuit. *[All trial courts]*

11. The ADR director and mediation service coordinator(s) shall respond to requests from the OSCA/Dispute Resolution Center. *[All trial courts]*

12. The ADR director shall submit fiscal year mediation program statistics to the OSCA/Dispute Resolution Center, as requested. *[All trial courts]*

B. Best Practices

1. The ADR director should rotate cases among their program mediators on an equitable basis that allows similar opportunities for all mediators to serve. *[All trial courts]*

2. The ADR director should provide opportunities for program mediators to earn a minimum of eight hours of continuing mediator education (CME) per fiscal year. *[All trial courts]*

3. The ADR director should be a Florida Supreme Court certified dependency mediator. *[All trial courts]*

VI. Mediation Service Delivery

A. Standard of Operation

1. Each circuit shall implement a mediation service delivery model that maximizes the number of cases mediated within the constraints of the funding formula established by the Trial Court Budget Commission (TCBC). *[All trial courts]*

B. Best Practices

1. The use of employee mediators should be based on the following factors:

- a. Sufficient caseload requiring an employee mediator to mediate a minimum of 6 hours a day
- b. Availability of qualified individuals willing to accept employee positions
- c. More cost-efficient than contractual model
- d. Complexity of cases

[All trial courts]

2. The use of contractual mediators should be based on the following factors:

- a. Compensation rates are within TCBC guidelines

- b. Availability of sufficient pool of qualified mediators willing to accept referrals at the contract rate
- c. Sufficient caseload referred to the court program where parties are required to pay the subsidized mediation fees (not only indigent cases referred to court program)
- d. Availability of coordination, scheduling and fiscal staff
- e. Complexity of cases

[All trial courts]

3. The use of volunteer mediators should be based on the following factors:
- a. Availability of qualified individuals willing to volunteer as mediators
 - b. Historical success in using volunteers
 - c. Lack of adequate funding to hire or contract with mediators
 - d. Complexity of cases

[All trial courts]

4. Agreements (or contracts) should be entered into annually for all mediators providing service through the court program, whether they are paid via contract or serve as volunteers. ***[All trial courts]***

5. Each court program should conduct an orientation session with contract and volunteer mediators prior to their assignment of cases to review:
- a. the mediators' rights and obligations
 - b. procedures for accepting assignments
 - c. ethical standards of conduct expected
 - d. criteria for performance review
 - e. compensation rates (if applicable)
 - f. scheduling procedures
 - g. methods and procedures for payment and reimbursement for expenses (if applicable)

[All trial courts]

6. Each court program should schedule volunteer mediators in a manner so that the scheduled mediators will have sufficient cases to mediate. ***[All trial courts]***

7. Each court program should establish a process for evaluating the performance of contract and volunteer mediators on an annual basis. The process should include criteria for determining whether the agreement or contract with the mediator should be renewed. Factors to consider include:
- a. reliability (did the mediator fulfill all obligations)
 - b. party satisfaction (were there any formal or informal complaints)
 - c. willingness to assist with mentorships
 - d. clarity of written agreements
 - e. skill level

f. maintenance of all requirements for continued certification
[All trial courts]

8. Program mediations should be held at court facilities whenever possible. In the event that mediation is scheduled off-site, the facility must be ADA compliant. *[All trial courts]*

VII. Contract Compensation

A. Standards of Operation

1. Contract mediators shall be paid at a rate not to exceed the following:

<u>Case Type</u>	<u>Hourly</u>
Small Claims	\$30 per hour
County Civil	\$50 per hour
Family	\$100 per hour
Dependency	\$100 per hour

[All trial courts]

2. All mediation service contracts shall contain standardized template language developed by OSCA for the procurement of mediation services. *[Office of the State Courts Administrator and all trial courts]*

VIII. County Court Mediation

A. Standards of Operation

1. Each county mediation program shall maintain a roster of Florida Supreme Court certified county mediators who will be available to mediate small claims cases for the court program. This roster shall represent the diversity of the community. *[All trial courts]*

2. County mediators shall be selected for placement on the roster through a process similar to the hiring process for employees. Specifically, the policies and procedures for employment shall be utilized to the extent applicable including advertising vacancies as needed. Background checks and references shall be completed on applicants prior to sponsorship into training or, if already certified, inclusion on the program roster. *[All trial courts]*

3. The ADR director shall notify small claims mediators of their assigned schedule no later than 14 days prior to the date of the mediation/pre-trial conference. *[All trial courts]*

4. Every mediation shall be conducted in an individual private room. *[All trial courts]*

B. Best Practices

1. Each county mediation program should maintain a roster of Florida Supreme Court certified county mediators who are interested in providing county mediation (above small claims) services in that county. *[All trial courts]*
2. If the mediator roster(s) or applicant pool does not reflect the diversity of the community, more proactive outreach methods should be used to encourage diversity. *[All trial courts]*
3. A panel, consisting of the ADR director or designee, a judge and a court administration designee should be used to fill county mediation roster vacancies. *[All trial courts]*
4. With the exception of rural counties and areas with historical needs, any mediator who has not mediated for the court program in the previous 60 days should be removed from the roster. *[All trial courts]*
5. Although programs have discretion on mediator assignments, the programs should schedule and assign cases to their roster mediators on an equitable basis. *[All trial courts]*
6. County civil cases (above small claims) should be referred to mediators based upon the competencies of the mediator and issues brought forth in the case. Volunteers with sufficient skill level may be used. *[All trial courts]*
7. Under no circumstances should any program schedule more mediators than mediation rooms available. *[All trial courts]*
8. The OSCA Dispute Resolution Center should sponsor a maximum of three statewide county training programs per fiscal year, to be held at a neutral, non-courthouse, facility. Each “large” circuit would be invited to send three trainees; each “medium” circuit to send two trainees; and each “small” circuit to send one trainee per training. Circuits would be allowed to utilize up to two unused training slots per year from other circuits or training slots unused for that year, if space permits. *[Office of the State Courts Administrator]*
9. At the discretion of the OSCA Dispute Resolution Center, additional trainings should be scheduled for counties establishing new county mediation trainings. *[Office of the State Courts Administrator]*

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 2/17/2010 2:37:20 PM

Subject: ?FW: AO09-19 and Guidance Memo

From: Janice Fleischer[SMTP:FLEISCHERJ@FLCOURTS.ORG]

Sent: Wednesday, February 17, 2010 2:37:15 PM

To: Gay Inskip; Trial Court Administrators; Ann Olson; Betty White;

Beverly Graper; Waddell, Bruce; Carol Dunaway; Fullerton, Cathy;

David Wolfson; Genie Williams; James Gardner; Jeanne Potthoff;

Kara Lawson; Lourdes Leal; Marcia Phelps; Mary Norwich; Nancy Blanton;

Paul McGuire; Rebecca Storrow; Robert Sterner; Stevie Buck;

Vivian Perez Pollo

Subject: RE: AO09-19 and Guidance Memo

Auto forwarded by a Rule

Gay, Thank you for expressing your concern. In the example, the word "coordination services" possibly should have been "service delivery" ; however, in accordance with AO09-54 (Managed mediation mortgage foreclosure program), if a foreclosure is residential, then coordination services should be provided by the Program Manager. If this clarification does not satisfy your concern, please let me know, janice

Janice M. Fleischer, J.D.

Director, Dispute Resolution Center

Office of the State Courts Administrator

Supreme Court Building

500 South Duval Street

Tallahassee, Florida 32399

Tel: 850-921-2910 Fax: 850-922-9290

From: Inskip, Gay [mailto:GInskip@jud6.org]

Sent: Wednesday, February 17, 2010 1:37 PM

To: Janice Fleischer; Trial Court Administrators; Ann Olson; Betty White; Beverly Graper; Bruce Waddell; Carol Dunaway; Fullerton, Cathy; David Wolfson; Genie Williams; James Gardner; Jeanne Potthoff; Kara Lawson; Lourdes Leal; Marcia Phelps; Mary Norwich; Nancy Blanton; Paul McGuire; Rebecca Storrow; Robert Sterner; Stevie Buck; Vivian Perez Pollo

20TH CIR 00884

Janice,

Regarding the second question/answer in your memo which says:

1. Question: May we use mediation staff to perform services outside the scope of the mediation model?

Answer: These activities are contrary to the intent of full implementation of the mediation model and should not be done; however, if you feel your circuit can effectively demonstrate full implementation, then certain exceptions may apply. We would encourage you to inquire before initiating any services as an "exception".

Examples to be avoided: providing coordination services for privately referred mortgage foreclosure mediations and/or arbitration, Early Neutral Evaluation (ENE), and pre-filed cases in county court.

I disagree with your answer. Please read page 2 of the Standards of Operation attached to the administrative order. Section I.A (7) says:

Positions allotted to the ADR/Mediation element shall primarily perform Mediation Model functions; however, these positions shall not be prohibited from performing other ADR functions (except service delivery) to their primary responsibilities. [Trial Court Budget Commission and all trial courts]

There are other such provisions in the full report from the TCP&A along these lines which I imagine is how that provision ended up in the administrative order.

Gay Inskeep

From: Janice Fleischer [mailto:fleischerj@flcourts.org]

Sent: Wednesday, February 17, 2010 12:54 PM

To: Trial Court Administrators; Ann Olson; Betty White; Beverly Graper; Bruce Waddell; Carol Dunaway; Fullerton, Cathy; David Wolfson; Genie Williams; James Gardner; Jeanne Potthoff; Kara Lawson; Lourdes Leal; Marcia Phelps; Mary Norwich; Nancy Blanton; Paul McGuire; Rebecca Storrow; Robert Sterner; Stevie Buck; Vivian Perez Pollo

Subject: AO09-19 and Guidance Memo

20TH CIR 00885

Dear TCAs and ADR Directors:

I hope your week is going well and that what I am about to send you only makes it better. The DRC has received questions regarding AO09-19- Performance and Accountability (attached here for your convenience). In response and after discussions with the General Counsel's office, the DRC is issuing a "Guidance" document which we hope will assist you in the proper implementation of the AO. It, too, is attached here. As more questions or concerns are received, we will issue further guidance documents. Please let us know if you have any questions or concerns, thank you and best of weeks to you, Janice

Janice M. Fleischer, J.D.

Director, Dispute Resolution Center

Office of the State Courts Administrator

Supreme Court Building

500 South Duval Street

Tallahassee, Florida 32399

Tel: 850-921-2910 Fax: 850-922-9290

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 3/9/2010 4:40:46 PM

Subject: ?FW: Immediate Attention Required - Request for Information

From: Sharon Buckingham[SMTP:BUCKINGS@FLCOURTS.ORG]

Sent: Tuesday, March 09, 2010 4:40:40 PM

To: Trial Court Administrators

Cc: Kristine Slayden; Charlotte Jerrett; Theresa Westerfield;

Heather Thuotte-Pierson; Patty Harris

Subject: Immediate Attention Required - Request for Information

Importance: High

Auto forwarded by a Rule

Good Afternoon,

Due to discussions this week between court leadership and the clerks regarding the Economic Recovery Funding Proposal, OSCA staff have been asked to quickly gather some additional information from the circuits as to how our economic recovery resources will be deployed circuit-wide. Court leadership would like to be able to share this information with the clerks so they can plan accordingly.

We have attached the approved LBR request for each circuit (by element and category) and also a table representing the estimated FTE equivalent of the funding request per circuit. We apologize for the short turnaround, but we will need each circuit's response by close of business this Friday, March 12th.

-Using the information contained in the FTE equivalent table, provide the amount of magistrate/senior judge FTE's that will be assigned in each county based on the expected workload from the backlogged cases. Note: Single county circuits can ignore this question.

-If you have multiple magistrate/senior judge FTE's in the proposal, what is the maximum number of courtrooms that will be scheduled at any one time in each county?

Thank you.

Sharon Buckingham

20TH CIR 00887

Senior Court Operations Consultant

Office of the State Courts Administrator

500 South Duval Street

Tallahassee, Florida 32399-1900

(850) 410-1893

(850) 414-1342 (fax)

Foreclosure and Economic Recovery Funding Proposal

Circuit	Estimated Number of Backlog Cases (FY 2006-07 to FY 2010-11)¹	General Magistrate FTE²	Case Manager FTE³	Mediation Administrative Support FTE⁴	General Administrative Support FTE⁴
1	17,739	1	1	1	1
2	7,134	1	1	1	1
3	2,356	1	1	1	1
4	30,144	2	2	2	2
5	28,511	2	2	2	2
6	51,993	3	3	3	3
7	27,851	2	2	2	2
8	3,404	1	1	1	1
9	65,989	4	4	4	4
10	15,992	1	1	1	1
11	126,197	8	8	8	8
12	37,077	2	2	2	2
13	55,143	4	4	4	4
14	6,118	1	1	1	1
15	86,380	6	6	6	6
16	3,650	1	1	1	1
17	86,912	6	6	6	6
18	45,850	3	3	3	3
19	27,532	2	2	2	2
20	59,091	4	4	4	4
Total	785,063	55	55	55	55

¹ Estimated Number of Backlog Cases calculated for contract and indebtedness, real property/mortgage foreclosure, and county civil (\$5,001 to \$15,000) cases. Backlog cases was determined by subtracting the number of dispositions from the number of filings. The official trial court statistics was used for fiscal year 2006-07 to 2008-09, annualized data (July to October) was used for fiscal year 2009-10, and certification projections were used for fiscal year 2010-11. The dispositions for fiscal year 2010-11 were based on the filing to disposition ratio in fiscal year 2006-07.

² Minimum one General Magistrate FTE per 15,000 estimated backlog cases. Dollars can also be used to fund Senior Judge Hours.

³ One Case Manager, one Mediation Administrative Support and one General Administrative Support FTE per General Magistrate FTE.

Trial Court Budget Commission
Meeting February 2, 2010
Economic Recovery Proposal

Executive Committee Recommendation

Circuit	General Magistrate		Senior Judge Days	GM/Senior Judge Expense	Admin Support (GM/Senior Judge)			Case Management			Mediation Admin Support			FY 2010/11 Proposed Allocation	
	OPS	Contracted Services			OPS	Contracted Services	Expense	OPS	Contracted Services	Expense	OPS	Contractual Services	Expense		
1			\$58,100	\$6,500				\$68,471		\$7,833	\$26,090		\$4,000	\$170,994	
2			\$21,180	\$2,470	\$20,025		\$1,000	\$121,319		\$5,000				\$170,994	
3								\$39,126		\$4,000	\$52,181		\$8,000	\$103,307	
4		\$159,376					\$52,180			\$78,252		\$52,180		\$341,988	
5			\$150,150	\$9,244				\$156,504			\$26,090			\$341,988	
6			\$117,600	\$6,000	\$104,360		\$6,000	\$156,504		\$8,000	\$104,360		\$8,000	\$510,824	
7		\$62,400	\$61,250	\$9,654	\$52,180			\$156,504						\$341,988	
8		\$75,000	\$24,500	\$2,889	\$26,090		\$500	\$39,126		\$2,889				\$170,994	
9			\$306,250	\$42,000	\$91,315		\$35,000	\$117,378		\$23,910	\$52,180		\$15,940	\$683,973	
10			\$18,200				\$40,722			\$94,820			\$17,252	\$170,994	
11		\$159,376	\$84,000	\$4,778			\$149,360	\$6,800		\$860,772	\$37,400		\$78,270	\$5,100	\$1,385,856
12		\$79,688	\$91,000				\$36,307			\$98,686			\$36,307		\$341,988
13			\$292,500	\$13,576	\$80,270		\$2,000	\$273,882		\$25,036					\$687,264
14			\$25,200					\$78,252		\$9,000	\$52,180		\$6,362		\$170,994
15		\$320,000	\$142,800	\$30,584	\$180,000		\$6,000	\$313,008		\$16,000	\$30,000		\$1,000		\$1,039,392
16		\$40,000	\$70,000	\$33,394			\$10,000			\$15,600	\$2,000				\$170,994
17			\$306,250	\$20,852	\$52,180		\$3,000	\$313,008		\$22,000	\$104,360	\$202,742	\$15,000		\$1,039,392
18	\$159,376		\$252,000	\$12,000	\$78,270		\$11,336								\$512,982
19		\$79,688	\$66,500	\$19,715			\$52,180			\$97,815			\$26,090		\$341,988
20	\$318,752		\$84,000		\$104,360			\$156,504			\$20,360				\$683,976
Total	\$478,128	\$975,528	\$2,171,480	\$213,656	\$789,050	\$340,749	\$71,636	\$1,989,586	\$1,245,945	\$163,068	\$467,801	\$412,841	\$63,402		\$9,382,870

11_19_2010

Page 4

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 4/6/2010 3:18:54 PM

Subject: ?FW: Non-judicial Foreclosure Fiscal Impact

From: Kristine Slayden[SMTP:SLAYDENK@FLCOURTS.ORG]

Sent: Tuesday, April 06, 2010 4:18:46 PM

To: Trial Court Chief Judges; Trial Court Administrators;

Trial Court Budget Commission; DCA Chief Judges; DCA Marshals

Cc: Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Brenda Johnson;

Heather Thuotte-Pierson; Laura Rush; Greg Smith

Subject: Non-judicial Foreclosure Fiscal Impact

Auto forwarded by a Rule

The Revenue Estimating Conference (REC) met on Monday afternoon to discuss the fiscal impact of the non-judicial foreclosure bills. The methodology and results are posted on the Economic and Demographic Research (EDR) website (control and click to open the link): <http://edr.state.fl.us/conferences/revenueimpact/pdf/Impact0405.pdf>

The REC decided on a 60% conversion factor, meaning that they believe that 60% of the current filings would go through a non-judicial process starting July 1, 2010. The population affected differed by bill (see below). For FY 2010-11, the fiscal impact to our trust funds from a reduction in filing fee revenue are:

CS/HB 1523 (all foreclosures)

\$176.2 million less would be coming in to our SCRTF in FY 2010-11. In addition, we would lose \$2.9 million in our mediation trust fund and \$700K in our court education trust fund.

SB 2270 (non-homestead foreclosures only)

\$100.5 million less would be coming in to our SCRTF in FY 2010-11. In addition, we would lose \$1.6 million in our mediation trust fund and \$400K in our court education trust fund.

CS/HB 1411 and CS/SB 2358 (timeshare foreclosures only)

No impact in the first year, \$200K impact in the second year and \$400K impact in the third and fourth years to our SCRTF. No impact to our other trust funds.

20TH CIR 00891

There are also negative impacts to General Revenue and other trust funds from these bills. There are positive impacts to doc stamp and property tax revenue, but the Conference decided to go with positive indeterminate for those revenue sources. The Conference believed that any positive gains in the doc stamp revenue would be largely offset by the potential losses from the filing fee revenue.

The EDR link above provides the estimated impacts out to FY 2013-14, as well as the impact to general revenue.

Kris Slayden

Research and Data

Office of the State Courts Administrator

Florida Supreme Court

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850-556-2335 (cell)

850-414-1342 (fax)

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: [Waddell, Bruce](#)

[Wilsker, Scott](#)

[Suhar, Sharon](#)

[Mann, Sheila](#)

[Harkey, Sandra D](#)

[Ederr, Suzanne](#)

[Aloia, Nancy K](#)

[Middlebrook, Mark](#)

[Melvin, Lisa](#)

[Kiesel, Lisa](#)

[Kellum, Ken](#)

[Embury, Jon](#)

[Rice, Charles](#)

CC: [Cary, G. Keith](#)

Date: 4/26/2010 3:02:30 PM

Subject: ?FW: Chief Judges Legislative Conf. Call-Budget Attachment (CONFIDENTIAL)

Dear All

Attached is latest Budget Conference report on state budget. This is not a done deal, so please hold confidential until it is final.

It is fairly good news given past budget headaches—but still some last minute wrinkles and minor issues still to be decided:

--Looks like 3% salary reductions are not going to happen in the Compromise bill , although that is not 100% resolved by the house side

--No major benefit cuts, but any employees with 100% state paid health will end up making some contribution(from 8.00 /mo to 30.00/mo depending on coverage)and other limits on state payment of life insurance contributions are proposed

--Courts 2010-11 is a no-cuts budget—Trial courts would be budgeted at 2009-10 level

--Civil /Foreclosure special allocation is approved—but cut from \$ 9.6 Million to 5.9 million. We will let you know when we get new allocations, but figure on getting only 61.4% of what you had originally allocated and how you will re-shuffle # civil positions/plan.

Please don't get anyone too excited (or depressed) about this until it is a done deal (hopefully by Friday) **20TH CIR 00893**

Just want to keep you in the loop.....

From: Alexis Fleck [mailto:flecka@flcourts.org]
Sent: Monday, April 26, 2010 10:00 AM
To: Trial Court Chief Judges; Trial Court Administrators; DCA Budget Commission; Judge Gary Flower; Judge Peter Blanc; Mary White; Judge Judith L. Kreeger
Cc: Lisa Goodner; Blan Teagle; Laura Rush; OSCA-LEGISLATIVE TEAM; Sue Bruce; Debbie Howells; Tina Lipford; Sharon Buckingham
Subject: Chief Judges Legislative Conf. Call-Budget Attachment

This morning we were provided the Budget Conference Report for the State Courts System. Please have this attachment available for today's conference call at noon.

Thank you.

Alexis Fleck

Senior Court Analyst

Community and Intergovernmental Relations

Office of the State Courts Administrator

500 South Duval Street

Tallahassee, FL 32399-1900

(850) 413-0884 (office)

(850) 212-2732 (work cell)

(850) 488-0156 (fax)

**STATE COURTS SYSTEM
FY 2010-2011**

updated 4/26/2010; 8:25 am			Final Conference Summary				
Line #	Issue	Issue Code	FTE	Rate	General Revenue	All Trust Funds	Total Funds
Supreme Court							
1	CIP - Fire Suppression System (DMS Managed)	990M000				350,000	350,000
2	Fund Shift from General Revenue to SCRTF -Court Operations	3403000/ 3403010			(1,697,028)	1,697,028	0
Total Supreme Court			0.00	0	(1,697,028)	2,047,028	350,000
Executive Direction							
3	Foreclosure and Economic Recovery Funding Proposal LUMP SUM	3005010				71,030	71,030
4	Fund Shift from General Revenue to SCRTF -Court Operations	3403000/ 3403010			(148,415)	148,415	0
5	Innocence Commission	4204000/ 3000600				200,000	200,000
Total Executive Direction			0.00	0	(148,415)	419,445	271,030
District Court of Appeals							
6	1st DCA Rent	7000290				768,994	768,994
7	Fund Shift from General Revenue to SCRTF -Court Operations	3403000/ 3403010			(12,787,294)	12,787,294	0
Total District Court of Appeals			0.00	0	(12,787,294)	13,556,288	768,994
Trial Courts							
8	Foreclosure and Economic Recovery Funding Proposal LUMP SUM	3005010				5,928,970	5,928,970
9	Civil Legal Assistance for Foreclosure Cases - (MATF)	3005020				1,000,000	1,000,000
10	Fund Shift from General Revenue to SCRTF -Court Operations - CIRCUIT	3403000/ 3403010			(37,301,705)	37,301,705	0
11	Fund Shift from General Revenue to SCRTF -Court Operations - COUNTY	3403000/ 3403010			(35,649,151)	35,649,151	0
Total Trial Courts			0.00	0	(72,950,856)	79,879,826	6,928,970
Judicial Qualifications Commission							
12	Fund Shift from General Revenue to SCRTF -Court Operations	3403000/ 3403010			(916,407)	916,407	0
Total Judicial Qualifications Commission			0.00	0	(916,407)	916,407	0
Total State Courts System			0.00	0	(88,500,000)	96,818,994	8,318,994

STATE COURTS SYSTEM
FY 2010-2011
Proviso and Back of the Bill Language

Line #

Proviso Language:

1	In Executive Direction and Support Services From the funds in Specific Appropriation *****, \$200,000 is provided for the creation of an Innocence Commission within the Supreme Court to study the causes of wrongful conviction and subsequent incarceration.
2	In Court Operations - Circuit Courts from Mediation and Arbitration Trust Fund SPECIAL CATEGORY - TRANSFER TO DEPT OF COMM AFFAIRS From the funds provided in Specific Appropriation *****, \$1,000,000 of nonrecurring Mediation and Arbitration Trust Fund authority is provided for the programs established pursuant to sections 68.094 through 68.105, Florida Statutes, the Florida Access to Civil Legal Assistance Act, to assist with foreclosure prevention so that Florida homeowners can benefit from federal foreclosure prevention programs. Funds shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Department of Community Affairs as provided for in Specific Appropriation +++++.
3	From the funds in specific appropriation XXXX, the state courts system will accelerate the implementation the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, by implementing five of the ten trial court divisions by January 1, 2011. The ten divisions are defined pursuant to subsection 28.36 (3), Florida Statutes.

Back of the Bill Language:

4	Section ??: The sum of \$18,600,000 from the SCRTF is transferred to the Clerk of Courts Trust Fund in the JAC for the purpose of paying the GR Service Charge. This section shall take effect upon becoming law.
5	Section ??: The unexpended balance from funds appropriated in Specific Appropriation 3320 of chapter 2007-72, Laws of Florida, for the Supreme Court Restroom Renovations, from funds appropriated in Specific Appropriation 3259A of chapter 2006-25, Laws of Florida, for the 3rd District Court of Appeal Architect Services, and from Section 15 of chapter 2007-326, Laws of Florida, for the 3rd District Court of Appeal Roof Repairs is reverted June 30, 2010 and \$59,295 is appropriated for the 2010-11 fiscal year to the 3rd District Court of Appeal for Life Safety Remediation, \$77,000 is appropriated to the 3rd District Court of Appeal for Ceiling Repair, \$91,100 is appropriated to the 2nd District Court of Appeal for Court Security Enhancement, and \$82,293 is appropriated to the 4th District Court of Appeal for AC System Remediation.
6	Section ??: Pursuant to section 215.32(2)(b)4.a., Florida Statutes, \$4,000,000 from unobligated cash balance amounts specified from the Mediation and Arbitration Trust Fund and \$1,500,000 from the Court Education Trust Fund shall be transferred to the General Revenue Fund for Fiscal Year 2010-11.

Implementing Bill:

7	Requires OSCA, with assistance from Clerks and the Florida Association of Court Clerks, to report to the legislature by February 15, 2011 the number of assigned new and reopened cases and the number of cases closed by each judge and each division and circuit for the period of January - December 31, 2010.
---	---

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: ['TraumM@circuit19.org'](mailto:TraumM@circuit19.org)

CC: Mravic, Deborah

Aloia, Nancy K

Kiesel, Lisa

'Kristine Slayden'

Date: 5/4/2010 10:36:32 AM

Subject: ?FW: Civil Case Management/Foreclosure program-20th

Attachments: [FL 20th Jud Cir Civil CFM Training Slides - DRAFT - Revised 31 Dec 09.ppt](#)

Mark

Thanks for your inquiry on the Civil case management program in the 20th. We are glad to share what we are doing and help in any way we can. Still very early in the process, but definitely very good progress being made.

I am attaching some of the latest Civil DCM forms and reports related to the project in the 20th. Progress is being made and Collier and Lee County's have hired Civil Magistrates and Civil Case Managers and are now working through backlogged circuit civil cases, setting them for case management conferences and disposition on dismissal lists.

Each county has a circuit civil stakeholders working group comprised of civil judges, staff , clerks staff and Bar reps. They have developed circuitwide standards for Case management forms(see attached). All counties in circuit will submit Foreclosure/Civil DCM plans by 5/30/10.

Foreclosure and Civil backlog programs in all counties will start in July, 2010. New Civil DCM procedures will take effect in 10/1 to include case tracks, Case management plans, time standards etc.

You may also want to take a look at the Civil Caseflow Management training workshop that we held for all judges, Bar reps, clerk staff and case management staff as a kickoff. We used Barry Mahoney from JMI and he did a good job for us in building momentum with judges and Bar on this.

I think that you may also want to talk directly to the managers of the Civil DCM program: Nancy Aloia in Lee county and Deb Mravic in Collier County. I am copying them on this email, so you can contact them directly.

20TH CIR 00897

Hope this information is helpful to you and good luck with your project. Give my best to Tom G

Richard Callanan, Trial Court Administrator
20th Judicial Circuit
1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712

From: Marc Traum [mailto:TraumM@circuit19.org]
Sent: Monday, May 03, 2010 5:00 PM
To: Kiesel, Lisa
Subject: Foreclosure program

Dear Lisa Kiesel:

The 19th Circuit is beginning to develop a civil case management program to address backlogged foreclosure cases. We have reviewed the proposed guidelines of your circuit and believe the guidelines provide a good template for development of a program in our circuit. I am wondering if you have made any progress in implementing your plan and if so whether you could share information about the experience, such as any changes you may be considering based upon initial reaction to the plan, any criteria or procedures developed as well any forms you are using.

Also, we are interested in your administrative order for certified process servers. It is our understanding it is a very

well developed document and would appreciate it if you could e-mail it to us.

I hope you do not find this request too much of an imposition. I greatly appreciate your help on these two matters. Please feel free to call me if you think it would be easier to clarify things by phone.

Sincerely,

Marc Traum

****Please note my new email address below****

Marc Traum

Administrative Services Manager

State of Florida Court System

Nineteenth Judicial Circuit Court

250 NW Country Club Drive

Suite 217

Port St. Lucie, FL 34986

772-807-4382 Office

772-807-4377 Fax

traumm@circuit19.org

From: [Ederr, Suzanne </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SUZANNE2566>](mailto:Ederr,Suzanne@SAO20.OU=CACJIS/CN=RECIPIENTS/CN=SUZANNE2566)

To: [Middlebrook, Mark](#)

[Aloia, Nancy K](#)

CC: [Callanan, Richard](#)

[Kiesel, Lisa](#)

Date: 5/5/2010 4:12:42 PM

Subject: ?FW: Civil Case Management/Foreclosure program-20th-Awesome Progress--Next Steps!

Mark and Nancy:

As a early starting point for the AO, I am attaching a link to the 2007 Criminal Case Management AO so we'll all have an idea of what this Civil Case Management AO should look like and what it should include:

http://www.ca.cjis20.org/pdf/ao/ao_3_25.pdf

I look forward to working with you both on this!

- Suzanne

From: Callanan, Richard

Sent: Wednesday, May 05, 2010 12:22 PM

To: Aloia, Nancy K; Middlebrook, Mark; Embury, Jon; Mann, Sheila; Mravic, Deborah; Cambareri, Kimberly; McLean, Craig

Cc: Fishbeck, Eric; Ederr, Suzanne; Kiesel, Lisa

Subject: FW: Civil Case Management/Foreclosure program-20th-Awesome Progress--Next Steps!

Dear All

I apologize for sending what may be the longest email of all time, but I wanted to send you these latest model Civil DCM Orders/Forms (attachments) developed by Collier and Lee working groups so we all have the latest version. I also want to lay out next steps to keep this rocking. You are all making amazing progress with judges and stakeholder groups, and I can't tell you how appreciative I am.

Just so we stay on track, here is a recap of next steps, which we can discuss in more detail at the next June 11th Civil DCM meeting :

1. Civil DCM Administrative Order (Suzanne working with Mark and Nancy)

Once we have model forms finalized and plans, we will develop a Circuit AO to implement the full DCM program effective 10/1/10. Lee and Collier look like a 10/1 start date is set, but if you believe that more time is needed in your county to go to the full DCM model, you can request a delayed start date and we will keep it flexible. I am asking Suzanne Ederr to work with you, using the Criminal DCM AO as a model, to get this in draft form by July 1, 2010.

2. Model Forms on Website (Craig/Kim Cambo/Nancy)

We will want to create a Civil DCM Project link on our homepage that describes the Civil DCM/Backlog Reduction program goals and provides a link for the Bar and staff to the model Civil DCM forms and the Civil DCM AO. If possible they should be "drop down forms" that can be completed on-line. If not possible yet, pdf would be a start.

I would ask Craig to take lead on this and try to have forms up and linked by July 1.

20TH CIR 00900

3. DCM Guidelines/Backlog Plans (Mark, Nancy, Jon & Sheila)

Backlog reduction plans (which most of you have already done in draft form) need to be submitted to the Chief Judge per the guidelines by 5/30/10. This is not just busy work, it is important that we have written Civil Backlog and DCM plans so that we have a baseline of where we started, goals set, staffing and activities to be implemented so we can demonstrate results.

Backlog Reduction Plans can be concise and address the following:

20th Circuit Civil DCM/Backlog Reduction Plan

County: _____

Submitted by: _____

Date: _____

a. Civil Case Management Stakeholder Working Group

A local Civil Case Management Stakeholder Working Group should be established by the Circuit Administrative Judge or Civil Presiding Judge to coordinate backlog reductions efforts. The working group should include Circuit Civil and County Civil judges and representatives from the local Bar, Clerks office and Court case management staff to ensure consultation with key stakeholders in the process;

Describe local approach and activities:

b. Analysis of Civil Backlog - Identification of Delayed/Backlog Target Cases

Each plan should provide an analysis of the trends in circuit civil and county civil filings, dispositions and baseline data on the number and types of Circuit Civil cases pending over 18 months, County Civil pending over 12 months and the number of Circuit Civil Foreclosure filings, dispositions and number of cases pending over 12 months.

Describe filing trends, clearance rates and baseline data on pending Circuit Civil over 18 months, Foreclosure cases over 12 months(from the date you began your backlog reduction program) attach charts on baseline data:

c. Backlog Reduction Goals

Based on the analysis of the existing situation, the plan should set realistic goals to achieve 20-50% reduction in backlog (cases pending over goal) based upon the nature and volume of cases pending in excess of time standards (Circuit Civil over 18 months and Non-Jury cases pending over 12 months). Progress should be tracked monthly.

Goals set for Circuit Civil, Foreclosure and County Civil backlog reduction:

- d. Updated Dismissal Lists for Inactivity should be developed in cooperation with the Clerk's Office on an ongoing basis.

Describe local approach to purging cases that are shown as active pending but should be dismissed or otherwise disposed:

- e. Case Management/Settlement Conferences

The plan should set procedures for use of Magistrate, Senior Judges or Case Manager to screen, identify and assist judges in holding case management or status conferences in backlog or delayed cases. Steps to ensure coordination with the local Clerks staff on scheduling, case tracking procedures and MIS reporting should be described. The use of Senior Judges to assist with expedited foreclosure dockets or other backlog reduction activities planned should be described.

Describe your backlog reduction activities planned for July 2010- June 2011, and/or what is already underway(i.e. Use of Sr Judges for expedited Foreclosure dockets, Case management reviews by Case managers, Settlement of case conferences in older cases, etc.:

- f. Procedures and Form of Order for Referral to Magistrate and Order Setting Case Management Conference should be developed based upon the circuit model forms to the extent practical;

Describe how cases will be referred to Magistrate/Case Manager for CMC's in older cases. If you are planning to use orders/forms other than the circuit models describe and provide copies:

4. Model Case Management Tracking/Aging Reports (Eric/KIm)

Eric will be working with you on a description of elements and format of the key model case management reports/information that we will need to develop with the Clerks. Many of you are already getting these aging reports in some form, but you will need the aging information more regularly in order to manage the CM process. I would like to get these report formats to the Clerks and linked on the website by July 1st.

- a. Monthly Age of Pending Civil Cases Report by Case type
- b. Monthly Civil Case Pending Report – Exception List of Civil Cases Pending over Time Goal (18 months)
- c. Monthly Report of Number of Cases Filed and Disposed by Case Type/Docket
- d. Non-Service Report of Cases Pending over 120 days without service(Dismissal list)
- e. Monthly Report-Answered Cases over 120 days without filed Counsel Stipulated Case Management Plan

Thanks again for all your great work on this.

20TH CIR 00902

*Richard Callanan, Trial Court Administrator
20th Judicial Circuit
1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712*

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 5/7/2010 12:17:18 PM

Subject: ?FW: Foreclosure and Economic Recovery Program Allocations

From: Heather Thuotte-Pierson[SMTP:PIERSONH@FLCOURTS.ORG]

Sent: Friday, May 07, 2010 1:17:11 PM

To: Trial Court Administrators

Subject: Foreclosure and Economic Recovery Program Allocations

Auto forwarded by a Rule

TCAs-

Your original allocation amount and distribution of resources is attached for additional information.

Thanks,

Heather

From: Heather Thuotte-Pierson

Sent: Friday, May 07, 2010 11:27 AM

To: Trial Court Chief Judges; Trial Court Administrators

Cc: Lisa Goodner; Kristine Slayden; Sharon Buckingham; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; Patty Harris; Theresa Westerfield; Elizabeth Garber; Greg Youchock; Gary Phillips

Subject: Foreclosure and Economic Recovery Program Allocations

Good morning,

The Legislature appropriated funding for the Foreclosure and Economic Recovery Program in the amount of \$5,955,606 for FY 2010/11 to the trial courts. These non-recurring funds will be used to provide temporary resources in the trial courts to eliminate backlog in the civil areas. We will be sending information on target backlog reduction goals as well as parameters for implementation and clerk involvement in this program after the May 20, 2010 Trial Court Budget Commission meeting.

20TH CIR 00904

11_19_2010

The amount of funding authority appropriated for this program is less than the amount originally requested, thus the estimated allotment for each circuit also has been adjusted. You will find the estimated allocation by circuit along with estimated backlog cases in the attached PDF file – Foreclosure and Economic Recovery Program. Considering your adjusted allocation, please indicate, using the attached ForeclosureandEconomicRecovery _ Distribution spreadsheet, how you would like the funds for your circuit distributed – by category and element. For every element (General Magistrates and/or Senior Judges, Case Managers, General Magistrate/Senior Judge Admin Support and Mediation Admin Support) specify the dollar amount and category in which the funds should be allocated - OPS, contracted services and/or expenses dollars. To allow for maximum flexibility, funds may be expended in one or all of the elements.

As a reminder, the funding methodology developed for this proposal is based on the number of backlogged cases (in the civil areas) in each circuit. A ratio of one General Magistrate, one Case Manager and two Administrative Support positions for every 15,000 backlogged cases was applied to estimate need. One Administrative Support position is dedicated to mediation for the coordination of civil cases covered under this program with the exclusion of residential homestead mortgage foreclosure cases handled through the managed mediation program. The annual salaries used to calculate the allocation amounts were approximately: \$79,688 for General Magistrates, \$39,126 for Case Managers, and \$26,090 for Admin Support.

Additional information is also needed again from the circuits as to how economic recovery resources will be deployed circuit-wide. Court leadership would like to be able to share this information with the clerks so they can plan accordingly, since they were appropriated \$3.6 million to support our initiative. Please provide:

-The amount of magistrate/senior judge FTE's that will be assigned in each county based on the expected workload from the backlogged cases. Note: Single county circuits can ignore this question.

-If you have multiple magistrate/senior judge FTE's in the proposal, what is the maximum number of courtrooms that will be scheduled at any one time in each county?

As usual we are under a tight timeframe. Please respond by Wednesday, May 12th C.O.B.

Please let me know if you have any questions or concerns.

Thanks,

Heather

20TH CIR 00905

Heather Thuotte-Pierson

Office of the State Courts Administrator

Court Statistics Consultant

(850) 410-3376

piersonh@flcourts.org

Trial Court Budget Commission
Meeting February 2, 2010
Economic Recovery Proposal

AMENDED Supplemental Request

Circuit	General Magistrate		Senior Judge Days	GM/Senior Judge Expense	Admin Support (GM/Senior Judge)			Case Management			Mediation Admin Support			FY 2010/11 Proposed Allocation
	OPS (appx. 79,688 each)	Contracted Services			OPS (appx. 26,090 each)	Contracted Services	Expense	OPS (appx. 39,126 each)	Contracted Services	Expense	OPS (appx. 26,090 each)	Contractual Services	Expense	
1			\$58,100	\$6,500				\$68,471		\$7,833	\$26,090		\$4,000	\$170,994
2			\$21,180	\$2,470	\$20,025		\$1,000	\$121,319		\$5,000				\$170,994
3								\$39,126		\$4,000	\$52,181		\$8,000	\$103,307
4			\$263,900					\$78,088						\$341,988
5			\$150,150	\$9,244				\$156,504			\$26,090			\$341,988
6			\$117,600	\$6,000	\$104,360		\$8,000	\$234,756		\$12,018	\$26,090		\$2,000	\$510,824
7			\$140,000	\$6,358				\$195,630						\$341,988
8		\$75,000	\$24,500	\$2,889	\$26,090		\$500	\$39,126		\$2,889				\$170,994
9			\$306,250	\$42,000	\$91,315		\$35,000	\$117,378		\$23,910	\$52,180		\$15,940	\$683,973
10			\$18,200						\$151,238	\$1,556				\$170,994
11		\$159,376	\$84,000	\$4,778		\$149,360	\$6,800		\$860,772	\$37,400		\$78,270	\$5,100	\$1,385,856
12		\$79,688	\$91,000			\$36,307			\$98,686			\$36,307		\$341,988
13			\$292,500	\$13,576	\$80,270		\$2,000	\$273,882		\$25,036				\$687,264
14			\$64,326	\$4,500				\$39,126		\$4,500	\$52,180		\$6,362	\$170,994
15		\$159,376	\$269,500	\$33,382	\$180,000		\$5,000	\$352,134		\$9,000	\$30,000		\$1,000	\$1,039,392
16		\$40,000	\$52,500	\$36,494					\$39,000	\$3,000				\$170,994
17			\$262,500	\$26,852	\$104,360		\$10,148	\$508,638		\$39,624	\$78,270		\$9,000	\$1,039,392
18	\$159,376		\$252,000	\$12,000	\$78,270		\$11,336							\$512,982
19			\$140,000	\$25,903	\$52,180			\$117,378		\$6,527				\$341,988
20	\$279,072		\$117,950		\$104,360			\$156,504			\$26,090			\$683,976
Total	\$438,448	\$513,440	\$2,726,156	\$232,946	\$841,230	\$185,667	\$79,784	\$2,498,060	\$1,149,696	\$182,293	\$369,171	\$114,577	\$51,402	\$9,382,870

From: Kiesel, Lisa </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LKIESEL>

To: Melvin, Lisa

CC:

Date: 5/10/2010 2:03:50 PM

Subject: ?FW: Foreclosure and Economic Recovery Program Allocations

Lisa Kiesel, Chief Deputy Court Administrator
Twentieth Judicial Circuit
Administrative Office of the Courts
1700 Monroe Street
Fort Myers, FL 33901
Office (239) 533-1711

Fax (239) 533-1701

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

From: Callanan, Richard [mailto:RCallanan@CA.CJIS20.ORG]
Sent: Friday, May 07, 2010 11:27 AM
To: Kiesel, Lisa; Harkey, Sandra D
Subject: FW: Foreclosure and Economic Recovery Program Allocations

From: Heather Thuotte-Pierson[SMTP:PIERSONH@FLCOURTS.ORG]
Sent: Friday, May 07, 2010 11:27:10 AM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Kristine Slayden; Sharon Buckingham; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; Patty Harris; Theresa Westerfield; Elizabeth Garber; Greg Youchock; Gary Phillips
Subject: Foreclosure and Economic Recovery Program Allocations
Auto forwarded by a Rule

Good morning,

The Legislature appropriated funding for the Foreclosure and Economic Recovery Program in the amount of \$5,955,606 for FY 2010/11 to the trial courts. These non-recurring funds will be used to provide temporary resources in the trial courts to eliminate backlog in the civil areas. We will be sending information on target backlog reduction goals as well as parameters for implementation and clerk involvement in this program after the May 20, 2010 Trial Court Budget Commission meeting.

The amount of funding authority appropriated for this program is less than the amount originally requested, thus the estimated allotment for each circuit also has been adjusted. You will find the estimated allocation by circuit along with estimated backlog cases in the attached PDF file – Foreclosure and Economic Recovery Program. **Considering your adjusted allocation, please indicate, using the attached ForeclosureandEconomicRecovery _ Distribution spreadsheet, how you would like the funds for your circuit distributed – by category and element.** For every element (General Magistrates and/or Senior Judges, Case Managers, General Magistrate/Senior Judge Admin Support and Mediation Admin Support) specify the dollar amount and category in which the funds should be allocated - OPS, contracted services and/or expenses dollars. To allow for maximum flexibility, funds may be expended in one or all of the elements.

20TH CIR 00908

As a reminder, the funding methodology developed for this proposal is based on the number of backlogged cases (in the civil areas) in each circuit. A ratio of one General Magistrate, one Case Manager and two Administrative Support positions for every 15,000 backlogged cases was applied to estimate need. One Administrative Support position is dedicated to mediation for the coordination of civil cases covered under this program with the exclusion of residential homestead mortgage foreclosure cases handled through the managed mediation program. The annual salaries used to calculate the allocation amounts were approximately: \$79,688 for General Magistrates, \$39,126 for Case Managers, and \$26,090 for Admin Support.

Additional information is also needed again from the circuits as to how economic recovery resources will be deployed circuit-wide. Court leadership would like to be able to share this information with the clerks so they can plan accordingly, since they were appropriated \$3.6 million to support our initiative. Please provide:

-The amount of **magistrate/senior judge FTE's** that will be assigned **in each county** based on the expected workload from the backlogged cases. *Note: Single county circuits can ignore this question.*

-If you have multiple **magistrate/senior judge FTE's** in the proposal, what is the maximum number of courtrooms that will be scheduled at any one time **in each county**?

As usual we are under a tight timeframe. Please respond by **Wednesday, May 12th C.O.B.**

Please let me know if you have any questions or concerns.

Thanks,
Heather

Heather Thuotte-Pierson
Office of the State Courts Administrator
Court Statistics Consultant
(850) 410-3376
piersonh@flcourts.org

**Foreclosure and Economic Recovery
Fiscal Year 2010/11 Proposed Allocation**

Circuit	Estimated Number of Backlog Cases (FY 2006-07 to FY 2010-11) ¹	FY 2010/11 Proposed Allocation
1	17,739	\$106,365
2	7,134	\$106,365
3	2,356	\$64,261
4	30,144	\$212,729
5	28,511	\$212,729
6	51,993	\$317,752
7	27,851	\$212,729
8	3,404	\$106,365
9	65,989	\$425,457
10	15,992	\$106,365
11	126,197	\$862,053
12	37,077	\$212,729
13	55,143	\$427,504
14	6,118	\$106,365
15	86,380	\$646,540
16	3,650	\$106,365
17	86,912	\$646,540
18	45,850	\$319,094
19	27,532	\$212,729
20	59,091	\$425,458
Total	785,063	\$5,836,494
2% Expense Contingency		\$119,112
Economic Recovery Funding Authority		\$5,955,606

¹ Estimated Number of Backlog Cases calculated for contract and indebtedness, real property/mortgage foreclosure, and county civil (\$5,001 to \$15,000) cases. Backlog cases were determined by subtracting the number of dispositions from the number of filings. The official trial court statistics were used for fiscal year 2006-07 to 2008-09, annualized data (July to October) were used for fiscal year 2009-10, and certification

² Estimates that 42% of backlog cases can be processed with resources funded through the Foreclosure and Economic Recovery Proposal

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 5/13/2010 9:53:12 AM

Subject: ?FW: Economic Recovery Foreclosure Funds

From: Charlotte Jerrett[SMTP:JERRETT@FLCOURTS.ORG]

Sent: Thursday, May 13, 2010 10:53:08 AM

To: Trial Court Administrators

Cc: Heather Thuotte-Pierson; Kristine Slayden; Dorothy Wilson

Subject: Economic Recovery Foreclosure Funds

Auto forwarded by a Rule

Hi All,

The question has arisen about whether or not these funds can be run through the county budget so that FTE's can be established and benefits can be paid to employees. The intent of the legislature is that we administer these funds with temporary resources. Since we have to file a budget amendment for approval of this plan, I do not believe we would be successful with the strategy of contracting with the county and using these resources to pay for employees with benefits. In order to contract with the county, we would need a G/A category to make the payments and stipulate conditions for reporting. If you are planning on proceeding in this manner, please let me know as the TCBC will need to address this issue during their conference call and we will need to include the new G/A category in our budget amendment request.

If you want to discuss this issue further, please give me a call directly. I don't want us to submit a plan that can't be administered or isn't workable. Thanks for your help.

C.

Charlotte Jerrett

Administrative Services Division

Office of the State Courts Administrator

(850) 488-9922

(850) 488-3744 fax

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 5/24/2010 9:10:30 AM

Subject: ?FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

From: Kristine Slayden[SMTP:SLAYDENK@FLCOURTS.ORG]

Sent: Monday, May 24, 2010 10:10:26 AM

To: Callanan, Richard

Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Auto forwarded by a Rule

Rick – Let me talk with a few people up here first. Kris

Kris Slayden

Research and Data

Office of the State Courts Administrator

Florida Supreme Court

500 S. Duval Street

Tallahassee, Florida 32399

850-922-5106 (wk)

850-556-2335 (cell)

850-414-1342 (fax)

From: Callanan, Richard [mailto:RCallanan@CA.CJIS20.ORG]

Sent: Monday, May 24, 2010 9:49 AM

To: Kristine Slayden

Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Hi Kris

I will give you a call. How strict will the TCBC be in enforcing this, will it be an absolute ban on any local discretion? We are planning on going aggressively at Foreclosures (expedited SR Judge dockets and Try or dismiss dockets) and I am confident we will meet foreclosure goals.

As you know, we also wanted to target economic recovery related cases that are backlogged(civil contract, business on business disputes, construction cases etc.) and use Magistrates to bring those cases in for settlement/case management conferences to settle or try.

Do you think I should send a request to TCBC Exec Committee for a waiver to allow us to implement both components of plan? In other words, circuits that present a plan to accomplish both might be allowed to on condition that they present such a plan? Is this a lost cause with the legislative restrictions, or do you think we can get some local discretion? What do you think? I don't want to present a plan to TCBC if this is a no-win issue...

Thanks.

From: Kristine Slayden [mailto:slaydenk@flcourts.org]
Sent: Monday, May 24, 2010 9:37 AM
To: Callanan, Richard
Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Rick – I'm so sorry. I tried to present options that would allow them to select multiple case types, but the judges that were up in Tallahassee during legislative session were emphatic that this funding was sold as a way to bring foreclosed properties back on the market.

I feel so bad since you were instrumental in developing this initiative. Is there anything I can do to help? Kris

P.S. I have told a number of people that are clueless about how to go about implementing this initiative that you would be a good person to contact. Sorry, again.

Kris Slayden

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Office of the State Courts Administrator

20TH CIR 00913

11_19_2010

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850-556-2335 (cell)

850-414-1342 (fax)

From: Callanan, Richard [mailto:RCallanan@CA.CJIS20.ORG]

Sent: Friday, May 21, 2010 4:21 PM

To: Kristine Slayden

Cc: Judge Margaret O. Steinbeck

Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Hey Kris

Not complaining(well, maybe a little), but help me out to understand this? I guess the legislature is placing onerous constraints on the program, but these guidelines are so restrictive that it is going to really hurt our civil/foreclosure backlog reduction program badly.

We requested and planned with Judges/Bar for Foreclosure and Civil backlog reduction funding—We need initiatives to address both Foreclosure and Civil Backlog badly and after a lot of work convincing the judges and Bar, we are ready to go with both components of the plan. These guidelines now make the budgeted Magistrate positions that are planned for Civil backlog initiatives fairly useless and it is too late to change direction with the Judges and Bar...

If we can launch BOTH civil and foreclosure backlog efforts and reach both Foreclosure and Civil backlog targets concurrently, why would that be a problem? We have to reduce all Foreclosure backlog first?... I am scratching my head over this one, and any light you can shed on the thinking here would be great!

Rick

From: Kristine Slayden [mailto:slaydenk@flcourts.org]

20TH CIR 00914

11_19_2010

Sent: Friday, May 21, 2010 2:42 PM

To: Trial Court Chief Judges; Trial Court Administrators

Cc: Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham

Subject: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Chief Judges/Trial Court Administrators – The Trial Court Budget Commission met yesterday and approved the following 5 issues for the implementation of the Foreclosure and Economic Recovery Funding for FY 2010/11. Any adjustments to your circuit's plan based on these decisions need to be emailed to Dorothy Wilson at burked@flcourts.org by COB Tuesday, May 25th. Please refer to the bottom of this email for further submission instructions.

Please note that the allocations will be provided to the Chief Justice and the Legislature for final approval.

Issue 1: FY 2010/11 Funding Allocations Approved

1) Approved the FY 2010/11 circuit allocations for the Foreclosure and Economic Recovery Funding, with an adjustment to the contracted services category for case management and administrative support for the 10th, 12th, and 15th circuits (due to restrictions with using contractual dollars). The revised allocation chart is attached.

2) Approved effective date for the implementation of the circuits' plans so resources can be deployed on July 1, 2010, using existing FY 2009/10 funds for advertising if necessary.

Issue 2: Types of Cases and Disposition Goals Approved

1) Approved real property/mortgage foreclosure cases as the focus of this initiative. If a circuit has cleared all real property/mortgage foreclosure cases from backlog, the circuit may request in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator, asking to use the funds to handle contracts and indebtedness cases, and county civil cases valued from \$5,001 to \$15,000.

2) Approved a targeted goal for the disposition of backlog cases of 62%, which corresponds to the reduction in funding (\$9.6 million proposal reduced down to \$6.0 million appropriation is a 38% reduction).

The attached chart indicates the targeted backlog reduction for the estimated Real Property/Mortgage Foreclosure backlog cases for each circuit. The actual number of backlog cases will need to be produced at the beginning of the initiative for tracking purposes.

Issue 3: Budget Policy Considerations Approved

- a) In order to comply with legislative intent, any expenditure of any type utilizing this funding is strictly limited to direct support of the backlog reduction of the approved case types listed in Issue 2.

- b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify from which funding source the senior judge should be paid. The Trial Court Administrators are responsible for ensuring that the information is reported properly.

- c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for Senior Judges, consumable office supplies, postage, copying, printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or Senior Judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.

- d) A contingency for the Expense category was approved in the original proposal and factored into the appropriated amount. In order to access these contingency funds, a circuit must have exhausted its Foreclosure and Economic Recovery Expense allotment. Requests for additional Expense are to be made in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator. The request must provide a complete, detailed explanation of how Expense funding came to be exhausted, what steps were taken to alleviate the impending shortfall, the amount requested and how that amount was calculated.

Issue 4: Funding/Plan Monitoring Approved

- a. The Budget Management Committee (BMC) will monitor expenditures on a monthly basis to ensure that resources are only being used for the purpose of backlog reduction for the approved case types. In addition, the BMC will monitor case event data to ensure that expenditures correlate with the TCBC approved activities.
- b. The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch's FY 2010/11 audit plan.

Issue 5: Clerk Assistance Approved

Information on in-courtroom resources (general magistrates and senior judges) that will be assigned in each county and

20TH CIR 00916

the maximum number of courtrooms that will be scheduled at any one time in each county will be shared with clerks once it has been finalized (see attached chart – please update this information, if needed). The chief judge in each circuit should work with their clerks to ensure the clerks appropriately support their plan. These plans need to be shared with the Office of the State Courts Administrator so that the legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

Two other issues on performance measurement and FY 2011/12 Legislative Budget Request were postponed until the June 4th TCBC meeting.

Directions:

If the decisions above require you to modify your plan allocations, please make the adjustments and notify Dorothy Wilson of the specific changes to the allocation categories by email at burked@flcourts.org by COB, Tuesday, May 25, 2010. If no changes are needed, please indicate that in an email to Dorothy. In addition, if any changes in your allocations require a revision to the in courtroom resources, please provide that information also.

Listed below are the job classes and hourly rates for OPS positions that were used in the original proposal for the Foreclosure and Economic Recovery Funding. The TCBC approved the circuit allocations with direction to the circuits that they hire within these guidelines.

Element Position Maximum rate

Magistrates: Magistrate \$35.48 hourly

Case Management: Court Program Specialist II \$17.36 hourly

Court Program Specialist I \$14.58 hourly

Court Program Specialist I \$15.40 hourly w/ CAD – Hillsborough and Pinellas

Court Program Specialist I \$15.40 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach

Admin. Support: Senior Secretary \$11.89 hourly

Senior Secretary \$12.10 hourly w/ CAD – Hillsborough and Pinellas

Senior Secretary \$12.48 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach

This amount does not include the 7.65% FICA that needs to be added to the hourly rate.

Lastly, some circuits have already developed plans and position descriptions for the implementation of this initiative. You may want to check with our colleagues if you need some assistance in developing your own plan.

Please let me know if you have any questions. Kris

Kris Slayden

Research and Data

Office of the State Courts Administrator

Florida Supreme Court

500 S. Duval Street

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850-556-2335 (cell)

850-414-1342 (fax)

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From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 5/24/2010 8:37:12 AM

Subject: ?FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

From: Kristine Slayden[SMTP:SLAYDENK@FLCOURTS.ORG]

Sent: Monday, May 24, 2010 9:37:08 AM

To: Callanan, Richard

Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Auto forwarded by a Rule

Rick – I'm so sorry. I tried to present options that would allow them to select multiple case types, but the judges that were up in Tallahassee during legislative session were emphatic that this funding was sold as a way to bring foreclosed properties back on the market.

I feel so bad since you were instrumental in developing this initiative. Is there anything I can do to help? Kris

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Kris Slayden

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From: Callanan, Richard [mailto:RCallanan@CA.CJIS20.ORG]
Sent: Friday, May 21, 2010 4:21 PM
To: Kristine Slayden
Cc: Judge Margaret O. Steinbeck
Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Hey Kris

Not complaining(well, maybe a little), but help me out to understand this? I guess the legislature is placing onerous constraints on the program, but these guidelines are so restrictive that it is going to really hurt our civil/foreclosure backlog reduction program badly.

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Rick

From: Kristine Slayden [mailto:slaydenk@flcourts.org]
Sent: Friday, May 21, 2010 2:42 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham
Subject: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Chief Judges/Trial Court Administrators – The Trial Court Budget Commission met yesterday and approved the following 5 issues for the implementation of the Foreclosure and Economic Recovery Funding for FY 2010/11. Any adjustments to your circuit's plan based on these decisions need to be emailed to Dorothy Wilson at burked@flcourts.org by COB Tuesday, May 25th. Please refer to the bottom of this email for further submission instructions.

20TH CIR 00921

Please note that the allocations will be provided to the Chief Justice and the Legislature for final approval.

Issue 1: FY 2010/11 Funding Allocations Approved

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- 2) Approved effective date for the implementation of the circuits' plans so resources can be deployed on July 1, 2010, using existing FY 2009/10 funds for advertising if necessary.

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b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify from which funding source the senior judge should be paid. The Trial Court Administrators are responsible for ensuring that the information is reported properly.

20TH CIR 00922

c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for Senior Judges, consumable office supplies, postage, copying, printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or Senior Judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.

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b. The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch's FY 2010/11 audit plan.

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Information on in-courtroom resources (general magistrates and senior judges) that will be assigned in each county and the maximum number of courtrooms that will be scheduled at any one time in each county will be shared with clerks once it has been finalized (see attached chart – please update this information, if needed). The chief judge in each circuit should work with their clerks to ensure the clerks appropriately support their plan. These plans need to be shared with the Office of the State Courts Administrator so that the legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

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Listed below are the job classes and hourly rates for OPS positions that were used in the original proposal for the Foreclosure and Economic Recovery Funding. The TCBC approved the circuit allocations with direction to the circuits that they hire within these guidelines.

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Court Program Specialist I \$14.58 hourly

Court Program Specialist I \$15.40 hourly w/ CAD – Hillsborough and Pinellas

Court Program Specialist I \$15.40 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach

Admin. Support: Senior Secretary \$11.89 hourly

Senior Secretary \$12.10 hourly w/ CAD – Hillsborough and Pinellas

Senior Secretary \$12.48 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach

This amount does not include the 7.65% FICA that needs to be added to the hourly rate.

Lastly, some circuits have already developed plans and position descriptions for the implementation of this initiative. You may want to check with our colleagues if you need some assistance in developing your own plan.

Please let me know if you have any questions. Kris

20TH CIR 00924

Kris Slayden

Research and Data

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From: [Mann, Sheila </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SAM2884>](mailto:Sheila.Mann@SAO20.OU=CACJIS/CN=RECIPIENTS/CN=SAM2884)

To: [Sloan, James D](#)
[Greider, Christine](#)
[Lundy, Jack](#)

CC: [Gutshall, Tilena](#)
[Hendrickx, Jo-Ann](#)
[Brantley, Kelly](#)

Date: 5/26/2010 11:59:30 AM

Subject: OPS money for civil backlog



Your Honors,

A new twist has been added to the OPS money for civil backlog. The TCBC voted to have the money used solely for foreclosure backlog and not for civil backlog. Therefore, the Sr. Judge time paid for by this money can only be used for them to preside over foreclosure cases. We will need to re-think a plan of action in terms of how the work is divided in Hendry/Glades as our magistrates handle the foreclosure work along with some civil. Is it possible to give the magistrates more non-foreclosure work so that we can utilize Sr. Judges?

I will forward the TCBC guidelines to you when I receive them and we can discuss next week.

Sheila

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 5/28/2010 8:10:10 AM

Subject: ?FW: Foreclosure and Economic Recovery Non-recurring Funding

From: Kristine Slayden[SMTP:SLAYDENK@FLCOURTS.ORG]

Sent: Friday, May 28, 2010 9:09:44 AM

To: Trial Court Chief Judges

Cc: Trial Court Administrators; Lisa Goodner; Steinbeck, Margaret;

Charlotte Jerrett; Dorothy Wilson; Theresa Westerfield; Arlene Johnson;

Heather Thuotte-Pierson

Subject: Foreclosure and Economic Recovery Non-recurring Funding

Auto forwarded by a Rule

Chief Judges -

Attached are the final versions of the Foreclosure and Economic Recovery Funding Circuit Allocations chart and the In-courtroom Resources chart. As mentioned in my email last Friday, the Trial Court Budget Commission anticipates that the chief judge in each circuit will work with their clerks to ensure the clerks use their separate appropriation (see excerpt of CS/HB 5401 below) to adequately support the court's plan. These plans (clerk's and court's) need to be shared with the Office of the State Courts Administrator so that the Legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

The Clerks of Court Operations Corporation (CCOC) Executive Council met on May 25, 2010 to discuss their Finance and Budget (F&B) Committee's recommendation on the methodology for distribution of their foreclosure Appropriation. They discussed the language in CS/HB 5401 and were aware that the TCBC had asked the chief judges to work with the clerks on the plan.

The CCOC F&B Committee's recommendation distributed the \$3.6 million appropriation in the following manner: Part 1 distributes \$1.8 million based on the number of cases as referenced by the TCBC reimbursed at the average per case rate; and Part 2 distributes the remaining \$1.8 million based on Court determined percentage allocation of court appropriations for foreclosures to each of the Judicial Circuits. Since the CCOC F&B methodology does not allocate by county, there was discussion about an appropriate allocation in multi-county jurisdictions. It was decided that the clerks in multi-county jurisdictions should coordinate with each other, and all clerks, in every circuit, should meet with their chief judges to make sure that the county allocations and the clerks' plans match the plan of the chief judges in each circuit.

The clerks stated their understanding that the funding will be available on July 1st and they recognized the urgency to get the resources in place as soon as possible. They discussed the goal of the appropriation to clear the foreclosure backlog and agreed that they would hire resources to assist the courts in achieving that goal. Their chair, Mr. Forman, offered to send a letter any chief judge, if contact was needed. They also passed a motion to develop a simple tracking system to make sure that they were able to track the money spent on this initiative. They plan to present a more formal plan for the tracking system at their next meeting on June 29, 2010.

Please contact the clerks in your circuit as soon as possible about your plan to fund this initiative. Legislative staff have requested that the clerks' and courts' spending plans be submitted at the same time so that they can ensure that the two

plans work together in support of the goal.

The Trial Court Budget Commission plans to discuss this matter again at their June 4th meeting. Please let me know any update on the status of the communication with your clerks before the meeting, if at all possible. Thank you for your help.
Kris

CS/HB 5401 Enrolled - The sum of \$3,600,000 of non-recurring funds from the Clerks of Court Trust Fund is appropriated to the Clerks of Court Operations Corporation to be distributed to the clerks of court where the state court system has distributed the increased resources provided in the 2010-11 General Appropriations Act for workload associated with foreclosure and economic recovery. The corporation shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to distribute the funding among the clerks of court.

Kris Slayden

Research and Data

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Florida Supreme Court

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Tallahassee, Florida 32399

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850-414-1342 (fax)

Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only (as of May 27, 2010)

Circuit	County	62% of Estimated Real Property/ Mortgage Foreclosure Backlog Cases	General Magistrates			Senior Judge		Maximum Courtrooms
			OPS Funding	Contracted Services Funding	Estimated FTE	Total Funding	Estimated Days	
1	Escambia						28	1
	Okaloosa						36	1
	Santa Rosa						14	1
	Walton						28	1
	Total	8,035	\$0	\$0	0.00	\$37,100	106	4
2	Franklin						5	1
	Gadsden						5	1
	Jefferson						0	0
	Leon						45	1
	Liberty						0	0
	Wakulla						5	1
	Total	2,719	\$0	\$0	0.00	\$21,180	60	4
3	Columbia							
	Dixie							
	Hamilton							
	Lafayette							
	Madison							
	Suwannee							
	Taylor							
	Total	822	\$0	\$0	0.00	\$0	0	0
4	Clay						165	1
	Duval						218	2
	Nassau						110	1
	Total	13,344	\$0	\$0	0.00	\$172,729	493	4

11_19_2010

Page 3

Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only (as of May 27, 2010)

Circuit	County	62% of Estimated Real Property/ Mortgage Foreclosure Backlog Cases	General Magistrates			Senior Judge		Maximum Courtrooms
			OPS Funding	Contracted Services Funding	Estimated FTE	Total Funding	Estimated Days	
5	Citrus						41	1
	Hernando						41	1
	Lake						41	1
	Marion						41	1
	Sumter						41	1
	Total	12,357	\$0	\$0	0.00	\$72,100	206	5
6	Pasco						118	2
	Pinellas						119	2
	Total	24,424	\$0	\$0	0.00	\$82,950	237	4
7	Flagler						65	1
	Putnam						65	1
	St. Johns						65	1
	Volusia						65	1
	Total	13,383	\$0	\$0	0.00	\$91,000	260	4
8	Alachua				0.00		50	1
	Baker				0.09		0	1
	Bradford				0.09		0	1
	Gilchrist				0.09		0	1
	Levy				0.09		0	1
	Union				0.09		0	1
	Total	1,597	\$0	\$37,035	0.45	\$17,500	50	6
9	Orange						470	2
	Osceola						235	1
	Total	31,372	\$0	\$0	0.00	\$246,750	705	3

11_19_2010

Page 4

Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only (as of May 27, 2010)

Circuit	County	62% of Estimated Real Property/ Mortgage Foreclosure Backlog Cases	General Magistrates			Senior Judge		Maximum Courtrooms
			OPS Funding	Contracted Services Funding	Estimated FTE	Total Funding	Estimated Days	
10	Hardee						0	0
	Highlands						0	0
	Polk						52	1
	Total	8,047	\$0	\$0	0.00	\$18,200	52	1
11	Dade	54,532	\$82,481	\$0	1.00	\$171,500	490	3.5
12	Desoto						0	0
	Manatee						135	2
	Sarasota						135	2
	Total	15,845	\$0	\$0	0.00	\$94,500	270	4
13	Hillsborough	23,672	\$0	\$0	0.00	\$195,000	557	2
14	Bay						92	1
	Calhoun						0	0
	Gulf						0	0
	Holmes						0	0
	Jackson						0	0
	Washington						0	0
	Total	2,873	\$0	\$0	0.00	\$32,430	92	1
15	Palm Beach	39,309	\$0	\$0	0.00	\$176,400	504	2
16	Monroe	1,656	\$0	\$14,400	0.18	\$49,700	142	3
17	Broward	35,659	\$0	\$0	0.00	\$87,500	250	2
18	Brevard						496	2
	Seminole						248	1
	Total	19,252	\$0	\$0	0.00	\$260,643	744	3

11_19_2010

Page 5

Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only (as of May 27, 2010)

Circuit	County	62% of Estimated Real Property/ Mortgage Foreclosure Backlog Cases	General Magistrates			Senior Judge		Maximum Courtrooms
			OPS Funding	Contracted Services Funding	Estimated FTE	Total Funding	Estimated Days	
19	Indian River						48	1
	Martin						48	1
	Okeechobee						0	0
	St. Lucie						144	1
	Total	12,844	\$0	\$0	0.00	\$84,000	240	3
20	Charlotte				0.00		40	1
	Collier				0.20		162	1
	Glades				0.00		38	1
	Hendry				0.00		18	1
	Lee				1.50		180	2
	Total	25,423	\$135,470	\$0	1.70	\$153,300	438	6
State Total		347,165	\$217,951	\$51,435	3.33	\$2,064,482	5,896	65

Notes:

1. Totals may not be exact due to rounding.
2. Information provided for Maximum Courtrooms in circuits 13 and 14 represent Hearing Rooms.
3. Circuit 15 held \$113,080 in reserve and will reassess the progress with their plan three to four months after implementation. The circuit will then either increase aspects of their plan or return any excess funds for use by other

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: [Green, Charlie](#)

[Scott, Barbara T.](#)

[Butler, Barbara](#)

[Flint, Joe](#)

[Brock, Dwight](#)

[Carlin, John S.](#)

[Pivacek, Cynthia](#)

[Kyle, Keith](#)

[Sloan, James D](#)

[Lundy, Jack](#)

CC: [Bennett, Laura](#)

[Churchill, Marie](#)

[Barbiretti, Sue](#)

'abischel@hendryclerk.org'

'sbrown@gladesclerk.com'

[Atkins, Joanne](#)

[Jordan, Jacqueline](#)

[Gutshall, Tilena](#)

[Brantley, Kelly](#)

[Kellum, Susan G](#)

[Harkey, Sandra D](#)

Date: 6/4/2010 1:26:18 PM

Subject: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

Good Afternoon,

On behalf of Chief Judge Cary, please find attached a memo from him along with an attachment from the Florida Clerk of Courts Operations Corporation (CCOC). Please review and respond to Chief Judge Cary on or before June 9, 2010.

Thank you for your prompt attention to this matter and have a nice weekend.

Richard Callanan
Trial Court Administrator
20th Judicial Circuit
239-533-1712



TWENTIETH JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE OFFICE OF THE COURTS
LEE COUNTY JUSTICE CENTER
1700 MONROE STREET
FORT MYERS, FLORIDA 33901
TEL. (239) 533-1700
FAX (239) 533-1701

G. KEITH CARY
CHIEF JUDGE

RICHARD CALLANAN
COURT ADMINISTRATOR

Memorandum

To: 20th Judicial Circuit Clerks of Court

From: G. Keith Cary, Chief Judge

Date: June 4, 2010

Re: Foreclosure Backlog Program Allotments to the Clerks of the 20th Circuit

Dear 20th Judicial Circuit Clerks of Courts,

As you will see in the attached letter, the Florida Clerk of Courts Operations Corporation (CCOC) has asked for my input as Chief Judge on the most appropriate county allocation of the \$263,028 Foreclosure Backlog Program allotment to the Clerks of the 20th Circuit.

A major impact on the Clerks will be the additional court time required by added Senior Judge days for expedited default dockets and contested foreclosure trial dockets. Backlogged foreclosure cases may also be set for trial/conference dockets with Senior Judges or Magistrates to expedite these cases and move them directly to trial or default dockets. A summary of the 20th Circuit Foreclosure Backlog staffing plan for the Circuit for July 1, 2010 – June 30, 2011 is outlined below.

- Lee County is adding 180 Senior Judge days for expedited dockets; 20 Magistrate days per month in Lee will also handle foreclosure motions related to the new homestead mediation and handle foreclosure trial/conference dockets to expedite cases. Total new foreclosure hearing days approximately 420 per year/35 per month.
- Collier County is adding 162 Senior Judge days and 4 Magistrate days per month. Total foreclosure hearing time 210 per year/17.5 per month.
- Charlotte is adding 40 Senior Judge days and devoting 0.50 judge to foreclosures for a total foreclosure hearing time of 150 days/12/5 per month.

20th Judicial Clerks of Courts

Re: Foreclosure Backlog Program Allotments to the Clerks of the 20th Circuit

June 4, 2010

Page 2

- Hendry is adding 18 Senior Judge days and has approximately 0.10 judge FTE need for foreclosure volume for a total approximate foreclosure hearing time of 66 days per year/5.5 per month.
- Glades adding 38 Senior Judge Days and has approximately 0.05 judges assigned for total hearing time of 50 days per year/4.0 per month.

I would ask each of you to advise me on your opinion as to the best method to allocate the \$263,000 Clerk Foreclosure backlog reduction budget by county. Our county court allocations are based on the prorated percentage of foreclosure caseload for each county. If funded at this level, the prorated county allocations would be approximately:

Lee – 50%
Collier – 25%
Charlotte – 13%
Hendry – 6%
Glades – 6%

I would ask that you review the Foreclosure Backlog Plans, meet with your respective Circuit Administrative Judges and let me know your input on the best method of prorating the allocation of these Clerk funds by county. If the above prorated allocations look reasonable, I will forward those recommendations to the CCOC as requested. The CCOC has requested a response by June 10, 2010, so kindly let me know your input as soon as possible and no later than June 9, 2010.

Thank you for your assistance in this regard.

Attachment

cc: Honorable John S. Carlin, Administrative Judge
Honorable Cynthia A. Pivacek, Administrative Judge
Honorable Keith R. Kyle, Administrative Judge
Honorable James D. Sloan, Administrative Judge
Honorable Jack Lundy, Administrative Judge
Richard Callanan, Trial Court Administrator

Page 3

11_19_2010

Honorable Howard Forman
Broward County
Chair

Honorable Harvey Ruvin
Dade County
Vice Chairman

Honorable Richard Weiss
Polk County
Secretary/Treasurer

Honorable John Crawford
Nassau County

Honorable Scott Ellis
Brevard County

Honorable Bob Inzer
Leon County

Honorable Buddy Irby
Alachua County

Honorable Tim Sanders
Madison County

Honorable
Margaret Steinbeck
Judge

Senate
Honorable Sharon Bock
Palm Beach Clerk

House
Vacant

Joe Boyd
General Counsel

John Dew
Executive Director

2560-102 Barrington Circle
Tallahassee, Florida 32308

May 28, 2010

The Honorable G. Keith Cary
Twentieth Judicial Circuit
1700 Monroe Street
Ft. Myers, FL 33901

Dear Chief Judge G. Keith Cary:

The Executive Council for the Clerks of Court Operations Corporation (CCOC) is requesting assistance in the allocation of the \$3.6 million nonrecurring appropriation dedicated to the Clerks of Court to assist in addressing the workload associated with the foreclosure and economic recovery initiative. This assistance will be invaluable to the success of the Clerks' ability to assist the courts in clearing the outstanding backlog of foreclosure cases in 10/11.

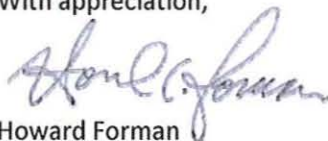
As already requested by the TCBC, the CCOC Executive Council also ask that you meet with each of the Clerks in your circuit to collaborate on a plan to provide resources to address the foreclosure backlog. While the CCOC has determined an amount to provide in total to Clerks in your circuit, we are still seeking additional information on how to distribute these dollars among the individual Clerks. Based on a methodology approved by the CCOC, the portion of the \$3.6 million appropriation dedicated to be distributed among the Clerks in your circuit is \$263,028.06.

After your collaboration with the Clerks in your circuit we would appreciate any information and/or suggestions you could provide to help the CCOC make a decision to allocate dollars among the Clerks in your circuit. Please provide this information/suggestion either as specific dollar amount dedicated to each county or as percentage of the circuit total.

This information can be emailed to John Dew, CCOC Executive Director at jdew@flccoc.org. Given the short timeframe to implement this initiative, please provide this information to Mr. Dew by close of business on June 5, 2010.

If you have any questions regarding this request, I have directed Mr. Dew to make himself available. In additional to the email address above, you can contact him at (850) 386-2223.

With appreciation,



Howard Forman
Chair of the CCOC Executive Council

CC: John Dew

From: Kellum, Susan G </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SGK2460>

To: Harkey, Sandra D

CC:

Date: 6/4/2010 12:00:24 PM

Subject: Foreclosure Backlog Program

Dear 20th Circuit Clerks of Court,

As you will see in the attached letter, the COCC has asked for my input as Chief Judge on the most appropriate county allocation of the \$263,028 Foreclosure backlog program allotment to the Clerks for the 20th circuit.

A major impact on the Clerks will be the additional court time required by added Senior Judge days for expedited default dockets and contested foreclosure trial dockets. Backlogged foreclosure cases may also be set for trial/conference dockets with Senior Judges or Magistrates to expedite these cases and move them directly to trial or default dockets. A summary of the 20th Circuit Foreclosure Backlog staffing plan for the Circuit for 7/1/10 – 6/30/11 is outlined below.

Lee County is adding 180 Senior Judge days for expedited dockets; 20 Magistrate days per month in Lee will also handle Foreclosure motions related to new Homesteaded mediation and handle foreclosure trial/conference dockets to expedite cases. Total new foreclosure hearing days approximately 420 per year/35 per month.

* Collier County is adding 162 Senior Judge days and 4 Magistrate days per month. Total foreclosure hearing time 210 per year/ 17.5 per month.

* Charlotte is adding 40 Senior Judge days and devoting 0.50 judge to Foreclosures for a total foreclosure hearing time of 150 days/12.5 days per month.

* Hendry is adding 18 Senior Judge days and has approximately 0.10 judge FTE need for foreclosure volume for a total approximate foreclosure hearing time of 66 days per year/5.5 per month.

* Glades adding 38 Senior Judge Days and has approximately 0.05 judge assigned for total hearing time of 50 days per year/4.0 per month.

I would ask each of you to advise me on your opinion as to the best method to allocate the \$263,000 Clerk Foreclosure backlog reduction budget by county. Our county court allocations are based on the prorated percentage of foreclosure caseload for each county. If funded at this level, the prorated county allocations would be approximately :

Lee - 50%

Collier - 25%

Charlotte - 13%

Hendry – 6%

Glades – 6%

I would ask that you review the Foreclosure backlog plans, meet with your respective Circuit Administrative Judges and let me know your input on the best method of prorating the allocation of these Clerk funds by county. If the above prorated allocations above look reasonable, I will forward those recommendations to the COCC as requested. The CCOC has requested a response by 6/10, so kindly let me know your input as soon as possible and no later than 6/9/10.

Thank you for your assistance in this regard.

G. Keith Cary
Chief Judge

20TH CIR 00938

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 6/7/2010 10:05:56 AM

Subject: ?FW: OPS Positions for Foreclosure Backlog/Economic Recovery

From: Gary Phillips[SMTP:PHILLIPSG@FLCOURTS.ORG]

Sent: Monday, June 07, 2010 11:05:49 AM

To: Personnel Reps

Cc: Trial Court Administrators; Terri Williams; David Pepper

Subject: OPS Positions for Foreclosure Backlog/Economic Recovery

Importance: High

Auto forwarded by a Rule

Good morning all,

As you know, each circuit submitted a plan for how you will use temporary funding to tackle the backlog of foreclosure of real property cases. You might be using Senior Judges, contracting, using OPS magistrates, case managers and secretaries; or some combination of resources for this purpose.

This message pertains to OPS resources only (magistrates, case managers and secretaries). Attached is a spreadsheet that I need for you to fill out and return to my office as soon as possible by listing the OPS resources you intend to use for this project. This information is necessary so we can assign position numbers to OPS resources that you intend to use, and so we can get the resources set up in People First. The sooner you supply our office with this information, the sooner we can provide position numbers for your upcoming OPS hires.

If you have any questions, feel free to give me a call or e-mail.

Thanks,

Gary

Gary R. Phillips, SPHR

Chief of Personnel Services

20TH CIR 00939

500 S. Duval Street

Tallahassee, Florida 32399-1900

phone: 850-617-4028

fax: 850-488-3744

email: phillipsg@flcourts.org

From: [Dwight E. Brock <Dwight.Brock@collierclerk.com>](mailto:Dwight.Brock@collierclerk.com)

To: [Masch, James](#)
[Callanan, Richard](#)

CC: [Green, Charlie](#)
[Scott, Barbara T.](#)
[Butler, Barbara](#)
[Flint, Joe](#)
[Carlin, John S.](#)
[Pivacek, Cynthia](#)
[Kyle, Keith](#)
[Sloan, James D](#)
[Lundy, Jack](#)
[Bennett, Laura](#)
[Churchill, Marie](#)
[Atkins, Joanne](#)
[Jordan, Jacqueline](#)
[Gutshall, Tilena](#)
[Brantley, Kelly](#)
[Kellum, Susan G](#)
[Harkey, Sandra D](#)
[Embury, Jon](#)
[Scott, Barbara T.](#)

Date: 6/8/2010 12:56:36 PM

Subject: ?RE: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

I am ok as well.

From: Jim Masch [mailto:James.Masch@co.charlotte.fl.us]

Sent: Tuesday, June 08, 2010 1:42 PM

To: Callanan, Richard

Cc: Green, Charlie; Barbara T. Scott; Butler, Barbara; Flint, Joe; Dwight E. Brock; Carlin, John; Pivacek, Cynthia; Kyle, Keith; Sloan, James; Lundy, Jack; Cc: Bennett, Laura; Marie Churchill; Atkins, Joanne; JacquelineJordan; Gutshall, Tilena; Brantley, Kelly; Kellum, Susan; Harkey, Sandra; Embury, Jon; Barbara T. Scott

Subject: RE: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

On behalf of Barbara T. Scott, Clerk of the Charlotte County Circuit Court, this email will confirm her agreement to the allocation of funding for the Clerks of Court as outlined in the memo dated June 4, 2010 from Chief Judge Cary.

According to the allocation, the Charlotte County Clerk would receive \$34,193.65 and this amount would be used to hire a temporary clerk to assist with increased hearing time.

Thank you for your attention to this matter.

James R. Masch
Chief Deputy
Courts, Records & Administration
Charlotte County Clerk of the Circuit Court

From: Barbara T. Scott

Sent: Friday, June 04, 2010 2:29 PM

To: Jim Masch

20TH CIR 00941

Subject: Fw: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

Importance: High

From: >

To:

Sent: Fri Jun 04 14:26:18 2010

Subject: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

Good Afternoon,

On behalf of Chief Judge Cary, please find attached a memo from him along with an attachment from the Florida Clerk of Courts Operations Corporation (CCOC). Please review and respond to Chief Judge Cary on or before June 9, 2010.

Thank you for your prompt attention to this matter and have a nice weekend.

Richard Callanan
Trial Court Administrator
20th Judicial Circuit
239-533-1712

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From: [Jim Masch <James.Masch@co.charlotte.fl.us>](mailto:James.Masch@co.charlotte.fl.us)

To: [Callanan, Richard](#)

CC: [Green, Charlie](#)

[Scott, Barbara T.](#)

[Butler, Barbara](#)

[Flint, Joe](#)

[Brock, Dwight](#)

[Carlin, John S.](#)

[Pivacek, Cynthia](#)

[Kyle, Keith](#)

[Sloan, James D](#)

[Lundy, Jack](#)

[Bennett, Laura](#)

[Churchill, Marie](#)

[Atkins, Joanne](#)

[Jordan, Jacqueline](#)

[Gutshall, Tilena](#)

[Brantley, Kelly](#)

[Kellum, Susan G](#)

[Harkey, Sandra D](#)

[Embury, Jon](#)

[Scott, Barbara T.](#)

Date: 6/8/2010 12:41:54 PM

Subject: ?RE: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

On behalf of Barbara T. Scott, Clerk of the Charlotte County Circuit Court, this email will confirm her agreement to the allocation of funding for the Clerks of Court as outlined in the memo dated June 4, 2010 from Chief Judge Cary.

According to the allocation, the Charlotte County Clerk would receive \$34,193.65 and this amount would be used to hire a temporary clerk to assist with increased hearing time.

Thank you for your attention to this matter.

James R. Masch
Chief Deputy
Courts, Records & Administration
Charlotte County Clerk of the Circuit Court

From: Barbara T. Scott

Sent: Friday, June 04, 2010 2:29 PM

To: Jim Masch

Subject: Fw: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

Importance: High

From: >

To:

Sent: Fri Jun 04 14:26:18 2010

Subject: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

Good Afternoon,

20TH CIR 00944

On behalf of Chief Judge Cary, please find attached a memo from him along with an attachment from the Florida Clerk of Courts Operations

11_18_2010

Corporation (CCOC). Please review and respond to Chief Judge Cary on or before June 9, 2010.

Thank you for your prompt attention to this matter and have a nice weekend.

Richard Callanan
Trial Court Administrator
20th Judicial Circuit
239-533-1712

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From: Kiesel, Lisa </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LKIESEL>

To: Mann, Sheila

CC:

Date: 7/7/2010 11:59:24 AM

Subject: ?RE: info

Approx \$425,000 for FY10/11

Lisa Kiesel, Chief Deputy Court Administrator
Twentieth Judicial Circuit
Administrative Office of the Courts
1700 Monroe Street
Fort Myers, FL 33901
Office (239) 533-1711
Fax (239) 533-1701

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.


From: Mann, Sheila
Sent: Wednesday, July 07, 2010 11:35 AM
To: Kiesel, Lisa
Subject: RE: info

Thanks Lisa. Can you tell me how much money we received to move our foreclosures along? I don't have that available to me here. I am sure I will get questions about all our foreclosure efforts as well as how they are funded etc. Thanks.

From: Kiesel, Lisa
Sent: Wednesday, July 07, 2010 9:38 AM
To: Mann, Sheila
Subject: info

Estimated number of backlog cases statewide 559,945 and circuit 41,005.

Monthly foreclosure stats by county since Jan 2010 << File: Foreclosure Stats 2010.xlsx >> .


Lisa Kiesel, Chief Deputy Court Administrator
Twentieth Judicial Circuit
Administrative Office of the Courts
1700 Monroe Street
Fort Myers, FL 33901

20TH CIR 00946

Office (239) 533-1711

Fax (239) 533-1701

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: McHugh, Michael

CC: Johnston, Linda

Atkins, Joanne

Date: 1/6/2009 10:13:26 AM

Subject: ?RE: Foreclosures

It would be great if we each did one day in March and one day in April to keep our clearance rate up. I checked out my schedule and I am available March 24 and April 23 to do a mass foreclosure docket. Do you want to let LJ know a day that is good for you for March and April? Thanks, Mike, for your willingness to volunteer for these mass foreclosure dockets.

From: McHugh, Michael
Sent: Tuesday, January 06, 2009 9:59 AM
To: Carlin, John S.
Subject: FW: Foreclosures

Does this sound good to you?

From: Linda Johnston [mailto:ljohnston@leeclerk.org]
Sent: Tuesday, January 06, 2009 9:57 AM
To: McHugh, Michael
Subject: RE: Foreclosures

Good Morning Judge,

You might want to check with Judge Carlin because he had talked about adding some in March but I'm not for sure if he is still going to do that at this time. It would be nice to have 2 days in March and maybe 2 days in April. Thanks for asking and volunteering your time. Please advise and have a great day.

LJ

Senior Court Clerk

Judge Carlin's Clerk

ljohnston@leeclerk.org

Phone: 533-2505 ext. 42690

From: McHugh, Michael [mailto:MMcHugh@CA.CJIS20.ORG]
Sent: Tuesday, January 06, 2009 9:49 AM
To: Linda Johnston
Subject: Foreclosures

Do you need any dates for me to do large foreclosure dockets? If so what is the timeframe you would like me to provide dates for?

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20TH CIR 00948

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Trammell, Cindy </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CLS2274>

To: Cambareri, Kimberly

CC:

Date: 1/27/2009 8:44:06 AM

Subject: ?RE: Link for your docket

Thanks

> _____

>From: Cambareri, Kimberly

>Sent: Monday, January 26, 2009 4:10 PM

>To: Trammell, Cindy

>Subject: Link for your docket

>

>Hi Cindy

>To get the report LJ prints out for the foreclosure docket, click on this link. As you scroll down the list, of course you will find Judge Rosmans name. There are two icons next to his name. One is the foreclosure docket and on is the docket from JASS. The foreclosure docket the first one in the list.

>

>Email me or call me if you have any questions.

>

>

>http://www.ca.cjis20.org/web/main/schedules_lee.asp

>

>

>Kimberly Cambareri

>Computer Programmer/Analyst

>20th Judicial Circuit Courts

>(239) 533- 9103 work **new number

>(239) 357-4506 mobile

><mailto:kcambareri@ca.cjis20.org>

>

>

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Davis, Dana

CC: Richards, George

Date: 10/21/2009 10:06:52 AM

Subject: ?RE: Scheduling Issues

Thanks, Dana, for your email. What specific changes are you suggesting regarding motion times and other changes to the schedule? Please provide to me the information that you communicated to Kim regarding how you want the docket set up. It will be helpful to know this prior to our Friday meeting. I look forward to meeting with you and Judge Richards on Friday at 1:30. We will come up with a plan at that time. Thanks, Dana.

From: Davis, Dana

Sent: Wednesday, October 21, 2009 10:51 AM

To: Carlin, John S.

Subject: RE: Scheduling Issues

Same as below. I also need January opened up and we were told to wait after our meeting. The Judge would like the motion times and what is set when changed as well. Judge and I let Kim Cambareri know how we wanted the docket set but she said she could not enter January.

Dana Davis

Judicial Assistant to Hon. George C. Richards

From: Carlin, John S.

Sent: Wednesday, October 07, 2009 4:50 PM

To: Davis, Dana

Cc: Richards, George; McHugh, Michael; Poulston, Lisa; Cambareri, Kimberly; Atkins, Joanne

Subject: RE: Scheduling Issues

Dana,

Thank you for your e-mails today. I have spoken with Judge McHugh and requested his recommendation regarding the scheduling of foreclosures and how to handle the notices of trial. He sent me an e-mail this afternoon with his recommendations and I understand that he has spoken with you and Lisa about these matters. I want to speak with Judge Cary about the scheduling of foreclosure hearings and trials. He is out of town for the rest of this week and will return on Monday, October 12. I am going to request that Joanne set up a meeting with you, Judge Richards and LJ sometime during the week of October 19 when you are in Lee County. LJ will continue to schedule all foreclosure matters until we meet. I appreciate your willingness to assist with the scheduling of contested foreclosure hearings. Please do not anything with the notices of trial that you have until we meet. I have asked Kim Cambareri to hold off on adding addition time slots until further notice.

As to your question about when you are in Lee County in December, you are in Lee County the weeks of December 21 and December 28. As you may recall, Judge Richards is in Charlotte the first two Mondays of every month and then he is in Lee County for the balance of the month. Please let me know if you have any other questions regarding your

20TH CIR 00951

weeks in Lee or Charlotte counties.

Judge Carlin

From: Davis, Dana
Sent: Wednesday, October 07, 2009 9:18 AM
To: Carlin, John S.
Subject: Scheduling Issues

I have been getting calls from people stating that they aren't getting responses from LJ. I understand she is busy so my Judge and I thought I could help out by scheduling the contested hearings (everything but the MSJs maybe). Also, we would like to have the MSJ hearings only in the afternoon and allow for other hearing s in the morning that may take longer than 5 minutes.

I was also going through to calendar when we will be in each county and got conflicting information as to when we are here in December. JACS had us here the week of 12/7 but that is a Charlotte week from my understanding.

I spoke to my Judge regarding the above this morning.

Dana Davis, Judicial Assistant to
Honorable George C. Richards

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Cambareri, Kimberly

CC: Richards, George

Davis, Dana

Johnston, Linda

McHugh, Michael

Date: 10/23/2009 1:47:46 PM

Subject:

Kim-

Effective immediately, Dana Davis is going to be scheduling contested residential mortgage foreclosure hearings. LJ will continue scheduling the summary judgment hearings. For the weeks that Judge Richards will be in Lee County, his schedule will be as follows:

First week:

Monday, Tuesday, Thursday slots for 9, 10, 11, 1:30, 2:30 and 3:30- each slot will have the ability to set 10 hearings per hour

Friday- slots for 9, 10 and 11- these are for 30 minute hearings or longer and only 2 slots per hour

Wednesday at 8:30- 200 slots for mortgage foreclosure hearings to be set by LJ and then afternoon hearings just like Monday, Tuesday and Thursday

His second week:

Monday, Tuesday, Wednesday and Thursday is the same as the first week above.

There are no hearings set for the second Friday.

If there are some extra days in a month beyond these two weeks, they will be scheduled like the Monday hearings.

By copy of this email, I would request that Dana provide you with the dates that Judge Richards will be in Lee County through June 30, 2010.

Please let me know if you have any questions. Thank you, Kim.

From: Gerald, Lynn </O=SAO20/OU=CACJIS/CN=RECEPIENTS/CN=LG2228>

To: Golden, Diana

CC:

Date: 3/5/2010 10:59:58 AM

Subject: ?FW: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

From: Schreiber, Lee Ann

Sent: Friday, March 05, 2010 10:35 AM

To: Winesett, Sherra; Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Rosman, Jay

Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

This is very helpful information. Thanks for the analysis, Judge Winesett. I like Judge Gerald's suggestion, or something akin thereto, which requires the attorneys to disclose if there are surplus provisions in a FJ that do not appear in the FL SC form. It will save time. I have been asking the attorneys, with whom I am not familiar, if there are extraneous provisions that I might find objectionable. Once I spot it & strike it, they get the idea.

My first week has been great! Thanks for all your mentoring and support.

Have a nice weekend, everyone.

From: Winesett, Sherra

Sent: Thursday, March 04, 2010 6:12 PM

To: Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra

Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

20TH CIR 00954

From: Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>

To: Winesett, Sherra

Gerald, Lynn

McHugh, Michael

Fuller, Joseph

Rosman, Jay

CC:

Date: 3/5/2010 10:34:36 AM

Subject: ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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Have a nice weekend, everyone.

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Sent: Thursday, March 04, 2010 6:12 PM

To: Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra

Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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Comments or suggestions? Sherra

From: Winesett, Sherra </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SWINESETT>

To: McHugh, Michael

Gerald, Lynn

Fuller, Joseph

Schreiber, Lee Ann

Rosman, Jay

CC: Sauls, Sandi

English, Sharon

Crongeyer, Robert L.

Date: 3/5/2010 11:20:10 AM

Subject: ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

As I read the opinion, the 60 day comment period only applies to the new final judgment form, Form 1.996(a), not the new form on the Motion to Cancel and Reschedule Foreclosure Sale, so its effective as of 2/11/10. However, I do agree we need to give a prospective date when we will require the new form. Otherwise, we're going to have a lot of motions to set aside sales that didn't get cancelled under the prior procedures allowed, or worse, hearings on whether the form is procedural and not mandatory.

I've also copied our new case manager and magistrate with this e-mail because they attended the meeting where the Sup.Ct. opinion was brought up, and although we don't anticipate them being involved with foreclosures, they should be in the loop. Sorry, I overlooked you on the first e-mail.

From: McHugh, Michael

Sent: Friday, March 05, 2010 10:20 AM

To: Winesett, Sherra; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay

Cc: Sauls, Sandi

Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Judge Winesett and I had a conversation about the cancellation and rescheduling of foreclosure sales issue. It was our opinion that since the Supreme Court has promulgated the new form for the cancellation and rescheduling of sales, we should require the plaintiffs in these cases to use it. The rule adopted appears to be purely procedural, therefore not needing any enabling statute. The rule is effective immediately, with the understanding that there is a 60 day comment period. Our proposal is to require the form beginning April 1st. This is roughly consistent with the comment period and will give us an opportunity to make the plaintiff firms aware of our requirement in this regard, presumably through Mr. Hill and Mr. Goetz. This would mostly effect the cancellations that occur when the plaintiff firm calls the clerk's office and asks to cancel the sale before any motion has been filed or order signed. Under the new procedure the clerk's office would decline to cancel the sale and tell them the appropriate motion needs to be filed. Let me know your thoughts on this issue so we can decide the appropriate way to proceed.

Thanks,
Mike.

From: Winesett, Sherra

Sent: Thursday, March 04, 2010 6:12 PM

To: Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra

Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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20TH CIR 00956

Reschedule Foreclosure Sale which provides for a reason to be packaged to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

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Comments or suggestions? Sherra

From: Winesett, Sherra </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SWINESETT>

To: McHugh, Michael

CC:

Date: 3/10/2010 11:12:18 AM

Subject: ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Yes, I agree with setting up a meeting. I was thinking about how we were going to get the information out yesterday when I had a typical motion to cancel but no request to reset. Are there any other attorneys that should be included that regularly do these foreclosures? Like Baitson, Chlipala, ?. Perhaps, I could do a memo or notice that could be used to notify others.

From: McHugh, Michael

Sent: Wednesday, March 10, 2010 10:43 AM

To: Winesett, Sherra

Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I did not receive any additional input about the issue of cancelling and rescheduling foreclosure sales. Do you think I should set up a meeting with Hill and Goetz to go over the proposed new requirements and Judge Gerald's idea about the certification with the final judgment?

From: Winesett, Sherra

Sent: Friday, March 05, 2010 11:20 AM

To: McHugh, Michael; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay

Cc: Sauls, Sandi; English, Sharon; Crongeyer, Robert L.

Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

As I read the opinion, the 60 day comment period only applies to the new final judgment form, Form 1.996(a), not the new form on the Motion to Cancel and Reschedule Foreclosure Sale, so its effective as of 2/11/10. However, I do agree we need to give a prospective date when we will require the new form. Otherwise, we're going to have a lot of motions to set aside sales that didn't get cancelled under the prior procedures allowed, or worse, hearings on whether the form is procedural and not mandatory.

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Sent: Friday, March 05, 2010 10:20 AM

To: Winesett, Sherra; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay

Cc: Sauls, Sandi

Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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Thanks,
Mike.

20TH CIR 00958

From: Winesett, Sherra
Sent: Thursday, March 04, 2010 6:12 PM
To: Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra
Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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Comments or suggestions? Sherra

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECEIVENTS/CN=DG2228>

To: McHugh, Michael

CC:

Date: 3/16/2010 9:45:06 AM

Subject: ?RE: Foreclosure Mail next week

K

From: McHugh, Michael

Sent: Tuesday, March 16, 2010 10:07 AM

To: Gerald, Lynn; Winesett, Sherra; Rosman, Jay; Fuller, Joseph; Schreiber, Lee Ann

Cc: Golden, Diana; Hamsharie, Deborah; Trammell, Cindy; Thompson, Lucinda; Conderman, Ellen; Poulston, Lisa

Subject: Foreclosure Mail next week

Judge Schrieber is at New Judges College next week. Because of this she will not be able to review the foreclosure paperwork that comes in. I would ask that you keep your foreclosure paperwork as if this was a Charlotte week for Judge Schrieber. If you have any questions feel free to contact me.

Thanks,

Mike.

From: Hayes, Hugh </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=HUGHH>

To: Friedman, David

CC: Metcalfe, Jan

Date: 3/16/2010 3:07:28 PM

Subject: ?Re: Foreclosure Checklist

The "normal" procedure is for M/Vacate SJ are heard by the judge who entered them. Since these aren't normal procedures , we probably should ask Cindy for some clarification.

Sent from my Verizon Wireless BlackBerry

From: "Friedman, David"

Date: Tue, 16 Mar 2010 15:22:20 -0400

To: Hayes, Hugh

Subject: RE: Foreclosure Checklist

I am sorry to have not included any post judgment matters in my memo. I was under the assumption that the county court judges were under the assumption that Motions to Cancel Sale or to Vacate Sale by the Plaintiff were to be heard by a Circuit Judge or by me with orders of referral.

From: Hayes, Hugh

Sent: Tuesday, March 16, 2010 2:58 PM

To: Friedman, David

Cc: Pivacek, Cynthia

Subject: Foreclosure Checklist

Dear David:

Many thanks for a copy of the foreclosure checklist that you have prepared for the county court judges...it looks fine and I'm sure that it will be a great help to them.

Anticipating that this will become a "living" document that will be modified from time to time, I would suggest the next iteration include a "heads up" about Plaintiffs who get their foreclosure SJ, and maybe even the Certificate of Title from the Clerk, and then 2 weeks later ask for an order to set aside the SJ and the Certificate because of a "miscommunication" within the Plaintiff's attorney's office...why? Was it because:

1. They have settled the case and will be dismissing same?
2. They have agreed to a short sale?
3. They have realized that as the new owner, they are now going to have to pay the Association?

20TH CIR 00961

Clarity in the motion to set aside is critical, or it will have to be sent back to the judge who granted the judgment...thus wasting everyone's time.

Just an observation for the next iteration.

From: Winesett, Sherra </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SWINESETT>

To: McHugh, Michael

CC:

Date: 3/16/2010 12:03:20 PM

Subject: ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I've started the 4 day jury trial but am out till 1:30 for lunch. You can call me at 32601 with your question if convenient for you. SW

From: McHugh, Michael
Sent: Tuesday, March 16, 2010 10:11 AM
To: Winesett, Sherra
Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

They are coming to my office at noon on Friday. I have a question I wanted to ask about our Civil Case Management Group when you have a chance.

From: Winesett, Sherra
Sent: Friday, March 12, 2010 10:43 AM
To: McHugh, Michael
Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Wed. or Friday work best for me. I have a 4 day jury trial beginning next Tues. so I may be in the middle of vior dire on Tuesday at noon. Just let me know. SW

From: McHugh, Michael
Sent: Friday, March 12, 2010 10:16 AM
To: Winesett, Sherra
Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I was thinking about setting up a meeting with Goetz, Hill, and Chilpala for next Tues, Wed, of Fri. at lunch. I was wondering if you would like to attend and if so which of those days work for you.

From: Winesett, Sherra
Sent: Wednesday, March 10, 2010 11:12 AM
To: McHugh, Michael
Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Yes, I agree with setting up a meeting. I was thinking about how we were going to get the information out yesterday when I had a typical motion to cancel but no request to reset. Are there any other attorneys that should be included that regularly do these foreclosures? Like Baitson, Chlipala, ?. Perhaps, I could do a memo or notice that could be used to notify others.

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Sent: Friday, March 05, 2010 11:20 AM
To: McHugh, Michael; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay
Cc: Sauls, Sandi; English, Sharon; Crongeyer, Robert L.

20TH CIR 00963

As I read the opinion, the 60 day comment period only applies to the new final judgment form, Form 1.996(a), not the new form on the Motion to Cancel and Reschedule Foreclosure Sale, so its effective as of 2/11/10. However, I do agree we need to give a prospective date when we will require the new form. Otherwise, we're going to have a lot of motions to set aside sales that didn't get cancelled under the prior procedures allowed, or worse, hearings on whether the form is procedural and not mandatory.

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Sent: Friday, March 05, 2010 10:20 AM
To: Winesett, Sherra; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay
Cc: Sauls, Sandi
Subject: RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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Thanks,
Mike.

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Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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20TH CIR 00964

Judge Gerald has suggested that With respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

From: Sandi Sauls <ssauls@leeclerk.org>

To: McHugh, Michael

CC:

Date: 3/25/2010 10:25:48 AM

Subject: ?RE: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I presume no decision has been made yet. Please let me know if it's still being considered or if there are any other options that may affect Clerk's procedures. Thank you.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: McHugh, Michael [mailto:MMcHugh@CA.CJIS20.ORG]

Sent: Friday, March 05, 2010 10:20 AM

To: Hon. Sherra Winesett; Hon. Lynn Gerald, Jr.; Fuller, Joseph; Lee Ann Schreiber; Hon. Jay B. Rosman

Cc: Sandi Sauls

Subject: RE: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Judge Winesett and I had a conversation about the cancellation and rescheduling of foreclosure sales issue. It was our opinion that since the Supreme Court has promulgated the new form for the cancellation and rescheduling of sales, we should require the plaintiffs in these cases to use it. The rule adopted appears to be purely procedural, therefore not needing any enabling statute. The rule is effective immediately, with the understanding that there is a 60 day comment period. Our proposal is to require the form beginning April 1st. This is roughly consistent with the comment period and will give us an opportunity to make the plaintiff firms aware of our requirement in this regard, presumably through Mr. Hill and Mr. Goetz. This would mostly effect the cancellations that occur when the plaintiff firm calls the clerk's office and asks to cancel the sale before any motion has been filed or order signed. Under the new procedure the clerk's office would decline to cancel the sale and tell them the appropriate motion needs to be filed. Let me know your thoughts on this issue so we can decide the appropriate way to proceed.

Thanks,
Mike.

From: Winesett, Sherra

Sent: Thursday, March 04, 2010 6:12 PM

To: Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra

Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

2010 CIR 00986

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

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www.symantec.com

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From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Schreiber, Lee Ann

CC: Conderman, Ellen


McHugh, Michael

Johnston, Linda

Cary, G. Keith

Date: 4/5/2010 9:56:38 AM

Subject: ?FW: Foreclosure Stats

I am forwarding to you the scheduled hearings for the next 6 weeks for foreclosures. As you can see, we have very few set on the dates in April and May. I met with LJ this a.m. and requested that she contact the large foreclosure firms and try to fill these available dates i.e. we only have 4 hearings set for April 19 and 2 hearings set for April 20 and there are many other examples as you read the attachment. I would appreciate Ellen trying to fill these dates in April and May as we implement our new policy of not scheduling anything more than 60 days out from the request for hearing time. If anybody has any questions, please feel free to contact me at  I appreciate your assistance in trying to get this schedule under control.

John

From: Cambareri, Kimberly
Sent: Sunday, April 04, 2010 7:50 PM
To: Aloia, Nancy K; Carlin, John S.
Subject: Foreclosure Stats

Hello,

Here are the six week foreclosure stats from April 5, 2010 to May 12, 2010.

Have a good week.

Kimberly Cambareri

Computer Programmer/Analyst

20th Judicial Circuit Courts

20TH CIR 00968

(239) 533-9103 work

(239) 357-4506 mobile

<mailto:kcambareri@ca.cjis20.org>

Foreclosure docket from 4/4/2010 to 5/21/2010

JUDGE GERALD

Hearing Date 04/05/2010 1

SENIOR JUDGE THOMPSON

Hearing Date 04/09/2010 455

SENIOR JUDGE SCHOONOVER

Hearing Date 04/16/2010 364

JUDGE GERALD

Hearing Date 04/19/2010 3

JUDGE LEE SCHREIBER

Hearing Date 04/19/2010 4

JUDGE MC HUGH

Hearing Date 04/19/2010 2

JUDGE S WINESETT

Hearing Date 04/19/2010 1

JUDGE J ROSMAN

Hearing Date 04/20/2010 7

JUDGE LEE SCHREIBER

Hearing Date 04/20/2010 2

JUDGE LEE SCHREIBER

Hearing Date 04/21/2010 149

JUDGE LEE SCHREIBER

Hearing Date 04/22/2010 11

SENIOR JUDGE SCHOONOVER

Hearing Date 04/23/2010 306

JUDGE LEE SCHREIBER

Hearing Date 04/26/2010 8

JUDGE LEE SCHREIBER

Hearing Date 04/27/2010 4

JUDGE LEE SCHREIBER

Hearing Date 04/28/2010 26

JUDGE LEE SCHREIBER

Hearing Date 04/29/2010 8

SENIOR JUDGE THOMPSON

Hearing Date 04/30/2010 354

JUDGE GERALD

Hearing Date 05/03/2010 2

SENIOR JUDGE SCHOONOVER

Hearing Date 05/07/2010 368

Foreclosure docket from 4/4/2010 to 5/21/2010

JUDGE GERALD

Hearing Date 05/10/2010 1

SENIOR JUDGE THOMPSON

Hearing Date 05/14/2010 366

JUDGE GERALD

Hearing Date 05/17/2010 1

JUDGE LEE SCHREIBER

Hearing Date 05/17/2010 3

JUDGE MC HUGH

Hearing Date 05/17/2010 1

JUDGE LEE SCHREIBER

Hearing Date 05/18/2010 2

JUDGE LEE SCHREIBER

Hearing Date 05/19/2010 102

JUDGE LEE SCHREIBER

Hearing Date 05/20/2010 7

SENIOR JUDGE SCHOONOVER

Hearing Date 05/21/2010 81

Total cases From 4/4/2010 to 5/21/2010 2,639

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Schreiber, Lee Ann

CC: Conderman, Ellen

McHugh, Michael

Johnston, Linda

Cary, G. Keith

Date: 4/5/2010 9:15:50 PM

Subject: ?RE: Foreclosure Stats

Thanks, Lee, for your email. I apologize for distributing misinformation that I received. I appreciate all of your efforts to get this schedule under control.

From: Schreiber, Lee Ann

Sent: Monday, April 05, 2010 11:38 AM

To: Carlin, John S.

Cc: Conderman, Ellen; McHugh, Michael; Johnston, Linda; Cary, G. Keith

Subject: RE: Foreclosure Stats

Good morning all,

I am at a loss to understand where these numbers were pulled from

My JACs calendar shows the following

(Mon) 04/19/10 68 hearings are set

(Tues) 04/20/10 72 hearings are set

(Wed) 04/21/10 209 hearings are set (this is the mass docket)

(Thur) 04/22/10 67 hearings are set

(Fri) 04/23/10 14 hearings are set (these are extended hearings of 30 mins each)

(Mon) 04/26/10 68 hearings are set

(Tues) 04/27/10 67 hearings are set

(Wed) 04/28/10 58 hearings are set - this is the mass docket that LJ schedules. Pursuant to my discussion with LJ and Ellen last Monday, we will try to fill the remaining slots with other than SJ motions due to the time periods for filing same

20TH CIR 00972

(Fri) 04/30/09 this is my ONE office day per month

(Mon) 05/17/10 65 hearings are set

Tues) 05/18/10 56 hearings are set

Wed) 05/19/10 146 hearings are set

(Thus) 05/20/10 51 hearings are set

(Fri) 05/21/10 18 hearings are set (these are extended 30" hearings)

When we met on 02/24/10 to talk about the foreclosure docket, we discussed setting 25 cases at EACH of the following intervals: 9:00, 10:30, 1:30 and 3:00 for a total of 100 hearings. We contacted Kim C. to set this up and were told she needed a "start" date (where there was nothing scheduled) in order to change the time template in JACs. Wed, Sept 1st was the first date that nothing was scheduled so that date was selected as the "start date" for the revised template.

For September forward we can expect 100 slots for hearings on Mondays, Tuesdays and Thursdays; Wednesday is the mass docket & Fridays are extended hearings

I will be attending AJS the end of May (A lee County week).

I am taking a vacation June 21 to 28 (Also a Lee County week)which was scheduled before I got the appointment)

I am attending FL Conference of Circuit Judges July 26,27,28 – also a Lee County week

The Dependency Summit is Aug 24 to 26 (3 Lee County days = travel)and I have a dependency docket in Charlotte County, so I plan to attend

Please keep in mind we are only in Lee County 10 days + per month which means we may need to set farther out than we might otherwise prefer. We are working to close some gaps since this was brought to my attention last Monday.

s. 119.071, F.S.s. 119.071, F.S.s. 119.071, F.S.s. 119.071, F.S.

Lee

P.S. I saw the subsequent email re "the numbers may not be accurate", but the first email was 2011-09-09 though that I

From: Carlin, John S.
Sent: Monday, April 05, 2010 10:57 AM
To: Schreiber, Lee Ann
Cc: Conderman, Ellen; McHugh, Michael; Johnston, Linda; Cary, G. Keith
Subject: FW: Foreclosure Stats

I am forwarding to you the scheduled hearings for the next 6 weeks for foreclosures. As you can see, we have very few set on the dates in April and May. I met with LJ this a.m. and requested that she contact the large foreclosure firms and try to fill these available dates i.e. we only have 4 hearings set for April 19 and 2 hearings set for April 20 and there are many other examples as you read the attachment. I would appreciate Ellen trying to fill these dates in April and May as we implement our new policy of not scheduling anything more than 60 days out from the request for hearing time. If anybody has any questions, please feel free to contact me at 32896. I appreciate your assistance in trying to get this schedule under control.

John

From: Cambareri, Kimberly
Sent: Sunday, April 04, 2010 7:50 PM
To: Aloia, Nancy K; Carlin, John S.
Subject: Foreclosure Stats

Hello,

Here are the six week foreclosure stats from April 5, 2010 to May 12, 2010.

Have a good week.

Kimberly Cambareri

Computer Programmer/Analyst

20TH CIR 00974