

Cc: Paul Kanarek; Steve Levin; Larry Schack; Elizabeth Metzger; Kay Desoiza; Georgianna Shepke; Adriana James; Janet Cason; Lynn Atkinson

Subject: Re: Foreclosure and Economic Recovery Program Allocations

Some of this will be discussed at the TCBC call tomorrow at noon. That is any limiters that may be placed on the use of resources payed for by this funding. Having said that, unless you all direct me otherwise, my feeling is that these resources should be used to handle as much of the foreclosure work as possible. If you all feel we can also address contract indebtedness cases as originally idetified then great. If not that is great as well. In any ever, unless you indicate otherwise, I will vote for using these resources for foreclosure in general, and if we locally find that we can address some of the other identified case types as time goes by, that we should have the latitude to do so.

Thanks.

Sent from my iPhone

On May 19, 2010, at 11:55 AM, "Burton Conner" <ConnerB@circuit19.org> wrote:

Fellow Civil Judges:

Unfortunately, I am on vacation from May 26 to June 7. If the consensus is that we should have a meeting of the civil judges to discuss shifting foreclosures to a senior judge, I will set it up. Depending on how others feel, an hour telephone meeting during lunch time may not work. Perhaps a meeting at 5:15 would be better...let's see what the consensus is. We also need to decide if we want the JA's participating in the meeting.

I need clarification from Steve and Tom as to whether the senior judges will do all foreclosures or just residential foreclosures.

My understanding is that the case managers and clerical staff will not begin work before July 1. Obviously, they will need some quick training on job responsibilities and it will take a few days for them to become familiar with the dockets and docket management.

Tom and his staff need to look at what is currently scheduled for July, and plot the dates in July for where the senior judge will be. If something is scheduled and the senior judge will not be there to handle it, the parties will have to be notified that the hearing is canceled and must be rescheduled (and they should call back after July 12, I would suggest, to get a new hearing date).

It will be best for the senior judge schedule for July, Aug and Sept to be posted to the circuit website and procedures posted regarding matters having to be rescheduled.

I know my JA is already getting calls about the transition because the word is out that change is coming (all the circuits are beginning to see this, since this is

a state-wide phenomenon). I have told Lynn to advise the attorneys that the Chief Judge and Court Administrator are working out the details of how the new resources are going to be applied to the foreclosure dockets, and as soon as those plans are finalized, something will be posted to the website. I would suggest the other JA's take the same approach.

Similar to the situation already existing in SLC (I do the emergency hearings to stop foreclosure sales and postpone writs of possession since the foreclosure judge is here just a few days each month), I think the same thing will have to happen in Martin and Indian River County (that is, the civil judge will have to do the emergency hearings to stop sales and postpone writs of possession...and only those hearings).

So fellow judges, do we need a meeting or not? If so, lunch time or 5:15? Do we want the JA's to attend?

Thanks for your input,
Burton

From: Paul Kanarek
Sent: Wednesday, May 19, 2010 10:59 AM
To: Steve Levin; Burton Conner; Thomas Genung; Larry Schack; Elizabeth Metzger
Cc: Kay Desoiza; Georgianna Shepke; Adriana James; Janet Cason; Lynn Atkinson
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Dear All,

I hate to be a stick in the mud but because these cases are assigned to me I want to make sure everything is taken care of. First, am I safe in assuming that when you say foreclosures that you only mean residential foreclosures? Assuming the commercial foreclosures will stay with the circuit judge assigned to civil then I need to know how this is all going to be worked out and would like to have a meeting.

I currently have summary judgment hearings on residential foreclosures scheduled for one and one half hours on Monday of each week (approximately 40 to 60 hearings) through August, 2010. In addition to this I have on the average 6 to 12 hearings per week on my UMC calendar and I probably spend at least 1 hour a day just reviewing motions, signing orders, and scheduling hearings on residential foreclosure matters that are on my docket.

I want this to work but I don't want this to make the whole problem worse.

Paul B. Kanarek
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2000 16th Avenue, Suite 375
Vero Beach, FL 32960
772-770-5052 Office

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772-770-5133 Fax
kanarekp@circuit19.org

 Please consider the environment before printing this email.

From: Steve Levin
Sent: Tuesday, May 18, 2010 6:35 PM
To: Paul Kanarek; Burton Conner; Thomas Genung; Larry Schack; Elizabeth Metzger
Cc: Kay Desoiza; Georgianna Shepke; Adriana James; Janet Cason; Lynn Atkinson
Subject: RE: Foreclosure and Economic Recovery Program Allocations


The allotment of time for the funding will be 3 days SLC/ 1 day IRC and 1 day MC each week. With this in mind, it is my intent (and Judge Conner agrees) that we plug the senior judges into the schedules already set for July and hopefully by late July and certainly by early August we should have more dates and more cases being heard in each county. I do not see a need for a conference call. Of course, if you want to have one that will be fine but my thought is that ALL of you are out of foreclosures as of July 1, 2010 and from there it is up to the senior judge and assistance provided to run the show. Take it off your calendars and we will go from there. I believe with the amount of time we are dedicating to foreclosures after July 1, that there will be a major decrease in backlog quickly but we will see. Thank you all for your help.

Steven J. Levin, Chief Judge
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(772)288-5578 fax
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From: Paul Kanarek
Sent: Monday, May 17, 2010 5:02 PM
To: Burton Conner; Thomas Genung; Larry Schack; Steve Levin; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Any day at lunch the week of June 7th is fine with me.

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From: Burton Conner
Sent: Monday, May 17, 2010 4:43 PM
To: Paul Kanarek; Thomas Genung; Larry Schack; Steve Levin; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I am sorry...I forgot about AJS next week. I am going on vacation on May 26 and will not be back until June 7.

What is everyone's availability for a lunch meeting the week of June 7-11?
Burton

From: Paul Kanarek
Sent: Monday, May 17, 2010 3:37 PM
To: Burton Conner; Thomas Genung; Larry Schack; Steve Levin; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I am going to the Advanced Judicial College. I will be gone the week of the 24th

Paul B. Kanarek
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From: Burton Conner
Sent: Monday, May 17, 2010 1:31 PM
To: Paul Kanarek; Thomas Genung; Larry Schack; Steve Levin; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Does not look like a meeting this week will work. What about Monday and Tuesday (May 24 and 25) of next week 12:15-1:15. Does that work? Please let me know.

Thanks and have a Great Week!
Burton

From: Paul Kanarek
Sent: Monday, May 17, 2010 9:57 AM
To: Thomas Genung; Larry Schack; Steve Levin; Burton Conner; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I don't know if our conference call has been actually scheduled for a particular day. When I initially responded I could do it any day this week. Now I have a meeting scheduled for Thursday during lunch. Wednesday at lunch would be the best day for me.

Paul B. Kanarek
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From: Thomas Genung
Sent: Monday, May 17, 2010 9:52 AM
To: Larry Schack; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

We will do our best to accommodate all.

From: Larry Schack
Sent: Friday, May 14, 2010 5:01 PM
To: Steve Levin; Thomas Genung; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I already have hearings set in July and August. It would be an enormous expense for the attorneys to reset them all. Can the schedule be constructed to take into account the days already set in SLC?

Larry

From: Steve Levin
Sent: Friday, May 14, 2010 2:56 PM
To: Thomas Genung; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack
Subject: RE: Foreclosure and Economic Recovery Program Allocations

My intent of all of this is that **as of July 1- Judge Schack, Judge Kanarek and Judge Metzger will not be doing ANY more foreclosures in St. Lucie, Indian River and Martin Counties.** Tom and I are attempting to utilize the money we receive for 3 days each week in SLC; 1 day each week in Martin and 1 day each week in IRC. It will be difficult to begin the process with this many days on July 1. Therefore, the conference call is good for scheduling purposes so we can start slow and then speed up. However, I absolutely do not want any judge besides the senior judge to handle foreclosures in Martin, Okeechobee and SLC after July 1. This hopefully will make your assignments more manageable.

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Julian Letton

From: Thomas Genung
Sent: Wednesday, May 19, 2010 11:14 AM
To: Burton Conner
Cc: Marc Traum
Subject: RE: Foreclosure and Economic Recovery Program Allocations

They will not be able to come on board until 7/1. After tomorrows TCBC call, I will probably be able to advertise. The positions are OPS, not full-time benefitted positions. For all intents and purposes otherwise, they should be full time in hours. Marc and I will probably need to be included.

From: Burton Conner
Sent: Wednesday, May 19, 2010 10:46 AM
To: Thomas Genung
Cc: Steve Levin
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Tom,
 Larry makes a point that did not occur to me before. In addition to giving Judges Midelis and Shahood some training on the MAO, I should probably do some training with the staff that will be handling the foreclosure docket. Corey is setting up a meeting between me and Judges Midelis and Shahood; she should probably also do the same with the case managers and clerical staff. How soon will the staff be hired?
 Burton

From: Larry Schack
Sent: Wednesday, May 19, 2010 10:17 AM
To: Steve Levin
Cc: Paul Kanarek; Burton Conner; Thomas Genung; Elizabeth Metzger
Subject: Foreclosure and Economic Recovery Program Allocations

Thank you for your work on this. I don't see the need for a conference call at this point.

Who should the firms contact about information on this change, what will be required of them, and for information on setting hearings after July 1st in addition to those already set?

Having dealt with this incredibly problematic component of the civil division a number of times since 1995, I suggest that procedures be established and posted on our site ASAP. Foreclosures involve a major waste of judicial resources due to sloppiness, lack of attention to detail, lack of experience, lack of preparation by the attorneys, etc. You spent a morning sitting through these hearings with me in St. Lucie West and saw the problems first hand. Unless procedures are put in place before the first additional hearing date is opened up for scheduling hearings, you will find that a waste of senior judge time and money will result.

As an aside, my pulling telephone privileges for 10 firms has resulted in an improvement in how the cases are handled by the firms involved, and has significantly reduced the amount of mail I receive asking me to act on matters I cannot act on ex parte. But there is still a significant waste of court resources. It seems to defy solution. Tom expressed a good idea to me on reducing the waste. It involves using a case manager to set all hearings only after the attorney provides the manager with all necessary material for the hearing, and establishes that they have all their ducks in a row and are actually ready.

Larry

From: Steve Levin
Sent: Tuesday, May 18, 2010 6:35 PM
To: Paul Kanarek; Burton Conner; Thomas Genung; Larry Schack; Elizabeth Metzger
Cc: Kay Desoiza; Georgianna Shepke; Adriana James; Janet Cason; Lynn Atkinson
Subject: RE: Foreclosure and Economic Recovery Program Allocations

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Julian Letton

From: Steve Levin
Sent: Wednesday, May 19, 2010 10:42 AM
To: Larry Schack
Cc: Paul Kanarek; Burton Conner; Thomas Genung; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Thank you for the information. It is very helpful.

From: Larry Schack
Sent: Wednesday, May 19, 2010 10:17 AM
To: Steve Levin
Cc: Paul Kanarek; Burton Conner; Thomas Genung; Elizabeth Metzger
Subject: Foreclosure and Economic Recovery Program Allocations

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Larry

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16TH CIR 00909

2/3/2011

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Julian Letton

From: Steve Levin
Sent: Tuesday, May 25, 2010 10:30 PM
To: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Program Allocations (revised)

Based upon my previous 2 e-mails to you - let me know if I need to explain this to Heather. I will talk to Elizabeth again when she gets back and put an end to this discussion and who knows... it may end up exactly as you wrote below.....Thanks.

From: Thomas Genung
Sent: Tuesday, May 25, 2010 7:49 PM
To: piersonh@flcourts.org
Cc: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby; Larry Schack; Marc Traum; Erick Mershon; Corrie Johnson
Subject: FW: Foreclosure and Economic Recovery Program Allocations (revised)

Heather,

The only change for the 19th is how we will utilize our SR judges:

St Lucie County: 3 days (one courtroom per day)

Indian River County: 2 days (one courtroom per day)

Martin County: 0 days

Okeechobee County: 0 days

Thank you.

From: Thomas Genung
Sent: Wednesday, May 12, 2010 5:08 PM
To: Heather Thuotte-Pierson
Cc: Steve Levin; Burton Conner; Marc Traum; Steve Shaw; Erick Mershon; Corrie Johnson
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Heather,

Please see the attached proposal for the Foreclosure and Economic Recovery Program for the 19th Judicial Circuit. This proposal requests that the \$212,729 allocation for this Circuit be distributed as follows:

240 SR Judge Days at \$350/day (\$84,000) and \$12,000 in expense

2 OPS Case Managers including the 7.65% FICA (\$84,238) and \$4,405 in expense

1 OPS SR Judge Amin Support including the 7.65% FICA (\$28,086)

Total: \$212,729

The 240 SR Judge Days is equivalent to .97 FTE assuming 260 work days minus 12 holidays = 248 days. SR Judges will be used 5 days per week for 48 weeks as follows:

St. Lucie County: 4 days per week = .776 FTE, one courtroom at the St. Lucie West Courthouse Annex will be used.

Indian River County: 1 day every other week = .097 FTE, one courtroom at the Indian River County Courthouse will be used.

Martin County: 1 day every other week = .097 FTE, one courtroom at the Martin County Courthouse will be used.

Okeechobee County: 0 days per week = 0.0 FTE.

Kindly contact me with any questions or concerns that you may have.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
Phone: 772-807-4370
Fax: 772-807-4377
Email: genungt@circuit19.org

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

Good morning,

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

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

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

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

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

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

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

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

Thanks,
Heather

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

Julian Letton

From: Steve Levin
Sent: Monday, May 17, 2010 5:03 PM
To: Paul Kanarek; Burton Conner; Thomas Genung; Larry Schack; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

7, 8 or 9 is best.

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Sent: Monday, May 17, 2010 9:52 AM
To: Larry Schack; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger

Subject: RE: Foreclosure and Economic Recovery Program Allocations

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From: Larry Schack
Sent: Friday, May 14, 2010 5:01 PM
To: Steve Levin; Thomas Genung; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

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Julian Letton

From: Steve Levin
Sent: Tuesday, May 25, 2010 10:15 PM
To: Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations (revised)

Sorry. After you talked to me, I told Tom of the idea and told him ... do it! as we have to get the plan in place with only 30 days left before we get the funds. My mistake. I will immediately notify everyone that it was my misunderstanding and we will go from there. You know that I would not do anything to add to any workload of yours. I will fix it and once again my apologies. Speak with you soon.

From: Elizabeth Metzger
Sent: Tuesday, May 25, 2010 9:26 PM
To: Steve Levin
Subject: RE: Foreclosure and Economic Recovery Program Allocations (revised)

We did have that very brief conversation about the fact that I did not mind continuing to do all the foreclosure work that I was doing, however, I did think we were going to have a further conversation before a decision was made regarding allocating resources! My agreement to continue to do what I have on my plate was to assist in accomplishing the goal of actually reducing the foreclosure numbers for Martin County....by not dedicating any Sr. Judge resources to Martin, are we really being fair to the County? The proposal presented initially of turning over all foreclosure work in Martin to Sr. Judge was, in my mind, not going to in any way reduce the foreclosure numbers in the County; thus the reason for my offer to continue to do what I do foreclosure work wise. My thought was and still is that I personally will not reduce my foreclosure load, but some Sr. Judge time should be used to reduce the backlog; whatever that time will be I will leave up to you....also, case management time should still be allocated to helping Janet as the paperwork associated with my load is significant. Let me know your thoughts.

EAM

From: Steve Levin
Sent: Tuesday, May 25, 2010 8:47 PM
To: Elizabeth Metzger
Cc: Thomas Genung
Subject: FW: Foreclosure and Economic Recovery Program Allocations (revised)

This is more in line with what you mentioned to me the other day where you said that you are ok with the 'foreclosure work' but wanted us to utilize any help we get in Martin County to assist Janet with the paperwork. The hope is that now we can provide clerical help for the massive paperwork of Janet but that you will continue to do the foreclosures as you have been doing. If for some reason I misunderstood you in any way whatsoever, please let me know as soon as you read this so I can attempt to make any adjustment. Hopefully, I understood you correctly!!! Hope you are enjoying AJS - - - - -

From: Thomas Genung
Sent: Tuesday, May 25, 2010 7:49 PM
To: piersonh@flcourts.org
Cc: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby; Larry Schack; Marc Traum; Erick Mershon; Corrie Johnson
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240 SR Judge Days at \$350/day (\$84,000) and \$12,000 in expense

2 OPS Case Managers including the 7.65% FICA (\$84,238) and \$4,405 in expense

1 OPS SR Judge Amin Support including the 7.65% FICA (\$28,086)

Total: \$212,729

The 240 SR Judge Days is equivalent to .97 FTE assuming 260 work days minus 12 holidays = 248 days. SR Judges will be used 5 days per week for 48 weeks as follows:

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Okeechobee County: 0 days per week = 0.0 FTE.

Kindly contact me with any questions or concerns that you may have.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
Phone: 772-807-4370
Fax: 772-807-4377
Email: genungt@circuit19.org

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

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

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

Thanks,
Heather

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

Julian Letton

From: Steve Levin
Sent: Monday, May 17, 2010 2:04 PM
To: Burton Conner; Paul Kanarek; Thomas Genung; Larry Schack; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I can do it Monday but not Tuesday. I think the problem we may run into is that some of the listed judges are going to AJS next week. May be better off doing it May 28 – Friday at 12:15...just my thought.

From: Burton Conner
Sent: Monday, May 17, 2010 1:31 PM
To: Paul Kanarek; Thomas Genung; Larry Schack; Steve Levin; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Does not look like a meeting this week will work. What about Monday and Tuesday (May 24 and 25) of next week 12:15-1:15. Does that work? Please let me know.

Thanks and have a Great Week!
 Burton

From: Paul Kanarek
Sent: Monday, May 17, 2010 9:57 AM
To: Thomas Genung; Larry Schack; Steve Levin; Burton Conner; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I don't know if our conference call has been actually scheduled for a particular day. When I initially responded I could do it any day this week. Now I have a meeting scheduled for Thursday during lunch. Wednesday at lunch would be the best day for me.

Paul B. Kanarek
 Circuit Judge
 2000 16th Avenue, Suite 375
 Vero Beach, FL 32960
 772-770-5052 Office
 772-770-5133 Fax
kanarekp@circuit19.org

 Please consider the environment before printing this email.

From: Thomas Genung
Sent: Monday, May 17, 2010 9:52 AM
To: Larry Schack; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

We will do our best to accommodate all.

From: Larry Schack
Sent: Friday, May 14, 2010 5:01 PM
To: Steve Levin; Thomas Genung; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I already have hearings set in July and August. It would be an enormous expense for the attorneys to reset them all. Can the schedule be constructed to take into account the days already set in SLC?

Larry

From: Steve Levin
Sent: Friday, May 14, 2010 2:56 PM
To: Thomas Genung; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack
Subject: RE: Foreclosure and Economic Recovery Program Allocations

My intent of all of this is that **as of July 1- Judge Schack, Judge Kanarek and Judge Metzger will not be doing ANY more foreclosures in St. Lucie, Indian River and Martin Counties.** Tom and I are attempting to utilize the money we receive for 3 days each week in SLC; 1 day each week in Martin and 1 day each week in IRC. It will be difficult to begin the process with this many days on July 1. Therefore, the conference call is good for scheduling purposes so we can start slow and then speed up. However, I absolutely do not want any judge besides the senior judge to handle foreclosures in Martin, Okeechobee and SLC after July 1. This hopefully will make your assignments more manageable.

Steven J. Levin, Chief Judge
19th Judicial Circuit
Martin, St. Lucie, Okeechobee and
Indian River Counties
(772)223-4827
(772)288-5578 fax
levins@circuit19.org

Julian Letton

From: Steve Levin
Sent: Monday, May 17, 2010 10:23 AM
To: Paul Kanarek; Thomas Genung; Larry Schack; Burton Conner; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Beginning a murder trial today but Wed noon is ok. I also have an appointment at 1230 Wed so I will have to leave at 1225.

Steven J. Levin, Chief Judge
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To: Thomas Genung; Larry Schack; Steve Levin; Burton Conner; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

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Julian Letton

From: Larry Schack
Sent: Monday, May 17, 2010 10:37 AM
To: Thomas Genung; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations
Thank you. I know you will.

From: Thomas Genung
Sent: Monday, May 17, 2010 9:52 AM
To: Larry Schack; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

We will do our best to accommodate all.

From: Larry Schack
Sent: Friday, May 14, 2010 5:01 PM
To: Steve Levin; Thomas Genung; Burton Conner; Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I already have hearings set in July and August. It would be an enormous expense for the attorneys to reset them all. Can the schedule be constructed to take into account the days already set in SLC?

Larry

Julian Letton

From: Steve Levin
Sent: Tuesday, June 08, 2010 11:52 AM
To: Burton Conner; Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Program Allocations (revised)

Yes we need to meet and Judge Kanarek wants to attend. I am not sure if Judge Metzger wants to be there. Judge Schack told me that he is ok with not being there since the plan is that ALL of SLC will be done by the senior judge(s) but Judge Kanarek and Judge Metzger will continue to do some foreclosures, as well as the senior judge in IRC and MC.

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 Indian River Counties
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From: Burton Conner
Sent: Tuesday, June 08, 2010 11:47 AM
To: Steve Levin; Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Program Allocations (revised)

Please update me...do the three of us need to meet? Do others need to attend if there is to be a meeting?
 Burton

From: Steve Levin
Sent: Wednesday, May 26, 2010 11:23 AM
To: Thomas Genung
Cc: Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby; Larry Schack; Marc Traum; Erick Mershon; Corrie Johnson; Kay Desoiza
Subject: RE: Foreclosure and Economic Recovery Program Allocations (revised)

Yesterday, I told Tom to go ahead with the plan that he outlined below to all of you. Unfortunately, due to my misunderstanding, we are going to proceed with the original plan of **3 days St. Lucie County 1 day Martin and 1 day Indian River County**. Also, I would like to have a meeting, when Judge Conner returns, so that the logistics can be worked out. Certainly, all of you need not attend the meeting but Tom and I will be glad to discuss the details with whomever attends. Sorry for the confusion. Please let me know if you have any questions.

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From: Thomas Genung
Sent: Tuesday, May 25, 2010 7:50 PM
To: piersonh@flcourts.org
Cc: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby; Larry Schack; Marc Traum; Erick Mershon; Corrie Johnson
Subject: FW: Foreclosure and Economic Recovery Program Allocations (revised)
Importance: High

Heather,

The only change for the 19th is how we will utilize our SR judges:

St Lucie County: 3 days (one courtroom per day)

Indian River County: 2 days (one courtroom per day)

Martin County: 0 days

Okeechobee County: 0 days

Thank you.

From: Thomas Genung
Sent: Wednesday, May 12, 2010 5:08 PM
To: Heather Thuotte-Pierson
Cc: Steve Levin; Burton Conner; Marc Traum; Steve Shaw; Erick Mershon; Corrie Johnson
Subject: RE: Foreclosure and Economic Recovery Program Allocations

Heather,

Please see the attached proposal for the Foreclosure and Economic Recovery Program for the 19th Judicial Circuit. This proposal requests that the \$212,729 allocation for this Circuit be distributed as follows:

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Total: \$212,729

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Kindly contact me with any questions or concerns that you may have.

Thank you for your consideration.

Thomas A. Genung, Esq.

Trial Court Administrator

19th Judicial Circuit

250 Country Club Dr., Ste. 217

Port St. Lucie, FL 34986

Phone: 772-807-4370

Fax: 772-807-4377

Email: genungt@circuit19.org

From: Heather Thuotte-Pierson [<mailto:piersonh@flcourts.org>]

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

To: Trial Court Chief Judges; Trial Court Administrators

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

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

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Heather Thuotte-Pierson
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Court Statistics Consultant
(850) 410-3376
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To: Heather Thuotte-Pierson
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Subject: RE: Foreclosure and Economic Recovery Program Allocations

Heather,

16TH CIR 00929

2/3/2011

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Fax: 772-807-4377
Email: genungt@circuit19.org

From: Heather Thuotte-Pierson [<mailto:piersonh@flcourts.org>]

16TH CIR 00930

2/3/2011

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

To: Trial Court Chief Judges; Trial Court Administrators

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

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Thanks,
Heather

Heather Thuotte-Pierson
Office of the State Courts Administrator

16TH CIR 00931

2/3/2011

Court Statistics Consultant
(850) 410-3376
piersonh@flcourts.org

Julian Letton

From: Steve Shaw
Sent: Monday, August 23, 2010 3:12 PM
To: Thomas Genung; Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreymbarton@yahoo.com); Sharon Robertson
Cc: Jeff Smith; Steve Levin; Kara Hilson (HilsonK@Stlucieclerk.com); Rose Blaha (blaha@stlucieclerk.com); Allen Queen; Tanya Green; Francine Beckstead; Tummond, Gary; Erik Pentz; Wanda Shaffer; Staggs, Helen; Steve Levin
Subject: RE: Foreclosure and Economic Recovery Project

The conference call phone number for the call at 4:00 PM today is: 850-487-8439 ext 850150#

We will look forward to speaking with you at that time.

Thank you.

Steve

From: Steve Shaw
Sent: Monday, August 23, 2010 12:50 PM
To: Thomas Genung; Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreymbarton@yahoo.com); Sharon Robertson
Cc: Jeff Smith; Steve Levin; Kara Hilson (HilsonK@Stlucieclerk.com); Rose Blaha (blaha@stlucieclerk.com); Allen Queen; Tanya Green; Francine Beckstead; Tummond, Gary; Erik Pentz; Wanda Shaffer; Staggs, Helen; Chief Judge Levin
Subject: RE: Foreclosure and Economic Recovery Project

Good afternoon Clerks, IT Directors, and Program Staff,

There has been a great deal of discussion relating to Tom Genung's e-mail below and information requested by Court Administration for monthly reports that will be distributed to the Office of Court Administration in Tallahassee. Tom has requested that I schedule a dial-in conference call this afternoon with you and your staff to briefly discuss his request.

I apologize for the short notice, but in an effort to meet critical time requirements associated with these reports, I would like to schedule this meeting for 4:00 PM this afternoon. I will send the conference call phone number to you later this afternoon.

Thank you for your cooperation.

Steve

Stephen L. Shaw, Court Technology Officer
State of Florida Court System
Nineteenth Judicial Circuit Court
Court Administration - Suite 217
250 NW Country Club Dr.
Port Saint Lucie, FL 34986

772-807-4395 Office
772-528-2158 Cell
772-807-4377 Fax
shaws@circuit19.org

From: Thomas Genung
Sent: Monday, August 16, 2010 5:10 PM
To: Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreymbarton@yahoo.com); Sharon Robertson
Cc: Carin Smith; Jeff Smith; Steve Levin; Steve Shaw
Subject: Foreclosure and Economic Recovery Project

As I'm sure you are all aware, this project is under way, and picking up as time goes on. We are required by the Legislature to report dispositions to prove that the backlog of cases associated with this circuit has actually been addressed by these efforts, similar to the requirements you have, but reporting slightly different information. To that end, are you able to share with us disposition information on residential mortgage foreclosure cases disposed since 7/1 in an electronic format that can be loaded into the excel spreadsheet that we have to report on? If it is okay with you, I will ask Steve Shaw to be in communication with your technology staff to discuss options. Our first reporting is due on September 10th. If we are unable to develop an electronic sharing process, I will need docket notes with dispositional information sooner than later so we can input the information manually.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
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Port St. Lucie, FL 34986
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Julian Letton

From: Steve Levin
Sent: Friday, May 14, 2010 5:13 PM
To: Larry Schack
Subject: RE: Foreclosure and Economic Recovery Program Allocations

I will check.

Steven J. Levin, Chief Judge
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From: Larry Schack
Sent: Friday, May 14, 2010 5:01 PM
To: Steve Levin
Subject: RE: Foreclosure and Economic Recovery Program Allocations

If you have senior judge time, and want to start in June, please let me know.

From: Steve Levin
Sent: Friday, May 14, 2010 2:56 PM
To: Thomas Genung; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack
Subject: RE: Foreclosure and Economic Recovery Program Allocations

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Julian Letton

From: Allen L. Queen [alqueen@clerk.co.okeechobee.fl.us]

Sent: Monday, August 23, 2010 11:50 AM

To: Steve Shaw

Cc: sunshine@clerk.co.okeechobee.fl.us

Subject: RE: Foreclosure and Economic Recovery Project

I will have to get with FACC about this; we currently have no report like this. We are also starting our Clericus upgrade this Wednesday; a lot of projects are up in the air. As soon as I hear from FACC I will let you know.

Allen Lee Queen**Director of Information Technology**

alqueen@clerk.co.okeechobee.fl.us

312 Northwest 3rd Street

Suite #145

Okeechobee, Florida 34972

(863) 763.8426 | Office

(863) 763.1244 | Fax

(863) 697.0125 | Mobile

From: Steve Shaw [mailto:shaws@circuit19.org]

Sent: Friday, August 20, 2010 9:35 AM

To: Allen Queen

Subject: FW: Foreclosure and Economic Recovery Project

Hi Allen,

I would like to request that you provide me with an updated report that captures the data as requested by Tom in an e-mail this past week to Ms. Robertson. I have attached a spreadsheet that can be used as an example for all data elements requested. Tom Genung would like for us to receive the report from Okeechobee County on or before the 1st of the month, each month for approximately the next year. I understand that the Clerk's Office will be submitting a similar report to the State of Florida each month. Since you have already submitted case information to the state for all cases prior to July 1, 2010, I only need information on case activity from that date forward.

Please let me know if this is possible and when you believe we will be able to receive this month's report.

Thank you for your assistance with this data.

Steve

Stephen L. Shaw, Court Technology Officer
State of Florida Court System
Nineteenth Judicial Circuit Court
Court Administration - Suite 217
250 NW Country Club Dr.

16TH CIR 00936

2/3/2011

Port Saint Lucie, FL 34986

772-807-4395 Office
772-528-2158 Cell
772-807-4377 Fax
shaws@circuit19.org

From: Thomas Genung
Sent: Monday, August 16, 2010 5:10 PM
To: Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreykbarnton@yahoo.com); Sharon Robertson
Cc: Carin Smith; Jeff Smith; Steve Levin; Steve Shaw
Subject: Foreclosure and Economic Recovery Project

As I'm sure you are all aware, this project is under way, and picking up as time goes on. We are required by the Legislature to report dispositions to prove that the backlog of cases associated with this circuit has actually been addressed by these efforts, similar to the requirements you have, but reporting slightly different information. To that end, are you able to share with us disposition information on residential mortgage foreclosure cases disposed since 7/1 in an electronic format that can be loaded into the excel spreadsheet that we have to report on? If it is okay with you, I will ask Steve Shaw to be in communication with your technology staff to discuss options. Our first reporting is due on September 10th. If we are unable to develop an electronic sharing process, I will need docket notes with dispositional information sooner than later so we can input the information manually.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
Phone: 772-807-4370
Fax: 772-807-4377
Email: genungt@circuit19.org

Julian Letton

From: Thomas Genung
Sent: Tuesday, August 17, 2010 10:55 AM
To: Carin Smith
Subject: RE: Foreclosure and Economic Recovery Project

Thank you.

From: Carin Smith [mailto:ccs@Stlucieclerk.com]
Sent: Tuesday, August 17, 2010 10:37 AM
To: Thomas Genung; Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreykbaron@yahoo.com); Sharon Robertson
Cc: Jeff Smith; Steve Levin; Steve Shaw; Tanya Green
Subject: RE: Foreclosure and Economic Recovery Project

I have cc-ed Tanya on this email so that she is aware.

Thanks,
CCS

CARIN SMITH, CHIEF OF STAFF
ADMINISTRATION
JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
ST. LUCIE COUNTY, FLORIDA
PHONE: 772-462-2345
FAX: 772-462-6915
WWW.STLUCIECLERK.COM

From: Thomas Genung [mailto:GenungT@circuit19.org]
Sent: Monday, August 16, 2010 5:10 PM
To: Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreykbaron@yahoo.com); Sharon Robertson
Cc: Carin Smith; Jeff Smith; Steve Levin; Steve Shaw
Subject: Foreclosure and Economic Recovery Project

As I'm sure you are all aware, this project is under way, and picking up as time goes on. We are required by the Legislature to report dispositions to prove that the backlog of cases associated with this circuit has actually been addressed by these efforts, similar to the requirements you have, but reporting slightly different information. To that end, are you able to share with us disposition information on residential mortgage foreclosure cases disposed since 7/1 in an electronic format that can be loaded into the excel spreadsheet that we have to report on? If it is okay with you, I will ask Steve Shaw to be in communication with your technology staff to discuss options. Our first reporting is due on September 10th. If we are unable to develop an electronic sharing process, I will need docket notes with dispositional information sooner than later so we can input the information manually.

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Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
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Julian Letton

From: Thomas Genung
Sent: Wednesday, August 11, 2010 1:50 PM
To: Burton Conner
Subject: RE: Foreclosure and Economic Recovery Project

I do not believe that she is sending anything.

From: Burton Conner
Sent: Wednesday, August 11, 2010 1:14 PM
To: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project

Sorry if I am dense...but is Laura sending something or not. If not, I may need to ask Luke to do some legal research for me.

Thanks,
Burton

From: Thomas Genung
Sent: Wednesday, August 11, 2010 12:07 PM
To: Burton Conner
Subject: RE: Foreclosure and Economic Recovery Project

I thought that Laura had sent something out by email on this, but I am having trouble putting my finger on it... However, I did just call her to ask whether the form final judgment as identified in the rules is mandatory or a recommendation. Her feeling is that the Court intended that it be used as the final judgment.

From: Burton Conner
Sent: Wednesday, August 11, 2010 10:27 AM
To: Thomas Genung
Subject: Foreclosure and Economic Recovery Project

Tom,

As you are aware, Paul want to conduct meetings with plaintiff and defense bars to explain the details of our F&ER Project to them. Before we schedule that meeting (and post updates to our webpage), it is important that the civil judges come to consensus on the form of the final judgment.

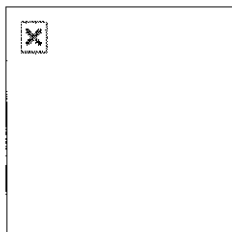
You mentioned at a meeting last week that there is a memo from Laura Rush about the S.Ct. recommended final judgment. I hate to be a pest, but could you get that to me so I can circulate it and see if that results in consensus?

Thanks,
Burton

Julian Letton

From: Tanya Green [GreenT@Stlucieclerk.com]
Sent: Tuesday, September 07, 2010 5:36 PM
To: Steve Shaw
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status
Attachments: July 2010 St Lucie_FERCTS.xls
July report attached.

Tanya



TANYA GREEN, DIRECTOR OF INFORMATION TECHNOLOGY
INFORMATION TECHNOLOGY
JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
ST. LUCIE COUNTY, FLORIDA
PHONE: 772-462-6901
FAX: 772-462-6887
WWW.STLUCIECLERK.COM

From: Steve Shaw [mailto:shaws@circuit19.org]
Sent: Friday, September 03, 2010 4:08 PM
To: Tanya Green
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status

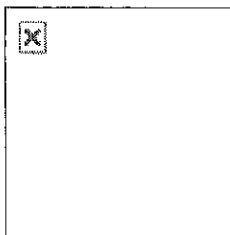
Thank you for the update Tanya. Have a good weekend.

From: Tanya Green [mailto:GreenT@Stlucieclerk.com]
Sent: Friday, September 03, 2010 4:01 PM
To: Steve Shaw
Cc: Thomas Genung
Subject: Foreclosure and Economic Recovery Project - Status

Hi Steve,

We are still working on the report for you. We were trying to have it ready by today, but it looks like we will need another day. It will be ready by Tuesday the 7th.

Thanks,
Tanya



TANYA GREEN, DIRECTOR OF INFORMATION TECHNOLOGY
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Julian Letton

From: Steve Shaw
Sent: Friday, October 08, 2010 12:14 PM
To: Tanya Green
Subject: RE: Foreclosure and Economic Recovery Project - Status

Hi Tanya,

Could I get you to send me the same report with August updates?

Thank you.

Steve

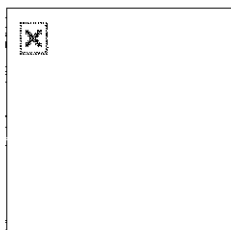
Stephen L. Shaw, Court Technology Officer
State of Florida Court System
Nineteenth Judicial Circuit Court
Court Administration - Suite 217
250 NW Country Club Dr.
Port Saint Lucie, FL 34986

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772-528-2158 Cell
772-807-4377 Fax
shaws@circuit19.org

From: Tanya Green [mailto:GreenT@Stlucieclerk.com]
Sent: Tuesday, September 07, 2010 5:36 PM
To: Steve Shaw
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status

July report attached.

Tanya



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PHONE: 772-462-6901
FAX: 772-462-6887

16TH CIR 00943

2/3/2011

WWW.STLUCIECLERK.COM

From: Steve Shaw [mailto:shaws@circuit19.org]
Sent: Friday, September 03, 2010 4:08 PM
To: Tanya Green
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status

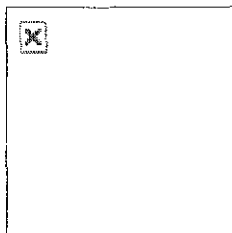
Thank you for the update Tanya. Have a good weekend.

From: Tanya Green [mailto:GreenT@Stlucieclerk.com]
Sent: Friday, September 03, 2010 4:01 PM
To: Steve Shaw
Cc: Thomas Genung
Subject: Foreclosure and Economic Recovery Project - Status

Hi Steve,

We are still working on the report for you. We were trying to have it ready by today, but it looks like we will need another day. It will be ready by Tuesday the 7th.

Thanks,
Tanya



TANYA GREEN, DIRECTOR OF INFORMATION TECHNOLOGY
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2/3/2011

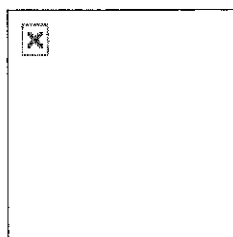
Julian Letton

From: Tanya Green [GreenT@Stlucieclerk.com]
Sent: Tuesday, September 07, 2010 6:33 PM
To: Thomas Genung; Steve Shaw
Subject: RE: Foreclosure and Economic Recovery Project - Status

Thanks!

Steve,
I will be out of the office after tomorrow afternoon attending the Benchmark case maintenance user group conference in Orlando. But, please feel free to call my cell phone. The programmer for this report will be in the office and available to modify the report if necessary.

Tanya



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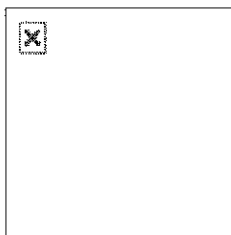
From: Thomas Genung [mailto:GenungT@circuit19.org]
Sent: Tuesday, September 07, 2010 6:00 PM
To: Tanya Green; Steve Shaw
Subject: RE: Foreclosure and Economic Recovery Project - Status

Great job! Thank you!

From: Tanya Green [mailto:GreenT@Stlucieclerk.com]
Sent: Tuesday, September 07, 2010 5:36 PM
To: Steve Shaw
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status

July report attached.

Tanya



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From: Steve Shaw [mailto:shaws@circuit19.org]
Sent: Friday, September 03, 2010 4:08 PM
To: Tanya Green
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status

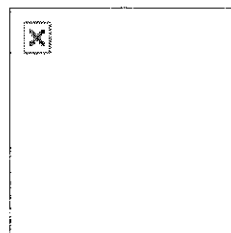
Thank you for the update Tanya. Have a good weekend.

From: Tanya Green [mailto:GreenT@Stlucieclerk.com]
Sent: Friday, September 03, 2010 4:01 PM
To: Steve Shaw
Cc: Thomas Genung
Subject: Foreclosure and Economic Recovery Project - Status

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Julian Letton

From: Steve Shaw
Sent: Tuesday, September 07, 2010 6:03 PM
To: Tanya Green
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status

Tanya,

Thanks a lot for the work you have done to accomplish this task. I will review the data and speak with you on Wednesday about it.

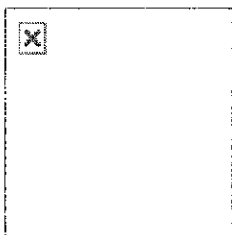
Thanks again.

Steve

From: Tanya Green [mailto:GreenT@Stlucieclerk.com]
Sent: Tuesday, September 07, 2010 5:36 PM
To: Steve Shaw
Cc: Thomas Genung
Subject: RE: Foreclosure and Economic Recovery Project - Status

July report attached.

Tanya



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To: Tanya Green
Cc: Thomas Genung
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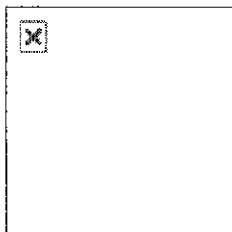
Thank you for the update Tanya. Have a good weekend.

From: Tanya Green [mailto:GreenT@Stlucieclerk.com]
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To: Steve Shaw
Cc: Thomas Genung
Subject: Foreclosure and Economic Recovery Project - Status

Hi Steve,

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Thanks,
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Julian Letton

From: Francine Beckstead [fbeckste@martin.fl.us]
Sent: Wednesday, August 25, 2010 2:54 PM
To: Steve Shaw
Subject: RE: Foreclosure and Economic Recovery Project

Steve,

We have a file for you but either don't understand some of the fields or don't have that information.

We are reading that you only want disposed cases. Do you want all disposed reasons?

Other fields where we need clarification are "Date of Status Change", "Type of status change", Deleted', 'closed for court action', date closed for court action'.

Would you like us to send what we have to date?

Francine

From: Steve Shaw [mailto:shaws@circuit19.org]
Sent: Friday, August 20, 2010 9:33 AM
To: Francine Beckstead
Subject: FW: Foreclosure and Economic Recovery Project

Hi Francine,

I would like to request that you provide me with an updated report that captures the data as requested by Tom in an e-mail this past week to Mrs. Ewing. I have attached a spreadsheet that can be used as an example for all data elements requested. Tom Genung would like for us to receive the report from Martin County on or before the 1st of the month, each month for approximately the next year. I understand that the Clerk's Office will be submitting a similar report to the State of Florida each month. Since you have already submitted case information to the state for all cases prior to July 1, 2010, I only need information on case activity from that date forward.

Please let me know if this is possible and when you believe we will be able to receive this month's report.

Thank you for your assistance with this data.

Steve

Stephen L. Shaw, Court Technology Officer
State of Florida Court System
Nineteenth Judicial Circuit Court
Court Administration - Suite 217
250 NW Country Club Dr.
Port Saint Lucie, FL 34986

772-807-4395 Office
772-528-2158 Cell
772-807-4377 Fax
shaws@circuit19.org

From: Thomas Genung
Sent: Monday, August 16, 2010 5:10 PM
To: Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreymbarton@yahoo.com); Sharon Robertson
Cc: Carin Smith; Jeff Smith; Steve Levin; Steve Shaw
Subject: Foreclosure and Economic Recovery Project

As I'm sure you are all aware, this project is under way, and picking up as time goes on. We are required by the Legislature to report dispositions to prove that the backlog of cases associated with this circuit has actually been addressed by these efforts, similar to the requirements you have, but reporting slightly different information. To that end, are you able to share with us disposition information on residential mortgage foreclosure cases disposed since 7/1 in an electronic format that can be loaded into the excel spreadsheet that we have to report on? If it is okay with you, I will ask Steve Shaw to be in communication with your technology staff to discuss options. Our first reporting is due on September 10th. If we are unable to develop an electronic sharing process, I will need docket notes with dispositional information sooner than later so we can input the information manually.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
Phone: 772-807-4370
Fax: 772-807-4377
Email: genungt@circuit19.org

Julian Letton

From: Nikki Tyler [TylerN@Stlucieclerk.com]
Sent: Monday, June 14, 2010 1:47 PM
To: Lynn Atkinson
Subject: RE: Foreclosure Cases

THANKS LYNN!!

From: Lynn Atkinson [AtkinsonL@circuit19.org]
Sent: Monday, June 14, 2010 10:40 AM
To: Nikki Tyler; Robin Burk
Subject: FW: Foreclosure Cases

FYI

From: Thomas Genung
Sent: Friday, June 11, 2010 5:25 PM
To: Burton Conner; Larry Schack; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James; Georgianna Shepke; Janet Cason; Maggie Molina; Lynn Atkinson; Kay Desoiza
Subject: RE: Foreclosure Cases

This message is now up on the front page of the website:

St. Lucie County Residential Mortgage Foreclosures:

We are in the process of retooling our process for setting these cases for hearing. We appreciate your patience during this process. Please keep checking this website for updates, which will be posted within the next 10 days. Thank you.

From: Burton Conner
Sent: Friday, June 11, 2010 2:44 PM
To: Larry Schack; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James; Georgianna Shepke; Janet Cason; Maggie Molina; Lynn Atkinson; Kay Desoiza
Subject: RE: Foreclosure Cases

It occurs to me that the JA's should point out one more thing: we are in the process of developing the plan and it is not on the website now, but if the lawyers monitor the website, it should be there within the next week or two.

Burton

From: Larry Schack
Sent: Friday, June 11, 2010 2:06 PM
To: Burton Conner; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

Perfect. Will do. Thank you. Have a good weekend!

From: Burton Conner
Sent: Friday, June 11, 2010 12:05 PM

16TH CIR 00952

2/3/2011

To: Larry Schack; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

Larry,

As Administrative Judge, my suggestion is this: your JA should tell the lawyer that except for legitimate emergencies (which I am handling in SLC), they need to monitor our circuit website for information as to how to schedule a hearing after July 1 when the Foreclosure and Economic Recovery Funding Program will be implement in our circuit. Have a Great Week!

Burton

From: Larry Schack
Sent: Friday, June 11, 2010 11:53 AM
To: Thomas Genung; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

That is understandable. I do need a suggestion as to what attorneys and litigants should be told for SLC and how the information should be conveyed. The other counties still have a number and a person to call for information, and a judge working on the cases as I am doing in Okeechobee. That is not the case for SLC. They need to be told something. A few weeks ago I suggested that some data be posted on our circuit web page so we can at least direct them to there for some sort of information and time frame, even if it is only to tell them we are working on it.

I don't have another suggestion. My only other alternative is to simply tell them I am not hearing the cases after July 1st and to have a good day. We have hearings already set in July that need to be dealt with if possible. They were undoubtedly costly for the firms to set.

Suggestions would be welcome.

From: Thomas Genung
Sent: Friday, June 11, 2010 10:34 AM
To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: Foreclosure Cases
Importance: High

Judges,

I understand that attorneys are calling to set hearings, and some have been referred to Court Administration to set hearings after July 1. Please do not refer anybody to Court Administration to set any hearings. At the telephone meeting on Tuesday procedures and protocols need to be discussed, and decisions need to be made and direction given to me and Marc on how we are going to manage the Foreclosure and Economic Recovery project. To refer attorneys to my office at this time is creating work for my staff for which we are not equipped at this time, and frustration for all involved. Once our

16TH CIR 00953

2/3/2011

decision is made and direction given, we will post on the website the procedure for having hearings set.

Your understanding is greatly appreciated.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
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Phone: 772-807-4370
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Please Note: Florida has very broad public records laws. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. It is the policy of St. Lucie County that all County records shall be open for personal inspection, examination and / or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.

Julian Letton

From: William Roby
Sent: Monday, June 14, 2010 10:19 AM
To: Burton Conner
Subject: RE: Foreclosure Cases

Thanks. I may just let Steve know that I am up for SLC jury civil if I can do it out here at SLW. I like it out here and this would put SLW on the map so to speak.

From: Burton Conner
Sent: Friday, June 11, 2010 1:37 PM
To: William Roby
Subject: RE: Foreclosure Cases

FYI: I am rotating out of civil (I want felony, but suspect I will be stuck with juvi). If you have not already sent your request in, you may want to make SLC Jury Civil a second choice.

Hawley told me about 6 mos ago he wanted the SLC Civil Jury because his JA has to travel from Jensen, but now I understand his JA has rented a house in IRC, so I don't think he wants SLC assignment any more.

Burton

From: William Roby
Sent: Friday, June 11, 2010 12:47 PM
To: Burton Conner
Subject: RE: Foreclosure Cases

I am asking for the Martin civil but doubt that I will get it. I assume that Steve will keep me in my present assignment as I will have only been at it for 1.5 years as of Jan 1. Please do keep me in the loop at this time. Thanks. Have a great weekend as well.

From: Burton Conner
Sent: Friday, June 11, 2010 12:39 PM
To: William Roby
Subject: RE: Foreclosure Cases

Bill,

This reply is just to you. I am not sure what assignment you are asking for next year. If you are requesting civil, I assume you want to be kept in the loop. If you are shooting for something else, I will not pester you further with these residential foreclosure issues.

Have a Great Weekend,
 Burton

From: William Roby
Sent: Friday, June 11, 2010 12:33 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger; Thomas Genung; Steve Levin; Larry Schack
Subject: RE: Foreclosure Cases

16TH CIR 00955

Sorry for the partial email. I do not anticipate utilizing sr judges for my commercial mortgage foreclosures. I have no problem handling them at this time.

From: Burton Conner

Sent: Friday, June 11, 2010 11:58 AM

To: Paul Kanarek; Elizabeth Metzger; Thomas Genung; Steve Levin; Larry Schack; William Roby

Subject: RE: Foreclosure Cases

Paul, I think all of your suggestions make sense, and I hope Elizabeth and Bill will comment on them as well. I particularly like the idea of the senior judges being used for just SJ hearings. However, I need to ask for one clarification: what about default final judgments? Are those matters typically set for a hearing...or is it all handled by paperwork to the judge? Regardless of whether hearings are set...should senior judges handle all the default final judgments?

Paul, can I assume you feel there is no problem for you if the cases floats between you and the senior judges?

I know Paul knows my position, but I will make this point: to me it is best if we can consistently do things the same way (even scheduling) in all three counties. That way the attorneys know the routine and if one of the CMs has to cover for another, we don't have to worry about differences between the counties.

Burton

From: Paul Kanarek

Sent: Friday, June 11, 2010 11:49 AM

To: Burton Conner; Elizabeth Metzger; Thomas Genung; Steve Levin; Larry Schack; William Roby

Subject: RE: Foreclosure Cases

Dear Burton,

All of my hearings for those people who want to appear by phone are scheduled through Courtcall. Each Monday from 1:30 to 3:00 I have telephone hearings on motions for summary judgment. I give all of my dates for hearings to Courtcall and they schedule all of these hearings. In addition to these summary judgment hearings I hear various motions at UMC on Tuesday, Wednesday, and Thursday of each week. These are set by the lawyers and they only need to send me a copy of the notice of hearing and the motion. I will not due summary judgment hearings at UMC. These UMC hearings are usually about Writs of Possession, discovery issues, Motion to Amend Final Judgment, and various motions to correct things. I also receive motions that are sent directly to me that do not require a hearing. An example of this is a Motion to Change Plaintiff where the mortgage and note have been assigned during the litigation and they send me a copy of the documents that create the transfer.

There may be a few circumstances where my JA has a specially set hearing but there are not a lot of these. I would also point out that I have a separate docket once a month for foreclosure cases where the lawyer for the plaintiff wants to come to court and not appear by phone. These are scheduled with my JA.

My suggestion is that at we give the senior judges a docket that just contains Summary Judgment Hearings. They will be responsible for these hearings and all of the paper work that goes along with them. I will handle everything else. That is the case may go back and forth where I may have some hearings on UMC or other orders that I sign in the office but the Senior Judge will handle the Summary Judgment Hearing. My thought was to tell CourtCall that they need first to fill up the Senior Judge Calendar and when that is full to fill up mine. I think this is a work in progress and we will have to see how things are going. I am hopeful that we can route all of the paperwork for all of the summary judgment hearings (the foreclosure packages) through the Case Managers so that they can put the voluminous paperwork together. Courtcall can e-mail the dockets weeks in advance and can update them as things change.

I am open to all ideas on how to make this work.

Paul B. Kanarek

kanarekp@circuit19.org

From: Burton Conner
Sent: Friday, June 11, 2010 11:18 AM
To: Elizabeth Metzger; Thomas Genung; Steve Levin; Paul Kanarek; Larry Schack; William Roby
Subject: RE: Foreclosure Cases

Thanks, for your response, Elizabeth.

So if you and Paul are going to continue to handle a portion of the docket (which I applaud because I agree that is the only way we can show the legislature we are truly tackling the backlog), help me better understand how scheduling hearings has been handled in MC. Is it being done through CourtCall, or your JA? If attorneys call CourtCall for certain type hearings, and your JA or other types, that makes the problem easy as far as the hearings through CourtCall (we just give CourtCall the dates that additional hearing time will be available). Then the issue becomes: what is the best way to handle the hearings currently being set by the JA. Does your JA stay involved with that...or do we let the new secretary handle setting all those hearings...or do we use a case manager to do that...or some combination of all three. Do you have any thoughts on that?

Is it yours and Paul's belief that whatever system we design, once a case goes to the senior judge it stays with the senior judge, or can the case effectively go back and forth between the elected judge and the senior judge?

Burton

From: Elizabeth Metzger
Sent: Friday, June 11, 2010 11:05 AM
To: Burton Conner; Thomas Genung; Steve Levin; Paul Kanarek; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: RE: Foreclosure Cases

I do not think this is an issue for Martin. The plan from my end is to continue what I have been doing (SJ hearings every Monday and Friday morning, foreclosure related UMC motions as well as special sets and the handling of all paperwork which comes in on a daily basis related to resetting/cancelling sales and legit). The Sr. Judge will only be supplementing my continued efforts in Martin. Paul and I both agreed that if we turn all foreclosure work over to a Sr. Judge who will be with us only 1 day per week, such would create a larger backlog than what exists today. The only help that my office has requested concerns assisting Janet in processing the large amount of foreclosure paperwork generated by my continued efforts.

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Suite A353
Stuart, FL 34994

772-463-3281 (office)
772-463-3283 (fax)
metzgere@circuit19.org

From: Burton Conner
Sent: Friday, June 11, 2010 10:45 AM
To: Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: RE: Foreclosure Cases

I agree with Tom that referrals should not be made to Court Admin.

I know this situation is frustrating to everyone...MOST ESPECIALLY THE JA's AND COURT ADMIN. STAFF. To add to the problem, the Clerks are referring people either to the judges office or Court Admin.

I am confident the Civil Judges will come up with a game plan at Tuesday meeting, and as frustrating as it is, **I would suggest that JA's and Court Admin. Staff simply tell lawyers the only thing being scheduled at this time are legitimate emergencies and attorneys should monitor the circuit website for further information as to when they can schedule hearings after July 1, when the Foreclosure and Economic Recovery Funding Program goes into effect.**

Have a Great Weekend!
Burton

From: Thomas Genung
Sent: Friday, June 11, 2010 10:34 AM
To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: Foreclosure Cases

Importance: High

Judges,

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Thank you for your consideration.

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Fax: 772-807-4377
Email: genungt@circuit19.org

Julian Letton

From: Thomas Genung
Sent: Friday, June 11, 2010 12:06 PM
To: Larry Schack
Subject: RE: Foreclosure Cases

Great!

From: Larry Schack
Sent: Friday, June 11, 2010 12:03 PM
To: Thomas Genung
Cc: Steve Levin; Adriana James; Burton Conner
Subject: RE: Foreclosure Cases

Thank you. What we will tell them is to check the circuit's website for further information.

From: Thomas Genung
Sent: Friday, June 11, 2010 12:01 PM
To: Larry Schack
Subject: RE: Foreclosure Cases

The cases you set in July will be reset to the times that Judge Shahood is available, pursuant to our discussions with Adriana yesterday. CourtCall will reschedule all set by them, and Adriana indicated she, or the attorneys will re-notice the cases set by her.

As soon as decisions are made, information will be posted to the website.

From: Larry Schack
Sent: Friday, June 11, 2010 11:53 AM
To: Thomas Genung; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

That is understandable. I do need a suggestion as to what attorneys and litigants should be told for SLC and how the information should be conveyed. The other counties still have a number and a person to call for information, and a judge working on the cases as I am doing in Okeechobee. That is not the case for SLC. They need to be told something. A few weeks ago I suggested that some data be posted on our circuit web page so we can at least direct them to there for some sort of information and time frame, even if it is only to tell them we are working on it.

I don't have another suggestion. My only other alternative is to simply tell them I am not hearing the cases after July 1st and to have a good day. We have hearings already set in July that need to be dealt with if possible. They were undoubtedly costly for the firms to set.

Suggestions would be welcome.

16TH CIR 00960

2/3/2011

From: Thomas Genung
Sent: Friday, June 11, 2010 10:34 AM
To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: Foreclosure Cases
Importance: High

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Email: genungt@circuit19.org

Julian Letton

From: Elizabeth Metzger
Sent: Friday, June 11, 2010 11:24 AM
To: Burton Conner; Thomas Genung; Steve Levin; Paul Kanarek; Larry Schack; William Roby
Subject: RE: Foreclosure Cases

SJ hearings are scheduled M and F, through CCall. Special set hearings are handled through my JA (contested SJ hearings or matters requiring more than 10 minutes of my time). UMC hearings (which I have to say, I have 5-10 foreclosure related UMC hearings everyday I have UMC hearings, T, W, Th at 8:30), are scheduled as all UMC are, without JA involvement. I would think all the above would remain as is....I will speak with Janet regarding how she could be helped processing paperwork.

E

Elizabeth A. Metzger, Circuit Judge
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Stuart, FL 34994

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metzgere@circuit19.org

From: Burton Conner
Sent: Friday, June 11, 2010 11:18 AM
To: Elizabeth Metzger; Thomas Genung; Steve Levin; Paul Kanarek; Larry Schack; William Roby
Subject: RE: Foreclosure Cases

Thanks, for your response, Elizabeth.

So if you and Paul are going to continue to handle a portion of the docket (which I applaud because I agree that is the only way we can show the legislature we are truly tackling the backlog), help me better understand how scheduling hearings has been handled in MC. Is it being done through CourtCall, or your JA? If attorneys call CourtCall for certain type hearings, and your JA or other types, that makes the problem easy as far as the hearings through CourtCall (we just give CourtCall the dates that additional hearing time will be available). Then the issue becomes: what is the best way to handle the hearings currently being set by the JA. Does your JA stay involved with that...or do we let the new secretary handle setting all those hearings...or do we use a case manager to do that...or some combination of all three. Do you have any thoughts on that?

Is it yours and Paul's belief that whatever system we design, once a case goes to the senior judge it stays with the senior judge, or can the case effectively go back and forth between the elected judge and the senior judge?

Burton

From: Elizabeth Metzger
Sent: Friday, June 11, 2010 11:05 AM
To: Burton Conner; Thomas Genung; Steve Levin; Paul Kanarek; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: RE: Foreclosure Cases

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Sent: Friday, June 11, 2010 10:45 AM
To: Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: RE: Foreclosure Cases

I agree with Tom that referrals should not be made to Court Admin.

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Have a Great Weekend!

Burton

From: Thomas Genung
Sent: Friday, June 11, 2010 10:34 AM
To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: Foreclosure Cases
Importance: High

Judges,

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Julian Letton

From: Larry Schack
Sent: Monday, June 14, 2010 11:45 AM
To: Burton Conner
Subject: RE: Foreclosure Cases
 Done. Thanks.

From: Burton Conner
Sent: Monday, June 14, 2010 11:33 AM
To: Larry Schack
Cc: Adriana James; Georgianna Shepke; Janet Cason; Maggie Molina; Lynn Atkinson; Kay Desoiza; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Subject: RE: Foreclosure Cases

Regarding SLC, I can't conceive of anything being a "TRUE EMERGENCY" except for motions to cancel sales or to postpone a writ of possession. We already have a procedure set up for those in which the movant (plaintiff's counsel or pro se) files the motion with the clerk's office and a form order goes out setting it for a hearing no later than the day of the sale at 8:45 a.m. So I would ask that you tweak your posting as follows:

After July 1, if you have an Emergency Motion to Cancel Sale or Emergency Motion to Postpone a Writ of Possession, file the motion with the Clerk of Court and a hearing will be set on Judge Conner's Short Hearing Calendar no later than the date of the sale or the date possession of the property is to be delivered under the writ.

From: Larry Schack
Sent: Friday, June 11, 2010 4:25 PM
To: Burton Conner
Cc: Adriana James; Georgianna Shepke; Janet Cason; Maggie Molina; Lynn Atkinson; Kay Desoiza; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Subject: RE: Foreclosure Cases

I will incorporate that. Before I post it, will this work for you?

Important information:

Effective July 1, 2010, due to funding made available to the 19th Circuit, residential foreclosures in St. Lucie County will be handled by senior judges. The Chief Judge, Administrative Judge of the Civil Division, and Court Administrator are working out the details of how the new resources are going to be applied to the foreclosure dockets. As soon as those plans are finalized, additional information will be posted on the circuit's web page. Please check this circuit's web page for further information. If you have a TRUE EMERGENCY in a St. Lucie County residential foreclosure after July 1st, you may call Judge Conner's judicial assistant. Please do not call my office regarding the scheduling of foreclosure hearings for July 1st and thereafter. (I will continue to handle the foreclosures in Okeechobee County.)

From: Burton Conner
Sent: Friday, June 11, 2010 2:44 PM
To: Larry Schack; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James; Georgianna Shepke; Janet Cason; Maggie Molina; Lynn Atkinson; Kay Desoiza
Subject: RE: Foreclosure Cases

It occurs to me that the JA's should point out one more thing: we are in the process of developing the plan and it is not on the website now, but if the lawyers monitor the website, it should be there within the next week or two.

Burton

From: Larry Schack
Sent: Friday, June 11, 2010 2:06 PM
To: Burton Conner; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

Perfect. Will do. Thank you. Have a good weekend!

From: Burton Conner
Sent: Friday, June 11, 2010 12:05 PM
To: Larry Schack; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

Larry,
As Administrative Judge, my suggestion is this: your JA should tell the lawyer that except for legitimate emergencies (which I am handling in SLC), they need to monitor our circuit website for information as to how to schedule a hearing after July 1 when the Foreclosure and Economic Recovery Funding Program will be implement in our circuit. Have a Great Week!
Burton

From: Larry Schack
Sent: Friday, June 11, 2010 11:53 AM
To: Thomas Genung; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

That is understandable. I do need a suggestion as to what attorneys and litigants should be told for SLC and how the information should be conveyed. The other counties still have a number and a person to call for information, and a judge working on the cases as I am doing in Okeechobee. That is not the case for SLC. They need to be told something. A few weeks ago I suggested that some data be posted on our circuit web page so we can at least direct them to there for some sort of information and time frame, even if it is only to tell them we are working on it.

I don't have another suggestion. My only other alternative is to simply tell them I am not

hearing the cases after July 1st and to have a good day. We have hearings already set in July that need to be dealt with if possible. They were undoubtedly costly for the firms to set.

Suggestions would be welcome.

From: Thomas Genung

Sent: Friday, June 11, 2010 10:34 AM

To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby

Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera

Subject: Foreclosure Cases

Importance: High

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Email: genungt@circuit19.org

Julian Letton

From: Adriana James
Sent: Friday, June 11, 2010 2:10 PM
To: Larry Schack
Subject: RE: Foreclosure Cases

k

From: Larry Schack
Sent: Friday, June 11, 2010 2:09 PM
To: Adriana James
Subject: FW: Foreclosure Cases

We need to change our messages.

From: Larry Schack
Sent: Friday, June 11, 2010 2:06 PM
To: Burton Conner; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

Perfect. Will do. Thank you. Have a good weekend!

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Subject: Foreclosure Cases
Importance: High

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Email: genungt@circuit19.org

Julian Letton

From: Thomas Genung
Sent: Friday, June 11, 2010 10:43 AM
To: Georgianna Shepke
Subject: RE: Foreclosure Cases



From: Georgianna Shepke
Sent: Friday, June 11, 2010 10:42 AM
To: Thomas Genung
Subject: RE: Foreclosure Cases

You funny man

Georgianna Shepke
Judicial Assistant to
Circuit Judge Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960
772-770-5052
ShepkeG@circuit19.org

THIS COMMUNICATION, ALONG WITH ANY ATTACHMENTS, MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL, PRIVILEGED OR OTHERWISE EXEMPT FROM DISCLOSURE. IF YOU ARE NOT THE INTENDED RECIPIENT OR A PERSON RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, PRINTING, DISTRIBUTION, FORWARDING, OR USE OF ANY INFORMATION CONTAINED IN OR ATTACHED TO THIS E-MAIL IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY RETURN E-MAIL OR TELEPHONE AND DESTROY THE ORIGINAL E-MAIL AND ITS ATTACHMENTS WITHOUT READING, PRINTING, SAVING OR FORWARDING IN ANY MANNER. YOUR COOPERATION IS GREATLY APPRECIATED.

From: Thomas Genung
Sent: Friday, June 11, 2010 10:41 AM
To: Georgianna Shepke
Subject: RE: Foreclosure Cases

Uhhhh, Yup.

From: Georgianna Shepke
Sent: Friday, June 11, 2010 10:41 AM
To: Thomas Genung
Subject: RE: Foreclosure Cases

Would his initials be L.S.

Georgianna Shepke
Judicial Assistant to
Circuit Judge Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960
772-770-5052
ShepkeG@circuit19.org

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From: Thomas Genung
Sent: Friday, June 11, 2010 10:40 AM
To: Georgianna Shepke
Subject: RE: Foreclosure Cases

I know, guess who?

From: Georgianna Shepke
Sent: Friday, June 11, 2010 10:38 AM
To: Thomas Genung
Subject: RE: Foreclosure Cases

It wasn't me

Georgianna Shepke
Judicial Assistant to
Circuit Judge Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960
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16TH CIR 00971

2/3/2011

MANNER. YOUR COOPERATION IS GREATLY APPRECIATED.

From: Thomas Genung
Sent: Friday, June 11, 2010 10:34 AM
To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: Foreclosure Cases
Importance: High

Judges,

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Your understanding is greatly appreciated.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
Phone: 772-807-4370
Fax: 772-807-4377
Email: genungt@circuit19.org

Julian Letton

From: Thomas Genung
Sent: Friday, June 11, 2010 10:41 AM
To: Georgianna Shepke
Subject: RE: Foreclosure Cases

Of course not.

From: Georgianna Shepke
Sent: Friday, June 11, 2010 10:40 AM
To: Thomas Genung
Subject: RE: Foreclosure Cases

From here?

Georgianna Shepke
Judicial Assistant to
Circuit Judge Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960
772-770-5052
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Judicial Assistant to
Circuit Judge Paul B. Kanarek
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From: Thomas Genung
Sent: Friday, June 11, 2010 10:34 AM
To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desoiza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: Foreclosure Cases
Importance: High

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Your understanding is greatly appreciated.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
19th Judicial Circuit
250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
Phone: 772-807-4370

16TH CIR 00974

2/3/2011

Fax: 772-807-4377

Email: genungt@circuit19.org

Julian Letton

From: Georgianna Shepke
Sent: Monday, June 14, 2010 12:29 PM
To: Thomas Genung
Subject: RE: Foreclosure Cases

Yes

Georgianna Shepke
Judicial Assistant to
Circuit Judge Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960
772-770-5052
ShepkeG@circuit19.org

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From: Thomas Genung
Sent: Monday, June 14, 2010 11:06 AM
To: Georgianna Shepke
Subject: RE: Foreclosure Cases

Friday is fine. Judge K does his large foreclosure docket on Monday, right?

From: Georgianna Shepke
Sent: Monday, June 14, 2010 10:37 AM
To: Thomas Genung
Subject: RE: Foreclosure Cases

Are the days set in stone for the SR Judges to hear MF. If not Friday would be sooooo much better here. Thursday we have Department of Revenue, in Courtroom 1 or hearing room 1 depending on what is going on. We also have the Magistrate in hearing room one if DOR takes Courtroom 2. We also have Dependency Mediation all day in hearing room 1. I can get a hearing room on the 2nd floor on Fridays.

Georgianna Shepke
Judicial Assistant to
Circuit Judge Paul B. Kanarek

2000 16th Avenue, Suite 375
Vero Beach, FL 32960
772-770-5052
ShepkeG@circuit19.org

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From: Thomas Genung
Sent: Friday, June 11, 2010 5:25 PM
To: Burton Conner; Larry Schack; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James; Georgianna Shepke; Janet Cason; Maggie Molina; Lynn Atkinson; Kay Desoiza
Subject: RE: Foreclosure Cases

This message is now up on the front page of the website:

St. Lucie County Residential Mortgage Foreclosures:
We are in the process of retooling our process for setting these cases for hearing. We appreciate your patience during this process. Please keep checking this website for updates, which will be posted within the next 10 days. Thank you.

From: Burton Conner
Sent: Friday, June 11, 2010 2:44 PM
To: Larry Schack; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James; Georgianna Shepke; Janet Cason; Maggie Molina; Lynn Atkinson; Kay Desoiza
Subject: RE: Foreclosure Cases

It occurs to me that the JA's should point out one more thing: we are in the process of developing the plan and it is not on the website now, but if the lawyers monitor the website, it should be there within the next week or two.

Burton

From: Larry Schack
Sent: Friday, June 11, 2010 2:06 PM
To: Burton Conner; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

Perfect. Will do. Thank you. Have a good weekend!

From: Burton Conner
Sent: Friday, June 11, 2010 12:05 PM
To: Larry Schack; Thomas Genung; Steve Levin; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

Larry,

As Administrative Judge, my suggestion is this: your JA should tell the lawyer that except for legitimate emergencies (which I am handling in SLC), they need to monitor our circuit website for information as to how to schedule a hearing after July 1 when the Foreclosure and Economic Recovery Funding Program will be implement in our circuit. Have a Great Week!

Burton

From: Larry Schack
Sent: Friday, June 11, 2010 11:53 AM
To: Thomas Genung; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; William Roby
Cc: Adriana James
Subject: RE: Foreclosure Cases

That is understandable. I do need a suggestion as to what attorneys and litigants should be told for SLC and how the information should be conveyed. The other counties still have a number and a person to call for information, and a judge working on the cases as I am doing in Okeechobee. That is not the case for SLC. They need to be told something. A few weeks ago I suggested that some data be posted on our circuit web page so we can at least direct them to there for some sort of information and time frame, even if it is only to tell them we are working on it.

I don't have another suggestion. My only other alternative is to simply tell them I am not hearing the cases after July 1st and to have a good day. We have hearings already set in July that need to be dealt with if possible. They were undoubtedly costly for the firms to set.

Suggestions would be welcome.

From: Thomas Genung
Sent: Friday, June 11, 2010 10:34 AM
To: Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Larry Schack; William Roby
Cc: Kay Desolza; Lynn Atkinson; Georgianna Shepke; Janet Cason; Adriana James; Maggie Molina; Marc Traum; Corrie Johnson; Michelle Spector; Maritza DeLaTejera
Subject: Foreclosure Cases
Importance: High

Judges,

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16TH CIR 00978

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Your understanding is greatly appreciated.

Thank you for your consideration.

Thomas A. Genung, Esq.
Trial Court Administrator
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250 Country Club Dr., Ste. 217
Port St. Lucie, FL 34986
Phone: 772-807-4370
Fax: 772-807-4377
Email: genungt@circuit19.org

Julian Letton

From: Burton Conner
Sent: Monday, July 12, 2010 4:59 PM
To: Thomas Genung; Carin Smith
Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hilson; Debbie Devling; Michelle Spector; Corrie Johnson
Subject: RE: Foreclosure Procedures

Hello, Everyone,

There seems to be an ongoing problem with confusion over which judge a case file is assigned to, and the fact that judges rotate into assignments makes the problem chronic.

I would like to throw out a suggestion: since the civil assignment is now carved into three sections, the clerks should no longer input a judge's name to a case in the Banner system. Instead, when the case comes in, the clerks should input one of three things in place of the judge's name: "Jury," "Nonjury," and "Residential Foreclosure," based on what the civil cover sheet says as to the type case it is.

Then when attorneys or the public calls up to ask who the case is assigned to, they can simply advise the caller to go to the circuit website to find out which judge is assigned to handle that type case in SLC. (However, if the Clerk wants to assist the public with who the judge is, a sheet can be posted above the telephone with which judge handles which type of case). I think there is less chance of error if the Clerk inputs the type case into Banner, rather than the judge's name.

There is one caveat to my proposal: there will be cases in which the plaintiff files suit where the claims are only entitled to a nonjury trial (and the civil cover sheet so states), but when the defendant files an answer, the defendant may demand a jury trial or file a counterclaim which entitles a jury trial. But that situation is a reality that occurs even in the cases where the judge's name is initially placed on Banner (and has to be corrected later).

Is there any reason my proposal does not seem to be a practical solution to an ongoing problem?

I also want to make this point: there potentially will be three different senior judges handling the Foreclosure and Economic Recovery Project. I see no reason for the Clerk to be giving out any information as to who the judge will be for any day for residential foreclosures. The blanket statement should be "a senior judge will conducting court that day." It is inappropriate for lawyers to be able to judge shop which senior judge they want to schedule a hearing in front of.

Thanks,
Burton

From: Thomas Genung
Sent: Monday, July 12, 2010 3:01 PM
To: Carin Smith
Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hilson; Debbie Devling; Michelle Spector; Corrie Johnson; Burton Conner
Subject: RE: Foreclosure Procedures

Carin,

I appreciate that your staff may be feeling as though they are not in the loop about the foreclosure project. As with any new endeavor, things may be fluid for a while until such time that we have carved the most efficient track. As such, I appreciate everybody's cooperation and patience. The foreclosure cases will be heard by Senior Judge Shahood, Senior Judge Midelis and Senior Judge Fennelly. The judges will be rotating coverage. As soon as we have a schedule indicating which judge will be covering during any particular week, we will provide that subject to changes on the fly. Judge Fennelly is covering cases 7/12 – 7/14, and Judge Shahood is covering cases 7/19 – 7/21. Judge Midelis is covering 8/2 – 8/4 and Judge Fennelly is covering 8/9 – 8/11 and 8/16 – 8/18. A person was hired for the secretarial work, but that person did not work out. Michelle Spector will be checking the phones and scheduling hearings according to the attached rules, which are on our website. Telephone calls should not be directed to Adriana anymore, but instead, to this number: 772-871-7206, which is the telephone at which calls will be received by the Senior Judges' Secretary for the foreclosure project. Another person is scheduled to start in the secretarial position on July 26th. I do not anticipate the need to have a thumb drive for the SJ hearings, as our case managers will be checking files and documents on EDMS, and informing the judges of any issues. The in-court clerk may need to access imaged documents during hearings to provide verification one way or another on issues before the court.

As I indicated in a recent email, hearings are scheduled for July 12 – 14, and July 19 – 21, which are mostly resets of Judge Schack's dockets, and motions that were outstanding. Beginning August 2nd, we will be scheduling according to the attached.

While I do not anticipate any additional changes, accept for perhaps scheduling UMC hearings and emergencies; as with all good plans, I appreciate that things do not always go the way we planned.

Thank you again for your cooperation and patience.

From: Carin Smith [mailto:ccs@Stlucieclerk.com]
Sent: Monday, July 12, 2010 1:50 PM
To: Thomas Genung

Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hilson; Debbie Devling
Subject: Foreclosure Procedures

Tom,

I talked with Robin in Circuit Civil and it appears that we have been experiencing some difficulty with the new foreclosure proceedings. The biggest issues at hand are having a contact person (JA), knowing which judge will be presiding each day and knowing what other changes might be implemented so that we can be prepared.

Robin's email below goes into further detail about all three of those issues.

Thank you in advance for your help with this. I look forward to speaking with you.

Take care,

CCS

CARIN SMITH, CHIEF OF STAFF
ADMINISTRATION
JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
ST. LUCIE COUNTY, FLORIDA
PHONE: 772-462-2345
FAX: 772-462-6915
WWW.STLUCIECLERK.COM

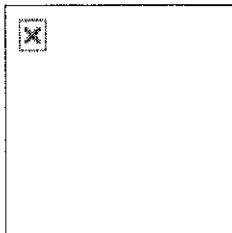
From: Robin Burk
Sent: Monday, July 12, 2010 12:26 PM
To: Carin Smith
Subject: Foreclosure Procedures

I received a memo from Joe, which originally came from Thomas Gerung regarding Foreclosure procedures for this week and next, but nothing from July 21st until August 2nd. The initial instructions were for us to tell parties to call Adriana, Judge Schack's assistant to set hearings. There was to be a new JA starting today. I understand that the "JA in training" is no longer with us.

There are some technical issues that need to be worked out We need to know the name of the "permanent" senior judge starting August 2nd. Reason being: the Banner system requires us to associate a judge with the case. Currently, in order to get cases open, we are still using Judge Schack, but these will all have to be edited at a later date. Also, our labeling systems applies a judge's name as well. These will also have to be edited.

We receive numerous phone calls during the day about hearings, etc., and I would like my staff to be able to be informed and answer questions about the changes. It would also be helpful to know what else might be changing so that we can be prepared.

Thanks from your concerns and your help,
Robin



ROBIN BURK, CIVIL MANAGER
CIRCUIT CIVIL
JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
ST. LUCIE COUNTY, FLORIDA
PHONE: 772-462-2339
FAX: 772-462-1998
WWW.STLUCIECLERK.COM

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Julian Letton

From: Paul Kanarek
Sent: Wednesday, September 15, 2010 11:18 AM
To: Burton Conner
Subject: RE: Foreclosure Final Judgments AO
Attachments: Foreclosure%20Meeting%20Notice.pdf

Your age is showing. The meeting is a foreclosure meeting. See attached notice. I am preparing some materials and I think that we should have a list of things we want to talk about.

Paul B. Kanarek
Circuit Judge
2000 16th Avenue, Suite 375
Vero Beach, FL 32960
772-770-5052 Office
772-770-5133 Fax
kanarekp@circuit19.org



Please consider the environment before printing this email.

From: Burton Conner
Sent: Wednesday, September 15, 2010 10:19 AM
To: Paul Kanarek
Subject: RE: Foreclosure Final Judgments AO

Paul,
My age is showing, I guess. In the email below, you make a comment about “our meeting on Friday.” Please refresh my memory...what is that meeting about and when and where is it?

Thanks,
Burton

From: Paul Kanarek
Sent: Tuesday, September 14, 2010 8:05 AM
To: Burton Conner
Subject: RE: Foreclosure Final Judgments AO

Dear Burton,

I think that you understand the issues and are in a good decision to make whatever policy decisions need to be made. I think that we have to have all of this ironed out by our meeting on Friday. I trust your judgment.

Paul

kanarekp@circuit19.org

From: Burton Conner
Sent: Monday, September 13, 2010 5:46 PM
To: Larry Schack; Paul Kanarek; Elizabeth Metzger; Steve Levin; Thomas Genung; William Roby; Shields McManus
Subject: RE: Foreclosure Final Judgments AO

Fellow Civil Judges,

I put in the two business day requirement because the SLC is telling me that due to the volume, they need that much lead time to cancel a sale. I think if the firms know that is the rule in our circuit, they will adjust. The worst that can happen if the plaintiff misses canceling the sale because they could not get the order entered on time is that the plaintiff will have to file a motion asking the court to vacate the sale for good cause.

IRC and SLC have indicated that they do not have 6 computers for public use at online sales. (Clerk Smith's position is inconsistent with what his civil supervisor told me; I was initially told SLC had six computers. I asked the Civil Supervisor, and she told me 6 computers for the public is pretty standard.)

I do think the court has some control over how sales are to be conducted to make sure it is fair to the parties and the public. I think there should be some minimum number of terminals provided so that those members of the public who do not have access to computers can participate. I would suggest a minimum of two terminals. Does anyone have any other thoughts?

Burton

From: Larry Schack
Sent: Monday, September 13, 2010 8:38 AM
To: Paul Kanarek; Elizabeth Metzger; Burton Conner; Steve Levin; Thomas Genung; William Roby; Shields McManus
Subject: RE: Foreclosure Final Judgments AO

I kept that time frame from the original version, but I do see the point. Once everyone provides their thoughts on these two points I will incorporate the changes and circulate a proposal. We need to be sure that the clerks, particularly SLC will be able to cut it that close. I will ask in Okeechobee, can you folks ask in your respective counties? Tom, could you check with SLC?

Thank you.

From: Paul Kanarek
Sent: Monday, September 13, 2010 8:02 AM
To: Larry Schack; Elizabeth Metzger; Burton Conner; Steve Levin; Thomas Genung; William Roby; Shields McManus
Subject: RE: Foreclosure Final Judgments AO

I like the fix but there is still an internal inconsistency in the two sentences. The first sentence says that the

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motion to cancel sale must be filed and ruled on "prior" to the day of the sale. The next sentence says that the order canceling the sale must be filed with the Clerk "no later than 5:00 pm, two business days before the sale date". That means if there is a sale on Monday the order canceling the sale must be filed with the Clerk by 5:00 pm on Wednesday.

I am fine with filing the order with the Clerk by 5:00 pm the day prior to the sale. I suggest we make it the same period in both sentences.

Paul

kanarekp@circuit19.org

From: Larry Schack
Sent: Sunday, September 12, 2010 6:36 PM
To: Elizabeth Metzger; Paul Kanarek; Burton Conner; Steve Levin; Thomas Genung; William Roby; Shields McManus
Subject: Foreclosure Final Judgments AO

Good Evening. I think there is a simple fix to this issue. Paragraph 4 of the proposed AO I circulated reads:

The sale date will not be cancelled without a court order issued after a timely filed motion is heard and ruled on prior to the day of the sale. All orders canceling the sale must be filed with the clerk of court no later than 5:00 p.m. two business days before the sale date.

It can be changed to remove the words "heard and." It is then up to each judge to determine how those motions will be ruled on. Paragraph 4 would then read:

The sale date will not be cancelled without a court order issued after a timely filed motion is ruled on prior to the day of the sale. All orders canceling the sale must be filed with the clerk of court no later than 5:00 p.m. two business days before the sale date.

Will this resolve the issue for everyone?

Larry

From: Larry Schack
Sent: Friday, September 10, 2010 1:47 PM
To: Elizabeth Metzger; Paul Kanarek; Burton Conner; Steve Levin; Thomas Genung; William Roby; Shields McManus
Subject: 19th Circuit AO Regarding Foreclosure Final Judgments

Afternoon. From my point of view, we have due process and Canon 3(B)7 to satisfy. Often there are more parties involved than a single defendant. I required hearings in SLC unless the motion alleged point blank that the bank had reinstated or modified the loan (past tense).

There is also a second consideration. In order to address matters without a hearing, we must be able to rely on the quality, honesty and accuracy of what is filed. My experience has been that most of the motions are filed by the mills. They use boilerplate forms, and are often

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internally inconsistent. I have become increasingly uncomfortable relying on the face of anything some of these firms file. I often wonder whether attorneys in those mills are even reading what they sign. They handle their cases like Lucy and Ethel in the chocolate factory. The quality and accuracy of their work product does not give me a comfort level. (Keep in mind that 3 or 4 are under investigation for filing fraudulent documents.)

I think that due process and the Code require the hearing and we should not be incorporating a practice in an AO that doesn't comply. If individual judges view it otherwise, and want to act without a hearing, there is nothing to prevent them from setting up their own procedures to allow it. However, for those judges who feel that due process prevents it, what will result is a flood of motions that never get acted on. I had packing boxes filled with these things in SLC before the firms started setting the hearings.

Larry

From: Elizabeth Metzger
Sent: Friday, September 10, 2010 10:43 AM
To: Paul Kanarek; Larry Schack; Burton Conner
Cc: Steve Levin; Thomas Genung; William Roby; Shields McManus
Subject: RE: 19th Circuit AO Regarding Foreclosure Final Judgments

I am also against requiring a hearing b/f entry of an order to cancel sale; such may work in Okee, however in all the other counties, realistically, the Judges will not be in a position to hold hearings for every sale cancellation....

EAM

Elizabeth A. Metzger, Circuit Judge
 100 East Ocean Blvd.
 Suite A353
 Stuart, FL 34994

772-463-3281 (office)
 772-463-3283 (fax)
metzgere@circuit19.org

From: Paul Kanarek
Sent: Friday, September 10, 2010 10:26 AM
To: Larry Schack; Burton Conner
Cc: Steve Levin; Thomas Genung; Elizabeth Metzger; William Roby; Shields McManus
Subject: RE: 19th Circuit AO Regarding Foreclosure Final Judgments

Judge Shack's proposed change would require a "hearing" before an order could be entered cancelling a sale. I would oppose this requirement. There are a number of reasons that plaintiff's put in their motions requesting cancellation of the sale including wanting more time to work out the matter with the defendant to errors in the publication or final judgment. I believe that the plaintiff should be permitted to cancel the sale for those kinds of reasons and that a "hearing" on this is not necessary. There is also the practical problems of scheduling hearings and sending notice to the parties (they get 5 days for mailing) and hearing time for these motions.

Paul

kanarekp@circuit19.org

16TH CIR 00987

2/3/2011

Julian Letton

From: Thomas Genung
Sent: Monday, July 12, 2010 4:07 PM
To: Burton Conner
Subject: RE: Foreclosure Procedures

“Foreclosure and Economic Recovery Project” is how it has been named in the documents from the OSCA.

From: Burton Conner
Sent: Monday, July 12, 2010 3:37 PM
To: Thomas Genung
Subject: RE: Foreclosure Procedures

Tom,
I want to make a “reply all” comment and observation to this email chain, but before I do, I want to know what is the name using for this project? This reply is only to you at this point.
Thanks,
Burton

From: Thomas Genung
Sent: Monday, July 12, 2010 3:01 PM
To: Carin Smith
Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hilson; Debbie Devling; Michelle Spector; Corrie Johnson; Burton Conner
Subject: RE: Foreclosure Procedures

Carin,

I appreciate that your staff may be feeling as though they are not in the loop about the foreclosure project. As with any new endeavor, things may be fluid for a while until such time that we have carved the most efficient track. As such, I appreciate everybody’s cooperation and patience. The foreclosure cases will be heard by Senior Judge Shahood, Senior Judge Midelis and Senior Judge Fennelly. The judges will be rotating coverage. As soon as we have a schedule indicating which judge will be covering during any particular week, we will provide that subject to changes on the fly. Judge Fennelly is covering cases 7/12 – 7/14, and Judge Shahood is covering cases 7/19 – 7/21. Judge Midelis is covering 8/2 – 8/4 and Judge Fennelly is covering 8/9 – 8/11 and 8/16 – 8/18. A person was hired for the secretarial work, but that person did not work out. Michelle Spector will be checking the phones and scheduling hearings according to the attached rules, which are on our website. Telephone calls should not be directed to Adriana anymore, but instead, to this number: **772-871-7206**, which is the telephone at which calls will be received by the Senior Judges’ Secretary for the foreclosure

project. Another person is scheduled to start in the secretarial position on July 26th. I do not anticipate the need to have a thumb drive for the SJ hearings, as our case managers will be checking files and documents on EDMS, and informing the judges of any issues. The in-court clerk may need to access imaged documents during hearings to provide verification one way or another on issues before the court.

As I indicated in a recent email, hearings are scheduled for July 12 – 14, and July 19 – 21, which are mostly resets of Judge Schack's dockets, and motions that were outstanding. Beginning August 2nd, we will be scheduling according to the attached.

While I do not anticipate any additional changes, accept for perhaps scheduling UMC hearings and emergencies; as with all good plans, I appreciate that things do not always go the way we planned.

Thank you again for your cooperation and patience.

From: Carin Smith [mailto:ccs@Stlucieclerk.com]
Sent: Monday, July 12, 2010 1:50 PM
To: Thomas Genung
Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hilson; Debbie Devling
Subject: Foreclosure Procedures

Tom,

I talked with Robin in Circuit Civil and it appears that we have been experiencing some difficulty with the new foreclosure proceedings. The biggest issues at hand are having a contact person (JA), knowing which judge will be presiding each day and knowing what other changes might be implemented so that we can be prepared. Robin's email below goes into further detail about all three of those issues.

Thank you in advance for your help with this. I look forward to speaking with you.

Take care,
 CCS

CARIN SMITH, CHIEF OF STAFF
 ADMINISTRATION
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 ST. LUCIE COUNTY, FLORIDA
 PHONE: 772-462-2345
 FAX: 772-462-6915
 WWW.STLUCIECLERK.COM

From: Robin Burk
Sent: Monday, July 12, 2010 12:26 PM
To: Carin Smith
Subject: Foreclosure Procedures

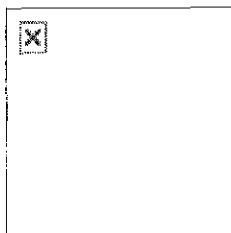
I received a memo from Joe, which originally came from Thomas Gerung regarding Foreclosure procedures for this week and next, but nothing from July 21st until August 2nd. The initial instructions were for us to tell parties to call Adriana, Judge

Schack's assistant to set hearings. There was to be a new JA starting today. I understand that the "JA in training" is no longer with us.

There are some technical issues that need to be worked out We need to know the name of the "permanent" senior judge starting August 2nd. Reason being: the Banner system requires us to associate a judge with the case. Currently, in order to get cases open, we are still using Judge Schack, but these will all have to be edited at a later date. Also, our labeling systems applies a judge's name as well. These will also have to be edited.

We receive numerous phone calls during the day about hearings, etc., and I would like my staff to be able to be informed and answer questions about the changes. It would also be helpful to know what else might be changing so that we can be prepared.

Thanks from your concerns and your help,
Robin



ROBIN BURK, CIVIL MANAGER
CIRCUIT CIVIL
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Julian Letton

From: Thomas Genung
Sent: Friday, July 16, 2010 5:43 PM
To: Carin Smith
Cc: Kara Hilson; Joseph Smith
Subject: Re: Foreclosure Procedures

Great, thank you.

Sent from my iPhone

On Jul 16, 2010, at 3:57 PM, "Carin Smith" <ccs@Stlucieclerk.com> wrote:

Ok. Reason I ask is because Robin said she had a conversation with Judge Midelis about this. It is already our policy to send any unsigned or otherwise incomplete packets with docket notes to the appropriate judge. Robin called this to Judge Midelis' attention so that he was aware that it happens and how we handle it when it does. I think this was somehow lost in translation...? Point being – we are already taking care of your concern.

Hope this helps...

CCS

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From: Thomas Genung [mailto:GenungT@circuit19.org]
Sent: Friday, July 16, 2010 3:20 PM
To: Carin Smith
Subject: Re: Foreclosure Procedures

I believe so. It was relayed to me through one of my Mgt staff.

Sent from my iPhone

On Jul 16, 2010, at 1:45 PM, "Carin Smith" <ccs@Stlucieclerk.com> wrote:

I just talked to Robin – was this an issue that Judge Midelis came to you with?

CCS

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From: Thomas Genung [mailto:GenungT@circuit19.org]
Sent: Friday, July 16, 2010 10:26 AM
To: Carin Smith
Subject: RE: Foreclosure Procedures

Carin,

It has come to my attention that some of the foreclosure orders have come into the Clerk's office without being signed, and/or sale dates were not indicated on the orders. I will need those packets with the docket notes for those cases so I can get the appropriate judge to sign the orders with the sale dates. If the matter was not set for hearing, then I will have an appropriate judge review the documents for appropriate action.

Thank you for your help with this.

From: Carin Smith [mailto:ccs@Stlucieclerk.com]
Sent: Wednesday, July 14, 2010 10:37 AM
To: Burton Conner; Thomas Genung
Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hilson; Debbie Devling; Michelle Spector; Corrie Johnson; Tanya Green; Steve Shaw
Subject: RE: Foreclosure Procedures

Judge Conner,

Thank you so much for your ideas – we certainly appreciate your input. I forwarded your suggestions to our IT Division to see how that sort of plan might affect our reporting to the state. Unfortunately, for reporting reasons (e.g. CCIS and Pending case load), we need to be able to specifically identify which judge heard each case. In fact, part of the CCIS report requires the judge name that heard each individual court hearing and/or event for each case. If we leave “placeholder” data in Banner (or Benchmark down the road) we will lose the ability to produce these reports as intended.

The good news is that we believe we’ve solved the problem. We have created a “senior judge” code to enter into our system, which should take care of our reporting needs and provide sufficient info to customers who call. We are making that effective immediately and going into the system retroactively to July 1st to replace any cases that had Judge Schack’s name entered in error.

As far as advising customers on which judge is currently assigned to a given Civil case, we would welcome a list for our employees to keep on hand if Court Administration would be so kind to provide one. This would also allow us to update the affected cases with the particular judge and have it readily available on our own website and reports.

Additionally, as you may know, we are in the process of converting to a new case maintenance system which will allow us much more flexibility in instances such as this. We will be hosting a demonstration for the judges soon so that you can see the new system for yourself – I hope to see you there!

If there is anything else I can do to assist or if you have any further questions or concerns, please feel free to contact me.

Take care,

CCS

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16TH CIR 00994

2/3/2011

WWW.STLUCIECLERK.COM

From: Burton Conner [mailto:ConnerB@circuit19.org]
Sent: Monday, July 12, 2010 4:59 PM
To: Thomas Genung; Carin Smith
Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hillson; Debbie Devling; Michelle Spector; Corrie Johnson
Subject: RE: Foreclosure Procedures

Hello, Everyone,

There seems to be an ongoing problem with confusion over which judge a case file is assigned to, and the fact that judges rotate into assignments makes the problem chronic.

I would like to throw out a suggestion: since the civil assignment is now carved into three sections, the clerks should no longer input a judge's name to a case in the Banner system. Instead, when the case comes in, the clerks should input one of three things in place of the judge's name: "Jury," "Nonjury," and "Residential Foreclosure," based on what the civil cover sheet says as to the type case it is.

Then when attorneys or the public calls up to ask who the case is assigned to, they can simply advise the caller to go to the circuit website to find out which judge is assigned to handle that type case in SLC. (However, if the Clerk wants to assist the public with who the judge is, a sheet can be posted above the telephone with which judge handles which type of case). I think there is less chance of error if the Clerk inputs the type case into Banner, rather than the judge's name.

There is one caveat to my proposal: there will be cases in which the plaintiff files suit where the claims are only entitled to a nonjury trial (and the civil cover sheet so states), but when the defendant

files an answer, the defendant may demand a jury trial or file a counterclaim which entitles a jury trial. But that situation is a reality that occurs even in the cases where the judge's name is initially placed on Banner (and has to be corrected later).

Is there any reason my proposal does not seem to be a practical solution to an ongoing problem?

I also want to make this point: there potentially will be three different senior judges handling the Foreclosure and Economic Recovery Project. I see no reason for the Clerk to be giving out any information as to who the judge will be for any day for residential foreclosures. The blanket statement should be "a senior judge will conducting court that day." It is inappropriate for lawyers to be able to judge shop which senior judge they want to schedule a hearing in front of.

Thanks,

Burton

From: Thomas Genung
Sent: Monday, July 12, 2010 3:01 PM
To: Carin Smith
Cc: Steve Levin; Robin Burk; Joseph Smith; Kara Hilson; Debbie Devling; Michelle Spector; Corrie Johnson; Burton Conner
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Carin,

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the most efficient track. As such, I appreciate everybody's cooperation and patience. The foreclosure cases will be heard by Senior Judge Shahood, Senior Judge Midelis and Senior Judge Fennelly. The judges will be rotating coverage. As soon as we have a schedule indicating which judge will be covering during any particular week, we will provide that subject to changes on the fly. Judge Fennelly is covering cases 7/12 – 7/14, and Judge Shahood is covering cases 7/19 – 7/21. Judge Midelis is covering 8/2 – 8/4 and Judge Fennelly is covering 8/9 – 8/11 and 8/16 – 8/18. A person was hired for the secretarial work, but that person did not work out. Michelle Spector will be checking the phones and scheduling hearings according to the attached rules, which are on our website. Telephone calls should not be directed to Adriana anymore, but instead, to this number: **772-871-7206**, which is the telephone at which calls will be received by the Senior Judges' Secretary for the foreclosure project. Another person is scheduled to start in the secretarial position on July 26th. I do not anticipate the need to have a thumb drive for the SJ hearings, as our case managers will be checking files and documents on EDMS, and informing the judges of any issues. The in-court clerk may need to access imaged documents during hearings to provide verification one way or another on issues before the court.

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Robin

<IMAGE001.GIF>

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