



LARRY SCHWARTZTOL  
STAFF ATTORNEY  
RACIAL JUSTICE PROGRAM  
T/212.519.7849.  
LSCHWARTZTOL@ACLU.ORG

October 19, 2010

Ms. Laura Rush  
General Counsel  
Office of the State Courts Administrator  
500 South Duval Street  
Tallahassee, FL 32399-1900

Dear Ms. Rush:

The following is a formal request for public records pursuant to Florida Rule of Judicial Administration 2.420 (2010) and Article I, § 24(a) of the Florida Constitution. We hereby request copies of public records dating from January 1, 2009 until the present that contain the information enumerated below.

1. All records of the judicial branch relating to the establishment of any division, section, or case management unit within any Circuit Court created to manage, adjudicate, or dispose of proceedings related to foreclosure cases,<sup>1</sup> including but not limited to administrative orders, memoranda, correspondences, and minutes of meetings.
2. All records of the judicial branch relating to the rules, procedures, and practices established to manage, adjudicate or dispose of foreclosure cases in any Circuit Court.
3. All correspondence with any judge or staff member of any Florida Circuit Court concerning statements of goals or expectations for any division, section, or case management unit created by any Judicial Circuit to manage, adjudicate, or dispose of foreclosure cases.
4. All records of the judicial branch submitted by the Office of State Court Administration to any office or agency within Florida's Executive or Legislative Branch relating to expenditures and appropriations for proceedings related to foreclosure cases.
5. All correspondence with persons or entities outside the Florida State government relating to (a) the establishment of any division, section,

<sup>1</sup> For purposes of these requests, "foreclosure case" means any civil litigation initiated to foreclose on residential real property.

or case management unit created by any Circuit Court to manage, adjudicate, or dispose of foreclosure cases, or (b) the practices, procedures, and rules employed therein. This request includes, but is not limited to, correspondence with members of the bar, business or industry organizations, community groups, and public interest or consumer advocacy organizations.

6. All records of the judicial branch relied upon to generate the State Courts System FY 2010-2011 Foreclosure and Economic Recovery Funding Plan.
7. All records of the judicial branch containing data maintained in the Case Tracking System as required by the State Courts System FY 2010-2011 Foreclosure and Economic Recovery Funding Plan, including but not limited to clearance rates, the number of cases disposed, the percent of backlogged cases, and the average age of target cases. This request encompasses all tracking workbooks provided by the Circuit Courts to the Office of State Court Administration from June 30, 2010 until the present.
8. All records of the judicial branch indicating the appropriations to, and expenditures by, each Circuit Court for foreclosure cases, including but not limited to all documents relating to the funds allocated to the State Courts by the Florida Legislature for fiscal year 2010-2011 for purposes of handling foreclosure cases.
9. All records of the judicial branch relating to the monthly progress of each Circuit Court toward reducing its backlog of foreclosure cases, including but not limited to any correspondence with the chief judges or staff of any Circuit Court.
10. All records of the judicial branch relating to the training of general magistrates or senior judges to preside over foreclosure cases. This request includes, but is not limited to, any manuals or other training materials provided to general magistrates or senior judges assigned to preside over foreclosure cases.
11. All records of the judicial branch containing data submitted pursuant to the reporting requirements of the Statewide Managed Mediation Program mandated by Supreme Court of Florida's Administrative Order concerning Residential Mortgage Foreclosure Cases (No. AOSC09-54), including but not limited to: the number and percentage of foreclosure cases that were referred to mediation, the number and percentage of foreclosure cases in which a party opted out of mediation, and the number and percentage of mediations resulting in partial or complete agreements compared to those resulting in impasse.

12. All records of the judicial branch containing data on the number of pending foreclosure cases in each Judicial Circuit Court and the amount of time required to dispose of pending foreclosure cases.
13. All records of the judicial branch containing data on the number and percentage of foreclosure cases that have been appealed to the District Courts of Appeal.
14. All records of the judicial branch containing data on the number and percentage of civil cases that have been appealed to the District Courts of Appeal.
15. All records of the judicial branch containing data on the number and percentage of foreclosure cases that have resulted in default judgments.
16. All records of the judicial branch containing data on the number and percentage of defendants in foreclosure cases who were represented by counsel.
17. All records of the judicial branch containing data on the number and percentage of defendants in civil cases who were represented by counsel.

“Records of the judicial branch” is defined, under Florida Rule of Judicial Administration 2.420(b)(1), to mean all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by any judicial branch entity.

Please provide this information on a CD-ROM or in an electronic format. Where electronic records cannot be provided, please supply instead paper copies of all responsive documents. Please direct all records to:

Rachel Goodman  
American Civil Liberties Union  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10024

If you believe that an exemption applies to any portion of the records requested, Florida Rule of Judicial Procedure 2.420(i)(2) requires you to state in writing the reasons for your conclusion that the record is exempt. Please also state the basis for any alleged exemptions with specificity as to the reasons for your assertions and excise or delete from the records only that portion of the record for which an exemption is being asserted and validly applies.

Please note that Rule 2.420(i) requires that your response to this request be reasonable. We therefore request that you produce these records within 20 days from the date of this request.

The American Civil Liberties Union is a non-profit organization, and the disclosure of the data requested in this letter is pursuant to the public interest. Therefore, we request that your compliance with this request be provided free of charge. However, if you are unable to do so, and if the fee will exceed \$100.00, please contact us before the charges are incurred.

If you have any questions regarding this request, please feel free to contact Rachel Goodman at (212) 549-2588 or [rgoodman@aclu.org](mailto:rgoodman@aclu.org).

Sincerely,

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION



Larry Schwartzol  
Rachel Goodman  
ACLU Racial Justice Program

Muslima Lewis  
ACLU of Florida