

Supreme Court of Florida

No. AOSC11-33

IN RE: STATEWIDE MANAGED MEDIATION PROGRAM
ASSESSMENT WORKGROUP

ADMINISTRATIVE ORDER

The statewide managed mediation program for residential mortgage foreclosure cases was established in December 2009 by In re: Final Report and Recommendations on Residential Mortgage Foreclosure Cases, AOSC09-54 (Dec. 28, 2009). As stated in that order, the program was intended to be a temporary response to an emergency arising from an extreme and unprecedented number of foreclosure filings in the circuit courts.

Because the Court could not anticipate how effective the program would be in easing the backlog of residential mortgage foreclosure cases, it directed implementation of a reporting system to collect data on the number of cases settled, adjourned, or ending in impasse in the local programs. The Court adopted the following key determinants to evaluate the effectiveness of the program:

- a) The percentage of cases referred to the program that result in the program successfully contacting borrowers;

- b) The percentage of scheduled mediations failing to go forward because plaintiff's representative did not appear;
- c) The percentage of scheduled mediations failing to go forward because the borrower did not appear; and
- d) The percentage of mediations resulting in partial or complete agreements compared to those resulting in impasse.

The Court directed the Committee on Alternative Dispute Resolution Rules and Policy to report these statistics to the Court one year from the date of issuance of AOSC09-54. The committee did so in December 2010. *See Report and Recommendations Relating to the Residential Mortgage Foreclosure Mediation Program*. Following review of the committee report, the Court ordered continued collection and reporting of program statistics.

More than one year of program data has now been collected. That data is sufficient to allow the Court to evaluate how successful the program has been in addressing the foreclosure crisis in Florida. The Court hereby appoints the Statewide Managed Mediation Program Assessment Workgroup to examine the program data, consider other relevant information including the reduction in the backlog of foreclosure cases by other means, and make recommendations to the Court regarding the continuation, modification, or elimination of the statewide program.

The following individuals are appointed to the Workgroup for a term that expires on December 31, 2011:

The Honorable Jennifer D. Bailey
Circuit Judge, Eleventh Judicial Circuit

Mr. Mike Bridenback
Court Administrator, Thirteenth Judicial Circuit

The Honorable Burton C. Conner
Appellate Judge, Fourth District Court of Appeal

The Honorable Charles A. Francis
Chief Judge, Second Judicial Circuit

The Honorable Lee E. Haworth
Circuit Judge, Twelfth Judicial Circuit

The Honorable William D. Palmer
Appellate Judge, Fifth District Court of Appeal

Judge Palmer will serve as chair of the Workgroup. The Office of the State Courts Administrator will provide staff support.

The Workgroup is charged with addressing the following two issues:

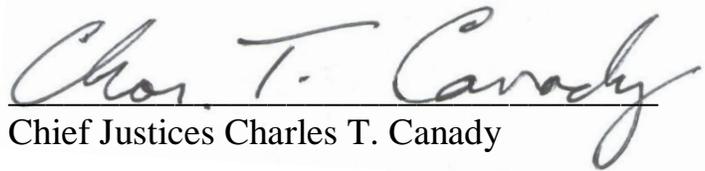
1. Assess the success of the statewide managed mediation program in resolving cases as evidenced by data collected to date, as well as any other relevant information, including current foreclosure filings and other measures that have been taken to reduce the backlog of residential mortgage foreclosure cases, and make recommendations to continue, modify, or eliminate the statewide program; and

2. Recommend steps to be taken to manage pending and new residential foreclosure cases if the mandate for managed mediation in these cases is eliminated.

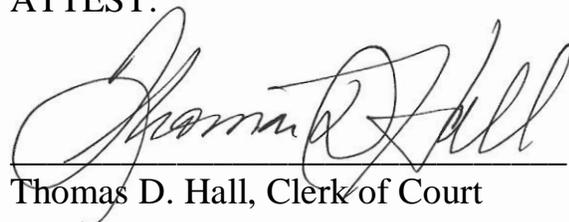
Comments from interested persons concerning these two issues only may be submitted to the Workgroup on a form posted on the Supreme Court Internet site at: www.floridasupremecourt.org. Interested persons must electronically submit the comment form by October 3, 2011, to managedmediation@flcourts.org. No comments will be accepted in any other format, or after October 3, 2011.

The Workgroup shall complete and submit its report and recommendations to the Chief Justice, through the State Courts Administrator, no later than October 21, 2011. Representatives of the workgroup, as designated by the chair, shall orally present the report and recommendations to the Court no later than October 26, 2011.

DONE AND ORDERED at Tallahassee, Florida on September 26, 2011.


Chief Justice Charles T. Canady

ATTEST:


Thomas D. Hall, Clerk of Court

