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Litigation Associate Dimond Kaplan & Rothstein, P.A. - Coconut Grove, FL

Boutique commercial litigation firm seeks a litigation associate with 2 to 5 years experience. Position requires handling a variety of commercial litigation matters and calls for strong research and writing skills. Spanish fluency is required. Courtroom experience is preferred. [more info...](#)

Paralegal/Legal Assistant The Law Offices of Lobeck & Hanson, P.A. - Sarasota, FL

The Law Offices of Lobeck & Hanson, P.A., located in Sarasota, Florida, a full service law firm specializing in representing condominium and homeowners associations, is seeking a paralegal/legal assistant to assist a busy litigation attorney. Knowledge of mortgage foreclosures/collections is helpful. Will be editing drafts of pleadings, scheduling hearings and depositions, preparing payoffs, calendaring and monitoring heavy caseload, etc. Immediate opening. [more info...](#)

Litigation Attorney Smith Hood Perkins - Daytona Beach, FL

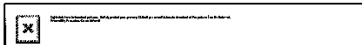
Smith Hood Perkins is seeking a litigation associate with insurance defense and/or bad faith experience, good research and writing skills, and ability to handle a full case load. Trial experience preferred. Salary commensurate with experience. [more info...](#)

Paralegal Burr & Forman LLP - Orlando, FL

Bachelor's degree from an accredited college or university and an ABA paralegal certificate, or its equivalent, are preferred. Resumes without GPA will not be considered. [more info...](#)

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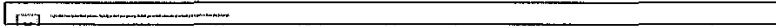
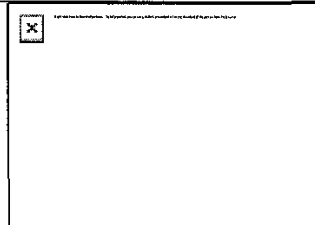
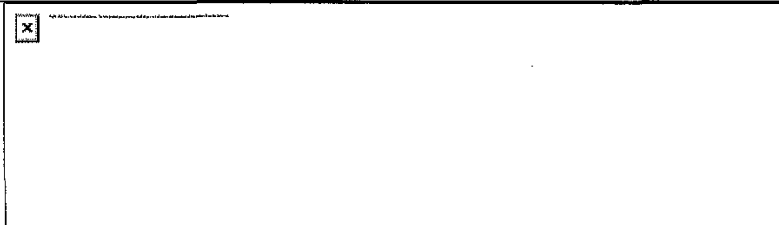
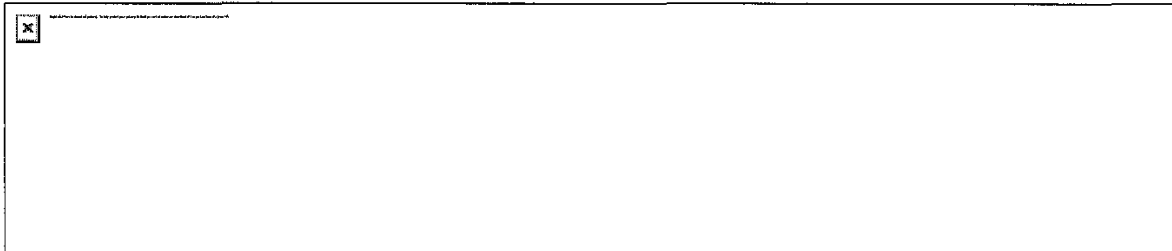


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From: AmStar <cleseminars@amstarlit.com>
Sent: Monday, June 14, 2010 3:36 PM
To: Julian E. Collins
Subject: Audio/Video CLE now available



Dear Julian,

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Steve J., Real-estate, Personal Injury and Foreclosure Defense Attorney

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Jenn C. Lussier

From: Sondra M. Lanier
Sent: Saturday, June 12, 2010 3:16 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Lisa L. Butler; Brenda P. Pryce
Subject: Notes from Friday's Meeting

Good afternoon. Following are notes from Friday's meeting. Information in italics is related but supplemental to what was discussed at the meeting.

- Jacob Bell's last day is June 18, and he is moving away to Colorado. Harold Blakley's replacement (Duane Bestoso) will begin work on June 14. Judd Walden is also working in IT as an intern for the summer.
- Crystal Ecker and Sara Hall are doing a great job as law clerks. Crystal is the law clerk who was hired in April, and Sara is an intern for the summer. Debbie DeNike is supervising the law clerks, and they are working diligently to organize the pending motions and clear up as much backlog as possible. Jackie Jo Brinson and Junaid Savani have been hired as law clerks and will begin work on August 2 when the 90-day hold on those positions is lifted.
- Judy Eichar is retiring for health reasons, and although she is in the office until the end of June she is no longer able to work in the courtroom. Her position cannot be filled until October, so we will only have 2 stenographers until that time. Lynn Sapp will be out for surgery during a portion of that time, so we will only have 1 stenographer at times. We will use stenographers whenever available, and they will be assigned based on the prioritization established by the Supreme Court and our circuit's administrative order. However, we will have to depend on digital court reporters more often in those cases for which the Supreme Court has determined that digital is acceptable and meets our due process requirements. If an attorney/defendant requests a stenographer in a case for which the Supreme Court has determined that digital is acceptable, the attorney/defendant is responsible for hiring and paying for the court reporter.
- *Donations are being collected for a retirement gift for Judy. Lisa Butler will be purchasing a gift card for Judy on Wednesday, June 16, so please forward your donations to Lisa in the Live Oak office by Tuesday, June 15. If you work in Lake City, your donations can be given to Brenda Pryce for forwarding to Lisa.*
- Our state budgets remain basically the same as last year, so there should be no operational changes when our new fiscal year begins on July 1. The state courts trust fund was a key to our stability during the 2010 legislative session, and it will hopefully carry us through next year when the state's budget situation is expected to be even worse than this year.
- Judge Fina asked that judges remember to show appreciation to court staff who have now gone without a raise for almost 5 years. They have been working under difficult circumstances, and there is little else that we can do as an organization to help them.
- The county budgets for technology, facilities, and communications have been submitted to the counties. In order to assist the counties during the rough economic times they are facing, we have reduced the amounts requested from them by utilizing some of the unspent funds from previous years. We will be replacing some of our older computers and other equipment soon using reserves in our technology fund.
- Foreclosure and Economic Recovery funding has been made available to each circuit in order to address the statewide backlog in foreclosure cases. *This funding was allocated from the state courts trust fund, by the Legislature, at the request of the State Courts System. The courts, in partnership with the Bar, the banking*

industry, and other business leaders, lobbied the Legislature on this issue with the goal of moving foreclosure cases through the system to get properties back on the market to stimulate the economy. This project is going to be closely monitored and audited, with reports going back to the Legislature in the upcoming session to show that the courts utilized the funding to achieve its intended purpose.

Our circuit's backlog was calculate by the OSCA by subtracting the number of dispositions from the number of filings from 2006-2007 through 2009-2010 (projections used for the current year based on prior performance). According to the OSCA, our circuit has a backlog of 1,325 cases, and we have been instructed to dispose of 822 cases, or 62% of our total backlog. We have received a case manager position which is currently being advertised, and we were also appropriated a secretary position that we are not planning to fill at this time. The case manager will identify the cases making up the "backlog", determine the status of each, and report to the presiding judge for direction on further actions to be taken.

The original proposal included the management of contract/indebtedness cases and small claims cases from \$5,001 to \$15,000. However, the Trial Court Budget Commission determined that the funding should be used only for foreclosure cases until the circuit meets its target reduction. At that time, the circuit will be allowed to request permission from the TCBC to expand to include the other case types.

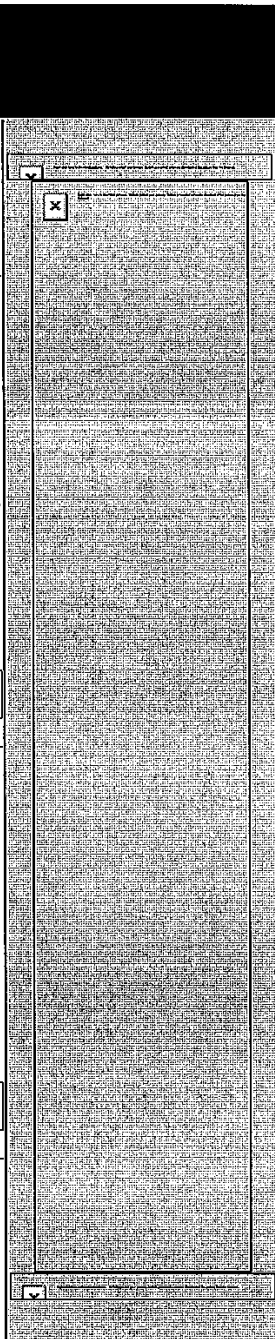
- The Clerks and Judges are planning a cookout at Judge Fina's house on the river in September. The proposed date was September 16, but that may need to be changed. Please let Judge Fina know your availability on Thursday evenings in September.
- Judge Fina asked for volunteers to complete the training necessary to become a mentor for new judges. Please let Judge Fina or Sondra know if you are willing to serve in this capacity.

Sondra Lanier

Trial Court Administrator
Third Judicial Circuit
(386)758-2163 Lake City
(386)362-1017 Live Oak
(386)362-2658 Fax

Jenn C. Lussier

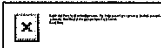
From: Daily Business Review <dbr_editor@alm.com>
Sent: Tuesday, June 08, 2010 11:54 AM
To: Julian E. Collins
Subject: Litigation Alert

<p>Subscribe to the Review</p> <p>Subscribe to the print & Web editions</p> <p>Free 30-day Web Trial</p> <p>Today's Headlines</p> <p>Miami couple claims importer kept quiet about defect</p> <p>Loan might be win-win for Camillus House, banks</p> <p>Prosecutors recommend 40-year sentence for Rothstein</p> <p>The Rodent: A little Latin lingo goes a long way</p> <p>DailyBusinessReview.com</p>	<p>June 8, 2010</p> <p>Legal News And Information You Can't Get Anywhere Else</p> <hr/> <p>Florida Law</p> <p>Suit claims tobacco gets break on bonds before appeals</p> <p>By: Jose Pagliery</p> <p>Attorneys who won one of a dozen awards for Florida smokers against tobacco companies are challenging the constitutionality of a law that reducing the amount of money for the bonds they must acquire while appealing multimillion-dollar judgments against them.</p> <hr/> <p>Fraud Cases</p> <p>Ruden settles civil suits over failed ski resort</p> <p>By: Julie Kay</p> <p>Shortly before scheduled trials, Ruden McClosky settled two civil fraud cases filed by investors in a failed Utah ski resort. The amount was not disclosed.</p> <hr/> <p>Employment Law</p> <p>Woman's complaint could become test case for genetic discrimination</p> <p>By: Zach Lowe</p>	
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A woman who was fired after getting a mastectomy based on genetic test results has filed complaints testing the Genetic Information Nondiscrimination Act.

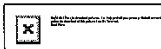


Copyright Infringement

Songwriter deserves credit for writing hit

By: John Pacenti

A federal judge rules in favor of a Miami songwriter, finding Coca-Cola should have given him credit for helping pen the Spanish-language version of a hit song tied to the World Cup.



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Secure the Proof

Anyone who hasn't run across the "smoking gun" e-mail, hasn't been involved with Electronic Discovery for very long. Once you have experienced finding the e-mail or have been victim to its discovery, the issue of cost becomes secondary to insuring that the process was proper.

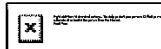


Copyrights

Teacher accused of using survey tool illegally

By: Bloomberg News

Florida Atlantic University and one of its professors are being sued for copyright infringement for alleged authorized use of an assessment tool for health-care workers and students.

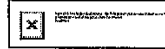


Appeals

Willie Gary loses appeal on fees

By: Jose Pagliery

In the latest chapter of a lengthy legal battle between prominent Stuart personal injury attorney Willie Gary and a former employee who accused him of raping her, a state appellate court decided he cannot have \$1,440 in attorney fees awarded by the trial judge.



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Jenn C. Lussier

From: The Florida Bar <careercenter@flabar.org>
Sent: Wednesday, June 02, 2010 8:41 AM
To: Julian E. Collins
Subject: Job Flash: 9 new legal jobs

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Fulmer, LeRoy, Albee, Baumann & Glass, P.L.C., has offices in Orlando, Ft. Lauderdale, Tampa and Jacksonville, is seeking litigation associate with 2 to 5 years of insurance defense litigation experience inclusive of personal injury defense and/or general civil defense litigation for Orlando office. Must have tried at least 1 jury trial, as first chair litigator, from inception through verdict, and be able to handle own case load independently. Please email resume to NSchinkel@FulmerLeRoy.com [more info...](#)

Administrative/Office Assistant Fulmer, LeRoy, Albee, Baumann & Glass, P.L.C. - Orlando, FL

Fulmer, LeRoy, Albee, Baumann & Glass, P.L.C., has offices in Orlando, Ft. Lauderdale, Tampa and Jacksonville, is seeking a motivated part-time administrative/office assistant to the Business Manager in its Orlando office. Prior experience in a law firm is required. Responsibilities will include overall office management, file management and reporting. Candidate must have organizational and computer skills. Please email your resume to NSchinkel@FulmerLeRoy.com. [more info...](#)

Litigation Assistant Managing Attorney Law Offices of Marshall C. Watson P.A. - Fort Lauderdale, FL

Prestigious Fort Lauderdale full service law firm, which strictly represents mortgage lenders and servicers throughout Florida is in search for a Litigation Assistant Managing Attorney for our Fort Lauderdale Corporate Office. The services our firm provides range from foreclosure, bankruptcy representation and evictions to REO closings and title insurance. [more info...](#)

Litigation Associate Silver, Garvett & Henkel, P.A. - Miami, FL

Silver, Garvett & Henkel, P.A. (www.floridalegal.net) seeks a hardworking 3rd to 8th year associate attorney interested in developing a career as a business litigator. Top 15% in law school class and excellent writing skills are a must. Federal District Court judicial, as well as appellate court, clerks, will be strongly favored. Application by submission of a CV with cover letter and two writing samples to tdh@floridalegal.net or by mail to: 18001 Old Cutler Road, Ste 600, Miami, FL 33157. [more info...](#)

Foreclosure Assistant Managing Attorney Law Offices of Marshall C. Watson P.A. - Fort Lauderdale, FL

Prestigious Fort Lauderdale full service law firm, which strictly represents mortgage lenders and servicers throughout Florida is in search for a Foreclosure Assistant Managing Attorney for our Fort Lauderdale Corporate Office. The services our firm provides range from foreclosure, bankruptcy representation and evictions to REO closings and title insurance. [more info...](#)

Litigation Paralegal Fulmer, LeRoy, Albee, Baumann & Glass, P.L.C. - Orlando, FL

Fulmer, LeRoy, Albee, Baumann & Glass, P.L.C., has offices in Orlando, Ft. Lauderdale, Tampa and Jacksonville, is seeking a part-time litigation paralegal with 2 or more years of insurance defense litigation experience inclusive of personal injury defense and/or general civil defense litigation for its Orlando office. Must have experience in reviewing and analyzing medical records and must be able to handle own case load independently. Please email your resume to NSchinkel@FulmerLeRoy.com. [more info...](#)

Litigation Attorney Parker Waichman Alonso LLP - Bonita Springs, FL

AV-rated Plaintiff's Personal Injury national law firm seeks highly motivated and experienced attorneys with 10 years experience in auto accidents, medical malpractice and products liability for Bonita Springs office. Candidates must be well-versed in all aspects of litigation from case inception through trial. [more info...](#)

Associate May Meacham & Davell, PA - Fort Lauderdale, FL

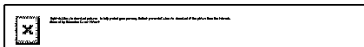
The expanding, statewide firm of May Meacham & Davell, P.A. is seeking a litigation associate with 2 to 4 years of experience in Florida for its Fort Lauderdale office. The position entails intensive litigation prep for depositions, trials and court hearings. Case analysis and review is the essential function for this position. Experience in collections, commercial litigation, commercial business disputes, construction defect or general civil defense required. [more info...](#)

Legal Assistant Rooth & Rooth Law Offices - Seminole, Pinellas County, FL

Elder Law office is seeking a legal secretary with prior experience in drafting wills, trusts and advanced directives. Job includes answering the phone and greeting clients. Knowledge of probate helpful. Must have good people skills and be comfortable with the elder client. [more info...](#)

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June 1, 2010

Legal News And Information You Can't Get Anywhere Else

Foreclosure

Judge wipes out homeowner's \$207,000 mortgage

By: Paola Iuspa-Abbott

Miami-Dade Circuit Court Judge Jennifer Bailey cancels \$207,000 homeowner owes HSBC because lender violated order to post bond.

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Secure the Proof

A seasoned veteran of the Data wars once told me "If you control the data you control the case." The challenge is obtaining a complete image of the evidence and control the cost associated with both the collection and the searching of the drive.

Condo Meltdown

Late amendment would overturn court ruling

By: Paola Iuspa-Abbott

Lawyers who represent developers swung

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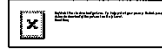
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into action in Tallahassee just days after a Miami federal judge ruled that a developer had to return a deposit on a Brickell Key condo unit.

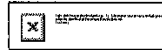


Bar Discipline

High court disbars Freeman following guilty plea

By: Review staff

Lewis B. Freeman, once a favorite court-appointed receiver, agreed to surrender his law license and resolve his federal criminal case after he was accused of stealing \$2.6 million.

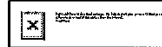


Rothstein Fallout

3rd DCA rules in favor of landlord in South Beach dispute

By: John Pacenti

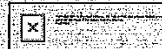
The 3rd District Court of Appeal ruled against a South Beach retailer represented by Scott Rothstein's defunct Fort Lauderdale law firm in a dispute with its landlord.



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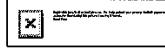


Department of Justice

Prosecutorial misconduct forces serious review

By: Susan Hansen

Claims of misconduct by federal prosecutors have generated a new training and guidelines for discovery compliance in the Justice Department.

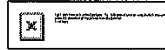


Federal Court

American judge becomes a hero in Argentina

By: Bloomberg News

Rulings by U.S. District Judge Thomas Griesa in New York have made him a hero in Argentina, which may return to international capital markets on the strength of his decisions.



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Jenn C. Lussier

From: Julian E. Collins
Sent: Wednesday, December 29, 2010 11:35 AM
To: Ronna M. Cobble
Subject: RE: foreclosures

As I read your questions, the answer to each of them is "Yes." That includes adding new cases to the docket, as long as we keep the docket within manageable limits. I'm in and out this week, but will be back full time on Tuesday, Jan. 4th. JEC

Julian Collins

From: Ronna M. Cobble
Sent: Tuesday, December 21, 2010 11:08 AM
To: Julian E. Collins
Subject: foreclosures

Good morning, Judge. I am working on a list of cases to notice for the Jan. 24 case management hearing date. Obviously, I have included the ones where you specifically mentioned to the parties that they would appear again. In addition to those, are you wanting to reschedule the cases that were continued for 30 days but have shown no court action or filings since the Nov. 22 hearing date? Are you wanting me to schedule those who have not complied with orders to mediation or other filings that were to occur within 30 days?

I await your reply.

Also, if you want me to assign some new cases for hearing that day, I can do that, too.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Tuesday, December 28, 2010 2:54 PM
To: Julian E. Collins
Subject: Jan. 24 case mgmt. schedule

When you get a minute, Judge, would you please call me. I want to ask you about cases being scheduled for Jan. 24.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661
386-364-8150 (cell)

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Tuesday, December 21, 2010 11:08 AM
To: Julian E. Collins
Subject: foreclosures

Good morning, Judge. I am working on a list of cases to notice for the Jan. 24 case management hearing date. Obviously, I have included the ones where you specifically mentioned to the parties that they would appear again. In addition to those, are you wanting to reschedule the cases that were continued for 30 days but have shown no court action or filings since the Nov. 22 hearing date? Are you wanting me to schedule those who have not complied with orders to mediation or other filings that were to occur within 30 days?

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Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Bryan Proshka <BProshka@amstarlit.com>
Sent: Tuesday, December 21, 2010 4:48 AM
To: Julian E. Collins
Subject: Learn Bankruptcy & Foreclosure Defense And Get 27 FL Bar Approved Credit Hours For One Low Price

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- "Advanced Bankruptcy Techniques as Foreclosure Defense Strategies" - Audio Course - 7.50 CLE Credits + 1.0 Ethics = 8.50
- "Car Loans in Chapter 7 – Redeem, Surrender or Reaffirm?" - Audio Visual Course - 2.50 CLE Credits

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- Training Presentation – Understanding Exemptions
- Training Presentation – Understanding Preferences and Fraudulent Conveyances
- Training Presentation – Chapter 7 Frequently Asked Questions
- Training Presentation – Chapter 13 Facts and Foreclosures in Chapter 13
- Whitepaper – "The Seven Deadly Sins of Consumer Bankruptcy Practice"
- Whitepaper – "How to Convert Bankruptcy Leads When Your Prices are Higher Than Your Competition"

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- A Free premium listing on www.BankruptcyHelpFast.com – the nation's premier search directory for Consumer Bankruptcy attorneys (a \$495 value)

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Jenn C. Lussier

From: Ronna M. Cobble
Sent: Thursday, December 16, 2010 8:47 AM
To: Candice T. Herring; Julian E. Collins
Subject: Hearings today

Please remind me where hearings will be held today. I feel like Judge told me the Courtroom. Which one would that be? Also, I have John working to verify the speaker phone is working well and he is going to be sure the courtroom computer is up and running to "see" parties if you choose. On tele-court.com you can login and see all the parties signed up for today. I have approved each of them. I am hopeful that today will run very smoothly.

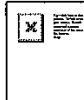
Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Tele-Court Calendar Reminder <notices@tele-court.com>
Sent: Thursday, December 16, 2010 8:00 AM
To: Julian E. Collins
Subject: Hon. Julian E. Collins: Daily Tele-Court Calendar as of 8:00 am on 12/16/2010

■ TELE-COURT Telephonic Court Appearances

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Hon. Julian E. Collins
03rd Judicial Circuit (Columbia, Hamilton, Lafayette, Madison, Suwannee)

12/16/2010	2:30	<u>USA v. Van Ness</u> Case No. 10-402 CA Status Conference		Davis, Steven M Becker & Poliakoff, P.A. Coral Gables, Florida Attorney for Plaintiff USA
12/16/2010	2:30	<u>PNC Bank NA vs. Morrison</u> Case No. 2010-CA-000111 Case Management Conference		Hodges, Summer Shapiro & Fishman Law Firm Tampa, Florida Attorney for Plaintiff PNC Mortgage
12/16/2010	2:30	<u>CitiMortgage, Inc. vs. Friar, Katie D.</u> Case No. 2010-CA-000438 Case Management Conference		Hodges, Summer Shapiro & Fishman Law Firm Tampa, Florida Attorney for Plaintiff Saxon Mortgage Services, Inc.
12/16/2010	3:00	<u>EMC Mortgage v. Castro-Wright</u> Case No. 10-291CA Status Conference		Castro-Wright, Mauricio Castro-Wright, Mauricio Miami, Florida Pro Se Defendant Mauricio Castro-Wright
12/16/2010	3:00	<u>EMC Mortgage v. Castro-Wright</u> Case No. 10-291CA Status Conference		Minaya, Ravoyka, Marinosci Law Group Four Lauderdale, Florida Attorney for Plaintiff EMC Mortgage
12/16/2010	3:00	<u>Harrell v. Graef</u> Case No. 10-72 CA Foreclosure		Strickland, Branden Strickland Law Firm PL Coral Gables, Florida Attorney for Plaintiff Vicki Harrell
12/16/2010	3:00	<u>Fifth Third Bank v. Heilig</u> Case No. 2009CA000644 Status Conference		Doyle, William William E. Doyle, P.A. Jacksonville, Florida Attorney for Defendant William and Sandra Heilig
12/16/2010	3:00	<u>Fifth Third Bank v. Heilig</u> Case No. 2009CA000644 Status Conference		Hernandez, Iris G. Spear and Hoffman, PA Miami, Florida Attorney for Plaintiff Fifth Third
12/16/2010	3:00	<u>Regions Bank v. Susan G. Crews</u> Case No. 2010CA000264 Status Conference		Neuman, Rod B. Gibbons, Neuman, et al. Tampa, Florida Attorney for Plaintiff Regions Bank

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Wednesday, December 15, 2010 1:41 PM
To: Julian E. Collins
Subject: case mgmt. tomorrow

Great news! I have looked on line at Tele-Court.com and found that nearly all of our cases for tomorrow are registered with them. Eddie Anderson's case I expect to see him in person. Albertelli Law and Marinosci firms have not signed up nor have I heard anything about their planned appearances. Anyway, I am hopeful that tomorrow will go well with this arrangement. Are you planning on using your hearing room or open court? My assistant Mandy and I both will be coming over tomorrow. We plan to get there by 1:45.

Ronna Cobble

Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Tele-Court Notices <notices@tele-court.com>
Sent: Tuesday, December 14, 2010 4:56 PM
To: brandenstrickland@rocketmail.com
Subject: Tele-Court Notice re 12/16/2010 3:00 Strickland, Branden in Harrell v. Graef

The following Notice has been submitted by Tele-Court via email to the Court and has been added to the Judge's online Tele-Court calendar. With the exception of large multiparty cases where the Judge may dispense with the requirement, court rules typically require that, at a minimum, you give reasonable notice of your intent to appear by telephone to all other parties. In addition to giving notice by first class mail, notice that is reasonable may include providing other parties notice by email, fax or telephone message. Accordingly, you may want to delete this introduction and immediately forward this Notice via email or fax to all other parties.

Strickland, Branden
Strickland Law Firm PL
121 Alhambra Plaza, Suite 1500
Coral Gables, Florida 33134
(305) 779-5660
brandenstrickland@rocketmail.com

Attorney for Plaintiff
Vicki Harrell

03rd Judicial Circuit (Columbia, Hamilton, Lafayette, Madison, Suwannee)

Hamilton County Courthouse -- Jasper, FL

Harrell v. Graef

Case Number: 10-72 CA

NOTICE OF REQUEST TO APPEAR BY TELEPHONE
re Foreclosure

Date: 12/16/2010
Time: 3:00 pm Eastern
Judge: Hon. Julian E. Collins

PLEASE TAKE NOTICE that the person shown in the caption above submits this request to the Court to appear telephonically at the hearing referenced above. This request may be approved by the Court without notice to the parties to this case.

The requesting person has NOT made arrangements for any other persons to appear by telephone. You are free to appear in Court in person for this hearing. **IF YOU WISH TO APPEAR BY TELEPHONE**, you must go to www.tele-court.com or call (800) 924-5680 and make your own arrangements to do so. There is a fee payable by each person who chooses to utilize the Tele-Court service.

Each participant that makes arrangements with Tele-Court to appear telephonically will receive a dial in number and a unique PIN. Each PIN permits the entrance of only one person to the telephone conference, so PINs can not be shared with others. The Court and/or participants can access Tele-Court's free Courtroom Connection to get real time call status information and/or to access Tele-Court's free optional web video. Participants can see any other that is using a webcam, and may send video using a simple ordinary web cam. Not all courts utilize Tele-Court's web video capabilities, and web video is not necessarily utilized in all hearings.

This request was arranged on Tele-Court at 03:55:51 PM Central Time, on 12/14/2010 by or at the request of Strickland, Branden of Strickland Law Firm PL who can be reached at (305) 779-5660 or brandenstrickland@rocketmail.com.

Dated: 12/14/2010

Strickland Law Firm PL

By: _____ s/ _____

Strickland, Branden

Jenn C. Lussier

From: Julian E. Collins
Sent: Monday, December 13, 2010 7:11 PM
To: Ronna M. Cobble
Subject: RE: foreclosure 10-291

Right, keep it scheduled for now. I will talk with you about your other e-mail tomorrow. JEC

From: Ronna M. Cobble
Sent: Monday, December 13, 2010 1:56 PM
To: Julian E. Collins
Subject: foreclosure 10-291

I was supposed to ask you about case 10-291 for which I received a call today from a defendant. She says they should have word today on a short sale. She asked, then, if she needed to participate in the scheduled conference on Thurs.. There is also the issue of ownership of her mortgage as she says it is no longer owned by the Plaintiff. I told her I would ask you, per her request, but there seems to be plenty of reason to keep the case scheduled as is. If you feel otherwise, let me know and I will notify parties.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Monday, December 13, 2010 1:56 PM
To: Julian E. Collins
Subject: foreclosure 10-291

I was supposed to ask you about case 10-291 for which I received a call today from a defendant. She says they should have word today on a short sale. She asked, then, if she needed to participate in the scheduled conference on Thurs.. There is also the issue of ownership of her mortgage as she says it is no longer owned by the Plaintiff. I told her I would ask you, per her request, but there seems to be plenty of reason to keep the case scheduled as is. If you feel otherwise, let me know and I will notify parties.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Monday, December 13, 2010 12:26 PM
To: Julian E. Collins
Subject: Hearing on Dec. 16-Foreclosures

I need to ask a question about case 10-291 and a call I received today from a defendant. Also, I still have questions about telecourt. Please call when you can.
Thanks.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Friday, December 10, 2010 2:37 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Jenn D. Lussier; John Lake
Subject: Public Records Request

Good afternoon. There was one matter that we forgot to mention at this morning's meeting. We are preparing a response to the ACLU's public records request regarding foreclosures, and we have to retrieve e-mails that were sent or received on the subject. The server on which this information was stored experienced a failure, so we need to get the information from each of our computers. There are 2 ways to accomplish this, so please let me know which you prefer:

Option 1: You can do a search of your e-mails using the search term "foreclosure", and then forward each of those e-mails to Lussier.jen@jud3.flcourts.org so that Jenn can print and compile them.

Option 2: You can let me know that you prefer to have John log in to your account remotely and conduct the search for you. If this is your choice, we will print the e-mails and handle it all without anything being required of you (except your permission).

We need to complete this task by the end of next week, so please let me know your preference.

Thanks,
Sondra

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Wednesday, December 08, 2010 10:50 AM
To: Greg S. Parker; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan
Subject: Lack of Prosecution Notices

Mandy and I will begin working on Lack of Prosecution Notices for all counties very soon. I am learning that counties handle these a little differently. Please send me an email copy of the notice that you would like sent. It would be helpful if you send all documents associated with the multiple steps involved with Lack of Prosecution (including orders of dismissal) as we try to do all the forms at once while we have the addresses and information available in order to save time later on. We save the documents and then if the dismissal or other notices are needed they will already be completed. (These will, of course, be going out on those cases that have had no action for more than 10 months.)

If you find this message confusing, my apologies. Feel free to call me at 362-2661

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Bryan Proshka <BProshka@amstarlit.com>
Sent: Tuesday, December 07, 2010 2:01 AM
To: Julian E. Collins

AmStar is pleased to present our \$495 CLE Bundle.

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- "Foreclosure Defense – Recession Proof Your Practice" – Live Audio Course - 7.5 CLE Credits + .5 Ethics = 8.0 *Pending FL Bar renewel expired 12/5* not included in total credit hours
- "Advanced Bankruptcy Techniques as Foreclosure Defense Strategies" - Audio Course - 7.50 CLE Credits + 1.0 Ethics = 8.50
- "Car Loans in Chapter 7 – Redeem, Surrender or Reaffirm?" - Audio Visual Course - 2.50 CLE Credits

Plus, as a SPECIAL BONUS, you will receive these critical marketing tools, audio visual training presentations, and valuable whitepapers to help you accelerate your firm's growth:

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- Training Presentation – Understanding Exemptions
- Training Presentation – Understanding Preferences and Fraudulent Conveyances
- Training Presentation – Chapter 7 Frequently Asked Questions
- Training Presentation – Chapter 13 Facts and Foreclosures in Chapter 13
- Whitepaper – "The Seven Deadly Sins of Consumer Bankruptcy Practice"
- Whitepaper – "How to Convert Bankruptcy Leads When Your Prices are Higher Than Your Competition"

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- A Free premium listing on www.BankruptcyHelpFast.com – the nation's premier search directory for Consumer Bankruptcy attorneys (a \$495 value)

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Jenn C. Lussier

From: David W. Fina
Sent: Tuesday, November 23, 2010 2:25 PM
To: Debra P. Sadler; Darren K. Jackson; David W. Fina; Debra P. Sadler; E. Vernon Douglas; Frederick L. Koberlein; Greg S. Parker; H. Wetzell Blair; James R. Bean; Jean Pittman; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter
Cc: Ronna M. Cobble
Subject: MFCM

Colleagues,

I held our second round of mortgage foreclosure case management hearings in Suwannee County last Friday. Pursuant to our discussion @ our November meeting, my brief report follows.

The case files were properly tabbed prior to the hearings.

We again scheduled 15 cases every 30 minutes.

The docket was completed on schedule and ran rather smoothly.

The hearings were again held in the courtroom as opposed to a hearing room. Little down time for positioning parties and counsel.

Attorneys were permitted to appear by tele-court.(this made life much easier on Millie, Ronna and me)

After the hearings I met with Ronna, our case manager. She briefed me on the process used currently around the circuit.

If you are not using tele-court, I urge you again to please reconsider.

Please share your experiences with us all so that we can continue to better address these matters.

Thanks,

David W. Fina
Circuit Court Judge
Third Judicial Circuit

Jenn C. Lussier

From: David W. Fina
Sent: Tuesday, November 23, 2010 1:53 PM
To: Barry Baker <barryb@suwclerk.org> (barryb@suwclerk.org); 'Ricky Lyons'; 'Greg Godwin'; 'P. DeWitt Cason'; 'Dana Johnson'; 'Annie Mae Murphy'; 'Tim Sanders'; Tony Cameron (sheriff@suwanneesherriff.com) (sheriff@suwanneesherriff.com); Debra P. Sadler; Darren K. Jackson; David W. Fina; Debra P. Sadler; E. Vernon Douglas; Frederick L. Koberlein; Greg S. Parker; H. Wetzel Blair; James R. Bean; Jean Pittman; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter
Subject: FW: Mortgage Foreclosure Proceedings
Attachments: Memo to Chief Judges re Mortgage Foreclosure Proceedings.pdf; Letter to Florida Press Assn et al.pdf

Please see attached the directive I have received from our chief justice. Pursuant to said directive, remember that mortgage foreclosure proceedings are open to the public. Please continue to ensure the public has open access to these hearings.

Thanks for your continued cooperation.

David W. Fina
Circuit Court Judge
Third Judicial Circuit

From: Debbie Howells [mailto:howellsd@flcourts.org]
Sent: Wednesday, November 17, 2010 8:03 AM
To: Trial Court Chief Judges
Cc: Trial Court Administrators; Lisa Goodner; Blan Teagle; Laura Rush; Kristine Slayden; Brenda Johnson; Judge John Laurent
Subject: Mortgage Foreclosure Proceedings

Please see the attached memorandum from Chief Justice Canady regarding mortgage foreclosure proceedings.

Also attached is a copy of Chief Justice Canady's letter to The Florida Press Association.

Debbie Howells
Office of the State Courts Administrator
500 S. Duval Street
Tallahassee, FL 32399-1900
Phone 850-922-4370
Fax 850-488-0156
Email howellsd@flcourts.org



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CHARLES T. CANADY
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
RICKY L. POLSTON
JORGE LABARGA
JAMES E.C. PERRY
JUSTICES

THOMAS D. HALL
CLERK OF COURT

KEVIN WHITE
ACTING MARSHAL

MEMORANDUM

TO: Chief Judges of the Circuit Courts

FROM: Chief Justice Charles T. Canady *CTC*

DATE: November 17, 2010

SUBJECT: Mortgage Foreclosure Proceedings

Enclosed for your review and action is a letter dated November 12, 2010, that I received from the Florida Press Association and other organizations. The letter alleges that in some instances, members of the public and/or press either have been advised that they cannot attend mortgage foreclosure proceedings or have been prevented from attending such proceedings.

As the chief administrative officer of the Florida judicial branch, I am directing all chief judges to examine the current practices within their respective circuits to ensure that those practices are entirely consistent with the constitutional, statutory, procedural rule, and case law requirements of this state regarding the presumption that state court proceedings are open to the public.

I also ask that you communicate with all judges and court staff in your circuit to remind them of the relevant provisions relating to open court proceedings. It is important for you to communicate with the clerks of court and bailiffs within your circuit as well to ensure that those offices provide any visitors

Chief Judges of the Circuit Courts
November 17, 2010
Page Two

or callers with the correct information about attendance at mortgage foreclosure or other court proceedings.

I would also like to take this opportunity to clarify the Supreme Court's understanding of the goals of the Foreclosure and Economic Recovery Funding Initiative, which was partially funded by the Legislature during the 2010 Legislative Session. I have reviewed Judge John Laurent's memorandum of October 28, 2010, a copy of which is attached and incorporated herein by reference. I agree with his description of the 62-percent goal established by the Trial Court Budget Commission as a means to help measure the court system's progress in the initiative and to document how the appropriation for the foreclosure initiative is being spent. There is no reason why the 62-percent goal should interfere with a judge's ability to adjudicate each case fairly on its merits. Each case must be adjudicated in accordance with the law.

Thank you for your ongoing efforts to appropriately administer and resolve the avalanche of mortgage foreclosure cases that have been overwhelming the court system during the past few years. I recognize that the challenge you face in assuring that these cases are resolved properly is unprecedented. I am confident that with the cooperation of all judges and court staff—along with the tools of the revised rules of court procedure, implementation of the managed mediation program, and the influx of court resources through the Foreclosure and Economic Recovery Funding Initiative—the Florida courts will be able to meet this challenge in a manner that protects and preserves the rights of all parties as well as interested observers.

CTC/LG/dgh

Enclosures

cc: Trial Court Administrators



Florida Press Association
336 E. College Avenue, Suite 203
Tallahassee, FL 32301
(850) 521-1199
Fax (850) 577-3829

Chief Justice Charles T. Canady
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1925

November 12, 2010

Dear Chief Justice Canady,

We write to express our concern that the right to open access to judicial proceedings is being unduly impeded in foreclosure proceedings around the state. Our organizations have received numerous reports that extraordinary barriers to access are preventing members of the general public, as well as representatives of the news media, from observing foreclosure proceedings in judicial circuits around the state. We believe these barriers undercut the transparency of the judicial process; they also violate the strong presumption of open access to judicial proceedings under Florida law. We urge you to take action to secure the public's right to observe the workings of the judicial system.

As you know, Florida law recognizes a strong presumption in favor of open access to judicial proceedings. We have no objection, of course, to ordinary security screening measures. We are concerned, however, that the barriers to access here go far beyond such measures, leaving members of the public and press subject to the discretion of individual foreclosure judges to admit or exclude them.

The reports we have received come from all around the state, and although the precise nature of the barriers to access varies, a troubling pattern emerges: foreclosure divisions recently established by the judicial circuits have been operating under a presumption of closure to members of the general public, rather than the presumption of openness mandated by Florida law. An illustrative, but not exhaustive, list of encounters that have been reported to our organizations since August 2010 follows:

- A court observer in Hillsborough County called the court to ask about the rules governing attendance at foreclosure proceedings and was told that the proceedings were not open to the public.
- A pro se defendant in Duval County was told by a member of court security that she could not access foreclosure proceedings because only attorneys were permitted.
- A court observer called the Orange County courthouse to ask about attending foreclosure proceedings. She was informed that foreclosure hearings were held "in private chambers" and therefore not open to the public.

- In Citrus County, an individual preparing to mount a pro se defense in his own foreclosure case attempted to attend foreclosure hearings in advance of his own so that he could know what to expect when his case was heard. He was told that foreclosure hearings are “private” and take place in judges’ chambers, and that he would not be permitted to observe them.
- Most recently, a legal aid attorney in Jacksonville attended a foreclosure proceeding accompanied by a reporter from Rolling Stone Magazine. Neither the attorney nor the reporter did anything disruptive to the proceedings. At one point the reporter left the proceedings in order to interview a pro se litigant whose case had just been heard. Later that day, the judge sent an email to the attorney castigating her for bringing the reporter into the proceedings. He stated that, while “attorneys are welcome in Chambers at their leisure,” members of the media are “permitted” entry only upon “proper request to the security officer.” He further informed the attorney that she “did not have authority to take anyone back to chambers without proper screening” and stated that her “apparent authorization that the reporter could pursue a property owner immediately out of Chambers into the hallway for an interview” may be “sited [sic] for possible contempt charges in the future.”¹

In raising our concerns about this pattern of exclusion, we rely on the extensive body of case law that has made Florida a model for open government. Systematically excluding members of the press and public from judicial foreclosure proceedings violates the robust guarantee of open access to courts provided by Florida law. This Court has held that “both civil and criminal court proceedings in Florida are public events and adhere to the well established common law right of access to court proceedings and records.” *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113, 116 (Fla. 1988); see also Fla. R. Jud. Admin. 2.420 (codifying public right of access to records of the judiciary). *Barron* articulated this right of access in forceful terms. It emphasized that “a strong presumption of openness exists for all court proceedings” and outlined the carefully circumscribed exceptions to this broad rule:

[C]losure of court proceedings or records should occur only when necessary (a) to comply with established public policy set forth in the constitution, statutes, rules, or case law; (b) to protect trade secrets; (c) to protect a compelling governmental interest [e.g., national security; confidential informants]; (d) to obtain evidence to properly determine legal issues in a case; (e) to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]; or (f) to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed.

¹ Since the incident in Duval County was particularly egregious, we have also asked that Chief Judge Moran consider appropriate action.

Id., at 118. Even in these exceptional circumstances, “before entering a closure order, the trial court shall determine that no reasonable alternative is available to accomplish the desired result, and, if none exists, the trial court must use the least restrictive closure necessary to accomplish its purpose.” *Id.*

The protection of public access to judicial proceedings serves fundamental constitutional values. In particular, the “value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that *anyone* is free to attend gives assurance that established procedures are being followed and that deviations will become known.” *Sarasota Herald-Tribune v. State*, 924 So. 2d 8, 12 (Fla. 2d DCA 2005) (quoting *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 508 (1984)). “A trial courtroom is a public place where people have a general right to be present, and what transpires in the courtroom is public property.” *Plaintiff B v. Francis*, No. 5:08-cv-79, 2010 WL 503067, *2 (N.D. Fla. Feb. 5, 2010). Foreclosure proceedings are currently a matter of intense public interest. Indeed, the media has, in recent months, scrutinized them for possible procedural deficiencies. *See, e.g.*, Gretchen Morgenson and Geraldine Fabrikant, *Florida's High-Speed Answer to a Foreclosure Mess*, N.Y. TIMES, Sept. 14, 2010; Polyana da Costa, *Before Foreclosing, Judges Must Hear Out Homeowners*, MIAMI DAILY BUS. REV., Oct. 14, 2010.

As the examples outlined above show, Florida’s presumption of openness is being inverted in the context of foreclosure proceedings: courts across the state are effectively imposing a presumption of closure, which may be overcome only by special permission to observe proceedings. In effect, only those who actively assert their right of access in the face of initial barriers, and then ultimately receive permission, may exercise their right to observe foreclosure hearings.

Under Florida law, there are few justifications that can counterbalance the right to access. Even when those exceptional circumstances exist, the court must still determine that no more narrowly tailored alternative is available. *Barron*, 531 So. 2d at 118; *see also Globe Newspaper Co. v. Super. Ct. for the County of Norfolk*, 457 U.S. 596 (1982) (invalidating statute closing trials for certain sex offenses involving minors where state had a “compelling” interest in protecting minors’ privacy but where the court “offered no empirical support” that closure would effectively further that interest). There is no indication that closure of foreclosure courts occurs only when such rigorous analysis has taken place. Indeed, the opposite appears to be true: by choosing to conduct foreclosure hearings in “private” conference rooms or judicial chambers and treat those as closed proceedings, the burden shifts to members of the press or public to convince the court to allow access.

We recognize that the heavy volume of foreclosure cases has led to difficulties finding judges and courtrooms to hear the cases. As a result, some cases are being held in chambers for lack of an available traditional courtroom. Nevertheless, the proceedings must be open, even if they are held temporarily in a smaller and less formal physical

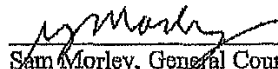
setting than usual. While we understand the necessity for ordinary and uniform security screening procedures, the unavailability of a traditional courtroom cannot justify a deprivation of the rights established under Florida law and the U.S. Constitution.

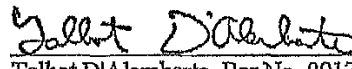
This Court has noted that the press plays an indispensable role in maintaining "the judicial system's credibility in a free society." *Barron*, 531 So. 2d at 116. That credibility cannot be maintained when members of the public and media are dependent on the indulgence of the presiding judge to allow them to observe important judicial proceedings.

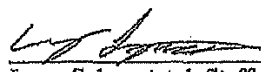
It is our sincere hope that we, and other representatives of the media, will be able to avoid instituting litigation over the issue of access to foreclosure proceedings. We do face certain time constraints, however, because Florida Rule of Appellate Procedure 9.100(d) provides for expedited review of orders excluding the public and media from judicial proceedings, and it requires such petitions to be filed within 30 days of an exclusion order.²

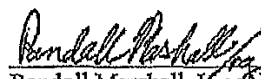
Accordingly, we respectfully urge you to take corrective action to ensure citizen and press access as guaranteed by Florida's right-of-access jurisprudence. In particular, we ask that you promulgate an Administrative Order or take other expeditious and appropriate action to ensure that both the public and media may observe proceedings consistent with Florida law and subject only to ordinary security measures

We thank you for your attention to this important matter.

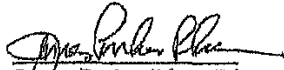

Sam Morley, General Counsel
The Florida Press Association


Talbot D'Alemberte, Bar No. 0017529
The Florida Press Association

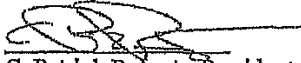

Larry Schwartz, Staff Attorney
The American Civil Liberties Union


Randall Marshall, Legal Director
The American Civil Liberties Union of Florida

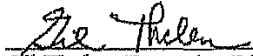
² The incident in Duval County occurred on October 26th. Accordingly, the last day to file a petition for review pursuant to Rule 9.100(d) is November 29th.



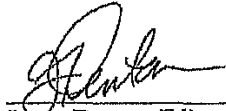
James Parker Rhea, Director & General Counsel
The First Amendment Foundation



C. Patrick Roberts, President & CEO
Florida Association of Broadcasters



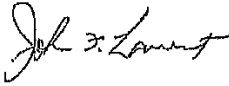
Gil Thelen, Executive Director
The Florida Society of Newspaper Editors



James Denton, Editor
The Florida Times-Union



MEMORANDUM

TO: Chief Judges of the Circuit Courts
FROM: John Laurent 
DATE: October 28, 2010
SUBJECT: Foreclosure Initiative

*The Honorable
John F. Laurent, Chair*

*The Honorable
Margaret Steinbeck,
Vice-Chair*

Members

- Catherine Brunson, Circuit Judge*
- Paul S. Bryan, Circuit Judge*
- Joseph P. Farha, Circuit Judge*
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- J. Thomas McGrady, Circuit Judge*
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Florida Conference of Circuit Court Judges*
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Supreme Court Liaison

- Justice James E. C. Perry*

*Florida State Courts System
500 South Duval Street
Tallahassee, FL 32399-1900
www.flcourts.org*

In follow up to the Judicial Administration Committee conference call held on October 18, 2010, I am writing to reiterate the Trial Court Budget Commission's purpose for tracking the progress of cases the trial courts are hearing using funding provided for the foreclosure and economic recovery initiative. When the Florida Legislature appropriated special funding of \$6 million to help the trial courts with the significant backlog of foreclosure cases, the Trial Court Budget Commission established a measurement of progress that corresponded to the funding received: 62% of the backlog cases potentially could be processed because the Legislature funded 62% of the original request from the courts. A simple case tracking system was set up to monitor the progress and identify any reasons for delays. This is so that we will be able to report to the Legislature on how these funds were used. However, the Legislature has not specifically directed us to make such a report.

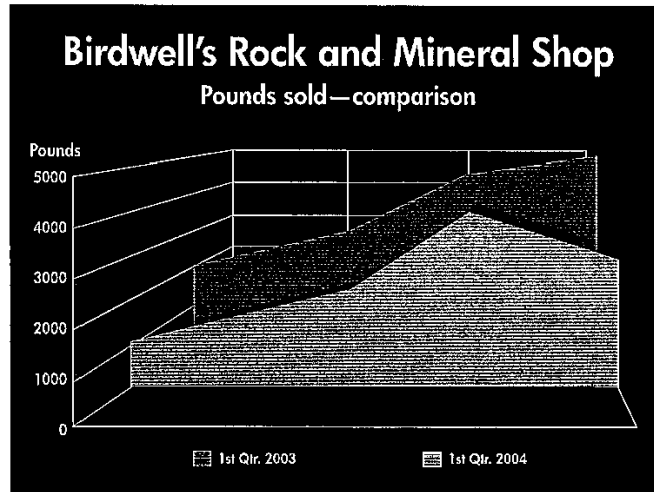
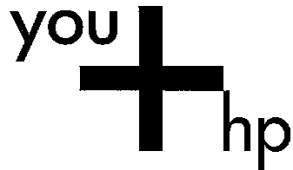
The 62% rate is not a quota. The 62% rate is simply a goal set by the TCBC to help measure the courts' progress in this initiative and document how the appropriation for the foreclosure initiative is being spent. The 62% rate was set before the initiative began and, most notably, before many of the lender moratoriums and other delays occurred. Please assure judges working on this project that the 62% rate was never intended to interfere with their ability to adjudicate each case fairly on its merits.

We will continue to monitor the progress of this initiative because we have an obligation to account for how these funds have been used. But we also will document all issues related to any difficulties that prevent or delay the court from hearing and disposing of cases before them.

JL/ks

cc: TCBC Members

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Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

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CHIEF JUSTICE
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R. FRIBD LEWIS
PEGGY A. QUINCE
RICKY POLSTON
JORGE LABARGA
JAMES E. C. PERRY
JUSTICES

THOMAS D. HALL
CLERK OF COURT

KEVIN WHITE
ACTING MARSHAL

November 17, 2010

Mr. Sam Morley
General Counsel
The Florida Press Association
336 East College Avenue, Suite 203
Tallahassee, Florida 32301

Mr. Talbot D'Alamberte
Mr. Larry Schwartztol
Mr. Randall Marshall
Mr. James Parker Rhea
Mr. C. Patrick Roberts
Mr. Gil Thelen
Mr. James Denton

Gentlemen:

Thank you for your letter of November 12, 2010, regarding public access to Florida foreclosure proceedings. As you know, judicial ethics rules prohibit me from intervening in actual legal disputes pending or likely to be filed in lower courts, including the possible future litigation you mentioned with regard to an incident in Duval County.

But Canon 3C(3) of the Florida Code of Judicial Conduct expressly says that "[a] judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure . . . the proper performance of their other judicial responsibilities." Under the Florida Constitution, article V, section 2(b), I

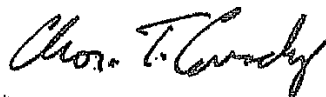
Mr. Sam Morley, et al.
November 17, 2010
Page Two

am the chief administrative officer of the state courts system. I write you solely in that capacity.

The courts of Florida belong to the people of Florida. The people of Florida are entitled to know what takes place in the courts of this state. No crisis justifies the administrative suspension of the strong legal presumption that state court proceedings are open to the public.

Today I have sent to the chief judges of Florida's twenty judicial circuits a supervisory memorandum—a copy of which is enclosed—setting forth my administrative directive on this matter. Under that directive, the chief judges shall ensure that the judges they supervise and the staff who report to those judges, as well as bailiffs and employees of the clerks of court, are not violating the rights of Floridians by improperly closing judicial proceedings to the public. The chief judges shall promptly exercise their administrative and supervisory authority to countermand closures or impediments to access that are inconsistent with Florida law.

Sincerely,



Charles T. Canady

CTC/ps

Enclosure

Jenn C. Lussier

From: Julian E. Collins
Sent: Monday, November 22, 2010 10:33 AM
To: Ronna M. Cobble
Subject: RE: Case Mgmt. Case today

Well, since my morning cancelled, I will eat lunch early and can be back here by 12:45, possibly earlier. We'll have to develop our techniques of proceeding somewhat as we start the process, so please don't hesitate to make suggestions derived from your experience. Julian

Julian Collins

From: Ronna M. Cobble
Sent: Monday, November 22, 2010 8:38 AM
To: Julian E. Collins
Subject: Case Mgmt. Case today

Good Monday Morning, Judge!

If you get the time this morning, you might want to take a particular look at case 06-483. From CCIS , it appears there was a final judgment on 4/3/07. There remains a third party claim.

How early might I be able to come and meet with you before hearings (if at all)? I am concerned about how the calling process is going to work. You have a heavy load of cases today. Now that I've been in two hearings, seen timed call-in and telecourt, I fear you and I may be in for a hectic and tricky afternoon. However, I am well aware that you've done this much longer than I and must have a better idea of what is to come.

Anyway, I will come to Lake City early if you are available.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Julian E. Collins
Sent: Monday, November 22, 2010 10:30 AM
To: Ronna M. Cobble
Subject: RE: It's me again...Case Mgmt

I made a copy of your e-mail to have for this afternoon. We simply can't hear motions given our time constraints and also because it would probably be inadequate notice to the other parties. We'll muddle through, but I don't want to get stalled.

Julian Collins

From: Ronna M. Cobble
Sent: Monday, November 22, 2010 9:58 AM
To: Julian E. Collins
Subject: It's me again...Case Mgmt

It appears from CCIS docket that these cases have cancelled hearings later this month in order to have motions heard today. I know you emailed me earlier in the month to say you didn't want to hear motions on this day. Just thought I give you a "heads up." You're the Judge. You do what you want...I'll take good notes. ☺

09-531
10-261
10-354
10-315

10-111 Has a report from atty ad litem filed on 11-15

10-363 filed an amended complaint on 11-12-10

10-177 filed a notice of vol. dismissal on 11/19/10

09-855 This case shows a final judgment on 11/16/10

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Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Carrina M. Cooper
Sent: Thursday, November 18, 2010 9:18 AM
To: Julian E. Collins
Cc: Candice T. Herring
Subject: RE: Coverage needed

No problem. Thank you anyway.

Carrina

From: Julian E. Collins
Sent: Thursday, November 18, 2010 9:17 AM
To: Carrina M. Cooper
Subject: RE: Coverage needed

I've got a full day of foreclosure reviews. Sorry. JEC

From: Carrina M. Cooper
Sent: Wednesday, November 17, 2010 2:13 PM
To: David W. Fina; E. Vernon Douglas; Julian E. Collins; James R. Bean
Cc: Millicent A. Schneider; Pam K. Ring; Candice T. Herring; Debra P. Sadler
Subject: Coverage needed

I am e-mailing to see if any of you may be available to cover on Monday, November 22, 2010, from 9:15-4:30 for Madison County Circuit Civil. Please let me know. Thanks!

Carrina

Jenn C. Lussier

From: Julian E. Collins
Sent: Thursday, November 18, 2010 9:17 AM
To: Carrina M. Cooper
Subject: RE: Coverage needed

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From: Carrina M. Cooper
Sent: Wednesday, November 17, 2010 2:13 PM
To: David W. Fina; E. Vernon Douglas; Julian E. Collins; James R. Bean
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Carrina

Jenn C. Lussier

From: Julian E. Collins
Sent: Thursday, November 18, 2010 9:15 AM
To: Ronna M. Cobble
Subject: RE: case mgmt hearings : ?

We'll let them appear, but please make a note to address the necessity of their submitting paperwork for substitution of counsel. Thanks.

Julian Collins

From: Ronna M. Cobble
Sent: Wednesday, November 17, 2010 2:50 PM
To: Julian E. Collins
Subject: case mgmt hearings : ?

Case 08-713. CCIS shows counsel as Gerson Law. Weitz & Schwartz called today to say they had been given the case but there has been no official substitution of counsel. Can the appear teleph. for this cm hearing without formal motions to w/d and substitute counsel??? What do you make of that?

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Tuesday, August 24, 2010 11:01 AM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Subject: Notes from August Judges' Meeting

Good morning. Following are some notes from the August Judges' Meeting that was held in Madison on Friday, August 13.

- Junaid Savani and Jackie-Jo Brinson started at the beginning of the month as law clerks, and their office is in Suwannee County. Sara Hall did a great job as a law clerk intern for the summer and is now going back to college. Crystal Ecker, Sara Hall, and Debbie DeNike have been working diligently to address the backlog of post-conviction motions, and we look forward to great things from our current staff as well.

Vacancies currently being advertised include a temporary case manager and secretary to work on the foreclosure case management project. These positions were funded through a special appropriation for this specific purpose, and although we are advertising for both, we expect to hire only one person. We are advertising for both positions to give us more options when making a hiring decision. We are also advertising for a user support analyst to replace Jacob Bell, and for a family court case manager to replace Jill Hoblick. The case manager will handle Taylor and Dixie Counties, as well as Judge Collins' portion of the Columbia County caseload.

- Judge Bryan reported on the recent Trial Budget Commission meeting and provided an update on the present status of our state courts' budget. Foreclosure filing fees continue to be the primary single source of funding for the courts. Our salary budget is stable, in large part due to the controls (i.e. waiting periods for filling vacant positions) that are remaining in place for the current fiscal year.
- Judge Fina reported on the recent Chief Judges' meeting. He emphasized the importance of foreclosure case management and backlog reduction, along with the legislative implications of this project. Judge Fina also discussed some pay and benefits issues, and judges can call him for more information on that subject. The legislature is requiring a report, by judge, regarding the number of cases disposed during the current year. We will be working with the clerks to ensure that these numbers are as accurate as possible.
- Sondra has been meeting with judges and clerks to determine how to best handle foreclosure case management in each of the counties. Because we received funding for positions under this initiative and the clerks only received expense money, we are doing whatever we can to minimize the additional workload on clerks' staff. The courts are required to eliminate 62% of our backlog, and our success will be measured based on the number of cases on which no additional court action is required. The clerks will be measured on sales and issuance of certificates of title.
- Protocol for duty judge was discussed, and Judge Fina will be sending a memo to all of the agencies that may need a judge on the weekend. The memo will explain the protocol and ask that the agency heads share the memo with all of their staff/officers who may need to know about it. Weekly reminders will then be sent to

clerks and dispatch for each of the sheriff's departments, and they can serve as the point of contact when an emergency judge is needed.

- Judges are asked to provide dates for every Thursday on which they are available for the dinner with the clerks at Judge Fina's house.
- During the meeting, a couple of legal questions arose. Debbie DeNike researched those issues, and her summary is provided below for your information. If a more formal memo is required, I can ask her to prepare that for distribution:

Electronic signatures - In *Haire v. Fla. Dept. of Agriculture and Consumer Services*, 870 So.2d 774 (Fla. 2004), the Supreme Court affirmed the 4th DCA's holding that when a judge issuing a warrant directs the use of an electronic signature, it is clear that the judge is attesting to the act of issuing the warrant and that the use of the electronic signature is "within the discretion of the issuing magistrate". In so holding, the Supreme Court stated that reasoning was consistent with the general rule that absent a statute or rule prescribing the method of a signature, a signature may be validly affixed in a variety of ways. This is also consistent with §688.004, Fla.Stat. (2003), which states: "[u]nless otherwise prohibited by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature" and the Rules of Judicial Administration, Rule 2.515.

Court seal - As to the use of the court seal on search warrants, §933.07, Fla.Stat. does not require affixing of a seal. Further, in *Johnson v. State of Florida*, 339 So.2d 667 (Fla. 2nd DCA 1976), the court stated the failure of the judge to affix a seal or the name of her office to the search warrant pursuant to s. 933.07, Fla.Stat. (1973), did not vitiate the warrants validity.

- Since the meeting, we have scheduled a retirement ceremony and reception for Judge Slaughter and the Court Christmas Luncheon.

Thursday, December 9 from 4:00 until 6:00 – Judge Slaughter's retirement ceremony reception at the Suwannee County Courthouse

Friday, December 17 – Christmas luncheon for judges and Court Staff – Details to be announced soon.

Please let me know if you have any questions or need more information on any of these subjects.

Sondra

Jenn C. Lussier

From: Lori A. McKee
Sent: Monday, August 09, 2010 2:29 PM
To: Candice T. Herring; Debbie J. Saunders; Diane B. Hiers
Cc: Sondra M. Lanier
Subject: Foreclosure Case Management Meeting

This is to confirm that the Foreclosure Case Management meeting will be held on August 13, 2010 at 11:00 in Judge Johnson's Hearing Room.

Have a great day !

Lori McKee
Administrative Assistant III
Third Judicial Circuit Court
105 North Ohio Avenue
Live Oak, Florida 32064
386-362-2010

Jenn C. Lussier

From: Georgia Chamberlin <georgia.chamberlin@trls.org>
Sent: Monday, August 09, 2010 2:15 PM
To: Candice T. Herring
Subject: RE: LAST CHANCE TODAY, MONDAY, AUGUST 9TH! SIGN UP FOR THE BANKRUPTCY/CLE TAX LUNCHEON

Thanks. Laura Fouraker-Gardner wanted me to send out one last notice. Everything is great! Have a good week.
GA

From: Candice T. Herring [mailto:herring.candice@jud3.flcourts.org]
Sent: Monday, August 09, 2010 2:02 PM
To: Georgia Chamberlin
Subject: RE: LAST CHANCE TODAY, MONDAY, AUGUST 9TH! SIGN UP FOR THE BANKRUPTCY/CLE TAX LUNCHEON

Hey Georgia. Hope all is well your way. Judge Collins said he will not be able to attend this event and sends his regrets.

Thank you,
Candice T. Herring

From: Georgia Chamberlin [mailto:georgia.chamberlin@trls.org]
Sent: Monday, August 09, 2010 1:45 PM
To: Donna D. Moore; Millicent A. Schneider; Debbie J. Saunders; Pam K. Ring; Candice T. Herring; sadler.debra@jud3.flcourts.org; Melanie A. Vaughn; Jean Pittman; Joyce Cameron; Donna K. Jones; Marcie A. Kemp
Subject: LAST CHANCE TODAY, MONDAY, AUGUST 9TH! SIGN UP FOR THE BANKRUPTCY/CLE TAX LUNCHEON

Reserve Your Ticket for this August 20th Special Event
before the August 9, 2010 deadline!
(Tickets are not available at the door. See Event Details below.)

Co-Sponsors

TCAWL

(Third Circuit Association for Women Lawyers)

and

Three Rivers Legal Services, Inc.

cordially invite you to attend a

CLE Luncheon & Bankruptcy Judicial Reception

honoring the

United States Bankruptcy Court Judges sitting in the

Third Judicial Circuit of Florida

Our honored guests include:

The Honorable Paul M. Glenn

Chief United States Bankruptcy Judge

Middle District of Florida, Jacksonville Division

The Honorable Lewis Killian, Jr.

The Honorable Jerry A. Funk

Chief United States Bankruptcy Judge

United States Bankruptcy Judge

Northern District of Florida

Middle District of Florida

Erica R. Shaffor, LLM, tax counsel for

Three Rivers Legal Services, Inc.'s Low Income Tax Payer Clinic

will present a CLE luncheon presentation on the

Tax Ramifications of Mortgage Foreclosure

followed by a panel discussion with our honored guests.

CLE Credits from the Florida Bar

Event Details

When:

Friday, August 20, 2010

11:30am - 1:30pm

Where:

At the Woman's Club, 257 SE Hernando Avenue, Lake City, FL

Menu:

Please choose your luncheon entrée:

Prime Rib, Chicken, or Vegetarian

Cost and RSVP:

Cost is \$45 per person

RSVP by TODAY, MONDAY, AUGUST 9, 2010

by sending your name and menu selection on the form below

together with a check payable to Three Rivers Legal Services, Inc.

(Due to the nature of this event, the deadline for both ticket reservations and registration payment cannot be extended.)

Thank you in advance for assisting in meeting the August 6th deadline.)

Send the RSVP form and payment to the following address:

Three Rivers Legal Services, Inc.

P.O. Drawer 3067

Lake City, FL 32056-3067

Attention: Georgia Chamberlin

Please direct any questions about the event to Georgia Chamberlin

Email: georgia.chamberlin@trls.org

Phone: (386)752-5960

RSVP FORM-BANKRUPTCY JUDICIALRECEPTION AUGUST 20, 2010

For convenience, please detach and enclose this RSVP form with your payment.

Please reserve tickets and menu preferences (choose Prime Rib, Chicken, or Vegetarian) for:

Print name: _____ Entrée: _____

Print name: _____ Entrée: _____

Print name: _____ Entrée: _____

Total Payment enclosed: \$ _____

Jenn C. Lussier

From: Georgia Chamberlin <georgia.chamberlin@trls.org>
Sent: Monday, August 09, 2010 1:45 PM
To: Donna D. Moore; Millicent A. Schneider; Debbie J. Saunders; Pam K. Ring; Candice T. Herring; sadler.debra@jud3.flcourts.org; Melanie A. Vaughn; Jean Pittman; Joyce Cameron; Donna K. Jones; Marcie A. Kemp
Subject: LAST CHANCE TODAY, MONDAY, AUGUST 9TH! SIGN UP FOR THE BANKRUPTCY/CLE TAX LUNCHEON

Reserve Your Ticket for this August 20th Special Event

before the August 9, 2010 deadline!

(Tickets are not available at the door. See Event Details below.)

Co-Sponsors

TCAWL

(Third Circuit Association for Women Lawyers)

and

Three Rivers Legal Services, Inc.

cordially invite you to attend a

CLE Luncheon & Bankruptcy Judicial Reception

honoring the

United States Bankruptcy Court Judges sitting in the

Third Judicial Circuit of Florida

Our honored guests include:

The Honorable Paul M. Glenn

Chief United States Bankruptcy Judge

Middle District of Florida, Jacksonville Division

The Honorable Lewis Killian, Jr. **The Honorable Jerry A. Funk**
Chief United States Bankruptcy Judge **United States Bankruptcy Judge**
Northern District of Florida **Middle District of Florida**

Erica R. Shaffor, LLM, tax counsel for
Three Rivers Legal Services, Inc.'s Low Income Tax Payer Clinic

will present a CLE luncheon presentation on the

Tax Ramifications of Mortgage Foreclosure

followed by a panel discussion with our honored guests.

CLE Credits from the Florida Bar

Event Details

When:

Friday, August 20, 2010

11:30am - 1:30pm

Where:

At the Woman's Club, 257 SE Hernando Avenue, Lake City, FL

Menu:

Please choose your luncheon entrée:

Prime Rib, Chicken, or Vegetarian

Cost and RSVP:

Cost is \$45 per person

RSVP by TODAY, MONDAY, AUGUST 9, 2010

by sending your name and menu selection on the form below
together with a check payable to Three Rivers Legal Services, Inc.

(Due to the nature of this event, the deadline for both ticket reservations and registration payment
cannot be extended.

Thank you in advance for assisting in meeting the August 6th deadline.)

Send the RSVP form and payment to the following address:

Three Rivers Legal Services, Inc.

P.O. Drawer 3067

Lake City, FL 32056-3067

Attention: Georgia Chamberlin

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Email: georgia.chamberlin@trls.org

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Print name: _____ **Entrée:** _____

Print name: _____ **Entrée:** _____

Total Payment enclosed: \$ _____

Jenn C. Lussier

From: Lori A. McKee
Sent: Monday, August 09, 2010 11:31 AM
To: Candice T. Herring
Subject: RE: Foreclosure Case Management

Okay, great.

Lori McKee
Administrative Assistant III
Third Judicial Circuit Court
105 North Ohio Avenue
Live Oak, Florida 32064
386-362-2010

From: Candice T. Herring
Sent: Monday, August 09, 2010 10:29 AM
To: Lori A. McKee
Subject: RE: Foreclosure Case Management

He can do Friday @ 11:00

Candice T. Herring

From: Lori A. McKee
Sent: Monday, August 09, 2010 9:41 AM
To: Candice T. Herring
Subject: RE: Foreclosure Case Management

Okay thanks.
If you would just let me know when you can.

Lori McKee
Administrative Assistant III
Third Judicial Circuit Court
105 North Ohio Avenue
Live Oak, Florida 32064
386-362-2010

From: Candice T. Herring
Sent: Monday, August 09, 2010 9:41 AM
To: Lori A. McKee
Subject: RE: Foreclosure Case Management

You have a great day too. Thanks!

Candice T. Herring

From: Lori A. McKee
Sent: Monday, August 09, 2010 9:40 AM
To: Candice T. Herring
Subject: Foreclosure Case Management

Good Morning,

Is Judge Collins available to meet with Sondra on Friday, August 13, 2010 at 11:00 to talk about the Foreclosure Case Management?

I know last week when we talked he possibly could have a Trial on Friday but wasn't sure of the status.

Thank you and have a great day.

Lori McKee
Administrative Assistant III
Third Judicial Circuit Court
105 North Ohio Avenue
Live Oak, Florida 32064
386-362-2010

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386-362-2010

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Lori McKee
Administrative Assistant III
Third Judicial Circuit Court
105 North Ohio Avenue
Live Oak, Florida 32064
386-362-2010

Jenn C. Lussier

From: Lisa L. Butler
Sent: Friday, April 09, 2010 3:53 PM
To: Darren K. Jackson; David W. Fina; E. Vernon Douglas; Frederick L. Koberlein; Greg S. Parker; H. Wetzel Blair; James R. Bean; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter; Candice T. Herring; Cathy M. Hall; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna K. Jones; Donna Moore; Jean Pittman; Joyce Cameron; Linda H. Morgan; Liz B. Sullivan; Marcie A. Kemp; Melanie Vaughn; Millicent A. Schneider; Pam K. Ring
Subject: Residential Foreclosure Mediation Order
Attachments: image.pdf; image.txt

Good afternoon. Please find attached Administrative Order 2010-003. Below is the link that will take you directly to the order which is posted on our website.

http://www.jud3.flcourts.org/ao_mediation.htm

Lisa Butler
Administrative Assistant III
Administrative Office of the Courts
Third Judicial Circuit of Florida
105 North Ohio Avenue
Live Oak, Florida 32064
Office: (386)362-1017
Fax: (386)362-2658

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NUMBER 2010 – 003

**ADMINISTRATIVE ORDER FOR CASE MANAGEMENT OF
RESIDENTIAL FORECLOSURE CASES AND MANDATORY REFERRAL
OF MORTGAGE FORECLOSURE CASES INVOLVING HOMESTEAD
RESIDENCES TO MEDIATION**

Whereas, pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice, and rule 2.215(b)(3), Florida Rules of Judicial Administration, mandates the chief judge to “develop an administrative plan for the efficient and proper administration of all courts within the circuit;” and

Whereas, rule 2.545 of the Rules of Judicial Administration requires that the trial courts “...take charge of all cases at an early stage in the litigation and...control the progress of the case thereafter until the case is determined...”, which includes “...identifying cases subject to alternative dispute resolution processes;” and

Whereas, Chapter 44, Florida Statutes, and Rules 1.700-1.750, Florida Rules of Civil Procedure, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by Rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

Whereas, residential mortgage foreclosure case filings have increased substantially in the Third Judicial Circuit, and state and county budget constraints have limited the ability of the courts in the Third Judicial Circuit to manage these cases in a timely manner; and

Whereas, high residential mortgage foreclosure rates are damaging the economies of the counties in the Third Judicial Circuit; and

Whereas, the Supreme Court of Florida has determined that mandatory mediation of homestead residential mortgage foreclosure actions prior to the matter being set for final hearing will facilitate the laudable goals of communication, facilitation, problem-solving between the parties with the emphasis on self-determination, the parties’ needs and interests, procedural flexibility, full disclosure, fairness, and confidentiality. Referring these cases to mediation will also facilitate and provide a more efficient use of limited judicial and clerk resources in a court system that is already overburdened; and

Whereas, Suwannee Valley Foreclosure Mediation, Inc. is an independent, nonpartisan, nonprofit organization that has demonstrable ability to assist the courts with managing the large number of residential mortgage foreclosure actions that recently have been filed in the Third

Judicial Circuit.

NOW, THEREFORE, IT IS ORDERED:

Definitions

As used in this Administrative Order, the following terms mean:

“Borrower” means an individual named as a party in the foreclosure action who is a primary obligor on the promissory note which is secured by the mortgage being foreclosed.

“Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached as page A-29 to the Supreme Court of Florida’s Administrative Order No. AOSC09-54 on Residential Mortgage Foreclosure Cases, entered on December 28, 2009 (hereinafter Order No. AOSC09-54). This Order is available online on the Florida Supreme Court’s website at www.floridasupremecourt.org.

“Communication equipment” means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of the participants is audible to all persons present.

“Foreclosure counselor” means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who has no criminal history of committing a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC) as an agency experienced in mortgage delinquency and default resolution counseling.

“Form A” means the certifications required herein in the format of Exhibit 1 which can be found on the Program Manager’s website at www.suwanneemediation.org.

“Homestead residence” means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

“Plaintiff” means the individual or entity filing to obtain a mortgage foreclosure on residential property.

“Plaintiff’s Disclosure for Mediation” means those documents requested by the borrower pursuant to paragraph 7 below.

“Plaintiff’s representative” means the person who will appear at mediation who has full authority to settle without further consultation and resolve the foreclosure suit.

“The Program Manager” means Suwannee Valley Foreclosure Mediation, Inc., qualified in accordance with parameters attached as Exhibit 13 attached as page A-68 to Order No. AOSC09-54. Also referred to as the “Mediation Manager.”

"RMFM Program" (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by Suwannee Valley Foreclosure Mediation, Inc. to implement and carry out the intent of this Administrative Order.

Scope

1. *Residential Mortgage Foreclosures (Origination Subject to TILA).* This Administrative Order shall apply to all residential mortgage foreclosure actions filed in the Third Judicial Circuit in which the origination of the note and mortgage sued upon was subject to the provisions of the Federal Truth in Lending Act, Regulation Z. However, compliance with this Administrative Order varies depending on whether the property secured by the mortgage is a homestead residence.

Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless the plaintiff and borrower agree in writing otherwise or unless pre-suit mediation was conducted in accordance with paragraph 23. The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order. In actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session, unless the plaintiff and borrower agree in writing not to participate in the RMFM Program or the Program Manager files a notice of borrower nonparticipation.

Upon the effective date of this Administrative Order, all newly filed residential mortgage foreclosure actions involving property that is not a homestead residence shall comply with the requirements of filing a Form A, as required by paragraph 5 below and the requirements of paragraph 18 below (plaintiff's certification as to settlement authority).

At the discretion of the presiding judge, compliance with this Administrative Order may also be required for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order, to residences which are not homestead residences, and any other residential foreclosure action the presiding judge deems appropriate. A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached as page A-25 to Order No. AOSC09-54.

2. *Referral to Mediation.* This Administrative Order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless pursuant to Rule 1.720(f), Florida Rules of Civil Procedure, the plaintiff and borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators. Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12, attached as page A-59 to Order No. AOSC09-54. Mediation through the RMFM Program shall be conducted in accordance with Florida Rules of Civil Procedure and Florida Rules for

Certified and Court-Appointed Mediators. Such mediators are deemed assigned by the Court and entitled to all privileges and immunities available to mediators under the law.

3. *Compliance Prior to Judgment.* The parties must comply with this Administrative Order and the mediation process must be completed before the plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a notice of nonparticipation is filed by the Program Manager.

4. *Delivery of Notice of RMFM Program with Summons.* After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property the clerk of court shall attach to the summons to be served on each defendant a notice regarding managed mediation for homestead residences in the format of Exhibit 2, attached as page A-23 to Order No. AOSC09-54.

Procedure

5. Responsibilities of Plaintiff's Counsel; Form A

When suit is filed, counsel for the plaintiff must file a completed Form A with the clerk of court. If the property is a homestead residence, all certifications in Form A must be filled out completely. Within one (1) business day after Form A is filed with the clerk of court, counsel for plaintiff shall also electronically transmit a copy of Form A to Suwannee Valley Foreclosure Mediation, Inc. at the email address provided on the website (www.suwanneemediation.org) along with the case number of the action and contact information for all of the parties. The contact information must include at a minimum the last known mailing address and phone number for each party.

In Form A, plaintiff's counsel must affirmatively certify whether the origination of the note and mortgage sued upon was subject to the provisions of the Federal Truth in Lending Act, Regulation Z. In Form A, plaintiff's counsel must also affirmatively certify whether the property is a homestead residence. Plaintiff's counsel is not permitted to respond to the certification with "unknown," "unsure," "not applicable," or similar nonresponsive statements.

If the property is a homestead residence and if the case is not exempted from participation in the RMFM Program because of pre-suit mediation conducted in accordance with paragraph 23 below, plaintiff's counsel shall further certify in Form A the identity of the plaintiff's representative who will appear at mediation. Plaintiff's counsel may designate more than one plaintiff's representative. At least one of the plaintiff's representatives designated in Form A must attend any mediation session scheduled pursuant to this Administrative Order. Form A may be amended to change the designated plaintiff's representative, and the amended Form A must be filed with the court no later than five days prior to the mediation session. All amended Forms A must be electronically transmitted to the Program Manager via a secure dedicated e-mail address or on the web-enabled information platform described in paragraph 8 no later than one (1) business day after being filed with the clerk of court.

6. *Responsibilities of Borrower.* Upon the Program Manager receiving a copy of Form A, the Program Manager shall begin efforts to contact the borrower to explain the RMFM Program

to the borrower and the requirements that the borrower must comply with to obtain a mediation. The Program Manager shall also ascertain whether the borrower wants to participate in the RMFM Program.

The borrower must do the following prior to mediation being scheduled: meet with an approved mortgage foreclosure counselor, and provide to the Program Manager the information required by the Borrower's Financial Disclosure for Mediation. The Borrower's Financial Disclosure for Mediation will depend on what option the borrower wants to pursue in trying to settle the action.

It shall be the responsibility of the Program Manager to transmit the Borrower's Financial Disclosure for Mediation via a secure dedicated e-mail address or to upload same to the web-enabled information platform described in paragraph 8; however, the Program Manager is not responsible or liable for the accuracy of the borrower's financial information.

7. Plaintiff's Disclosure for Mediation. Within the time limit stated below, prior to attending mediation the borrower may request any of the following information and documents from the plaintiff:

Documentary evidence the plaintiff is the owner and holder in due course of the note and mortgage sued upon.

A history showing the application of all payments by the borrower during the life of the loan.

A statement of the plaintiff's position on the present net value of the mortgage loan.

The most current appraisal of the property available to the plaintiff.

The borrower must deliver a written request for such information to Suwannee Valley Foreclosure Mediation, Inc. (the Program Manager) in the format of Exhibit 6 attached as page A-43 to Order No. AOSC09-54 no later than 25 days prior to the mediation session. The Program Manager shall promptly electronically transmit the request for information to plaintiff's counsel.

Plaintiff's counsel is responsible for ensuring that the Plaintiff's Disclosure for Mediation is electronically transmitted via a secure dedicated e-mail address or to the web-enabled information platform described in paragraph 8 below no later than five (5) business days before the mediation session. The Program Manager shall immediately deliver a copy of Plaintiff's Disclosure for Mediation to the borrower.

8. Information to Be Provided on Web-Enabled Information Platform or secure email. All information to be provided to Suwannee Valley Foreclosure Mediation, Inc. to advance the mediation process, such as Form A, Borrower's Financial Disclosure for Mediation, Plaintiff's Disclosure for Mediation, as well as the case number of the action and contact information for the parties, shall be submitted via the secure dedicated e-mail address listed on the website or the

Jenn C. Lussier

From: Candice T. Herring
Sent: Tuesday, August 31, 2010 3:27 PM
To: Sondra M. Lanier
Subject: Foreclosure Cases

Good afternoon and I hope all is well your way. Judge Collins wanted me to check in with you on the status of what we're supposed to do regarding those cases. I know you told me to hold off until you worked on something. So I'm checking in.

Thanks,
Candice T. Herring
Judicial Assistant

Judge Julian Collins
Circuit Judge
Third Judicial Circuit
Post Office Box 2077
Lake City, Florida 32056-2077
(386) 719-7546 ph
(386) 719-7547 fax
herring.candice@jud3.flcourts.org

Tracking:

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Monday, September 27, 2010 11:18 AM
To: Julian E. Collins; Candice T. Herring
Attachments: Judge Collins' Foreclosures.PDF

Great news. Barb showed me how to scan and send my notes. You should be able to have a more clear copy now.

The "grayed" out cases are ones that have been closed already and entered in our FERCTS report. Any other "stray marks" are really of no consequence. Of course, if you need any clarification on the notes give me a call or email. I'll do my best to help.

As you see, I also sent a copy to Candice.
I will let you know as soon as the circuit-wide case management notice is ready.
Enjoy!! ☺

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Judge Collins' Pending Foreclosures as of June 30, 2010

Case Number	Date Initiated	Last Action	
122008CA000680CAXXXX	10/29/2008	8/10/10	NOTICE OF LOP/MOTION TO DISMISS
✓ 122008CA000671CAXXXX	10/23/2008	3/20/09	NOTICE OF CANCELLATION - 4/12/09 HEARING ON MOTION FOR SUMMARY JUDGMENT
122008CA000665CAXXXX	10/21/2008	8/11/10	NOTICE OF L.O.P./MOTION TO DISMISS
122008CA000581CAXXXX*	9/12/2008	8/30/10	DISMISSED
✓ 122007CA000040CAXXXX	1/26/2007	2/9/07	ANSWER
122007CA000043CAXXXX	1/26/2007		LIEN - HOMEOWNERS' FEES - EXCLUDE
122008CA000566CAXXXX	9/9/2008	1/7/10 2/1/10	MOTION TO DISMISS ALIAS SUMMONS SERVED
✓ 122007CA000079CAXXXX	2/16/2007	2/27/2007	Summons served
122008CA000509CAXXXX	8/12/2008	8/11/2010	notice of LOP/motion to dismiss
✓ 122008CA000497CAXXXX	8/6/2008	12/23/2008	notice of cancellation of hearing (12-23-2008)
✓ 122007CA000106CAXXXX	3/6/2007	3/6/2007	complaint
122008CA000486CAXXXX	8/4/2008	8/11/2010	notice of L.O.P./Motion to dismiss
122008CA000483CAXXXX	8/4/2008	8/11/2010	notice of LOP/Motion to dismiss

> 16 mo.

> 3y 7m

?

> 3y

> 1y 8m

> 3y

✓	122007CA000193CAXXXX	5/14/2007	7/16/2007	summons served	> 3y
	122008CA000474CAXXXX	7/30/2008	8/11/2010	notice of L.O.P. / Motion to dismiss	
	122008CA000468CAXXXX	7/29/2008	8/11/2010	notice of L.O.P. / Motion to dismiss	
	122009CA000060CAXXXX	1/27/2009	8/30/2010	notice of foreclosure sale	
✓	122007CA000352CAXXXX	8/16/2007	9/13/2007	summons served	> 3y
✓	122007CA000405CAXXXX	9/13/2007	11/8/2007	Answer and affirmative defenses Answer to counterclaim and crossclaim	> 10m
	122009CA000255CAXXXX	4/6/2009	8/20/2010	notice of hearing (10-19-2010)	
-	122007CA000429CAXXXX	9/26/2007	8/16/10	*exclude → not a foreclosure voluntary dismissal	*
	122008CA000396CAXXXX	6/25/2008	8/11/2010	notice of L.O.P. / motion to dismiss	
	122008CA000393CAXXXX	6/25/2008	9/2/2010	Plaintiff showing good cause in response to court's intent to	dismiss
✓	122008CA000304CAXXXX	5/15/2008	8/7/2009	notice of voluntary dismissal w/o prejudice of Court II	by 1m foreclosure
	122009CA000141CAXXXX	3/2/2009	4/22/2009	conditional final judgement	
	122009CA000222CAXXXX	3/30/2009	7/28/2010	notice of filing plaintiffs affidavit in support of motion for summary judgement	
-	122009CA000230CAXXXX	3/30/2009	8/18/2010	Final Judgement	
✓	122007CA000558CAXXXX	12/6/2007	12/7/2007	summons issued	> 2y 8m
✓	122008CA000289CAXXXX	5/9/2008	6/10/2008	answer from defendant	> 2y
	122008CA000043CAXXXX	1/17/2008	8/27/2010	order granting sanctions	

FDI FERCS
is this FJ?

✓ 122009CA000228CAXXX	3/30/2009	3/30/09	SUMMONS ISSUED	> 1y 5m
122009CA000153CAXXX	3/3/2009	8/12/2010	motion for permission to file an amended answer	
122009CA000156CAXXX	3/4/2009	8/19/2010	motion for default and default entered	
✓ 122009CA000162CAXXX	3/5/2009	5/8/2009	cancellation of hearing (5-7-2009)	> 1y 4m
✓ 122009CA000210CAXXX	3/25/2009	7/9/2009	motion to dismiss	> 1y 2m
122008CA000214CAXXX *	4/4/2008		exclude - not a foreclosure ★	
✓ 122008CA000202CAXXX	4/1/2008	9/8/2008	notice of cancellation of hearing (10-1-08)	> 2y
✓ 122008CA000196CAXXX	3/31/2008	3/31/2008	summons issued	> 2y 5m
✓ 122008CA000713CAXXX	11/17/2008	3/19/2009	motion for summary final judgement of foreclosure	> 1y 5m
✓ 122008CA000199CAXXX	3/31/2008	5/16/2008	summons served	> 2y
122009CA000852CAXXX	12/30/2009	5/14/2010	notice of service of interrogatories	
122009CA000855CAXXX	12/30/2009	9/10/2010	notice of hearing 10/15/2010 motion for final judgement	
122008CA000743CAXXX	11/24/2008	8/10/2010	notice of L.O.P. / motion to dismiss	
122008CA000784CAXXX	12/11/2008	7/30/2010	notice of hearing (9-22-2010)	
✓ 122009CA000327CAXXX	5/12/2009	6/9/2009	summons served	> 1y 3m
122009CA000327CAXXX	5/28/2009	8/13/2010	voluntary dismissal	
✓ 122009CA000411CAXXX	6/11/2009	9/23/09	notice of cancellation of hearing (9-21-09)	11m

122009CA000426CAXXX	6/22/2009	5/26/2010	agreed order setting aside default entered against def.	
122009CA000432CAXXX	6/25/2009	7/28/2009 3/12/2010	summons served order to substitute party plaintiffs	
✓ 122009CA000444CAXXX	7/1/2009	7/17/2009	summons served	> 14 1m
122009CA000447CAXXX	7/2/2009	8/19/2010	amended complaint	
122009CA000453CAXXX	7/7/2009	11/25/2009	notice of cancellation of hearing (1-5-2010)	
✓ 122009CA000495CAXXX	7/28/2009	8/21/2009	answer from def.	> 14
✓ 122009CA000501CAXXX	7/31/2009	8/24/2009	summons served	> 14
✓ 122009CA000531CAXXX	8/12/2009	10/16/2009	Plaintiffs motion for summary judgement/hearing	> 10
122009CA000558CAXXX	8/21/2009	8/26/2010	motion for default + default entered	
122009CA000567CAXXX	8/27/2009	12/7/2009	notice of cancellation of hearing (1-5-2010)	> 9m
122009CA000570CAXXX	8/27/2009	7/21/2010 8/25/2010	Final judgement Certificate of sale	
122009CA000573CAXXX	8/28/2009	12/7/2009	notice of cancellation of hearing (12-2-09)	> 9m
122009CA000582CAXXX	8/31/2009	8/30/2010 8/30/2010	final judgement notice of foreclosure sale 9-29-10	
122009CA000597CAXXX	9/10/2009	7/21/10 8/25/10	final judgement certificate of sale	
122009CA000606CAXXX	9/11/2009	4/5/2010	suggestion of bankruptcy	
✓ 122009CA000615CAXXX	9/21/2009	1/6/2010	summons served	
122009CA000644CAXXX	10/2/2009	8/19/2010	Judge worksheet → appears to say going to mediation	?

3rd Cir 0376

ck
spot
PERIODS
input

122009CA000679CAXXXX	10/13/2009	8/30/2010 8/30/2010	final judgement notice of foreclosure sale (9-29-2010)	
✓ 122009CA000679CAXXXX	10/15/2009	11/6/2009	summons served	> 10m
✓ 122009CA000706CAXXXX	10/27/2009	11/6/2010	summons served	
✓ 122009CA000712CAXXXX	10/29/2009	11/17/2009	answer from def.	79m
122009CA000718CAXXXX	10/30/2009	8/30/2010 8/30/2010	final judgement notice of foreclosure sale (9-29-10)	
✓ 122009CA000732CAXXXX	11/6/2009	12/8/2009	summons unserved	79m
122009CA000741CAXXXX	11/10/2009	2/5/2010	cancellation of hearing (3-8-2010)	
122009CA000750CAXXXX	11/13/2009	2/3/2010	notice of cancellation of hearing (1-26-2010)	
✓ 122009CA000774CAXXXX	11/23/2009	6/25/2010	answer of defendant (Mortg. Elec. Registr. Systems)	
122009CA000798CAXXXX	12/7/2009	1/21/2010	plaintiff's motion for summary judgement	
122009CA000813CAXXXX	12/14/2009	8/13/2010	defendant's motion to mediate	
122009CA000825CAXXXX	12/16/2009	3/24/2010	plaintiff's response to defendant's motion to dismiss	
✓ 122009CA000837CAXXXX	12/21/2009	1/26/2010	answer from defendants	
- 122009CA000840CAXXXX	12/22/2009	8/02/2010	order dismissing case and cancelling of lis pendens	
122009CA000849CAXXXX	12/29/2009	5/11/2010	order releasing original documents dismissing action	
- 122009CA000857CAXXXX	7/17/2008	8/3/2010	dismissed after hearing	
- 122009CA000857CAXXXX	8/14/2009	12/08/2009 3/29/2010	final judgement certificate of sale	

✓	122005CA000521CAXXXX	12/27/2005	9/30/2009	order granting intervenor's claim for mort. surp foreclosure surplus	> 11m
✓	122005CA000521CAXXXX	4/30/2009	9/21/2009 11/9/2009	final judgement certificate of title	> 10m
✓	122009CA000015CAXXXX	1/9/2009	8/30/2010	Final judgement of mortgage foreclosure	?
	122006CA000483CAXXXX	11/21/2006	5/7/2010	judgment on the pleadings on 3 rd party complaint	
	122009CA000792CAXXXX	12/2/2009	8/27/2010	amended order setting cause for trial	
	122009CA000792CAXXXX	11/19/2009	3/9/2010 8/23/2010	final judgement certificate of title	
✓	122008CA000250CAXXXX	4/22/2008	12/29/2009	suggestion of bankruptcy	
	122008CA000659CAXXXX	10/20/2008	2/16/2010	final order dismissing case/canceling foreclosure sale/ canceling lis pendens / setting aside final summary judgement	
	122009CA000546CAXXXX	8/18/2009	4/27/2010 8/25/2010	final judgement certificate of sale	
✓	122008CA000716CAXXXX	11/18/2008	8/25/2009 11/9/2009	final judgement certificate of title	> 10m
	122010CA000438CAXXXX	6/29/2010	8/26/2010	motion for default and default entered	
	122010CA000006CAXXXX	1/6/2010	6/8/2010	answer and consent to foreclosure judgement in PEM	
✓	122010CA000249CAXXXX	4/8/2010	4/28/2010	summons served	
	122010CA000249CAXXXX	4/5/2010	8/30/2010	final disposition form: dismissed before hearing	
	122010CA000432CAXXXX	6/25/2010	8/16/2010	answer from defendants	
	122010CA000429CAXXXX	6/24/2010	7/26/2010	notice of mediation conf (8-31-2010)	
✓	122010CA000429CAXXXX	6/24/2010	8/12/2010	dismissed before hearing - pursuant to mediated settlement	

post judgement -
open 8-23-10

info
through
file

can't
find

122010CA000231CAXXXX	4/1/2010	7/1/2010	service of interrogatories to plaintiff
✓ 122010CAD00252CAXXXX	4/9/2010	4/22/10	answer from defendants
122010CA000227CAXXXX	4/1/2010	5/20/2010	answer from defendant
122010CA000033CAXXXX	1/14/2010	3/8/2010	answer from defendant
122010CA000423CAXXXX	6/23/2010	8/24/2010	motions for default and default entered (3 defendants)
122010CA000417CAXXXX	6/22/2010	7/30/2010	motion for entry of default
122010CA000036CAXXXX	1/15/2010	4/26/2010	motion for extension of time
✓ 122010CA000261CAXXXX	4/13/2010	5/21/2010	summons served
✓ 122010CA000222CAXXXX	3/31/2010	8/18/2010	notice of filing appearance to advise court and counsel of bankrup. filing
122010CA000411CAXXXX	6/17/2010	6/28/2010	answer from defendant
✓ 122010CA000042CAXXXX	1/19/2010	2/10/2010	summons served
122010CA000408CAXXXX	6/17/2010	6/17/2010	complaint
122010CA000116CAXXXX	3/29/2010	7/22/2010 8/30/2010	final judgement certificate of title
122010CA000402CAXXXX	6/15/2010	7/02/2010	answer from defendant
122010CA000264CAXXXX	4/14/2010	7/21/2010	motion for default / default entered by 3 defendants
122010CA000048CAXXXX	1/20/2010	7/30/2010	plaintiff's motion for summary judgement / hearing
122010CA000393CAXXXX	6/11/2010	7/7/2010	defendant's motion to dismiss (deal worked w/ plaintiff)?

	1/21/2010	7/21/2010 8/25/2010	final judgement certificate of sale	
✓ 122010CA000210CAXXX	3/26/2010	4/28/2010	summons served	
122010CA000390CAXXX	6/10/2010	9/1/2010	unserved summons	?
✓ 122010CA000384CAXXX	6/7/2010	7/6/2010	return of service	
✓ 122010CA000057CAXXX	1/22/2010	3/22/2010	answer to complaint	
122010CA000378CAXXX	6/4/2010	7/21/2010	motion for default / default entered	
122010CA000207CAXXX	3/26/2010	4-16, 24-2010 5/25/2010	served summons (a) unserved summons (b)	?
122010CA000063CAXXX	1/25/2010	3/1/2010	reply to defendant	
122010CA000066CAXXX	1/26/2010	4/16/2010	motion to abate proceeding	
122010CA000273CAXXX	4/20/2010	6/1/2010	plaintiff request for production	
122010CA000372CAXXX	6/3/2010	8/20/2010	answer (agrees to RMFM)	
✓ 122010CA000369CAXXX	6/2/2010	6/21/2010	answer	
122010CA000072CAXXX	1/27/2010	4/21/2010	affidavit of diligent search/inquiry	
✓ 122010CA000246CAXXX	4/8/2010	4/8/2010	summons issued	
122010CA000279CAXXX	EXCLUDE 4/26/2010	8/30/2010	This is commercial property ← notice of foreclosure sale	?
122010CA000165CAXXX	3/2/2010	8/16/2010	notice of hearing (9-7-2010)	
	6/2/2010		EXCLUDE - this is sheriff's forfeiture, not foreclosure *	

	122010CA000363CAXXXX	5/27/2010	8/18/2010	motion for default / default not signed by clerk def's
	122010CA000204CAXXXX	3/26/2010	8/5/2010	plaintiff's motion for summary judgement + hearing
✓	122010CA000090CAXXXX	2/3/2010	2/25/2010	Summons served
	122010CA000093CAXXXX	2/3/2010	6/17/2010	plaintiff's motion for summary judgement / hearing
	122010CA000201CAXXXX	3/24/2010	8/17/2010	6/9/2010 1 summons served - 4/6/2010 > answers ? Form A 4/22/2010
✓	122010CA000360CAXXXX	5/26/2010	6/21/2010	answer
✓	122010CA000105CAXXXX	2/8/2010	4/5/2010	summons served
	122010CA000108CAXXXX	2/9/2010	2/24/2010 8/27/2010	answer subpoena for deposition
	122010CA000357CAXXXX	5/25/2010	8/31/2010	plaintiff's motion for summary judgement / hearing
	122010CA000195CAXXXX	3/19/2010	7/22/2010	motion for default / default entered
	122010CA000111CAXXXX	2/10/2010	8/27/2010	motion for default / default entered
	122010CA000282CAXXXX	4/26/2010	8/24/2010	summons served
✓	122010CA000354CAXXXX	5/24/2010	6/24/2010	summons served
	122010CA000114CAXXXX	2/11/2010	7/9/2010	amended complaint
	122010CA000192CAXXXX	3/17/2010	8/30/2010	cancellation of hearing (8-30-2010)
✓	122010CA000189CAXXXX	3/16/2010	5/12/2010	summons served
✓	122010CA000291CAXXXX	4/28/2010	5/24/2010	answer

122010CA000123CAXXXX	2/15/2010	3/19/2010	second request for production to plaintiff
122010CA000345CAXXXX	5/20/2010	7/7/2010	answer
✓ 122010CA000186CAXXXX	3/15/2010	4/16/2010	answer
122010CA000126CAXXXX	2/17/2010	5/13/2010	notice of cancellation of hearing (6-14-2010)
✓ 122010CA000342CAXXXX	5/20/2010	7/20/2010	Summons served
122010CA000297CAXXXX	5/4/2010	9/1/2010	motion for default / default entered
122010CA000132CAXXXX	2/19/2010	7/30/2010	motion for summary final judgement
✓ 122010CA000339CAXXXX	5/19/2010	5/19/2010	summons issued
122010CA000336CAXXXX	5/19/2010	7/14/2010	• summons served, notice of borrower non-participation w/ RMFM
122010CA000300CAXXXX	5/5/2010	7/19/2010	final disposition form - dismissed before hearing
122010CA000324CAXXXX	5/12/2010	8/31/2010	motion for summary judgement incl. hearing
122010CA000303CAXXXX	5/5/2010	6/17/2010	motion for default / def entered
122010CA000144CAXXXX	2/24/2010	7/1/2010	amended notice of lis pendens
122010CA000144CAXXXX	2/24/2010	6/28/2010	summons served
122010CA000144CAXXXX	2/24/2010	7/14/2010	notice of action
122010CA000318CAXXXX	5/10/2010	7/27/2010	final judgement
122010CA000318CAXXXX	5/10/2010	8/23/2010	certificate of title *? lease w/ option
122010CA000177CAXXXX	3/9/2010	7/21/2010	answer
122010CA000315CAXXXX	5/10/2010	8/10/2010	nonparticipation w/ RMFM
122010CA000306CAXXXX	5/6/2010	6/4/2010	motion to dismiss
122010CA000306CAXXXX	5/6/2010	6/14/2010	motion for default
122010CA000306CAXXXX	5/6/2010	7/20/2010	letter stating full satisfaction of mortgage made?

✓ 122010CA000156CAXXXX	2/26/2010	4/5/2010	answer
122010CA000309CAXXXX	5/7/2010	8/26/2010	answer

Jenn C. Lussier

From: Candice T. Herring
Sent: Tuesday, November 16, 2010 9:27 AM
To: Ronna M. Cobble
Subject: List for Foreclosure Hrgs

Hey.....do you happen to have a list of the names for the cases that are scheduled for the hearings? It would be good for the baliff to have these so they can call them up for the judge or is that the way you all are doing it?

Thanks,
Candice T. Herring
Judicial Assistant

Judge Julian Collins
Circuit Judge
Third Judicial Circuit
Post Office Box 2077
Lake City, Florida 32056-2077
(386) 719-7546 ph
(386) 719-7547 fax
herring.candice@jud3.flcourts.org

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Friday, November 12, 2010 4:35 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Debbie A. DeNike; Carrina M. Cooper
Subject: Notes from Judges' Meeting

Good afternoon. Following are notes from today's judges' meeting (with a few additional pieces of information).

Court Administration Update

- Jackie Jo Brinson and Junaid Savani, two of our law clerks, presented information about WestLaw Next. Jackie Jo demonstrated some of the features of the new program and advised that Debbie DeNike is working to bring some training to the circuit. Judge Fina asked that the training be on the day of a future judges' meeting for the convenience of those who choose to participate.
- Sondra advised that in the past 6 months the law clerks have reduced the backlog of post-conviction motions from 501 to 297. They expect that all motions filed prior to 2009 will be completed by the end of this year. A backlog has existed for several years, and the situation was aggravated by turnover and hiring freezes. Debbie DeNike and the law clerks have done a wonderful job of organizing and prioritizing the cases so that the backlog continues to be reduced.
- Staff positions are being filled, and court administration expects to be back up to full staff by the end of the year. An updated employee directory has not been produced because of staff turnover and vacancies, but a new one will be published and distributed in early 2011.

Judge Case Count Reporting Requirement

- The clerks of court are supposed to be cleaning up the data in CCIS so that the case count by judge report will be as accurate as possible when it is presented to the Legislature. Some of the clerks have been in contact with the judges in their counties about this, but access to this information through CCIS will not be available to judges and court administration until December 1. At that time, we should be able to access the "appropriations" report through CCIS. Court administration staff will review the data and work with each judge to address whatever issues may exist. This is the data that will be used to prepare the alternative report by division to be prepared and submitted by the court administrator. Staff should be able to look at reopened cases and determine how many were VOP's so that those proceedings will be properly accounted for, and we will work with each judge to determine the other factors that need to be considered in order to present the most accurate picture of workload in each county/division.

E-Portal Update

- A memo regarding the recently established ePortal Interlocal Authority was provided to the judges. The Florida E-Filing Authority is the public body that will own the new Statewide E-Filing Court Records Portal through which attorneys and litigants will be able to file pleadings. The portal is to be up and running by January 1, 2011. The

e-filing plans for probate court in all of the counties in our circuit have been approved. Taylor County recently submitted an application for most of the other divisions in their county, and we expect the other counties to submit a coordinated plan for their other divisions soon. Additional equipment and training will be provided before the judges are expected to begin using the system.

Courtroom Space

- Judge Fina reminded everyone that when you are scheduling a hearing in a courthouse other than where you are primarily assigned, please remind your JA's to notify courthouse security in advance. Also, please remember to coordinate with the local judges as well to be sure that courtroom space is available.

Mortgage Foreclosure Case Management Issues

- Because of a "disparity in judicial philosophies" regarding mortgage foreclosure case management, Judge Fina advised the judges to work with Ronna Cobble in Court Administration to manage their cases as they see fit. Judge Fina described how he handled his first foreclosure case management docket, and he asked other judges to share their experiences after their hearings as well. Although there was no consensus on a circuit-wide form, Ronna has examples of notices/orders that other judges in our circuit have used.

Duty Judge Protocol

- Judge Fina discussed the duty judge protocol again and asked for input regarding whether the protocol should be continued. The consensus was that it should be continued. Judge Fina emphasized the importance of judges being available when they are the duty judge, including answering their cell phones when called and being in proximity to the technology necessary for them to receive, sign, and return emergency petitions, search warrants, etc. Also, Judge Fina asked that judges be sure their JA's are familiar with the protocol and follow it appropriately.

County Funding

- The judges reviewed the options available to address the issue of counties not paying their portion of the technology and/or facilities budgets for the courts. (For more information, please contact Judge Fina.) There will be a 15-minute meeting prior to the Christmas luncheon to follow up on this.

Judicial Assignments for July

- There will be a Chief Judge election in February, and judicial assignments will be made accordingly.

Court Calendar

- Once again, Judge Fina reminded judges of the importance of reviewing the draft master calendar when it is sent out for comments. If you have concerns, including scheduling around certain holidays, etc., those should be addressed with Carrina at that time rather than after the calendar has been finalized.

FUTURE MEETINGS: December – There will be a 15-minute meeting prior to the Christmas luncheon at Melody Christian Center.

January – We will invite our legislative delegation to attend this meeting, which will be held in Live Oak. Lin Williams' investiture may be held after lunch on the same day, but this has not been confirmed.

February – The meeting will be held in Hamilton County in February.

Jenn C. Lussier

From: Charna E. Raines
Sent: Wednesday, November 10, 2010 11:49 AM
To: Candice T. Herring
Subject: RE: Judges' Calendar

If you need more stamps than I sent, let me know.

Charna E. Raines
Administrative Assistant II
Court Administration
Third Judicial Circuit
173 NE Hernando Avenue, Room 408
Lake City, Florida 32055

(386)758-2163 Phone
(386) 758-2162 Fax
email: raines.charna@jud3.flcourts.org

From: Candice T. Herring
Sent: Wednesday, November 10, 2010 11:08 AM
To: Charna E. Raines
Subject: RE: Judges' Calendar

Please send heather back with me a bunch of stamps. I'm trying to mail out all this foreclosure stuff.

Thank ya!
Candice T. Herring

From: Charna E. Raines
Sent: Wednesday, November 10, 2010 10:47 AM
To: Candice T. Herring; Diane B. Hiers; Marcie A. Kemp; Heather J. Norris; Debbie J. Saunders; Pam K. Ring; Dianna W. Peeler
Subject: Judges' Calendar

Good morning ladies-
I wanted to inform you all that I am now the only staff in my area of the court administration office. Ms. Howard has reassigned to another job position and relocated to an office down the hallway. With her absence, it is difficult for me to "get away" from the office. It would be most helpful if you could fax your judges' calendar to me each week; I will continue to send you all reminders on Tuesday of each week in order to receive your calendars on Wednesday morning. This would be a tremendous help to me in an effort to draft the calendar in the same timely manner that I have in the past.

As always, I appreciate you all. Call me should you have any questions.

Thanks again-
Charna

Charna E. Raines

Administrative Assistant II

Court Administration

Third Judicial Circuit

173 NE Hernando Avenue, Room 408

Lake City, Florida 32055

(386)758-2163 Phone

(386) 758-2162 Fax

email: raines.charna@jud3.flcourts.org

Jenn C. Lussier

From: Charna E. Raines
Sent: Wednesday, November 10, 2010 11:10 AM
To: Candice T. Herring
Subject: RE: Judges' Calendar

Okay.

Charna E. Raines
Administrative Assistant II
Court Administration
Third Judicial Circuit
173 NE Hernando Avenue, Room 408
Lake City, Florida 32055

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As always, I appreciate you all. Call me should you have any questions.

Thanks again-
Charna

Charna E. Raines
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Court Administration
Third Judicial Circuit
173 NE Hernando Avenue, Room 408
Lake City, Florida 32055

(386)758-2163 Phone
(386) 758-2162 Fax
email: raines.charna@jud3.flcourts.org

Jenn C. Lussier

From: Candice T. Herring
Sent: Wednesday, November 10, 2010 11:03 AM
To: Ronna M. Cobble
Subject: RE:

I'm working on getting them out now. I made all copies yesterday. Stuffing envelopes now. Long process.

Candice T. Herring

From: Ronna M. Cobble
Sent: Wednesday, November 10, 2010 11:01 AM
To: Candice T. Herring
Subject:

Did the notices get successfully mailed out yesterday? I know we were down to the wire on timing. Let me know , please.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Wednesday, November 10, 2010 11:01 AM
To: Candice T. Herring

Did the notices get successfully mailed out yesterday? I know we were down to the wire on timing. Let me know , please.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Monday, November 08, 2010 8:55 AM
To: Candice T. Herring
Subject: Foreclosure Case Management Notices

Finally!! The Case Management Notices are completed. I have emailed Judge Collins a couple of last minute questions. Based up his reply, I should be emailing you the notices within the next half hour. Based on the date of hearing, I suppose these need to go out as soon as possible. If you need my help, let me know. I have to meet with Judge Bryan in the morning and I would be glad to come before our meeting at 9 and/or stay after our meeting to help get them out. I will await your reply. Thanks.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Thursday, November 04, 2010 2:19 PM
To: Candice T. Herring
Subject: FW:

We are grouping Law firms together. Please get with the Judge and find out how we are to schedule these. Thanks!

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

From: Ronna M. Cobble
Sent: Thursday, November 04, 2010 8:22 AM
To: Julian E. Collins
Subject:

Good morning, Judge. Barb and I are working on your Case Management Notices. There are at least 70, maybe as many as 80. How many minutes would you like to appoint each case or would you like me to schedule several cases at a time , in case some don't show. I will assign them as you instruct. I'll wait to hear from you.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Monday, October 25, 2010 10:25 AM
To: Barb Lussier; Bonnie S. Page; Brenda P. Pryce; Carrina M. Cooper; Casey C. Harrison; Charna E. Raines; Crystal M. Ecker; D. Judd Walden; Debbie A. DeNike; Debbie L. Copeland; Dianna W. Peeler; Duane L. Bestoso; Jackie-Jo Brinson; Jana D. Sullivan; Janice M. Howard; Jennifer R. Kuyrkendall; John Lake; Judy S. Eichar; Junaid X. Savani; June Byers; Kathleen M. Brackney; Laurie A. Chaffin; Lisa L. Butler; Lori A. McKee; Lynn Sapp; Nancy T. Blanton; Ronna M. Cobble; Rosalind Merrick; Sandy A. Ring; Tracy Brantley
Cc: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzell Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Subject: Staff News

Good morning. Please join me in congratulating Janice Howard who will be assuming the duties of family court case manager next week. Janice was first hired as part-time secretary for the Child Support Hearing Officer, and she then moved to the front desk in Lake City when she was promoted to Administrative Assistant II.

Charna Raines will remain at the front desk in the Lake City office, and she will assume all of the responsibility for the phones and assisting walk-in's. We will not have a second person at the front as we have had in the past, so I am asking Lake City staff to pitch in and help as needed.

The Administrative Assistant III and Administrative Services Manager postings close tomorrow. We will be advertising soon for 2 digital court reporters, although we do not expect those positions to be filled until December. We have not yet hired a User Support Analyst to fill Jacob's old position, although we hope to fill that position soon as well.

Ronna Cobble, who is the Foreclosure Case Manager, is able to work only a few hours per week until mid-December. We are pitching in as much as possible to keep the foreclosure cases moving in her absence, but her absence is definitely being felt.

Thanks to all of you who are pitching in to fill the voids created by all of these vacancies, and to those who are being patient as we adjust workloads and do our best to respond to you in a timely manner.

Sondra

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Friday, October 15, 2010 6:11 AM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Subject: FW: New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee
Attachments: Foreclosure Bench Book.pdf

FYI...

From: Melissa Henderson [mailto:HendersM@flcourts.org]
Sent: Thursday, October 14, 2010 12:10 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Susan Leseman; OSCA-JUDED; Blan Teagle
Subject: New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee

To: Chief Judges and Trial Court Administrators

From: Judge Mark King Leban, Chair, Florida Court Education Council's Publications Committee

Re: New Publication: Residential Foreclosure Bench Book

The Publications Committee of the Florida Court Education Council is pleased to announce the posting of the *Residential Foreclosure Bench Book* in the Court Education Resource Library on the Florida State Courts intranet. The *Residential Foreclosure Bench Book* was written by the Eleventh Circuit's Judge Jennifer Bailey and Assistant General Counsel Doris Bermudez-Goodrich. Used for a recent judicial education course for judges assigned to hear foreclosure cases, this bench book presents readers with the nuts and bolts of current foreclosure law and procedures.

In addition to this bench book, the Court Education Resource Library, developed by OSCA's Court Education Section and Publications Unit, contains a plethora of judicial education materials, among them, court publications (benchguides, bench books, toolkits, and case summaries); court education program materials; and other useful resources (a catalog of books, manuals, and other publications, including materials by state and national organizations).

A PDF of the bench book is attached, but you can also access it from the Court Education Resource Library, at https://intranet.flcourts.org/osca/Judicial_Education/Library/librarymain.shtml (As the bench book will be periodically updated to reflect changes in foreclosure law and procedure, please visit the site for update notifications.)

Please share this information with judges and court staff who are handling residential mortgage foreclosure cases.

If you have any questions, contact Susan Leseman, OSCA Publications Attorney, at (850) 922-5085 or lesemans@flcourts.org

RESIDENTIAL FORECLOSURE BENCH BOOK

Prepared by

Honorable Jennifer D. Bailey
Administrative Judge
Circuit Civil Jurisdiction Division
Eleventh Judicial Circuit of Florida

and

Doris Bermudez-Goodrich
Assistant General Counsel
Eleventh Judicial Circuit of Florida

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