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Thanks,  
m

*Millie J. Schneider  
Judicial Assistant to  
Circuit Judge David W. Fina  
Third Judicial Circuit*

\*\*\*If you have an urgent communication or if you have not heard from me in response to your e-mail, telephone me. **DO NOT ASSUME THAT YOUR E-MAIL HAS BEEN RECEIVED.**

---

**From:** mdunbar@tele-court.com [mailto:mdunbar@tele-court.com]  
**Sent:** Friday, November 19, 2010 9:53 AM  
**To:** Millicent A. Schneider  
**Subject:** Tele-Court: Video

Your Tele-Court calendar has been busy, and I wanted to suggest to Judge Fina that he consider use of a webcam.

At another court's request, we collected the comments from attorneys regarding their recent implementation of our service with web video. Indeed, it was the Los Angeles Bankruptcy Court, where, like your court, ordinary telephonic appearances were quite routine. I've attached a copy of our collection of attorney remarks and attached it here. I think that the attorney comments paint a pretty clear picture of how attorneys react.

If the Judge would like to try out video, and has a computer in the courtroom from which the Tele-Court Live Courtroom Connection webpage can be accessed in order, I'd be happy to send you a web camera if the court does not have one available.

**J. Mark Dunbar, Esq.**  
President

**TELE-COURT, INC.**  
Telephonic Court Appearances & Web Video  
[mdunbar@tele-court.com](mailto:mdunbar@tele-court.com)  
(800) 924-5680 x3

**Jenn C. Lussier**

---

**From:** Millicent A. Schneider  
**Sent:** Friday, November 19, 2010 3:06 PM  
**To:** David W. Fina  
**Subject:** FW: Tele-Court: Video

*Millie J. Schneider  
Judicial Assistant to  
Circuit Judge David W. Fina  
Third Judicial Circuit*

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**From:** mdunbar@tele-court.com [mailto:mdunbar@tele-court.com]  
**Sent:** Friday, November 19, 2010 11:27 AM  
**To:** Millicent A. Schneider  
**Subject:** RE: Tele-Court: Video

We have improved (and simplified) our system of explaining to attorneys how to log in and see it, by putting login instructions on the daily email reminders and that is why we are getting higher usage in LA. Let me if the judge will be using video, and we will promote it a bit more to the registrants.

Even for those attorneys that aren't themselves sending video, being able to see the Judge is extremely well received.

In other contexts, we have conducted demos with the Tele-Court web page being projected on a screen or displayed on a monitor in the meeting room, and the meeting room dialing in on a speaker phone. I will appear on webcam. Others on my staff—or the court staff—likewise appear as telephonic participants (with and/or without video) in a mock telephonic appearance demonstration. Let me know if your meeting room has the facilities to do this. We can make the demonstration as brief or extensive as the Judge prefers.

Otherwise, I have similar comments from Florida users (mainly going to the telephonic side) that I will include on a updated sheet for the judge's convenience. Let me know what else we can provide in the way of materials.

---

**From:** Millicent A. Schneider [mailto:schneider.millie@jud3.flcourts.org]  
**Sent:** Friday, November 19, 2010 10:04 AM  
**To:** mdunbar@tele-court.com  
**Subject:** RE: Tele-Court: Video

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**Jenn C. Lussier**

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**From:** Millicent A. Schneider  
**Sent:** Friday, November 19, 2010 1:24 PM  
**To:** David W. Fina  
**Subject:** FW: Tele-Court: Video

*Millie J. Schneider  
Judicial Assistant to  
Circuit Judge David W. Fina  
Third Judicial Circuit*

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(800) 924-5680 x3

**Jenn C. Lussier**

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**From:** Sondra M. Lanier  
**Sent:** Friday, November 19, 2010 10:37 AM  
**To:** David W. Fina  
**Subject:** FW: Public Records Request

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**From:** Rachel Goodman [mailto:rgoodman@adu.org]  
**Sent:** Friday, November 19, 2010 10:28 AM  
**To:** Sondra M. Lanier  
**Cc:** Larry Schwartzol; Salima Tongo; Tiffany Donnelly  
**Subject:** RE: Public Records Request

Thank you for your response, Sondra. That time frame sounds just fine.

All best,  
Rachel Goodman

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Friday, November 19, 2010 10:17 AM  
**To:** Rachel Goodman  
**Subject:** Public Records Request

Good morning.

I am the Trial Court Administrator for the Third Judicial Circuit in Florida, and I am preparing a response to your public records request. We do not have a specialized foreclosure division in our courts, and we are not using senior judges or magistrates to hear these cases. Cases are scheduled individually for hearings with the assigned judges in the way they always have been, and in the same manner that other civil cases are handled in our circuit. We do employ one case manager who reviews cases and schedules them for case management conferences with their assigned judges when no activity has occurred for a period of time. She also sends notices of intent to dismiss for failure to prosecute when there has been no activity for 10 months or more. These processes are pursuant to the Florida Rules of Court.

Because of our approach to the foreclosure issue in our circuit, we do not expect our response to your public records request to be extremely voluminous. The one remaining component of our response is the production of e-mails, and our Trial Court Technology Officer who will work on this is out of the office until November 29. For this reason, I do not expect to have a completed response until early December.

Please let me know if you foresee any problem with this timeframe.

Sincerely,  
Sondra Lanier

**Jenn C. Lussier**

---

**From:** Sondra M. Lanier  
**Sent:** Friday, November 19, 2010 10:17 AM  
**To:** 'rgoodman@aclu.org'  
**Subject:** Public Records Request

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Sincerely,  
Sondra Lanier

**Jenn C. Lussier**

---

**From:** PapaGray1@aol.com  
**Sent:** Thursday, November 18, 2010 7:22 PM  
**To:** James.H.Martin@hud.gov  
**Cc:** cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonable-doubt.org; sharon@sharonsperling.com; craig@reasonable-doubt.org; mar.ferber@gmail.com  
**Subject:** INNS OF COURT, JANUARY PROGRAM- letter inserted & attached pdf  
**Attachments:** jfg HUD let 11-18-10.pdf

**JAMES F. GRAY, P.A.**

3615-B N.W. 13TH STREET  
GAINESVILLE, FLORIDA 32609

E-MAIL ADDRESS  
[PAPAGRAY1@AOL.COM](mailto:PAPAGRAY1@AOL.COM)

TELEPHONE: (352) 371-6303  
FACSIMILE: (352) 371-4722

November 18, 2010

James H Martin  
HUD Jacksonville Field Office  
Charles E. Bennett Federal Building  
400 W. Bay Street, Suite 1015  
Jacksonville, FL 32202  
Phone: 904-208-6058  
E-Mail: [James.H.Martin@hud.gov](mailto:James.H.Martin@hud.gov)

Re: James C. Adkins Inns of Court, Foreclosure Program January 27, 2011 at 6 PM, Best Western Gateway Grand, 4200 NW 97th Boulevard, Gainesville, Florida 32606-3742  
Phone: 352/331-3336 | Fax: 352/331-3337

Dear Jim,

The purpose of this letter is to invite a HUD representative familiar with foreclosures to attend our Inns of Court meeting in January as a panelist. Thank you for your time today on the phone. I very much appreciate your patience and helpful attitude. I did try to contact someone in HUD earlier, but I had called the main number without success.

Our group of the James C. Adkins Inns of Court is hosting a discussion of residential foreclosure issues for our January meeting [see time and location above]. See the official Inns website here-  
<http://www.innsofcourt.org/Content/InnContent.aspx?Id=1499>

Our local Inns members are actually listed under "Pupillage Team Info" by group at the website. To quote from the American Inns website:

*American Inns of Court (AIC) are designed to improve the skills, professionalism and ethics of the bench and bar. An American Inn of Court is an amalgam of judges, lawyers, and in some cases, law professors and law students. Each Inn meets approximately once a month both to "break bread" and to hold programs and discussions on matters of ethics, skills and professionalism.*



I should tell you that drinks and socializing begin at 6, followed by dinner and the program. While I'm really not trying to bribe you, both are free [ha ha].

In this era of mass mortgage defaults and foreclosures, pleas for help from individuals, the Florida Bar Association, and Courts are often lost in the shuffle. We are all trying to work out of this mess, help our clients and the Courts, and maintain high standards of professionalism. Just the few telephone numbers you gave me for FHA and non FHA help with restructuring loans was amazing information. I know that any contribution from a knowledgeable HUD representative as a panelist would be greatly appreciated, and expand awareness of help that you know about, but attorneys do not.

A very tentative list of proposed panelists follows:

PROPOSED PANELISTS

Magistrate Paul Silverman

Judge Roundtree & Judge Griffis

Banker –Alarion , M&S, or Capital City?

Title attorneys

Jeff Dollinger

Chick Holden

Realtor –Darlene Pifalo ?

HUD Jax Elaine Spencer, Director Jax 904-208-6058? HAMP program?

Bankruptcy Attorney- Sharon Sperling?

Mediator- Jody Kingsland

I so hope that one of your knowledgeable people would be available and willing to meet and share with us.

Sincerely,

*Jim Gray*

James F. Gray

CC: Cheri Fine, Esq., Chairman Group 2,  
Group 2 members

## JAMES F. GRAY, P.A.

3615-B N.W. 13TH STREET  
GAINESVILLE, FLORIDA 32609

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November 18, 2010

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Realtor –Darlene Pifalo ?

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Mediator- Jody Kingsland

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Sincerely,

*Jim Gray*

James F. Gray

CC: Cheri Fine, Esq., Chairman Group 2,  
Group 2 members

**Jenn C. Lussier**

---

**From:** Bryan Proshka <BProshka@amstarlit.com>  
**Sent:** Thursday, November 18, 2010 2:28 PM  
**To:** David W. Fina  
**Subject:** Learn Foreclosure Defense & Bankruptcy And Get 27 FL Bar Approved Credit Hours For One Low Price

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

With one simple purchase of the AmStar CLE Bundle, you will save thousands of dollars and gain access to our most-demanded CLE courses; which when completed will satisfy 25.5 hours of general CLE requirements + 1.5 hours of required Ethics. ***That's a grand total of 27 hours of Florida Bar approved CLE credits!***

***For one low price,*** you will receive all 4 of AmStar's highly acclaimed CLE courses complete with forms and materials, two **free** premium listings on our lawyer search directories, 2 essential white papers, and numerous audio visual training presentations. All on an easy to use, portable USB Flash devise.

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- 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"

***This incredible \$495 Bundle also includes (at no extra cost):***

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**Jenn C. Lussier**

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**From:** The Florida Bar <careercenter@flabar.org>  
**Sent:** Wednesday, November 17, 2010 3:42 PM  
**To:** David W. Fina  
**Subject:** Job Flash: 11 new legal jobs

11 new legal jobs from the Florida Bar Career Center | [View this email in your browser.](#)

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Estate Planning, Probate, Tax, Corporate attorney with 10 to 20 year experience with high net worth clients. [more info...](#)

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**Broward County c/o Bob Murray & Associates - Fort Lauderdale, FL**

Broward County seeks a County Attorney to serve as chief legal counsel to the County and to direct and supervise the County Attorneys Office. County Attorney serves at the pleasure of the 9-member Board of Commissioners. County Attorneys Office has a 2011 budget of \$6.8 million with 61 authorized staff, including 37 attorneys. A law degree from an accredited college and a license to practice law in the State of Florida is required. Detailed brochure available at [www.bobmurrayassoc.com](http://www.bobmurrayassoc.com) [more info...](#)

### **Managing Attorney**

#### **Frenkel Lambert Weiss Weisman & Gordon - Ft. Lauderdale, FL**

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### **Community Association Attorney**

#### **Backer Law Firm, PA - Boca Raton, FL**

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### **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...](#)

### **Lateral Partner**

#### **ASSOULINE & BERLOWE, P.A. - Statewide, FL**

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### **T&E Associate**

#### **Williams Parker Harrison Dietz & Getzen - Sarasota, FL**

Our firm (<http://www.williamsparker.com>) has one of Florida's largest estate planning/administration groups. Our clients are sophisticated and our practitioners are highly skilled. We seek an associate with several years of experience in complex planning matters. L.L.M. or CPA, superior educational credentials, and strong drafting skills required. Kindly email your resume to [hiringpartner@williamsparker.com](mailto:hiringpartner@williamsparker.com) [more info...](#)

### **SVP Investment Counselor Palm Beach**

#### **Russell Reynolds Associates - Palm Beach, FL**

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### **Partner**

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**Jenn C. Lussier**

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**From:** PapaGray1@aol.com  
**Sent:** Wednesday, November 17, 2010 3:08 PM  
**To:** cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com  
**Subject:** FORECLOSURE NOTES-Group 2 Inns  
**Attachments:** Program Notes.doc

Cherie and group

10-14-10

Any time that you set for a meeting, Cherie, is ok. I am taking the new foreclosure cle as soon as October 31st ends, so it counts for my next cycle cles. I should have a lot of new ideas the first week of November. Meanwhile, Ryan Curtis provided the attached foreclosure defense outline at a North Florida Real Estate Attorneys [NFREA] meeting [cases omitted]. You may find it a source of legal ideas.

Since I have been dealing with many people threatened with, or in, foreclosure because of the incredible job loss, I have come to 3 additional foreclosure defenses-

1] "Call your Mama". Homeowners are reluctant to turn to their family for help in times of financial distress, but I have often had family rally around and help to reinstate the mortgage, and/or co-sign to refinance. This is a guaranteed win, but is not realistic if the mortgage exceeds the current property value. Then the homeowner needs to put his/her values into play- for example, children's college education is more important than a house, so don't throw the owner's money away.

2] Reinstatement. Under modern mortgages, homeowners have an absolute right to reinstate the mortgage at any time before the foreclosure sale by paying delinquent payments and costs incurred by the bank. This may go with #1 above. Homeowners are being tricked by lenders who deluge the owner with paperwork and false assurances that they are being considered for a "restructure" of their loan, while the bank's attorneys are proceeding rigidly with the legal foreclosure and sale of the home because the owner is not making payments until the "restructure" is approved by the lender, which is never unconditionally done-the banks always reserve the right to refuse the restructure even if the payments are current under the new deal.

3] Short Sales. Most lenders will agree to a short sale [not Chase-they agree, then refuse all reasonable offers] if the property is listed with a realtor familiar with short sales and the INCREDIBLE paperwork the lender will require. Most realtors don't understand their obligation to provide docs to the lender's short sale department. Some do, and should be used to list the property. The owner's benefits are that they get a free place to live since they do not make any mortgage payments, but the owner must keep homeowners insurance in place in case the house burns down since, if it does, the bank will be paid in full, and the owner will receive 50% to 75% of the insured value of replacing the home for their contents. Meanwhile, when the house is sold at a short sale, the owners do not have a judgment against them in the public record forever, and they are released from further liability to the bank.

Jim Gray  
James F Gray, PA  
3615- B NW 13 St.  
Gainesville, Florida 32609  
Florida Bar #318681  
Telephone 352 371 6303  
Fax 352 371 4722  
E-Mail [PAPAGRAY1@AOL.COM](mailto:PAPAGRAY1@AOL.COM)

PANELIST

Magistrate Paul Silverman

Judge Roundtree &/or Griffis

Banker –Alarion , M&S, Capital City,

Title attorney

Jeff Dollinger

Chick Holden

Realtor –David Coffey, Darlene Pifalo ??

Hamp- HUD Jax

Bankruptcy Attorney- Sharon Sperling

Mediator- Jody Kingsland

OUTLINE

1] residential mortgage – outline

2] properly filed , residential foreclosures w timeframes- fees

magistrate or hearing officer

3] defenses- legal, personal

4] alternative resolutions, mediation, deed in lieu-list 90 days, mtg mod, reinstatement, short sale, redemption, HAMP program

5] post fj -publication

6] certificate sale

**Jenn C. Lussier**

---

**From:** Emas, Kevin <kemas@jud11.flcourts.org>  
**Sent:** Wednesday, November 17, 2010 12:43 PM  
**To:** Belvin Perry, Jr.; Brown, Joel; Charlie Francis; Daniel Merritt, Sr.; David W. Fina; David Langford; David Walsh; Donald Moran, Jr.; Hentz McClellan; Keith Cary; Lee Haworth; Luis Garcia; Manny Menendez, Jr.; Martha Ann Lott; Peter Blanc; Preston Silvernail; Steven Levin; Terry Terrell ; Tom McGrady; Vic Tobin  
**Cc:** ficarrn@fljud13.org; Shinholser, Olin; Bailey, Jennifer; Lisa Goodner; Stargel, John K.; mmahon@coj.net; Laurent, John; msteinbeck@ca.cjis20.org  
**Subject:** Foreclosure Courts Article in Rolling Stone Magazine

FYI

[Matt Taibbi: Courts Helping Banks Screw Over Homeowners | Rolling Stone Politics](http://www.rollingstone.com/politics/news/17390/232611?RS_show_page=0)  
[http://www.rollingstone.com/politics/news/17390/232611?RS\\_show\\_page=0](http://www.rollingstone.com/politics/news/17390/232611?RS_show_page=0)

Kevin Emas

**Kevin Emas, Circuit Court Judge**  
**Lawson E. Thomas Courthouse Center**  
**175 NW 1<sup>st</sup> Avenue, Room 2322**  
**Miami, Fl. 33128**  
**Phone: (305) 349-6240**  
**[kemas@jud11.flcourts.org](mailto:kemas@jud11.flcourts.org)**

**Jenn C. Lussier**

---

**From:** Sondra M. Lanier  
**Sent:** Wednesday, November 17, 2010 11:29 AM  
**To:** David W. Fina  
**Subject:** FW: Mortgage Foreclosure Proceedings  
**Attachments:** Memo to Chief Judges re Mortgage Foreclosure Proceedings.pdf; Letter to Florida Press Assn et al.pdf

Did you already forward this?

---

**From:** Debbie Howells [mailto:[howellsd@flcourts.org](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](mailto: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 H.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



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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'Alemberte  
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

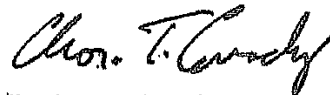
Mr. Sam Morley, et al.  
November 17, 2010  
Page Two

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**

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**Sent:** Wednesday, November 17, 2010 8:03 AM  
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# Supreme Court of Florida

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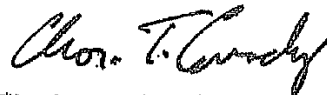
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Sincerely,



Charles T. Canady

CTC/ps

Enclosure

**Jenn C. Lussier**

---

**From:** Brenda Johnson <johnsonb@flcourts.org>  
**Sent:** Tuesday, November 16, 2010 11:03 AM  
**To:** SC-JUSTICES; DCA Budget Commission; Trial Court Chief Judges; Trial Court Administrators; Trial Court Budget Commission; Judge Kevin M. Emas; Judge Wayne Miller  
**Cc:** Lisa Goodner; Blan Teagle; Laura Rush  
**Subject:** Speaker Cannon's remarks today

Please note the comments in read below:

---

Speaker Dean Cannon's Organizational Session remarks as prepared for delivery:

I want to begin my remarks by thanking God, who has been so gracious and merciful to me and given me life and eternal life, and to especially thank him for allowing all of us to be here today.

I want to next recognize and thank my family. The first and highest thanks go to my beautiful wife, Ellen. I wouldn't be here today or be who I am without you, and you have sacrificed more and worked harder to bring me here than I have. I love you very much.

To Dean, my wonderful son, Katherine, my first daughter, and Sarah, my baby girl, you three have brought more joy to your mother and me than you will ever know, I love you, and thank you for allowing Daddy to serve in the house and to become Speaker.

I want to say a special word of thanks to my mother and father who are here today, Ginger and Roy Cannon, to my grandmother, Althea Cannon, and a long distance hello to my grandparents in North Carolina, Grace and Walter Harrell, who could not be here in person.

A tremendous thanks go to my brother, Dr. Sterling Cannon and his wife Heather for being here today.

And to my many, many other family members, friends and colleagues, as I look around this room there are so many of you. Thank you for helping me throughout my life and for helping me to arrive here today.

Members, I cannot adequately express my gratitude for the incredible honor and privilege you have entrusted to me to be your speaker. I promise you I will hold myself accountable, and ask that we all hold each other accountable, to the high standards of this institution and the people we represent.

I have sought the counsel of many of the former speakers for advice over the years, and especially Speaker Cretul. And, I intend to do so again gentlemen. And, they cautioned me that each speaker must confront the issues at hand, not the issues they wished were at hand when they were first elected. I'll tell you that's true.

Together we all share a responsibility to address the tough issues facing our state now. I know we will not always agree on the difficult choices ahead, but regardless of the circumstances, we are privileged to hold in this chamber the trust of the people of Florida and with that trust comes a responsibility to do our very best for them.

We find ourselves today with a large majority caucus. This means the majority has the responsibility lead, the minority has the opportunity to participate and the public has the right to watch. As your speaker, my goal is to ensure that all of that happens fairly and orderly.

The most meaningful bipartisanship is unforced, voluntary bipartisanship, and I hope that we in the majority party will work with those in the minority party to collaborate for the good of the people we serve. And so, I extend a pledge of fairness to members of both parties, but please remember that obstructionism is not the same as dissent and personal attacks are not the same as meaningful debate.

We come together today as the 85th Florida house since statehood in 1845. Each of you holds 1/120th of the sovereignty of the Florida house. Each bears the same burden and each holds the same opportunity that comes with the constitutional responsibilities we have sworn to uphold.

Since statehood, only 3,477 people have had the privilege to sit in the seats you currently occupy, less than 3,500 people out of tens of millions who have called our state home.

Members, as my gift to you, in each of your desks you will find a lapel pin with a seal of the Florida House of Representatives which symbolizes, in a small way, your place in the history of the Florida house and our great state. It signifies your responsibility to your constituents, to our state, and to this great institution.

When you wear this pin remember that you are part of something bigger than yourself. It's something much bigger than the promises you made on the campaign trail and it's different from making a living in your private life, never forget that. When you wear this pin remember that you are a public servant, you are a part of the government of this state and you are a part of the history of Florida.

It is unfortunate, but true, that a terrible temptation when you are part of government is to succumb to the notion that we in Tallahassee can make all things better through government. It's so easy to see people facing challenges and think, "if we just had more government revenue, we could create a program to fix that," or "if the government would just impose more regulations these bad things would never happen to good people."

My friends, those sentiments may be well intended, but they are dangerous. Government cannot give everything to everybody and it cannot prevent every calamity. The notion that government can somehow make everyone happy and healthy has led our federal government into the terrible experiment in government run amok that the voters of our state and our nation overwhelmingly rejected two weeks ago.

So, during the next two years I am going to challenge you to ask a much harder question. Instead of asking what government can do to fix a problem or prevent a potential wrong, when confronting the challenges facing our state, I challenge you to ask whether or not government should be involved at all. Or, better yet, what can government stop doing that will allow greater freedom to our citizens?

If someone had told those of us who were first elected in 2004 that by 2010 the federal government would be not only advocating but implementing the greatest expansion of government power since the New Deal, I would not have believed it.

And yet, that is exactly what we have seen.

Government taking over banks and financial institutions, government taking over auto manufacturers and the production of durable goods, government socializing medicine and government trampling the property rights of citizens and the sovereignty of states.

Should it really be the role of government to require people to purchase a health insurance product they don't want, raise taxes to give that same product to others who can't afford it, and commandeer our state government and its resources to carry it out?

Or, should we work to limit government and empower the private sector by developing a clearly-defined framework for providers in Florida to compete to meet the needs of our citizens and then hold them accountable for their performance?

Can it really be the proper role of the federal government to arbitrarily come in to a single state and unilaterally tell us that Florida must adhere to arbitrary, unscientific and unachievable EPA standards?

Or, should we raise our voices in protest and defend our citizens' property rights and our state's sovereignty against this assault by the federal government?

The threats to our liberties come not only from the federal government, but can also be seen much closer to home.

As an attorney and an officer of the court, I believe fervently in a judicial branch that is strong and independent and fully empowered and equipped to fulfill its constitutional duties.

But for the judiciary to be independent, it must also be impartial and apolitical. It must respect the co-equal executive and legislative branches, and protect their unambiguous constitutional powers, and it must practice the restraint that is built into our federal and state constitutions.

Yet, over the past year three times we saw the work of a three-fifths super majority of this legislative branch, the elected representatives of over 18 million Floridians, demolished by five unelected Justices on the Supreme Court. This was done notwithstanding the fact that there is no express authority in the Florida constitution for doing so.

So I ask you, is it the role of judicial branch to decide political questions, and endanger its reputation for impartiality, by depriving the voters of the right to vote on important questions put forth by their elected representatives?

Or should we make good on the oath we took to protect and defend Florida's constitution, which expressly grants the legislature the unlimited right to place questions before the voters so that they, the people, may exercise their highest political right by voting to choose whether or not to amend their constitution?

These are just a few examples of threats to freedom and the cost that the loss of liberty has occasioned, but there are many others.

It's worth asking of all of those examples I just cited, how and why did government expand so much and try to control so much economic activity or exercise those powers? While there is no one single answer, I believe much of it stems from an arguably well-intentioned but fatally flawed assumption that government can and should protect people from themselves, and that government can and should help people more than they can help themselves.

Ladies and gentlemen, when government takes over private sector assets and controls private sector activity, or denies people the right to vote because the government decides they might be confused, even if it does so--perhaps especially if it does so--in the name of protecting

them, that my friends is a destruction of freedom and is the road to serfdom and economic bondage not only for us but for our children and their children after them. It is the road to ruin of a healthy economy and the foreclosure of a bright future for our state and our nation.

Real freedom seeks equality in opportunity, not equality in outcome.

To question the size and scope of government at every level could truly produce a new birth of freedom. Economic freedom, based on the principle that people -- not the government -- can and should best determine how the fruits of their labor will be used; and making people, not the government, responsible for determining their own destinies, for better or for worse.

We shouldn't seek freedom merely for its own sake, although that is reason enough. We should seek freedom because it is the path to human industry, to returning strength to Florida's economy, to people achieving their highest potential.

Floridians want jobs. Jobs create opportunity and self respect. Jobs provide people a stake in their future.

In order to get our economy moving again, we need to liberate capital, we need to inspire entrepreneurs, we need to give people the opportunity to create jobs.

Our mission over the next two years is to foster an economy that will allow the men and women of Florida to prosper. Our mission over the next two years is to bring sanity to the government's role in the private sector. Our mission is to ask ourselves whether every action we take will promote freedom and empower businesses to create jobs.

You cannot regulate your way to prosperity. You cannot tax your way to wealth, and you cannot borrow your way out of debt. We cannot pass a bill to end this recession. But, we can create the freedom for the private sector to build a healthy and dynamic economy.

Members, this is not a theoretical classroom discussion. Floridians need a new birth of freedom now. This new birth of freedom will help encourage entrepreneurship, it will help create jobs, and it will help get Floridians back to work. And it is economic freedom that will unshackle our economy and once again paint a brighter picture for the Florida of tomorrow.

The road will not be easy, but our families and our children, and our children's children, will thank us.

May God bless each of you, may God bless this House, and may God bless the great state of Florida.

# # #

*Brenda G. Johnson*

Director of Community and Intergovernmental Relations  
Office of the State Courts Administrator  
500 South Duval Street  
Tallahassee, FL 32399-1900  
(850)922-5692

**Jenn C. Lussier**

---

**From:** Leandra G. Johnson  
**Sent:** Tuesday, November 16, 2010 10:19 AM  
**To:** David W. Fina  
**Subject:** dismissal of action for failure to appear at c.m.c.  
**Attachments:** Order to Show Cause (failure to appear 09-714-CA).doc

Attached is a copy of the order I drafted yesterday and used in a couple of cases where Plaintiff's counsel did not appear for a case management conference in foreclosure cases. If no response is filed or if no good cause is shown for the non-appearance, I will dismiss the case upon a finding that the party's action was willful and flagrant.

You may want to look at the following cases: Drakeford v. Barnett, 694 So. 2d 822 (Fla. 2<sup>nd</sup> DCA 1997) and First Fairway Condominium I Ass'n, Inc. v. Gulfstream Roofing, Inc., 701 So. 2d 652 (Fla. 4th DCA 1997), which hold that dismissal of an action is a drastic remedy which should only be used in extreme situations and a dismissal for failure of counsel to attend a case management conference must contain findings that the party's actions were "flagrant, willful, persistent and contumacious".

LGJ



IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT  
IN AND FOR COLUMBIA COUNTY, FLORIDA

BAC HOME LOANS SERVICING, LP,  
f/k/a COUNTRYWIDE HOME LOANS  
SERVICING, LP,  
Plaintiff

CASE NO. 09-714-CA

vs.

TERESA DIBBLE, ET AL,  
Defendant(s)

ORDER TO SHOW CAUSE

THIS CAUSE came before the Court on November 15, 2010, at 4:15 p.m. for a Case Management Conference scheduled pursuant to Rule 1.200(a), Fla. R. Civ. P. Notice of the hearing was provided to counsel for Plaintiff and the parties through U.S. mail on October 26, 2010. No one called and no one appeared on the noticed date and time. Therefore, it is hereby

ORDERED AND ADJUDGED:

Plaintiff's counsel shall file no later than **November 30, 2010**, a written response as to the failure to appear at the scheduled Case Management Conference. If no good cause is shown, this action shall be dismissed.

DONE AND ORDERED in Lake City, Columbia County, Florida this 15<sup>th</sup> day of November, 2010.

\_\_\_\_\_  
LEANDRA G. JOHNSON  
CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. First Class Mail on November \_\_\_\_, 2010, to the following:

Allison J. Brandt, Esquire  
Laura E. Noyes, Esquire  
Kass, Shuler, Solomon, Spector,  
Foyle, & Singer, P.A.  
P.O. Box 800  
Tampa, FL 33601

Auto Vest, LLC  
26250 Northwestern Highway, Suite 200  
Southfield, MI 48076

Teresa Dibble  
Frances Hawk  
P. O. Box 2852  
Lake City, FL 32056




**Jenn C. Lussier**

---

**From:** sonny scaff <sonnyscaff@yahoo.com>  
**Sent:** Monday, November 15, 2010 11:45 PM  
**To:** Greg S. Parker; David W. Fina; E. Vernon Douglas; Frederick L. Koberlein; H. Wetzel Blair; Debra P. Sadler; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Tom Coleman; William R. Slaughter  
**Subject:** Fw: ACLU Wants Foreclosure Hearings to Remain Public

----- Forwarded Message -----


**From:** "sonnyscaff@yahoo.com" <sonnyscaff@yahoo.com>  
**To:** sonnyscaff@yahoo.com  
**Sent:** Mon, November 15, 2010 8:40:16 PM  
**Subject:** ACLU Wants Foreclosure Hearings to Remain Public

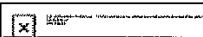
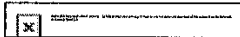
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**\* Please note, the sender's email address has not been verified.**

**You have received the following link from sonnyscaff@yahoo.com:**

**Click the following to access the sent link:**

 **ACLU Wants Foreclosure Hearings to Remain Public\***

**Get your EMAIL THIS Browser Button and use it to email content from any Web site. [Click here](#) for more information.**

\*This article can also be accessed if you copy and paste the entire address below into your web browser.  
[http://www.wctv.tv/home/headlines/ACLU\\_Wants\\_Foreclosure\\_Hearings\\_to\\_Remain\\_Public\\_108315054.html](http://www.wctv.tv/home/headlines/ACLU_Wants_Foreclosure_Hearings_to_Remain_Public_108315054.html)

**Jenn C. Lussier**

---

**From:** Sondra M. Lanier  
**Sent:** Monday, November 15, 2010 4:24 PM  
**To:** David W. Fina  
**Subject:** Credit

Hey – I just wanted to make sure to give credit where it is due. Ronna is the one who actually sent out all of those notices of intent to dismiss for failure to prosecute in foreclosure cases, and she prepared the orders that are waiting in the files.

Sondra

**Jenn C. Lussier**

---

**From:** Lisa Goodner <goodnerl@flcourts.org>  
**Sent:** Monday, November 15, 2010 9:51 AM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** OSCA-MANAGERS  
**Subject:** FW: Letter to Chief Justice Canady  
**Attachments:** Ltr to Chief Justice Canady.FINAL.pdf

FYI.

Lisa

---

**From:** Larry Schwartztol [mailto:lschwartztol@aclu.org]  
**Sent:** Friday, November 12, 2010 7:07 PM  
**To:** Craig Waters  
**Subject:** Letter to Chief Justice Canady

Craig,

I hope this email finds you well. As I mentioned earlier today, the ACLU is working with a coalition of organizations representing members of the Florida news media to protest barriers to access to foreclosure proceedings around the state of Florida. The attached letter will be delivered by UPS to the Chief Justice on Monday morning, and we expect to issue a press release that afternoon. In order to give the Chief Justice advance notice, we wanted to send this to you now. If you wouldn't mind forwarding this to the Chief Justice, I would greatly appreciate it.

Best,

Larry

Larry Schwartztol | Staff Attorney  
*Racial Justice Program*  
**The American Civil Liberties Union**  
125 Broad Street, 18<sup>th</sup> Floor | New York, NY 10004  
Phone: 212-519-7849

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**Florida Press Association**  
336 E. College Avenue, Suite 203  
Tallahassee, FL 32301  
(850) 521-1199  
Fax (850) 577-3629

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.

**Jenn C. Lussier**

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**From:** Sue Bruce <bruces@flcourts.org>  
**Sent:** Thursday, October 28, 2010 11:51 AM  
**To:** Trial Court Chief Judges  
**Cc:** Trial Court Budget Commission  
**Subject:** Foreclosure Initiative  
**Attachments:** 10.27.10.laurent.memo.docx

Please see the attached memorandum from Judge John Laurent. Thanks!

***Sue Bruce***

Personal Secretary II  
Office of the State Courts Administrator  
500 S. Duval Street  
Tallahassee, FL 32399  
Phone: 850/922-5081  
Fax: 850/488-0156



**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. Farina, Circuit Judge  
Charles A. Francis, Circuit Judge  
Mark Mahon, Circuit Judge  
J. Thomas McGrady, Circuit Judge  
Wayne M. Miller, County Judge  
Belvin, Perry, Jr., Circuit Judge  
Robert E. Roundtree, Jr., Circuit Judge  
Clayton D. Simmons, Circuit Judge  
Elijah Smiley, Circuit Judge  
Patricia V. Thomas, Circuit Judge  
Mike Bridenback, Court Administrator  
Tom Genung, Court Administrator  
Sandra Lonergan, Court Administrator  
Carol Lee Ortman, Court Administrator  
Walt Smith, Court Administrator  
Mark Weinberg, Court Administrator  
Robin Wright, Court Administrator*

**Ex-Officio Members**

*The Honorable Kevin M. Emas  
Florida Conference of Circuit Court Judges*

*The Honorable Susan F. Schaeffer  
Chair Emeritus*

**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



**Jenn C. Lussier**

---

**From:** Sondra M. Lanier  
**Sent:** Thursday, October 28, 2010 10:27 AM  
**To:** David W. Fina  
**Subject:** Re: Foreclosure Cases

I got a date from Millie.

----- Original Message -----

**From:** David W. Fina  
**To:** Sondra M. Lanier  
**Sent:** Thu Oct 28 10:15:30 2010  
**Subject:** RE: Foreclosure Cases

Yes, the notices for case mtg. as soon as we have a date.

**From:** Sondra M. Lanier  
**Sent:** Wednesday, October 27, 2010 6:19 PM  
**To:** David W. Fina  
**Cc:** Ronna M. Cobble  
**Subject:** Foreclosure Cases

Judge Fina,

I admit it! I dropped the ball! Since the attorneys are preparing orders in the cases that were continued from your last case management docket, is it Notices of Hearing that we need to QUICKLY prepare and mail out on those cases? I am assuming that the attorneys will put continued for 30 days in their orders, but they will not know the next hearing date. Am I on the right track? (Sorry, but I'm thankful that you are the judge we are learning on our first docket with.)

Sondra

**Jenn C. Lussier**

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**From:** David W. Fina  
**Sent:** Thursday, October 28, 2010 10:16 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure Cases

Yes, the notices for case mtg. as soon as we have a date.

---

**From:** Sondra M. Lanier  
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**Jenn C. Lussier**

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Sondra

**Jenn C. Lussier**

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**From:** Jason Warman <JWarman@amstarlit.com>  
**Sent:** Tuesday, October 26, 2010 2:30 PM  
**To:** David W. Fina  
**Subject:** Learn Bankruptcy & Foreclosure Defense And Get 27 FL Bar Approved Credit Hours For One Low Price

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

With one simple purchase of the AmStar CLE Bundle, you will save thousands of dollars and gain access to our most-demanded CLE courses; which when completed will satisfy 25.5 hours of general CLE requirements + 1.5 hours of required Ethics. ***That's a grand total of 27 hours of Florida Bar approved CLE credits!***

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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 – The Initial Consultation
- 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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**Jenn C. Lussier**

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**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. 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:** 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**

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**From:** David W. Fina  
**Sent:** Thursday, October 21, 2010 1:56 PM  
**To:** Millicent A. Schneider  
**Subject:** FW: Nov. 15 JAC Conference Call

---

**From:** Debbie Howells [mailto:[howellsd@flcourts.org](mailto:howellsd@flcourts.org)]  
**Sent:** Monday, October 18, 2010 1:52 PM  
**To:** Trial Court Chief Judges; Judge Kevin M. Emas  
**Cc:** Trial Court Administrators; Judge Jennifer Bailey; Lisa Goodner; Brenda Johnson; Blan Teagle; Laura Rush; Greg Youchock; Greg Smith; Kristine Slayden; Charlotte Jerrett; Gary Phillips; Judge John Laurent; Judge Wayne Miller  
**Subject:** Nov. 15 JAC Conference Call

Chief Judge Lee Haworth, Chair of the Judicial Administration Committee, asked us to let you know that a conference call has been scheduled for 12:00 noon on Monday, November 15, 2010. Discussion items will include mortgage foreclosure issues and other matters. To participate in the call, please dial 1-888-808-6959 and, when prompted, enter conference code 9425056 followed by the # key. An agenda and additional information will be provided prior to the call.

Sincerely,

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](mailto:howellsd@flcourts.org)

**Jenn C. Lussier**

---

**From:** Sondra M. Lanier  
**Sent:** Wednesday, October 20, 2010 10:58 AM  
**To:** Leandra G. Johnson  
**Subject:** United Way

Judge Johnson,

I am going to have someone pick up our materials from the United Way office, and we will follow whatever instructions come along with the materials. However, given our workload and our current staff shortage, I do not have anyone who can attend the meetings.

In addition to the 6 positions that we permanently lost during reductions in force, we have 6 positions that are currently vacant and Lynn Sapp is out for 8 weeks due to surgery. We have the foreclosure project that needs a tremendous amount of attention, and Ronna is out until December. As was discussed at the Judges' Meeting, we also have this big case count project that will require a lot of work between now and January 15. I don't mean to sound like I'm making excuses, but I wanted you to understand why I have no one I can assign to the United Way meetings at this point.

Sondra



**Jenn C. Lussier**

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**From:** Sondra M. Lanier  
**Sent:** Wednesday, October 20, 2010 8:27 AM  
**To:** David W. Fina  
**Subject:** FW: Case management date

!!!!!!!!!!!!!!!!!!!!!!!!!!!!

---

**From:** Ronna M. Cobble  
**Sent:** Tuesday, October 19, 2010 8:32 PM  
**To:** Sondra M. Lanier  
**Subject:** FW: Case management date

FYI...I'll be in late Wed. afternoon to see where we are with this.  
Ronna

---

**From:** Diane B. Hiers  
**Sent:** Tue 10/19/2010 3:35 PM  
**To:** Ronna M. Cobble  
**Subject:** RE: Case management date

Hi Ronna –

Please give me a call today – I just need to point out a couple of things that Judge Johnson noticed on the order that you sent.

We are going to use Monday, November 15, 2010 beginning at 8:30 am for the case management hearings. For the law firms with multiple cases, we need to allow ten minutes. For all others, please allow 15 minutes each. Let's set all the David Stern, FI Default Law & Albertelli Law cases (total of 21 cases) from 8:30 – 11:50 am. Then start the afternoon cases at 1:00 pm with the Marshall Watson, Shapiro & Fishman, and Kahanne & Assoc. cases (total of 16 cases) set from 1:00 – 3:30 pm, then, allowing 15 min each for the remaining six cases, set those from 3:45 – 5:00 pm (so we should conclude the last hearing at 5:15 pm). Let me know if I miscalculated the cases or hearing times.

Judge Johnson would like the orders to all go out by Friday of this week.

Thanks

*Diane B. Hiers, Judicial Assistant to  
Judge Leandra G. Johnson  
P. O. Box 2123  
Lake City, FL 32056  
Phone:386-719-2012 Fax:386-719-7500*

-----Original Message-----

**From:** Ronna M. Cobble  
**Sent:** Saturday, October 16, 2010 1:36 PM  
**To:** Diane B. Hiers  
**Subject:** RE: Case management date

There are a total of 43 cases to be heard. I did an attorney break-down as you asked.  
\*Law Office of David J. Stern has 17 cases.

\*Law Office of Marshall C. Watson has 11 cases.  
\*Shapiro and Fishman have 3 cases.  
\*Florida Default Group has 2 cases.  
\*Albertelli Law has 2 cases.  
\*Kahanne and Associates have 2 cases.  
All other cases are represented by varying firms.

There is, of course, a place for Judge Johnson to sign. An additional signature is there for certifying service. That may be me or someone else in the office that actually mails the notices.

Let me know if I can help further. I await your reply.  
Ronna

---

**From:** Diane B. Hiers  
**Sent:** Fri 10/15/2010 5:04 PM  
**To:** Ronna M. Cobble  
**Subject:** RE: Case management date

Ok, thanks. Have a great weekend and enjoy the cooler weather!

*Diane B. Hiers, Judicial Assistant to  
Judge Leandra G. Johnson  
P. O. Box 2123  
Lake City, FL 32056  
Phone:386-719-2012 Fax:386-719-7500*

-----Original Message-----

**From:** Ronna M. Cobble  
**Sent:** Friday, October 15, 2010 5:02 PM  
**To:** Diane B. Hiers  
**Subject:** RE: Case management date

I am leaving at this moment. I will send a message this weekend re: number of cases and a sample one.

*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:** Diane B. Hiers  
**Sent:** Friday, October 15, 2010 4:19 PM  
**To:** Ronna M. Cobble  
**Subject:** RE: Case management date

Hi Ronna --

Please e-mail one of the case management notices for Judge Johnson's review, also I believe that Judge Johnson wants to sign the notices herself rather than someone else. What is the total number of cases? I'm trying to find time to set them.

Thanks.

*Diane B. Hiers, Judicial Assistant to  
Judge Leandra G. Johnson  
P. O. Box 2123  
Lake City, FL 32056  
Phone:386-719-2012 Fax:386-719-7500*

-----Original Message-----

**From:** Ronna M. Cobble  
**Sent:** Friday, October 15, 2010 4:08 PM  
**To:** Diane B. Hiers  
**Subject:** Case management date

Good afternoon, Diane. I have the case management notices prepared and saved electronically. When Judge Johnson is ready to assign dates and times let me know and I will insert that information , print and send the notices. Please allow me at least one week to get those tasks done before the date necessary for posting it in the mail. I will await your email. 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:** The Florida Bar <careercenter@flabar.org>  
**Sent:** Tuesday, October 19, 2010 8:24 PM  
**To:** David W. Fina  
**Subject:** Job Flash: 15 New Legal Jobs

15 new legal jobs from the Florida Bar Career Center | [View this email in your browser.](#)

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### 15 new legal jobs

#### **Attorney**

##### **Abadin Cook - Miami, FL**

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AV rated mid-sized Orlando law firm is seeking a senior level attorney with substantial litigation experience in representing businesses and/or local governments. The ideal candidate will have at least 5 or more years experience in representing businesses and/or local government entities in litigation before DOAH and in state and federal courts, in matters involving the defense of liability claims, employment law, governmental issues, and/or construction disputes. [more info...](#)

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##### **Curry Law Group - Hillsborough County (Tampa area) FL**

AV rated Civil Litigation Firm seeks Experienced Civil Litigator to handle complex commercial litigation in State Court. [more info...](#)

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##### **Emmanuel, Sheppard & Condon - Pensacola, FL**

One of Northwest Florida's pre-eminent law firms, seeks an Attorney to join its commercial law department. Practice areas would include commercial litigation, bankruptcy, foreclosure, and collections. Experience is preferred and applicant must be licensed in Florida. Excellent benefit package. Salary commensurate with experience. ES&C is an Equal Opportunity Employer and a Drug Free Workplace. Please submit resume to hr@esclaw.com or fax to (850) 444-3995. [more info...](#)

#### **Nou Kab (We Can) Attorney - Creole Speaker**

##### **Florida Immigrant Advocacy Center - Miami, FL**

Florida Immigrant Advocacy Center (Miami, FL) seeks a bright, energetic and passionate attorney who speaks Creole fluently to represent Haitian women who are victims of domestic violence. The attorney will

also be responsible for maintaining the project's high visibility in the Haitian community. [more info...](#)

### **Labor & Employment Associate**

#### **Ford & Harrison LLP - Melbourne, FL**

All candidates should have 4 years of litigation experience, labor and employment preferred; good academic credentials and strong writing skills. Ford & Harrison is a labor and employment law firm with a national practice in all aspects of labor and employment law. [more info...](#)

### **Labor & Employment Associate**

#### **Ford & Harrison LLP - Tampa, FL**

All candidates should have 3-6 years of advanced litigation skills. Substantial experience with labor and employment matters preferred. Ford & Harrison is a national labor and employment firm with close to 200 lawyers in offices throughout the country. [more info...](#)

### **Prelitigation Personal Injury Attorney**

#### **John Bales Attorneys - Tampa Bay, FL**

Growing Plaintiff-based personal injury and insurance coverage law firm is seeking professional qualified attorneys. Positions require a minimum of 3 years experience. Highly motivated applicants must have outstanding advocacy and negotiation skills and proficiency at law office computer systems. The firm seeks individuals who are team players, detailed, accomplishment driven, and have a desire to help others. Excellent academic background and proven research and writing skills required. [more info...](#)

### **Real Estate Litigation Attorney**

#### **Kass Shuler - Tampa, FL**

This is a 2 to 3 month contract assignment, with the potential opportunity for permanent placement within the firm. Must have a minimum of 2 years experience. Knowledge of the foreclosure process, including the ability to examine title, a must. [more info...](#)

### **Associate (Collections Dept)**

#### **Katzman Garfinkel & Berger - Fort Lauderdale, FL**

A premier AV-Rated statewide Community Association law firm is seeking a Florida Bar licensed Attorney with Collections experience to join our growing Fort Lauderdale Collections Department. Named one of the Best Places to Work in 2009 by the South Florida Business Journal. Designated as One of the Most Distinguished Law Firms in America by Martindale-Hubbell. Qualified applicants, send Resume & Cover Letter to: [Recruiter@kgblawfirm.com](mailto:Recruiter@kgblawfirm.com). [more info...](#)

### **Estate Planning, Probate, Tax, Corporate Attorney**

#### **Kirk-Pinkerton P.A. - Sarasota/Bradenton, FL**

Estate Planning, Probate, Tax, Corporate attorney with 10 to 20 year experience with high net worth clients. [more info...](#)

### **Foreclosure Case Load Attorney**

#### **Law Offices of Marshall C. Watson P.A. - Fort Lauderdale, FL**

Prestigious Florida full service foreclosure law firm, which strictly represents mortgage lenders and servicers throughout Florida is seeking a Foreclosure Attorney. The services our firm provides range from foreclosure, bankruptcy representation and evictions to REO closings and title insurance. Our office provides the highest quality representation available and continually strives to ensure our interests are aligned with those of our clients. [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...](#)

### **Corporate Employment / Benefits Attorney**

#### **Paychex, Inc. - St. Petersburg, FL**

A leading national professional employer organization is seeking an individual to join our Corporate Legal Team. This position will be located in our main PBS office in St. Petersburg Florida. This attorney will provide primary legal support to our PEO Sales, Operations and Compliance teams including legal advice and support relating to employment law and benefits matters. They will manage litigation and represent PBS and Paychex in agency proceedings. [more info...](#)

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**Jenn C. Lussier**

---

**From:** Kristine Slayden <slaydenk@flcourts.org>  
**Sent:** Tuesday, October 19, 2010 1:23 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Lisa Goodner; Laura Rush; P.J. Stockdale; Arlene Johnson  
**Subject:** Foreclosure Information

Chief Judges/Trial Court Administrators – As a follow up to the JAC conference call yesterday, we would like to request any information you can provide on the cancellations of hearings or suspension of foreclosure cases by the plaintiff. You can either send summary information by email, case specific information in a spreadsheet or you can provide information in the comment section of the existing Foreclosure Case Tracking application. Please note, in order to determine the magnitude of the cancellation, we need to know total number of hearing scheduled. We will compile the data and attempt to quantify a statewide estimate of the impact. Please contact me if you have any questions. Thank you. Kris

Kris Slayden  
Research and Data  
Office of the State Courts Administrator  
Florida Supreme Court  
500 S. Duval Street  
Tallahassee, Florida 32399  
850-922-5106 (wk)  
850-556-2335 (cell)  
850-414-1342 (fax)

**Jenn C. Lussier**

---

**From:** Sondra M. Lanier  
**Sent:** Monday, October 18, 2010 3:18 PM  
**To:** David W. Fina  
**Subject:** Foreclosure staff

Judge Fina,

I want to fill the temporary secretary position that came with the foreclosure initiative so that we can have help with notices. You agree, right???

Sondra



**Jenn C. Lussier**

---

**From:** Debbie Howells <howellsd@flcourts.org>  
**Sent:** Monday, October 18, 2010 1:52 PM  
**To:** Trial Court Chief Judges; Judge Kevin M. Emas  
**Cc:** Trial Court Administrators; Judge Jennifer Bailey; Lisa Goodner; Brenda Johnson; Blaneagle; Laura Rush; Greg Youchock; Greg Smith; Kristine Slayden; Charlotte Jerrett; Gary Phillips; Judge John Laurent; Judge Wayne Miller  
**Subject:** Nov. 15 JAC Conference Call

Chief Judge Lee Haworth, Chair of the Judicial Administration Committee, asked us to let you know that a conference call has been scheduled for 12:00 noon on Monday, November 15, 2010. Discussion items will include mortgage foreclosure issues and other matters. To participate in the call, please dial 1-888-808-6959 and, when prompted, enter conference code 9425056 followed by the # key. An agenda and additional information will be provided prior to the call.

Sincerely,

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](mailto:howellsd@flcourts.org)

**Jenn C. Lussier**

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**From:** Sondra M. Lanier  
**Sent:** Monday, October 18, 2010 10:42 AM  
**To:** David W. Fina  
**Cc:** Millicent A. Schneider  
**Subject:** Help!

Judge Fina,

It's official – We are drowning. I am very limited in the amount of time that I can spend on foreclosure case management, and when I look around, there is no one with enough time to help very much with what needs to be done. I need to devote quite a bit of time to the judge case count report from now through the end of the year, as well as all of the other projects and responsibilities I usually handle. I would usually pull Carrina in on the case count project, but I can't do that until she has been relieved of the family court caseload she has been carrying since Jill left. Digital needs to fill Debbie Copeland's position ASAP, and then we are still going to need to address the fourth DCF position that we discussed on Friday. Depending on the outcome of the election, we may also need to hold the administrative assistant position (which is the one who is my assistant and would normally absorb some of this too) until January.

Having whined a little now, is there any possible way that you can give us an hour and a half for interviews before mid-November? Two of the people who are being interviewed for family case manager are also being interviewed for digital court reporter, so we could handle these 2 critical positions with just an hour and a half of interviews. That would free Carrina up sooner so that she can help with this case count report.

I am also starting to look around for someone who might work as a secretary on the foreclosure cases since we haven't yet filled that other position. Even if Ronna was here, we could use the extra help to handle lack of prosecution notices. In her absence, we definitely need someone!

Thanks,  
Sondra

**Jenn C. Lussier**

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**From:** David W. Fina  
**Sent:** Monday, October 18, 2010 9:58 AM  
**To:** Sondra M. Lanier  
**Cc:** Millicent A. Schneider  
**Subject:** RE: New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee

Millie has a standard order I believe.  
She can give you a date.

---

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**From:** David W. Fina  
**Sent:** Monday, October 18, 2010 9:07 AM  
**To:** Sondra M. Lanier  
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**Subject:** FW: New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee

FYI...

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**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*

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***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](mailto:lesemans@flcourts.org)

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**Subject:** FW: New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee  
**Attachments:** Foreclosure Bench Book.pdf

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# **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

**Jenn C. Lussier**

---

**From:** Kevin Lunsford <klunsford@suwanneemediation.org>  
**Sent:** Thursday, October 14, 2010 11:34 PM  
**To:** David W. Fina  
**Cc:** Leandra G. Johnson  
**Subject:** Initial RMFM 120 Day Status Report attached  
**Attachments:** RMFM\_120\_Day\_Status\_Report\_Sept30\_2010.pdf

Original will be hand-delivered to Judge Fina tomorrow morning.

Kevin C. Lunsford  
Suwannee Valley Foreclosure Mediation, Inc.  
P.O. Box 6126  
Live Oak, FL 32064  
(386) 269-4992  
[www.SuwanneeMediation.org](http://www.SuwanneeMediation.org)

| <b>RMFM Program 120 Day Status Report</b><br>(Key Determinants Identified by Supreme Court)   | 12/2009<br>Run<br>4/30/2010 | 1/2010<br>Run<br>5/31/2010 | 2/2010<br>Run<br>6/30/2010 | 3/2010<br>Run<br>7/31/2010 | 4/2010<br>Run<br>8/31/2010 | 5/2010<br>Run<br>9/30/2010 | 3 Mo. Total |
|---|-----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|-------------|
| <b>A. Listing of Totals</b>   |                             |                            |                            |                            |                            |                            |             |
| <b>1. Total Form A Referrals Received for the Month-Case Eligible</b>   | 0                           | 0                          | 0                          | 0                          | 4                          | 43                         | 47          |
| <b>2. Total Borrowers Contacted</b><br>Total Form A Referrals in which the Program spoke on phone or in person to Borrower about program.   | 0                           | 0                          | 0                          | 0                          | 4                          | 22                         | 26          |
| <b>3. Total Mediations Scheduled</b>  | 0                           | 0                          | 0                          | 0                          | 2                          | 7                          | 9           |
| <b>4. Total Mediations Conducted</b>  | 0                           | 0                          | 0                          | 0                          | 2                          | 7                          | 9           |
| <b>5. Total Form A Referrals Closed With Failure to Appear: Borrower Only</b>   | 0                           | 0                          | 0                          | 0                          | 0                          | 0                          | 0           |
| <b>6. Total Form A Referrals Closed With Failure to Appear: Lender Only</b>   | 0                           | 0                          | 0                          | 0                          | 0                          | 0                          | 0           |
| <b>7. Total Form A Referrals Closed With Failure to Appear: Both Borrower and Lender</b>  | 0                           | 0                          | 0                          | 0                          | 0                          | 0                          | 0           |
| <b>8. Total Form A Referrals Closed With Written Agreement</b><br>Total Form A Referrals With Partial Written Agreement or Full Written Agreement After Mediation                       | 0                           | 0                          | 0                          | 0                          | 0                          | 4                          | 4           |
| <b>9. Total Form A Referrals Closed Without Agreement</b>   | 0                           | 0                          | 0                          | 0                          | 2                          | 2                          | 4           |
| <b>10. Total Form A Referrals Pending After 120 Days</b>  | 0                           | 0                          | 0                          | 0                          | 0                          | 1                          | 1           |
| <b>B. Results by Percentage</b>   |                             |                            |                            |                            |                            |                            |             |
| <b>1. Borrower Contacted Percentage</b><br>Total Borrower Contacted divided by Total Form A Referrals Received for the Month-Case Eligible  | %<br>0.0                    | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>100.0                 | %<br>51.2                  | %<br>55.3   |
| <b>2. Mediations: Lender Failure to Appear Percentage</b><br>Total Form A Referrals Failure to Appear: Lender Only divided by Total Mediations Scheduled                                | %<br>0.0                    | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0    |
| <b>3. Mediations: Borrower Failure to Appear Percentage</b><br>Total Form A Referrals Failure to Appear: Borrower Only divided by Total Mediations Scheduled                            | %<br>0.0                    | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0    |
| <b>4. Mediations: Both Borrower and Lender Failure to Appear Percentage</b><br>Total Form A Referrals Failure to Appear: Both Borrower and Lender divided by Total Mediations Scheduled | %<br>0.0                    | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0    |
| <b>5. Mediations With Agreement Percentage</b><br>Total Form A Referrals With Written Agreements divided by Total Mediations Conducted  | %<br>0.0                    | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>57.1                  | %<br>44.4   |
| <b>6. Mediations Without Agreement Percentage</b><br>Total Form A Referrals Without Agreement divided by Total Mediations Conducted   | %<br>0.0                    | %<br>0.0                   | %<br>0.0                   | %<br>0.0                   | %<br>100.0                 | %<br>28.6                  | %<br>44.4   |

RMFM Program 120 Day Status Report  
Key Determinates Identified by Supreme Court, August 2010

Submitted by: Suwannee Valley Foreclosure Mediation, Inc.  
Report created on: 10/14/10

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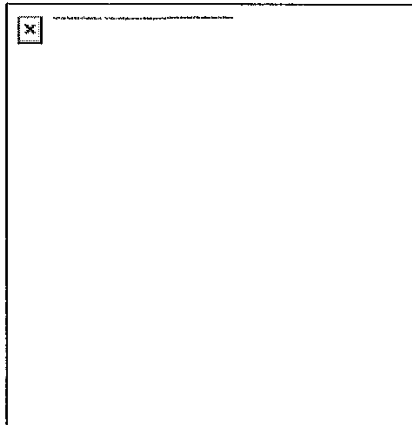
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**The Florida Bar Probate System, Fourth Edition**

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*The Florida Bar Probate System*, once again authored by Rohan Kelley, joined in this new edition by Tae Kelley Bronner as co-author, provides a detailed roadmap for all facets of probate administration, and also serves as a powerful training tool for the law office support staff. You'll find all this and much more in *The Florida Bar Probate System*:

- Detailed how-to instructions for each step in the probate process
- Over 140 pleading and practice forms, with information on service requirements and statutory and rule authority for each form, all cross-referenced to other parts of the System
- Over 75 sample letters
- Essential office forms and information lists
- Extensive legal and tax commentary
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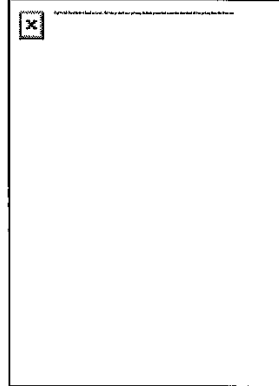
program.

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### **Business Litigation in Florida, Sixth Edition with CD-ROM**

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With current authorities, succinct discussions of complex issues, and the forms vital to handling a commercial case, the *Sixth Edition of Business Litigation in Florida* is a must-have for business practitioners and trial attorneys alike. The new manual covers the full range of concerns to business litigators, from initial considerations of jurisdiction and venue, through myriad discovery and other pretrial and trial issues, to recovery of attorneys' fees. The companion CD-ROM features the contents of the book with links to the full text of cited cases.



Highlights of the new edition include:

- Coverage of both state and federal jurisdiction, with a chapter devoted to each
- Detailed treatment of expert testimony
- Chapter on jury instructions, with updated references to the recently restructured Standard Jury Instructions (Civil)
- Close looks at compensation for punitive and lost profits damages
- In-depth analysis of recovery of attorneys' fees

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### **Drafting Marriage Contracts in Florida, Ninth Edition with CD-ROM**

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Drafting a premarital or marital settlement agreement is a delicate process. The final document must not only reflect the intent of the parties but be clear enough to withstand future efforts to modify it and to avoid the assorted tax pitfalls and consequences. *Drafting Marriage Contracts in Florida* guides the practitioner through this potential minefield with chapters discussing general standards for drafting and review, drafting and defending a premarital agreement, what to include in, and how not to arrive at, a marital settlement agreement, tax consequences of alimony, support, and property settlement provisions, use of agreements in estate planning, and challenging, modifying, and enforcing agreements. Detailed forms that can be used to produce a premarital agreement and a marital settlement agreement are provided.



**Highlights of the new Ninth Edition's coverage include:**

- Effects of amendments to F.S. 61.13 and 61.13001 regarding parenting plans and relocation on marital agreements
- Amendments to Internal Revenue Code including determination of which parent has "custody" for purposes of dependency exemption
- Florida's "portability benefit" and its effect on disposition of the marital home
- Effect of potential decline in net worth on marital agreements
- Enforcement issues for mediated settlement agreements

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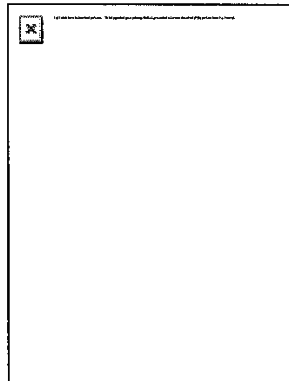
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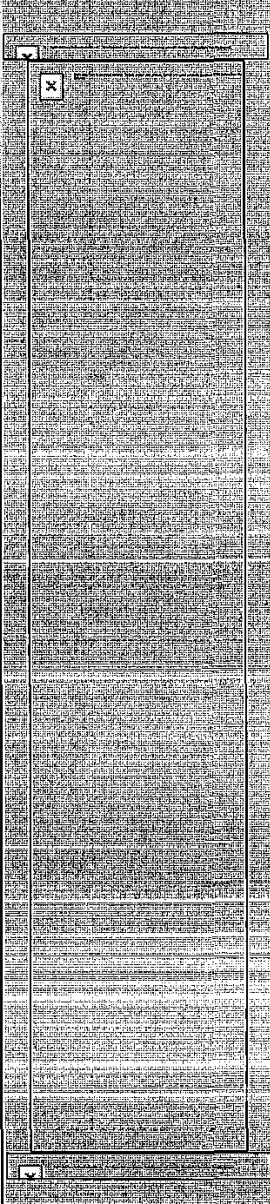
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state judges receive adequate pay.

**Federal Court**

**Judge tosses \$1.8 million claim against Brickell developer**

**By:** Paola Iuspa-Abbott

A federal judge has thrown out claims totaling \$1.8 million against the Swire Group, the developer of Brickell Key near downtown Miami.

**The Judiciary**

**Judge Gardiner resigns to join Cole Scott**

**By:** Jose Pagliery

Broward Circuit Judge Ana Gardiner has resigned while facing state ethics charges for allegedly having an improper relationship with a prosecutor.

**Sponsor Spotlight**  
**Contract Attorneys:**  
**Not Just for Document Review**

**By:** Jonathan Broder

Law firms and corporate legal departments' use of contract attorneys is on the rise locally and nationwide. Jonathan Broder discusses the uses and advantages.

**Education**

**Professor organizes transactional 'moot court'**

**By:** Karen Sloan

A Drexel law professor has organized a law school competition focused on transactional skills — the dealmaker equivalent of moot court.

## **Bankruptcy**

### **2nd Circuit upsets sanction of developer linked to Dreier**

**By:** Mark Hamblett

A bankruptcy judge's sanctioning a prominent developer who hired disgraced attorney Marc Dreier in a scheme to meddle with a rival's bankruptcy has been lifted.

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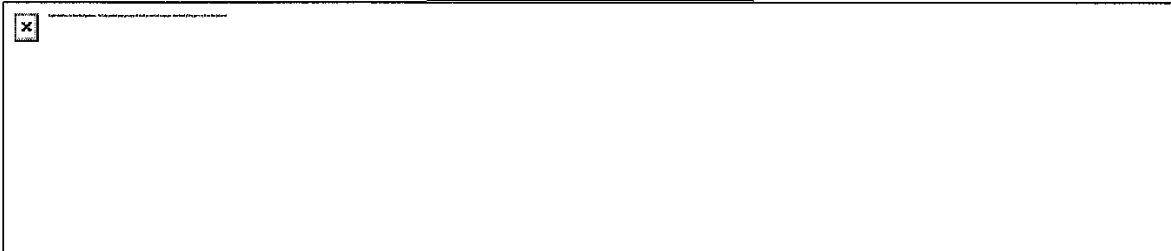
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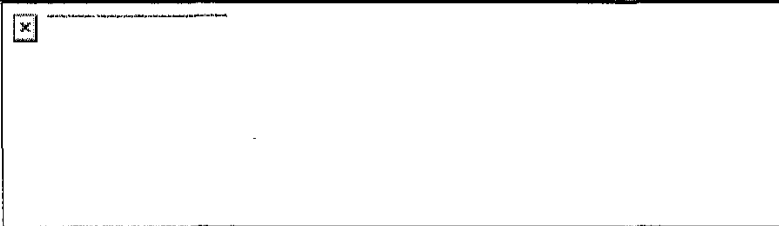
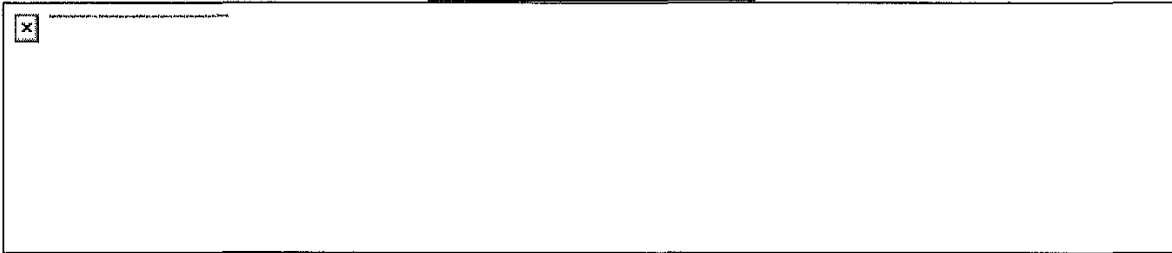


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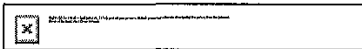
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product that emits sulfur gas and corrodes metal.

**Rothstein fallout**

**Bankruptcy trustee settles with lawyers over future fees**

**By:** Julie Kay

The trustee overseeing the bankruptcy estate of the law firm once run by attorney-turned-fraudster Scott Rothstein is settling disputes with seven attorneys who once worked at Rothstein Rosenfeldt Adler over future legal fees.

**Fred Keller Case**

**Attorney fears teen's inheritance looted by lawyers**

**By:** Jose Pagliery

Theodore Babbitt says his client, Benjamin Bovi, hasn't received any money in two years. "Why hasn't the child been paid anything?" Babbitt asks.

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**Contract Attorneys:**  
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**By:** Jonathan Broder

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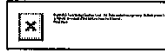
**Employment Law**

**Battle between Becker & Poliakoff and former associate ends**

**By:** Julie Kay

Becker & Poliakoff has settled a back pay claim by a former associate, who claimed a

\$2,000 loss under a temporary 12 percent salary deferral program.

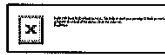


### **On Appeal**

#### **Panel leaning against porn streamed from private houses**

**By:** John Pacenti

An 11th U.S. Circuit Court of Appeals panel indicated Internet porn sites broadcasting from private residences may constitute a business and could violate municipal zoning ordinances.

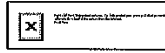


### **Class Action**

#### **Plaintiffs seek to revive Holland & Knight Ponzi suit**

**By:** Julie Kay

Investors are asking a Tampa federal judge to reconsider her dismissal of a class action lawsuit filed against Holland & Knight for alleged negligence tied to a Sarasota investment adviser accused of running a \$400 million Ponzi scheme.



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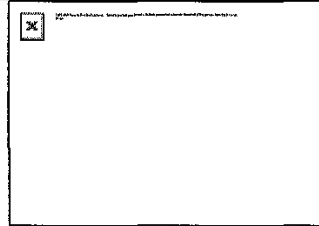
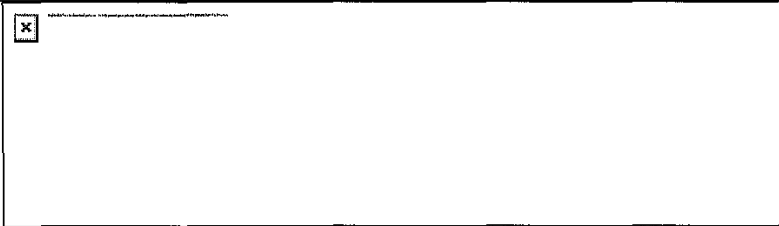
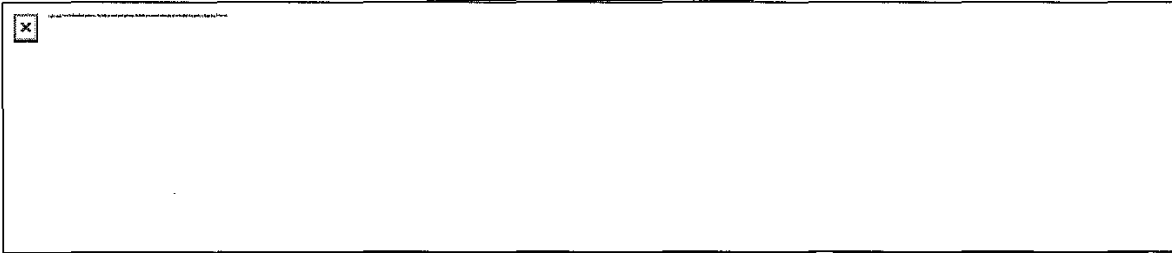


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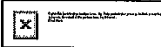


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**By:** Polyana da Costa

Unless King decides to appeal the split decision to the Florida Supreme Court, it puts an end to a six-year fight involving one of the largest developable parcels east of Interstate 95 in Palm Beach County.

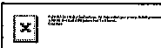


**Road Rage Case**

**Special prosecutor likely to handle Miami attorney's court case**

**By:** Jose Pagliery

The felony case against Michael Diaz Jr., a prominent Miami attorney accused of beating up a couple, will likely be handled by a special prosecutor to avoid an appearance of a conflict of interest.

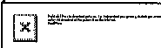


**Foreclosures**

**Miami-Dade court to fast-track process**

**By:** Jose Pagliery

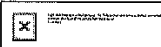
Foreclosure court is set to launch in Miami-Dade — the latest effort to streamline its 80,000 pending cases and speed up a process that can take up to two years.



**Sponsor Spotlight : Contract Attorneys: Not Just for Document Review**

**By:**

Law firms and corporate legal departments' use of contract attorneys is on the rise locally and nationwide. Jonathon Broder discusses the uses and advantages.

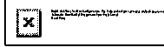


**Employment Law**

**Battle between Becker & Polliakoff and former associate ends**

**By:** Julie Kay

Becker & Poliakoff has settled a back pay claim by a former associate, who claimed a \$2,000 loss under a temporary 12 percent salary deferral program.

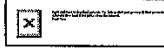


**Superfund**

**Exxon Mobil sues government for \$45 million**

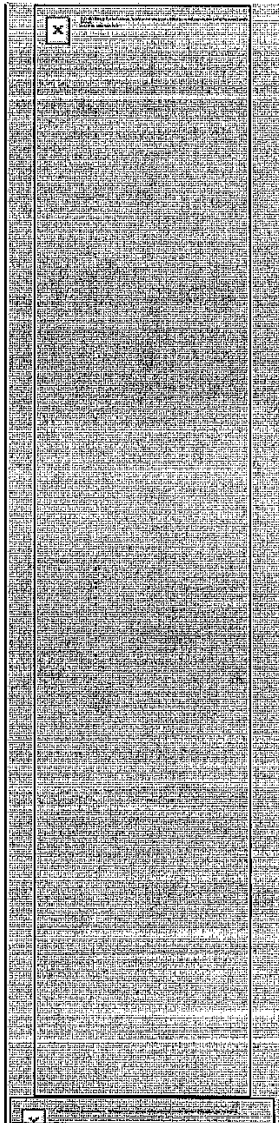
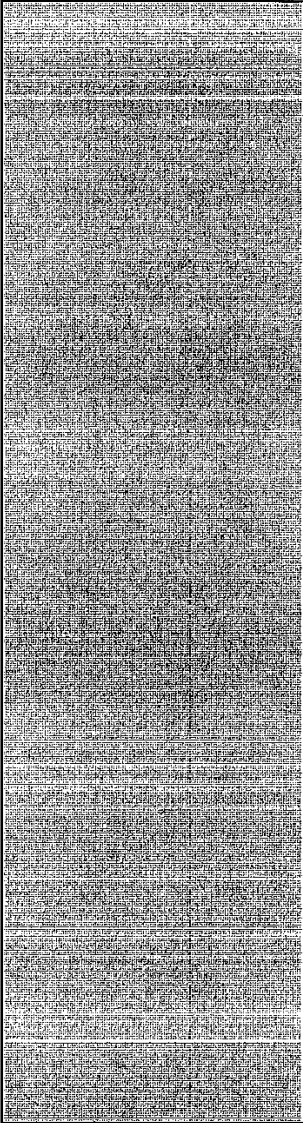
**By:** Jordan Weissmann

Oil giant ExxonMobil is seeking more than \$45 million from the federal government to cover the cost of a toxic waste cleanup.



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**Jenn C. Lussier**

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**From:** Kevin C Lunsford <klunsford@suwanneemediation.org>  
**Sent:** Saturday, April 10, 2010 10:57 AM  
**To:** Kevin Lunsford; Barbara Ceryak  
**Subject:** Attorney's Needed for Foreclosure Mediation Program  
**Attachments:** Admin\_Order\_2010-003.pdf

Greetings members of the Third Circuit Bar Association.

The Third Circuit's new Administrative Order on mortgage foreclosure mediation (AO2010-003 which goes into effect April 15, 2010) requires that the Program Manager assist homeowners that desire legal representation in finding attorneys that will represent them for little or no cost. The AO provides that an attorney can make a "limited appearance" for the purpose of the mediation conference only. If you are interested in providing low cost or pro bono representation to homeowners, please email me so I can add your name to a list that will be made available to homeowners upon request.

A copy of the new AO is attached. It is also available on the Court's web site [http://www.jud3.flcourts.org/admin\\_orders/Admin\\_Order\\_2010-003.pdf](http://www.jud3.flcourts.org/admin_orders/Admin_Order_2010-003.pdf) and on our web site [www.suwanneemediation.org](http://www.suwanneemediation.org).

If you have any questions about the new AO, please do not hesitate to call or email me.

Kevin Lunsford  
Suwannee Valley Foreclosure Mediation  
P.O. Box 6126  
Live Oak, FL 32064  
386.269.4992 office  
386.362.7673 fax

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 economics 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](http://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](http://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](http://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



## Jenn C. Lussier

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**From:** Sondra M. Lanier  
**Sent:** Friday, April 09, 2010 5:10 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; Tom Coleman; William R. Slaughter  
**Cc:** Lisa L. Butler  
**Subject:** Today's Meeting

Good afternoon. Following is a summary of the items discussed at today's Judges' Meeting.

- The House Budget includes a 3% salary reduction for everyone. If enacted, the Chief Justice may choose to instead impose layoffs, reclassifications, terminations, or salary reductions or adjustments in order to keep the Branch within its appropriation. The Senate Budget does not include any cuts to salary or benefits. However, JA's would be required to pay \$5 per month for individual health insurance coverage or \$18 per month for family coverage. JA's hired after April 30, 2010 would pay \$25 for individual or \$90 for family coverage. The differences between the House and Senate budgets will be worked out in conference.
- Bills affecting state employees' retirement will not be passed this year, but actuarial analyses will be conducted over the summer, and the issues will be revisited during next year's session. (The 2011 session will last for 6 months because of redistricting.)
- A bill requiring employee contributions of .25% for all classes of membership in the Florida Retirement System, including DROP participants, has passed and will go to the Governor. (The employee contribution would be \$355.45 annually for Circuit Judges and \$335.70 for County Judges)
- Another bill would affect Senior Judges by not allowing them to receive payment for work as a Senior Judge AND their retirement check for 12 months after their retirement date.
- The Residential Foreclosure Mediation order has been signed and is available on our website at [http://www.jud3.flcourts.org/admin\\_orders/Admin\\_Order\\_2010-003.pdf](http://www.jud3.flcourts.org/admin_orders/Admin_Order_2010-003.pdf).
- The User Support Analyst and Digital Court Reporter position announcements have closed, and interviews will be conducted soon.
- Crystal Ecker has begun work as a law clerk, and Jackie Jo Brinson will begin interning soon (and officially start work with us in August).
- The announcement for our 3<sup>rd</sup> law clerk position has closed, and we have approximately 30 applicants. Interviews will begin at 9:00 on May 14, and we will have a brief Judges' Meeting following those interviews. Please let us know if you plan to participate in the interviews so that we can plan accordingly. Also, please let us know if you would like the application packets for those to be interviewed in advance of the meeting.
- The judicial training scheduled for June will not be held because we were unable to secure presenters. This was due to the restrictions placed on the funding, coupled with the fact that so many presenters are already committed to and preparing for AJS and summer conferences. Some of our judges are interested in training on Baker and Marchman Act cases, and we will attempt to secure a trainer to provide a workshop on those topics in conjunction with a future Judges' Meeting.
- The Clerks of Court have indicated an interest in having an after hours event with the Judges, and Judge Fina has offered to host an event at his river house in June. Additional details will be forthcoming.

We look forward to seeing you at the May interviews/meeting.

*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**

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**From:** Sondra M. Lanier  
**Sent:** Thursday, April 08, 2010 10:40 AM  
**To:** Sonny Scaff; 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 S. 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; Tom Coleman; William R. Slaughter  
**Subject:** RE: Tomorrow's Judges' Meeting

There will also be a discussion of Foreclosure Mediation tomorrow.

*Sondra Lanier*

Trial Court Administrator  
Third Judicial Circuit  
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(386)362-2658 Fax

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**From:** Sonny Scaff  
**Sent:** Thursday, April 08, 2010 10:38 AM  
**To:** Sondra M. Lanier; 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 S. 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; Tom Coleman; William R. Slaughter  
**Subject:** RE: Tomorrow's Judges' Meeting

I have 86 Traffic and MM Cases in the morning.  
Will not make meeting.  
Sonny

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**From:** Sondra M. Lanier  
**Sent:** Thursday, April 08, 2010 9:42 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; Tom Coleman; William R. Slaughter  
**Subject:** Tomorrow's Judges' Meeting

Good morning.

The items on the agenda for tomorrow's meeting are Legislative Update (Funding, Pay and Benefits, and Senior Judges). I will e-mail an agenda to you when the server is operating again. John and Jacob have been working diligently on the server problems and expect to have things up and running this morning.

The meeting will be held in the Suwannee County Courthouse at 10:30 a.m. tomorrow.

*Sondra Lanier*

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