

Julian Letton

From: Lynn Atkinson
Sent: Wednesday, July 14, 2010 2:44 PM
To: Burton Conner
Subject: RE: Foreclosure Procedures

Yep. I don't know why it can't reflect a code for SENIOR JUDGE, a code for JURY JUDGE and a code for NONJURY JUDGE. I can't imagine that they are going to go back thru each case and change it to accurately reflect the currently assigned judge. See my "red comments" below.

From: Burton Conner
Sent: Wednesday, July 14, 2010 11:03 AM
To: Lynn Atkinson
Subject: FW: Foreclosure Procedures

You and I need to talk about this.

From: Carin Smith [mailto:ccs@Stluciedclerk.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. (THIS IS FINE IF THEY ENTER FOR EACH INDIVIDUAL HEARING/EVENT BECAUSE THE CLERK IS THERE WITH THE JUDGE THAT IS CONDUCTING THE HEARING/EVENT SO THERE WON'T BE A QUESTION AS TO WHO CONDUCTED THE HEARING/EVENT). 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.

Ugh, hello, I hope she doesn't think we are going to go through every case and give her a "list". I think that the SENIOR JUDGE CODE, JURY JUDGE CODE AND THE NONJURY JUDGE CODES would work in this instance. This might even be a good thing since assignments change and the clerk can either give out the name of the JUDGE or refer the "customer" to the circuit website to determine the Judge currently

16TH CIR 01001

assigned to that type of case.

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

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: 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 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 Hillson; 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, except 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

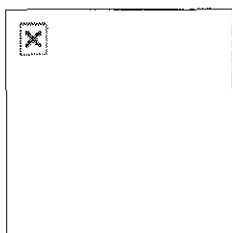
From: Robin Burk
Sent: Monday, July 12, 2010 12:26 PM
To: Carin Smith
Subject: Foreclosure Procedures

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

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.

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.

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: Burton Conner
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
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

16TH CIR 01007

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

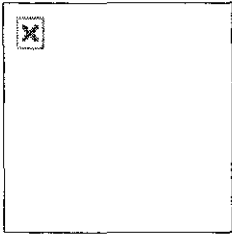
From: Robin Burk
Sent: Monday, July 12, 2010 12:26 PM
To: Carin Smith
Subject: Foreclosure Procedures

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

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.

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: Thomas Genung
Sent: Thursday, August 19, 2010 5:17 PM
To: Steve Levin
Subject: RE: Foreclosure SJ Checklists for Case Managers
Attachments: CourtCall Appearance Confirmed_FLJudges82010.pdf

We have set up a conference call for 12:15 pm tomorrow, among the civil judges, sr judges me and the case managers to discuss the residential mortgage foreclosure and economic recovery project, any questions folk have, and just kind of a general checking-in discussion. Call in information is attached if you are interested.

From: Steve Levin
Sent: Thursday, August 19, 2010 5:08 PM
To: Thomas Genung
Subject: RE: Foreclosure SJ Checklists for Case Managers

What call are you referring to please?

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

From: Thomas Genung
Sent: Thursday, August 19, 2010 4:23 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin
Subject: RE: Foreclosure SJ Checklists for Case Managers

During our call tomorrow at 12:15 pm, I would like to discuss the mechanism we will use when a complete packet is not received by our office 10 days in advance of the sfj hearing, to cancel the hearing. The number of cases being set is increasing significantly, at least for SLC cases. Our hope is that the new checklists will substantially reduce the amount of time it takes the case managers to properly prepare a case. We still have outstanding questions about bank mergers/take-overs post filing, and no appropriate documents filed accordingly.

From: Burton Conner
Sent: Thursday, August 19, 2010 2:03 PM
To: Paul Kanarek; Elizabeth Metzger; Thomas Genung
Cc: Steve Levin
Subject: Foreclosure SJ Checklists for Case Managers

Fellow Civil Judges,

Again I want to thank Paul for the work he did in creating foreclosure SJ 3 checklists for the case managers to use. He has agreed to some revisions I suggested.

I am attaching the final versions of all 3 checklists. Paul has pointed out that once the clerks go to online sales, the checklists may need to be revised if we agree that Plaintiff's counsel is responsible for advertising the sale, rather than the clerks. I will make that change when appropriate.

Tom, please make sure the case managers now use the attached checklists.

Thanks and have a Great Day,
Burton

Julian Letton

From: Thomas Genung
Sent: Friday, July 16, 2010 3:19 PM
To: Carin Smith
Subject: Re: Foreclosure Procedures

Thank you.

Sent from my iPhone

On Jul 16, 2010, at 1:41 PM, "Carin Smith" <ccs@Stlucieclerk.com> wrote:

I'm on it. Will be back with you shortly.

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: 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

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: 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 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 Hillson; Debbie Devling; Michelle Spector; Corrie Johnson; Burton Conner
Subject: RE: Foreclosure Procedures

16TH CIR 01015

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

<IMAGE001.GIF>

16TH CIR 01018

2/3/2011

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

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.

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.

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.

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: Steve Levin
Sent: Thursday, August 19, 2010 5:18 PM
To: Thomas Genung
Subject: RE: Foreclosure SJ Checklists for Case Managers

Ok thx

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

From: Thomas Genung
Sent: Thursday, August 19, 2010 5:18 PM
To: Steve Levin
Subject: RE: Foreclosure SJ Checklists for Case Managers

We have set up a conference call for 12:15 pm tomorrow, among the civil judges, sr judges me and the case managers to discuss the residential mortgage foreclosure and economic recovery project, any questions folk have, and just kind of a general checking-in discussion. Call in information is attached if you are interested.

From: Steve Levin
Sent: Thursday, August 19, 2010 5:08 PM
To: Thomas Genung
Subject: RE: Foreclosure SJ Checklists for Case Managers

What call are you referring to please?

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

From: Thomas Genung
Sent: Thursday, August 19, 2010 4:23 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin
Subject: RE: Foreclosure SJ Checklists for Case Managers

During our call tomorrow at 12:15 pm, I would like to discuss the mechanism we will use when a complete packet is not received by our office 10 days in advance

16TH CIR 01020

2/3/2011

of the sfj hearing, to cancel the hearing. The number of cases being set is increasing significantly, at least for SLC cases. Our hope is that the new checklists will substantially reduce the amount of time it takes the case managers to properly prepare a case. We still have outstanding questions about bank mergers/take-overs post filing, and no appropriate documents filed accordingly.

From: Burton Conner
Sent: Thursday, August 19, 2010 2:03 PM
To: Paul Kanarek; Elizabeth Metzger; Thomas Genung
Cc: Steve Levin
Subject: Foreclosure SJ Checklists for Case Managers

Fellow Civil Judges,

Again I want to thank Paul for the work he did on creating foreclosure SJ 3 checklists for the case managers to use. He has agreed to some revisions I suggested.

I am attaching the final versions of all 3 checklists. Paul has pointed out that once the clerks go to online sales, the checklists may need to be revised if we agree that Plaintiff's counsel is responsible for advertising the sale, rather than the clerks. I will make that change when appropriate.

Tom, please make sure the case managers now use the attached checklists.

Thanks and have a Great Day,
Burton

Julian Letton

From: Thomas Genung
Sent: Friday, July 30, 2010 10:53 AM
To: Burton Conner; Steve Levin; Elizabeth Metzger; Paul Kanarek; Larry Schack
Subject: RE: Foreclosure SJ Packets

Judge Shahood is on vacation.

From: Burton Conner
Sent: Friday, July 30, 2010 10:25 AM
To: Steve Levin; Elizabeth Metzger; Paul Kanarek; Larry Schack
Cc: Thomas Genung
Subject: RE: Foreclosure SJ Packets

Jimmy is definitely coming. I am fairly confident that George was told about the meeting, but I will ask Tom to do a follow-up with him to see if he was informed and if he can attend. It was my intention that all judges in the trenches be invited.

Thanks,
Burton

From: Steve Levin
Sent: Friday, July 30, 2010 10:20 AM
To: Burton Conner; Elizabeth Metzger; Paul Kanarek; Larry Schack
Cc: Thomas Genung
Subject: RE: Foreclosure SJ Packets

By the way – were the senior judges invited to today's meeting since they are involved in most of the cases? If not,,,,,is it too late to have them come by unless you feel differently?

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

From: Burton Conner
Sent: Friday, July 30, 2010 9:44 AM
To: Elizabeth Metzger; Paul Kanarek; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Elizabeth,

I am not sure how long the Liaison Meeting will last today. If Paul and Larry show up for that and if the meeting ends between 4-5, can we IM you to see if you are on the bench, and if not, would you be available for a conference call to discuss this SJ Packet issue. Also, I attended the Chief Judges meeting at the conference,

and there was some information discussed about the Foreclosure and Economic Recovery Project which I think needs to be shared with all the judges in the trenches, and a telephone conference would be the easiest way to discuss that.

However, I appreciate it has been a long week for you, and if you feel like you will be brain dead at the end of the day, and would prefer not to have to take a conference call, I understand.

Thanks and have a Great Day,
Burton

From: Elizabeth Metzger
Sent: Friday, July 30, 2010 8:21 AM
To: Paul Kanarek; Burton Conner; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Paul,
I agree with all points raised in your e-mail. Unfortunately, I will not be able to attend the meeting today as I remain tied up with trial.

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, July 30, 2010 8:13 AM
To: Burton Conner; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Dear Burton,

I think that having the plaintiff send all of the stuff listed under COPIES ONLY is a terrible waste of time and money. I will go through the items one by one to address my concerns. These concerns arise from my personal review of files in preparation for hearings. I don't know if you want these materials so that the case managers do not have to look at the files. If that is the case I think that is a mistake.

Notice of Hearing -- this is fine and I have no problem with this item

First page of complaint showing style and Clerk's stamp as to date of filing- The style of the case is listed on the Notice of Hearing. I guess that you want the Clerk's stamp to see the date of filing to determine what administrative order applies. Do you feel sure that all the plaintiff firms has the clerk date stamp a copy of the complaint and return it to them. The firms I deal with look up the cases online on the Clerk's internet site.

All returns of service, all non-military affidavits - It would seem to me to be easier to have them send copies of any defaults. As to those cases where the Clerk has not entered a default there may be several reasons and the materials that you have listed will not help you decide this issue. I don't know about the other Clerk's but in Indian River if the plaintiff serves the defendant by publication they require that the original proof of publication be in the file before they will issue a default. You have completely left this issue out of the materials requested. So if we have them send us copies of the Clerk's default this will solve the service issue. There are all sorts of reasons the Clerk in Indian River will not enter a default. Some examples are (a) there is no original return of service; (b) the original summons was not returned after service (c) there has been some sort of filing by the defendant such as a hardship letter or a Notice of Bankruptcy. I do not believe that the law requires the plaintiff to obtain a default before they proceed to summary judgment so in that case I look to the file to see that the original return of service. I would like to talk with you about these issues before you write it in stone.

Form A – I think this is already required as part of the Attorney Certificate of Compliance. If not we need to see it.

Mediation Report – Just getting the sheet that indicates that there was a mediation and the results (impasse, settled, etc.) is not good enough when there has been a settlement or a partial settlement. We need to see the terms of the agreement and determine whether there has been compliance before we enter a summary judgment.

Notice of Borrower Non-Participation and the remainder of things under this section are appropriate.

Finally, I strongly oppose allowing the case managers to cancel a hearing. My JA can't cancel a hearing without my approval and she has a heck of a lot more experience than our new case managers. There is no reason to cancel. This can be taken up at the time of the hearing. It is possible that we have made a mistake and that the materials necessary are present.

Hopefully we can discuss this after our meeting with the lawyers today.

Paul B. Kanarek

kanarekp@circuit19.org

From: Burton Conner
Sent: Thursday, July 29, 2010 6:10 PM
To: Paul Kanarek; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Paul and Elizabeth,

Although you both feel it is not necessary to post to our circuit website what are the minimum contents of a summary judgment packet in our circuit, after conferring with Tom and strategizing how to maximize the efficiency of the case managers, I respectfully submit a checklist would be useful. There are some documents the case managers have suggested that would make it easier for them to prep the file for the judge (for example a copy of the first page of the complaint showing the date the case was filed).

What we need to create is a case processing system in which the case managers can look

at the packet and determine if it is complete without having to access EDMS unless something looks out of the ordinary or seems conflicting.

Also, for efficiency, the case managers will be given the discretion to call CourtCall and cancel a hearing if the packet is not complete. That will generate a notice of cancellation of hearing signed by the case manager with an explanation of why the hearing is canceled. To back them up, it is best if we can refer to something on the website which clearly delineates the minimum requirements to go forward with the hearing.

Thus, I am submitting a proposed checklist for your further comments or concerns. Please give me your thoughts.

Have a Great Evening,
Burton

From: Paul Kanarek
Sent: Thursday, July 29, 2010 4:20 PM
To: Burton Conner
Subject: RE: Foreclosure SJ Packets

No. The law firms that do this know what to send.

Paul

kanarekp@circuit19.org

From: Burton Conner
Sent: Thursday, July 29, 2010 4:19 PM
To: Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure SJ Packets

Paul,
Do you think it is a good idea to list on the website what are the minimum requirements as to what should be submitted in the packets?
Burton

From: Paul Kanarek
Sent: Thursday, July 29, 2010 4:17 PM
To: Burton Conner; Elizabeth Metzger
Subject: RE: Foreclosure SJ Packets

Dear Burton,

It has taken until today for me to start catching up with my e-mails. I think that the notice on the web site needs to make it clear that "all packets" for summary judgment (whether they are for a Senior Judge or not are to be sent to Court Admin.

Paul B. Kanarek

16TH CIR 01025

2/3/2011

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, July 21, 2010 11:15 AM
To: Paul Kanarek; Elizabeth Metzger
Subject: Foreclosure SJ Packets

Paul and Elizabeth,
I do not want to intrude into your vacation time, and do not expect a response to this email until it is convenient to you.

Jimmy Midelis has raised a question to me: On our main website and each individual judge's website there is information regarding the Economy Recovery Project (senior judges for foreclosures) and in the information there is a directive as to where "summary judgment packets" should be sent. Jimmy apparently has heard comments from plaintiff's attorneys that they are not sure what all is to be included in a summary judgment packet. So he is asking if it would be helpful if we give a list on the webpage of what we expect (at a minimum) in the packet?

What do you think?
Burton

Julian Letton

From: Paul Kanarek
Sent: Friday, July 30, 2010 9:45 AM
To: Burton Conner
Subject: RE: Foreclosure SJ Packets

I will be at the meeting.

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: Friday, July 30, 2010 9:44 AM
To: Elizabeth Metzger; Paul Kanarek; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Elizabeth,

I am not sure how long the Liaison Meeting will last today. If Paul and Larry show up for that and if the meeting ends between 4-5, can we IM you to see if you are on the bench, and if not, would you be available for a conference call to discuss this SJ Packet issue. Also, I attended the Chief Judges meeting at the conference, and there was some information discussed about the Foreclosure and Economic Recovery Project which I think needs to be shared with all the judges in the trenches, and a telephone conference would be the easiest way to discuss that.

However, I appreciate it has been a long week for you, and if you feel like you will be brain dead at the end of the day, and would prefer not to have to take a conference call, I understand.

Thanks and have a Great Day,
Burton

From: Elizabeth Metzger
Sent: Friday, July 30, 2010 8:21 AM
To: Paul Kanarek; Burton Conner; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Paul,

I agree with all points raised in your e-mail. Unfortunately, I will not be able to attend the meeting today as I remain tied up with trial.

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, July 30, 2010 8:13 AM
To: Burton Conner; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Dear Burton,

I think that having the plaintiff send all of the stuff listed under COPIES ONLY is a terrible waste of time and money. I will go through the items one by one to address my concerns. These concerns arise from my personal review of files in preparation for hearings. I don't know if you want these materials so that the case managers do not have to look at the files. If that is the case I think that is a mistake.

Notice of Hearing – this is fine and I have no problem with this item

First page of complaint showing style and Clerk's stamp as to date of filing- The style of the case is listed on the Notice of Hearing. I guess that you want the Clerk's stamp to see the date of filing to determine what administrative order applies. Do you feel sure that all the plaintiff firms has the clerk date stamp a copy of the complaint and return it to them. The firms I deal with look up the cases online on the Clerk's internet site.

All returns of service, all non-military affidavits - It would seem to me to be easier to have them send copies of any defaults. As to those cases where the Clerk has not entered a default there may be several reasons and the materials that you have listed will not help you decide this issue. I don't know about the other Clerk's but in Indian River if the plaintiff serves the defendant by publication they require that the original proof of publication be in the file before they will issue a default. You have completely left this issue out of the materials requested. So if we have them send us copies of the Clerk's default this will solve the service issue. There are all sorts of reasons the Clerk in Indian River will not enter a default. Some examples are (a) there is no original return of service; (b) the original summons was not returned after service (c) there has been some sort of filing by the defendant such as a hardship letter or a Notice of Bankruptcy. I do not believe that the law requires the plaintiff to obtain a default before they proceed to summary judgment so in that case I look to the file to see that the original return of service. I would like to talk with you about these issues before you write it in stone.

Form A – I think this is already required as part of the Attorney Certificate of Compliance. If not we need to see it.

Mediation Report – Just getting the sheet that indicates that there was a mediation and the results (impasse,

settled, etc.) is not good enough when there has been a settlement or a partial settlement. We need to see the terms of the agreement and determine whether there has been compliance before we enter a summary judgment.

Notice of Borrower Non-Participation and the remainder of things under this section are appropriate.

Finally, I strongly oppose allowing the case managers to cancel a hearing. My JA can't cancel a hearing without my approval and she has a heck of a lot more experience than our new case managers. There is no reason to cancel. This can be taken up at the time of the hearing. It is possible that we have made a mistake and that the materials necessary are present.

Hopefully we can discuss this after our meeting with the lawyers today.

Paul B. Kanarek

kanarekp@circuit19.org

From: Burton Conner
Sent: Thursday, July 29, 2010 6:10 PM
To: Paul Kanarek; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Paul and Elizabeth,

Although you both feel it is not necessary to post to our circuit website what are the minimum contents of a summary judgment packet in our circuit, after conferring with Tom and strategizing how to maximize the efficiency of the case managers, I respectfully submit a checklist would be useful. There are some documents the case managers have suggested that would make it easier for them to prep the file for the judge (for example a copy of the first page of the complaint showing the date the case was filed).

What we need to create is a case processing system in which the case managers can look at the packet and determine if it is complete without having to access EDMS unless something looks out of the ordinary or seems conflicting.

Also, for efficiency, the case managers will be given the discretion to call CourtCall and cancel a hearing if the packet is not complete. That will generate a notice of cancellation of hearing signed by the case manager with an explanation of why the hearing is canceled. To back them up, it is best if we can refer to something on the website which clearly delineates the minimum requirements to go forward with the hearing.

Thus, I am submitting a proposed checklist for your further comments or concerns. Please give me your thoughts.

Have a Great Evening,
Burton

From: Paul Kanarek
Sent: Thursday, July 29, 2010 4:20 PM
To: Burton Conner
Subject: RE: Foreclosure SJ Packets

No. The law firms that do this know what to send.

Paul

kanarekp@circuit19.org

From: Burton Conner
Sent: Thursday, July 29, 2010 4:19 PM
To: Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure SJ Packets


Paul,
Do you think it is a good idea to list on the website what are the minimum requirements as to what should be submitted in the packets?
Burton

From: Paul Kanarek
Sent: Thursday, July 29, 2010 4:17 PM
To: Burton Conner; Elizabeth Metzger
Subject: RE: Foreclosure SJ Packets

Dear Burton,

It has taken until today for me to start catching up with my e-mails. I think that the notice on the web site needs to make it clear that "all packets" for summary judgment (whether they are for a Senior Judge or not are to be sent to Court Admin.

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, July 21, 2010 11:15 AM
To: Paul Kanarek; Elizabeth Metzger
Subject: Foreclosure SJ Packets

Paul and Elizabeth,

I do not want to intrude into your vacation time, and do not expect a response to this email until it is convenient to you.

Jimmy Midelis has raised a question to me: On our main website and each individual judge's website there is information regarding the Economy Recovery Project (senior judges for foreclosures) and in the information there is a directive as to where "summary judgment packets" should be sent. Jimmy apparently has heard comments from plaintiff's attorneys that they are not sure what all is to be included in a summary judgment packet. So he is asking if it would be helpful if we give a list on the webpage of what we expect (at a minimum) in the packet?

What do you think?
Burton

Julian Letton

From: Thomas Genung
Sent: Saturday, June 19, 2010 3:16 PM
To: Cindy Carlsward
Cc: Jeff Smith; Mark Buffington; Gary Tummond; Linda Bickford; Georgianna Shepke
Subject: Re: Hearing Room 1 on the 3rd Floor

I believe that is correct.

Sent from my iPhone

On Jun 19, 2010, at 9:26 AM, "Cindy Carlsward" <CCarlsward@clerk.indian-river.org> wrote:

Good morning, Tom –

Is this just for June 28th and then starting every Friday the week of August 9th? I have forwarded this on to Security as well. We will begin working on getting the room ready for use on the 28th.

Linda and Gary – can we meet sometime Monday to evaluate what we need to do? Lt. , let me know if you need anything from us.

Thank you.

Cindy

From: Thomas Genung [<mailto:GenungT@circuit19.org>]
Sent: Friday, June 18, 2010 5:04 PM
To: Barton, Jeffrey (jeffreymbarton@yahoo.com); Jeff Smith
Cc: Steve Levin; Burton Conner; Paul Kanarek; Cindy Carlsward
Subject: Hearing Room 1 on the 3rd Floor

Jeff and Jeff,

I hope this email finds you both well.

It has just come to my attention that we need hearing room 1 on the 3rd floor to be able to provide clerk support for foreclosure summary judgment beginning June 28th. We will be using that space throughout State FY 10/11 for the Foreclosure and economic recovery cases. We will be starting our full day of summary judgment cases on Fridays, the week of August 9th. So for June 28th, wireless access may be sufficient. Please contact me with any questions or concerns.

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

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Julian Letton

From: Burton Conner
Sent: Friday, July 30, 2010 11:08 AM
To: Steve Levin; Paul Kanarek; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung
Subject: RE: Foreclosure SJ Packets

Let me be clear: today's meeting was called as a RMFM Program Liaison Meeting to discuss the problems and kinks with the operation of the Program in the 19th Circuit...and that will be the focus of the discussion. I am sure there will be collateral questions coming up about other aspects of foreclosure cases, including how the Foreclosure and Economic Project (dealing with backlogs) will operate in this circuit. If those questions come up, I am intending to announce that, just like all the other circuits, the implementation of the project is a work in progress and everyone needs to monitor our website for information about how that program will be operating.

I agree with Paul and Steve that we judges need to come to a final consensus about the Project before we disseminate information on how the backlog will be handled.

In that vein, it is my position what we should be conducting weekly lunch telephone conference meetings until we come to consensus. What day of the week works best for everyone for a lunch meeting?

Burton

From: Steve Levin
Sent: Friday, July 30, 2010 10:34 AM
To: Paul Kanarek; Burton Conner; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung
Subject: RE: Foreclosure SJ Packets

I agree that we should not put forth ANY procedure that has not been finalized. I think the main purpose of today is to give the attorneys a forum and for us to listen to the attorney's concerns and give them whatever final answers we have but we certainly need to stay away from any issue still being tossed around. Good point.

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

From: Paul Kanarek
Sent: Friday, July 30, 2010 10:28 AM
To: Burton Conner; Steve Levin; Elizabeth Metzger; Larry Schack

Cc: Thomas Genung
Subject: RE: Foreclosure SJ Packets

The problem I am having with all of this is that we need to have a united front as to our procedures so that we are clear with the lawyers about what the requirements are. We have not made final decisions about this stuff and we need to be careful that we do not give the lawyers mixed messages about what we will be doing. We also need to listed to their concerns about our proposed procedures and take their concerns into account.

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: Friday, July 30, 2010 10:25 AM
To: Steve Levin; Elizabeth Metzger; Paul Kanarek; Larry Schack
Cc: Thomas Genung
Subject: RE: Foreclosure SJ Packets

Jimmy is definitely coming. I am fairly confident that George was told about the meeting, but I will ask Tom to do a follow-up with him to see if he was informed and if he can attend. It was my intention that all judges in the trenches be invited.

Thanks,
 Burton

From: Steve Levin
Sent: Friday, July 30, 2010 10:20 AM
To: Burton Conner; Elizabeth Metzger; Paul Kanarek; Larry Schack
Cc: Thomas Genung
Subject: RE: Foreclosure SJ Packets

By the way – were the senior judges invited to today’s meeting since they are involved in most of the cases? If not,,,,,is it too late to have them come by unless you feel differently?

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

From: Burton Conner

Sent: Friday, July 30, 2010 9:44 AM
To: Elizabeth Metzger; Paul Kanarek; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Elizabeth,

I am not sure how long the Liaison Meeting will last today. If Paul and Larry show up for that and if the meeting ends between 4-5, can we IM you to see if you are on the bench, and if not, would you be available for a conference call to discuss this SJ Packet issue. Also, I attended the Chief Judges meeting at the conference, and there was some information discussed about the Foreclosure and Economic Recovery Project which I think needs to be shared with all the judges in the trenches, and a telephone conference would be the easiest way to discuss that.

However, I appreciate it has been a long week for you, and if you feel like you will be brain dead at the end of the day, and would prefer not to have to take a conference call, I understand.

Thanks and have a Great Day,
Burton

From: Elizabeth Metzger
Sent: Friday, July 30, 2010 8:21 AM
To: Paul Kanarek; Burton Conner; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Paul,
I agree with all points raised in your e-mail. Unfortunately, I will not be able to attend the meeting today as I remain tied up with trial.

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, July 30, 2010 8:13 AM
To: Burton Conner; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Dear Burton,

I think that having the plaintiff send all of the stuff listed under COPIES ONLY is a terrible waste of time and

money. I will go through the items one by one to address my concerns. These concerns arise from my personal review of files in preparation for hearings. I don't know if you want these materials so that the case managers do not have to look at the files. If that is the case I think that is a mistake.

Notice of Hearing – this is fine and I have no problem with this item

First page of complaint showing style and Clerk's stamp as to date of filing- The style of the case is listed on the Notice of Hearing. I guess that you want the Clerk's stamp to see the date of filing to determine what administrative order applies. Do you feel sure that all the plaintiff firms has the clerk date stamp a copy of the complaint and return it to them. The firms I deal with look up the cases online on the Clerk's internet site.

All returns of service, all non-military affidavits - It would seem to me to be easier to have them send copies of any defaults. As to those cases where the Clerk has not entered a default there may be several reasons and the materials that you have listed will not help you decide this issue. I don't know about the other Clerk's but in Indian River if the plaintiff serves the defendant by publication they require that the original proof of publication be in the file before they will issue a default. You have completely left this issue out of the materials requested. So if we have them send us copies of the Clerk's default this will solve the service issue. There are all sorts of reasons the Clerk in Indian River will not enter a default. Some examples are (a) there is no original return of service; (b) the original summons was not returned after service (c) there has been some sort of filing by the defendant such as a hardship letter or a Notice of Bankruptcy. I do not believe that the law requires the plaintiff to obtain a default before they proceed to summary judgment so in that case I look to the file to see that the original return of service. I would like to talk with you about these issues before you write it in stone.

Form A – I think this is already required as part of the Attorney Certificate of Compliance. If not we need to see it.

Mediation Report – Just getting the sheet that indicates that there was a mediation and the results (impasse, settled, etc.) is not good enough when there has been a settlement or a partial settlement. We need to see the terms of the agreement and determine whether there has been compliance before we enter a summary judgment.

Notice of Borrower Non-Participation and the remainder of things under this section are appropriate.

Finally, I strongly oppose allowing the case managers to cancel a hearing. My JA can't cancel a hearing without my approval and she has a heck of a lot more experience than our new case managers. There is no reason to cancel. This can be taken up at the time of the hearing. It is possible that we have made a mistake and that the materials necessary are present.

Hopefully we can discuss this after our meeting with the lawyers today.

Paul B. Kanarek

kanarekp@circuit19.org

From: Burton Conner
Sent: Thursday, July 29, 2010 6:10 PM
To: Paul Kanarek; Elizabeth Metzger; Larry Schack
Cc: Thomas Genung; Steve Levin
Subject: RE: Foreclosure SJ Packets

Paul and Elizabeth,

16TH CIR 01037

2/3/2011

Although you both feel it is not necessary to post to our circuit website what are the minimum contents of a summary judgment packet in our circuit, after conferring with Tom and strategizing how to maximize the efficiency of the case managers, I respectfully submit a checklist would be useful. There are some documents the case managers have suggested that would make it easier for them to prep the file for the judge (for example a copy of the first page of the complaint showing the date the case was filed).

What we need to create is a case processing system in which the case managers can look at the packet and determine if it is complete without having to access EDMS unless something looks out of the ordinary or seems conflicting.

Also, for efficiency, the case managers will be given the discretion to call CourtCall and cancel a hearing if the packet is not complete. That will generate a notice of cancellation of hearing signed by the case manager with an explanation of why the hearing is canceled. To back them up, it is best if we can refer to something on the website which clearly delineates the minimum requirements to go forward with the hearing.

Thus, I am submitting a proposed checklist for your further comments or concerns. Please give me your thoughts.

Have a Great Evening,
Burton

From: Paul Kanarek
Sent: Thursday, July 29, 2010 4:20 PM
To: Burton Conner
Subject: RE: Foreclosure SJ Packets

No. The law firms that do this know what to send.

Paul

kanarekp@circuit19.org

From: Burton Conner
Sent: Thursday, July 29, 2010 4:19 PM
To: Paul Kanarek; Elizabeth Metzger
Subject: RE: Foreclosure SJ Packets

Paul,
Do you think it is a good idea to list on the website what are the minimum requirements as to what should be submitted in the packets?
Burton

From: Paul Kanarek
Sent: Thursday, July 29, 2010 4:17 PM

To: Burton Conner; Elizabeth Metzger
Subject: RE: Foreclosure SJ Packets

Dear Burton,

It has taken until today for me to start catching up with my e-mails. I think that the notice on the web site needs to make it clear that "all packets" for summary judgment (whether they are for a Senior Judge or not are to be sent to Court Admin.

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, July 21, 2010 11:15 AM
To: Paul Kanarek; Elizabeth Metzger
Subject: Foreclosure SJ Packets

Paul and Elizabeth,

I do not want to intrude into your vacation time, and do not expect a response to this email until it is convenient to you.

Jimmy Midelis has raised a question to me: On our main website and each individual judge's website there is information regarding the Economy Recovery Project (senior judges for foreclosures) and in the information there is a directive as to where "summary judgment packets" should be sent. Jimmy apparently has heard comments from plaintiff's attorneys that they are not sure what all is to be included in a summary judgment packet. So he is asking if it would be helpful if we give a list on the webpage of what we expect (at a minimum) in the packet?

What do you think?
Burton

Julian Letton

From: Bailey, Jennifer [JBailey@jud11.flcourts.org]

Sent: Tuesday, June 22, 2010 3:16 PM

To: Burton Conner

Subject: RE: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

I can promise you that nothing is getting heard for sj here without being screened for compliance with the mediation program.

From: Burton Conner [mailto:ConnerB@circuit19.org]

Sent: Tuesday, June 22, 2010 2:42 PM

To: Bailey, Jennifer

Subject: FW: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

Jennifer...

Now is am learning more about what you are teaching at the conference. I have already done some training with our two senior judges who will be doing foreclosures, and I have already given them your excellent bench book. However, I focused most my attention on bringing them up to steam about what the MAO is all about.

I doubt I need to say this...but I am in hopes you are of the same mind and you may already be intending to make a similar pitch to the senior judges when you teach. I have a concern that in the course of the judiciary trying to show the legislature that their economic recovery money is being spent well (ie, we really kicked butt with the back log of foreclosures), there may be an unintended consequence of ignoring the MAO or not insisting on compliance with the MAO. To me, the MAO is not inconsistent with focusing resources on getting rid of the back log, and I am in hopes your training will include some time teaching the senior judges to look for in terms of whether the MAO has been complied with.
Burton

From: Thomas Genung

Sent: Tuesday, June 22, 2010 2:18 PM

To: Corrie Johnson

Cc: Burton Conner

Subject: Fwd: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

Corrie, please send to our sr judges.

Sent from my iPhone

Begin forwarded message:

From: Melissa Henderson <HendersM@flcourts.org>

Date: June 22, 2010 1:15:19 PM EDT

To: Trial Court Administrators <TrialCourtAdministrators@flcourts.org>

Subject: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

The following email was sent to Senior Judges today via email and will be mailed tomorrow

to the Senior Judges that we do not have email addresses for.

Please let me know if you have any questions.

Melissa Henderson
Court Education Division
Office of the State Courts Administrator
500 South Duval Street
Tallahassee, FL 32399-1900
phone: 850/922-5086
fax: 850/922-9185
email: hendersm@flcourts.org

From: Melissa Henderson
Sent: Tuesday, June 22, 2010 1:14 PM
Subject: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

Learning Opportunity for Senior Judges

Assigned to Hear Foreclosure Cases

(This email is being sent to all Senior Judges approved for Circuit & County bench work, with a courtesy copy to JA's, and TCA's.)

Greetings:

As you know the Florida Legislature has recently allocated funds for the use of senior judges to help alleviate the backlog of foreclosure cases that are clogging court dockets throughout the state.

As a result, some senior judges may soon find themselves sitting on potentially large numbers of foreclosure cases with varying levels of complexity. In an effort to assist these judges in this important endeavor, we are pleased to announce that a comprehensive foreclosure course will be part of the agenda at the upcoming education program of the Florida Conference of Circuit Judges, to be held in late July at the Marco Island Marriott in Marco Island, Florida.

“The Nuts and Bolts of Foreclosure” is scheduled for Tuesday, July 27, 2010, from 3:00 – 4:30 p.m.

The course will be taught by Judge Jennifer Bailey of the 11th Judicial Circuit and carries a maximum of 1.5 hours of CJE credit. After completing the course, participants should be able to:

- List the basic requirements for the entry of a summary judgment in a mortgage foreclosure case.
- Identify affirmative defenses which would preclude the entry of summary judgment in a mortgage foreclosure case.
- Recognize the challenges and ethical issues that arise when dealing with attorneys and pro se litigants in mortgage foreclosure cases.

If you are a senior judge who is scheduled to begin hearing foreclosure cases, don't miss this important opportunity to brush up on current foreclosure law and procedures. In order to take advantage of this learning opportunity, you must register for the conference, at:

www.flcircuitconference.com

(Password is FCCJ2010 and is case sensitive)

Please carefully read the information previously sent to you either by email or by regular mail for instructions and more information on registering for the conference. Please note that you should plan to attend the entire conference in order to be reimbursed; this notice is merely to advise you of one of the course offerings which may be particularly important to you.

The conference registration deadline is July 15, 2010. The discounted on-line registration fee is \$140.00, of which \$112.00 is reimbursable. Anyone who misses this deadline can still attend and register at the conference registration desk. The non-discounted registration fee is \$165.00, of which \$112.00 is reimbursable.

We are aware that currently there are no more rooms available at the conference hotel. However, a state government rate is available at the Hilton on Marco Island for \$108/night plus tax for a total of \$118.80 per night, which is actually less expensive than the Marco Marriott. Following is the link to make a reservation for that hotel:

[https://secure.hilton.com/en/hi/res/choose_dates.jhtml;jsessionid=P2A3LSL0XN0F0CSGBIVMVC0?
_requestid=217287](https://secure.hilton.com/en/hi/res/choose_dates.jhtml;jsessionid=P2A3LSL0XN0F0CSGBIVMVC0?_requestid=217287)

We hope you are able to attend this important educational offering and look forward to seeing you there.

Martha Martin
Chief of Court Education

Julian Letton

From: Steve Levin
Sent: Thursday, July 01, 2010 4:22 PM
To: Burton Conner
Subject: RE: Hello

I have court here in Martin County tomorrow morning so I unfortunately I cannot join you. Speak with you soon...WAIT.. I thought you are on vacation??? attaining wisdom like you made me do!!!

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

From: Burton Conner
Sent: Thursday, July 01, 2010 4:00 PM
To: Steve Levin
Subject: RE: Hello

There is ALWAYS something new to learn about foreclosures...and that is one area I know nothing about...I guess maybe we can learn together????

Will be training the new Case Managers tomorrow in my jury room at 11:00 am (one hour) if you want to drop by.

Burton

From: Steve Levin
Sent: Thursday, July 01, 2010 3:52 PM
To: Burton Conner
Subject: Hello

By the way – I received your voice mail. Issue is addressed and I am ok – bottom line is if the clerk wants to explore the possibility of on-line sales, that is fine with me. I think you would agree. Thanks and have a great vacation.

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

From: Burton Conner
Sent: Thursday, July 01, 2010 3:51 PM
To: Thomas Genung; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I find the following language confusing:

Cases in which counsel for the plaintiff wishes to appear in person may be scheduled by contacting Judge Kanarek's office. Counsel for the plaintiff may not appear by phone at these hearings.

because the sentence immediately above refers to hearings in which plaintiff's counsel wants to attend by phone, so to me it is somewhat ambiguous whether "these hearings" refers to hearings in which plaintiff want to attend by phone or in person.

I would suggest the following change:

Cases in which plaintiff's counsel wishes to schedule a plaintiff's motion for hearing and appear in person may be scheduled by contacting Judge Kanarek's office, and once scheduled through Judge Kanarek's office, plaintiff's counsel may not appear by phone at the hearing.

Paul and Elizabeth, what do you think?
Burton

From: Thomas Genung
Sent: Thursday, July 01, 2010 2:40 PM
To: Paul Kanarek; Burton Conner; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Judges,

I have eliminated the language referring to the days that you do SJ hearings. The language in red is what remains. Please let me know if we are good to post, or if you would like further tweaking. I would like consensus to the extent we can achieve it.

Thanks.

From: Paul Kanarek
Sent: Thursday, July 01, 2010 12:20 PM
To: Thomas Genung; Burton Conner; Elizabeth Metzger

Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I would request that the days I do SJ hearings on the telephone not be placed on the web site. I want CourtCall to schedule the senior judge work 1st and for me to take the overflow.

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: Thursday, July 01, 2010 11:41 AM
To: Burton Conner; Elizabeth Metzger; Paul Kanarek
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Yes. I see this like a flowing river, ever evolving and finding a clearer path to the ocean.

From: Burton Conner
Sent: Thursday, July 01, 2010 11:37 AM
To: Thomas Genung; Elizabeth Metzger; Paul Kanarek
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Tom,
I leave it up to Paul and Elizabeth as to how they want the instructions to appear for their respective counties, but I offer the following observation: If we give specific information as to when Paul and Elizabeth will be conducting SJ hearings, I suspect there will be many instances where plaintiff's counsel will request a date in front of them, and that will conflict with our instructions to CourtCall that they are to fill up senior judge time before filling up Paul and Elizabeth's time. My point is that CourtCall clearly needs to know when Paul and Elizabeth will be doing SJs, but I don't know that info needs to be posted to the web. Again, I leave it up to Paul and Elizabeth as to what they want to post to the web.

At this point I am ok with the version in your latest draft for SLC.

I will not be surprised if as we get rolling, we figure out something we have posted is confusing to the attorneys, and we will probably have to make some adjustments. The nice thing is that CourtSupport is able to make changes and post them quickly.

Thanks,
Burton

From: Thomas Genung
Sent: Wednesday, June 30, 2010 5:12 PM
To: Elizabeth Metzger; Paul Kanarek; Burton Conner
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Please see the language in red at the bottom of both the Martin and Indian River sections. Please review and share with me any other changes or corrections.

Thank you.

From: Elizabeth Metzger
Sent: Wednesday, June 30, 2010 4:55 PM
To: Thomas Genung; Paul Kanarek; Burton Conner
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I want to make it clear to the reader that my SJ hearings will be heard Mondays and Fridays 8:30 to 9:30 am (see my web page for available dates). Additionally, the reader needs to know that my SJ hearings will continue to be scheduled via Courtcall if Plaintiff's counsel wishes to appear at the hearing telephonically.) We will simply let CourtCall know that they are fill up the Sr. Judge day before they begin setting on my Monday/Friday docket.)

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: Thomas Genung
Sent: Wednesday, June 30, 2010 4:23 PM
To: Paul Kanarek; Burton Conner; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Please see below and attached, which contains Judge Conner's changes, and Judge Kanarek's changes as indicated below.

From: Paul Kanarek
Sent: Wednesday, June 30, 2010 2:32 PM
To: Thomas Genung; Burton Conner; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Dear Tom,

Here are my suggestions.

1. I know that we talked about the number of cases that would be set before the Senior Judge but I am not sure that there was any agreement. I think that scheduling 180 phone hearings a day before the Senior Judge will be more than they can handle and more work than the staff will be able to produce. I would suggest 12 every half hour or 144 case per day. Agreed, I think that if we set 12 per ½ hour (72 for the morning), and set 12 per ½ hour from 1:30 pm to 3:30 pm inclusive of the 3:30 time (60 for the afternoon), that should be plenty, and should allow the SR Judges to conclude their day by around 5:00 PM without running over...
2. I suggest that we add CourtCall's phone number in the instructions. Can do.
3. Concerning walk in cases I would suggest the following language. Cases in which counsel for the plaintiff wishes to appear in person may be scheduled by contacting Judge Kanarek's office. Counsel for the plaintiff may not appear by phone at these hearings. Got this as well.
4. Concerning the SLC cases I would suggest first that you make it clear that the court will not hear summary judgment motions during UMC. I think that there need to be some instructions as to what the court will hear at UMC. I have attached a copy of my requirements for UMC. You don't need to use mine but there should be some clear instructions on how you are going to handle these. Judge Metzger may have some simpler instructions. I like the instructions, and ask for direction from Judge Conner.

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: Tuesday, June 29, 2010 2:51 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Please see the attached for your review and comment. The text in red is additions and

16TH CIR 01047

2/3/2011

questions. I also moved the start date to the week of August 2, as Judge Midelis indicates the Hatch trial will be over soon, and he will be available.

Thank you.

From: Burton Conner
Sent: Tuesday, June 29, 2010 11:42 AM
To: Thomas Genung; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Tom,

I assume you will copy the three of us with whatever you are intending to post to the website so we can review it and tweak it as needed before it gets posted. We are now in the "polishing" phase of the project plan, and I assume Paul and Elizabeth agree it is important to avoid tweaking the plan after the info gets posted to the website. I know you previously floated a draft of the plan (part of which would be posted to the website), but I am not sure if anything got revised after you floated it, and I would personally like to see as a separate document whatever will be posted to the website (so there is no confusion among us judges as to what will be disseminated on the website.

As much detail as practical needs to be given to the attorneys as to how to set hearings to avoid as many phone calls as we can for the JAs and the secretary for the senior judge.

Since there are differences in how the senior judge will work in MC and IRC, as compared to SLC, I would suggest that we give instructions for each county (even if that means we are repeating what is posted for MC and IRC (and I do not recommend lumping the instructions for MC and IRC together...we need to spoon feed the law offices).

Regarding CourtCall, my recollection is that Paul suggested, and Elizabeth agreed, that CourtCall should be instructed that for any calendar month to fill up the senior judge timeslots first, then the elected judge slots. If I have understood Paul's suggestion, I ask him and Elizabeth to chime in. Also, if they feel any other instructions should be given to CourtCall, they will let you know.

Paul and Elizabeth, please chime in and give Tom and I your thoughts. Thanks.
Burton

From: Thomas Genung
Sent: Tuesday, June 29, 2010 11:10 AM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I would like to get the info up on our website by COB tomorrow (that which you have

previously approved). I just received Judge Shahood's schedule for the remainder of the calendar year, and Judge Midelis said "put me to work". We may have to include Judge Fennelly in the mix every now and then...

Judge Midelis thinks his trial may finish this week. He is intending on going to the Circuit Judge's Conference, so we may be able to begin the first week of August with him covering all hearings that week, Thursday and Friday for the next two weeks with Fennelly covering Monday through Wednesday... So, I think we can start filling up time beginning August 2.

As for advising CourtCall of the dates in each county, would you like us to do so for all three counties, or Judge Kanarek for Indian River and Judge Metzger for Martin? (Thursdays in Martin and Fridays in Indian River beginning the week of August 2)

Are you good with this plan?

From: Burton Conner
Sent: Tuesday, June 29, 2010 10:52 AM
To: Thomas Genung
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I intend to discuss the FER project at the liaison meeting on July 30. I do not intend to schedule anything earlier than that, and intend to rely on the circuit website to get out the info about the FER project.

Burton

From: Thomas Genung
Sent: Monday, June 28, 2010 6:09 PM
To: Burton Conner
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Are we meeting with the plaintiff firms to advise them about the Foreclosure and Economic Recovery project?

From: Burton Conner
Sent: Tuesday, June 22, 2010 3:49 PM
To: Paul Kanarek; Elizabeth Metzger; Larry Schack; Steve Levin; Thomas Genung
Cc: Steve Shaw; Rick Collins; Marilyn Garcia
Subject: Revised RMFM Program Liaison Meeting Notice

Tom pointed out to me the prior draft did not include the time of the meeting. It also occurred to me that it might be useful to request a letter advising if anyone attending has a particular issue he or she would like to address. I am attaching a revised notice.

Julian Letton

From: Raymond Dix
Sent: Friday, March 26, 2010 11:47 AM
To: Thomas Genung
Subject: RE: Magistrates

Tom,

The attached documents are in Word Perfect, so far none of us have been able to open them into Word. Marilyn is working on it.

R

Ray Dix
Felony Staff Attorney
South County Annex
250 NW Country Club Drive
Port St. Lucie, Florida 34986
(772) 871-7244
dixr@circuit19.org

From: Thomas Genung
Sent: Friday, March 26, 2010 11:21 AM
To: Raymond Dix; Mark Flood; Lillian Ewen
Subject: FW: Magistrates

Hey All,

Would one of you take a look at the attached documents that Judge Schack provided and do some research. The issue is whether we can refer civil cases to a magistrate without the consent of the parties, assuming there is no objection to the referral. I need a read on this asap.

Thanks.

From: Larry Schack
Sent: Wednesday, March 24, 2010 4:31 PM
To: Thomas Genung; Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer
Subject: Magistrates

I did see that and thus my specific reference to the rule. I attach some quick research on the point. This is not exhaustive.

From: Thomas Genung
Sent: Wednesday, March 24, 2010 4:24 PM
To: Larry Schack; Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer
Subject: RE: Economic Default Recovery Effort Revisited

My reference below in blue.

From: Larry Schack
Sent: Wednesday, March 24, 2010 1:31 PM
To: Thomas Genung; Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer
Subject: RE: Economic Default Recovery Effort Revisited

Some food for thought: What is the possible implication of Rule 1.490(c) that requires consent for referral to the magistrate? In most of the cases there is no response from the primary defendant, and in many cases there are multiple defendants.

From: Thomas Genung
Sent: Wednesday, March 24, 2010 12:33 PM
To: Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer; Larry Schack
Cc: Kay Desoiza; Marc Traum; Corrie Johnson; Erick Mershon; Steve Shaw
Subject: Economic Default Recovery Effort Revisited
Importance: High

Dear Judges,

Back in January, the OSCA asked each circuit to indicate how we would use funds to address backlogs in cases involving mortgage foreclosures, real property, contracts and indebtedness, and county civil valued from \$5,001 to \$15,000. We indicated that we would use that money as follows:

1 GM and 190 days for SR Judge (If you approve the option below, this would change to 0 GM and 400 days of SR Judge)

2.5 CMs

3 Admin support, 2 for GM (SR Judge), 1 for Mediation

Expense for GM and SR Judge (If you approve the option below, the amount of expense would increase from 19k to 25k)

We have the opportunity to amend our submission by Friday. Some circuits have raised the issue that both sides have to consent to the magistrate, and that may be a problem... In our circuit, having enough SR judge resources available if we did not use a magistrate may be a problem, however, using only SR judges as adjudicators would simplify matters for us if those resources were available on that level. In essence, our SR judge days to address these backlogged cases would increase from 190 days to 400 days, and increase our expense from about \$19,000 to \$25,000. (Please see the attached spreadsheet.)

In addition I indicated to the OSCA that we would use our resources as follows as a result of a recent request from the OSCA:

We have requested contractual funding equivalent to one magistrate, and funding for 190 SR judge days (approximately 4 days a week for 47.5 weeks equivalent

to .73 FTE). Due to the backlog of cases as distributed throughout the circuit the needs are as follows:

St. Lucie County: Magistrate 3 days a week (0.6 FTE), SR judge 3 days a week (0.55 FTE based upon 0.73 FTE total)

Martin County: Magistrate 1 day a week (0.2 FTE), SR judge 1 day every other week (0.09FTE based upon 0.73 FTE total)

Indian River County: Magistrate 1 day a week (0.2 FTE), SR judge 1 day every other week (0.09 FTE based upon 0.73 FTE total)

Okeechobee: Magistrate 0 days a week (0.0 FTE), SR judge 0 days a week

Judge Conner indicates that the magistrate would be used in SLC exclusively, and the SR judge would be used in SLC, IRC and MC as indicated. If we only use SR Judge Days without a magistrate, the above would look something like this:

400 SR Judge days which would be the equivalent of 1.68 FTE based upon 238 work days per FTE (47.6 weeks).

We would utilize those resources something like this:

St. Lucie County: SR Judge 1.2 FTE/week = 6 days of SR judge resources per week for 47.6 weeks, amounting to a maximum of 2 courtrooms for 3 days a week.

Martin County: SR Judge .2 FTE/week = 1 day of SR judge resources per week for 47.6 weeks, amounting to a maximum of 1 courtroom 1 day a week.

Indian River County: SR Judge .2 FTE/week = 1 day of SR judge resources per week for 47.6 weeks, amounting to a maximum of 1 courtroom 1 day a week.

Okeechobee: 0 FTE/week, 0 courtrooms 0 days a week.

Please let me know if you have any questions, and what if any changes you would like me to make to our request by COB Thursday, March, 25, 2010.

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: Lillian Ewen
Sent: Friday, March 26, 2010 11:32 AM
To: Thomas Genung; Raymond Dix; Mark Flood
Subject: RE: Magistrates

I can't get the documents to open. My computer won't open Word Perfect, and for some reason opening them with Word isn't working. If someone gets them to open in something other than Word Perfect, will you please forward them to me?

From: Thomas Genung
Sent: Friday, March 26, 2010 11:21 AM
To: Raymond Dix; Mark Flood; Lillian Ewen
Subject: FW: Magistrates

Hey All,

Would one of you take a look at the attached documents that Judge Schack provided and do some research. The issue is whether we can refer civil cases to a magistrate without the consent of the parties, assuming there is no objection to the referral. I need a read on this asap.

Thanks.

From: Larry Schack
Sent: Wednesday, March 24, 2010 4:31 PM
To: Thomas Genung; Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer
Subject: Magistrates

I did see that and thus my specific reference to the rule. I attach some quick research on the point. This is not exhaustive.

From: Thomas Genung
Sent: Wednesday, March 24, 2010 4:24 PM
To: Larry Schack; Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer
Subject: RE: Economic Default Recovery Effort Revisited

My reference below in blue.

From: Larry Schack
Sent: Wednesday, March 24, 2010 1:31 PM
To: Thomas Genung; Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer
Subject: RE: Economic Default Recovery Effort Revisited

Some food for thought: What is the possible implication of Rule 1.490(c) that requires consent for referral to the magistrate? In most of the cases there is no response from the primary defendant, and in many cases there are multiple defendants.

From: Thomas Genung

Sent: Wednesday, March 24, 2010 12:33 PM

To: Burton Conner; Steve Levin; Paul Kanarek; Elizabeth Metzger; Sherwood Bauer; Larry Schack

Cc: Kay Desoiza; Marc Traum; Corrie Johnson; Erick Mershon; Steve Shaw

Subject: Economic Default Recovery Effort Revisited

Importance: High

Dear Judges,

Back in January, the OSCA asked each circuit to indicate how we would use funds to address backlogs in cases involving mortgage foreclosures, real property, contracts and indebtedness, and county civil valued from \$5,001 to \$15,000. We indicated that we would use that money as follows:

1 GM and 190 days for SR Judge (If you approve the option below, this would change to 0 GM and 400 days of SR Judge)

2.5 CMs

3 Admin support, 2 for GM (SR Judge), 1 for Mediation

Expense for GM and SR Judge (If you approve the option below, the amount of expense would increase from 19k to 25k)

We have the opportunity to amend our submission by Friday. Some circuits have raised the issue that both sides have to consent to the magistrate, and that may be a problem... In our circuit, having enough SR judge resources available if we did not use a magistrate may be a problem, however, using only SR judges as adjudicators would simplify matters for us if those resources were available on that level. In essence, our SR judge days to address these backlogged cases would increase from 190 days to 400 days, and increase our expense from about \$19,000 to \$25,000. (Please see the attached spreadsheet.)

In addition I indicated to the OSCA that we would use our resources as follows as a result of a recent request from the OSCA:

We have requested contractual funding equivalent to one magistrate, and funding for 190 SR judge days (approximately 4 days a week for 47.5 weeks equivalent to .73 FTE). Due to the backlog of cases as distributed throughout the circuit the needs are as follows:

St. Lucie County: Magistrate 3 days a week (0.6 FTE), SR judge 3 days a week (0.55 FTE based upon 0.73 FTE total)

Martin County: Magistrate 1 day a week (0.2 FTE), SR judge 1 day every other week (0.09FTE based upon 0.73 FTE total)

Indian River County: Magistrate 1 day a week (0.2 FTE), SR judge 1 day every other week (0.09 FTE based upon 0.73 FTE total)

Okeechobee: Magistrate 0 days a week (0.0 FTE), SR judge 0 days a week

Judge Conner indicates that the magistrate would be used in SLC exclusively, and the SR judge would be used in SLC, IRC and MC as indicated. If we only use SR Judge Days without a magistrate, the above would look something like this:

400 SR Judge days which would be the equivalent of 1.68 FTE based upon 238 work days per FTE (47.6 weeks).

We would utilize those resources something like this:

St. Lucie County: SR Judge 1.2 FTE/week = 6 days of SR judge resources per week for 47.6 weeks, amounting to a maximum of 2 courtrooms for 3 days a week.

Martin County: SR Judge .2 FTE/week = 1 day of SR judge resources per week for 47.6 weeks, amounting to a maximum of 1 courtroom 1 day a week.

Indian River County: SR Judge .2 FTE/week = 1 day of SR judge resources per week for 47.6 weeks, amounting to a maximum of 1 courtroom 1 day a week.

Okeechobee: 0 FTE/week, 0 courtrooms 0 days a week.

Please let me know if you have any questions, and what if any changes you would like me to make to our request by COB Thursday, March, 25, 2010.

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: William Roby
Sent: Monday, March 15, 2010 1:33 PM
To: Schaefer, Judge John
Subject: RE: New Judges' College
Attachments: foreclosure benchbook in tahoma.doc

I thought I would go over Judge Bray's outline and discuss a few of the cases from it. I will be happy to talk about mediation and yes, we are now requiring a certificate of compliance, especially in light of what we discussed last year about the lawyer in your area falling on his sword when caught in a lie...I can find a video on this issue (compliance) and have it ready....should be fun. I will make Jennifer Bailey's bench book on foreclosure available for participants to get from me via email attachment after the program. I attach a copy of the same for you in case you do not have it....

From: Schaefer, Judge John [mailto:jaschaef@jud6.org]
Sent: Monday, March 15, 2010 1:28 PM
To: William Roby
Subject: RE: New Judges' College

Great actually going to finalize my thoughts tmrw on Motions in Limine so perfect timing. For our foreclosure segment do you want to take first half hour and talk about foreclosures in general and mediation? I can take second half hr and I was going to hit 5 cases in area of recent importance or most used. Are you guys using a certificate of compliance that bank's counsel has to file for foreclosures and do you have trunk monkey video for this topic?

From: William Roby [mailto:robyw@circuit19.org]
Sent: Monday, March 15, 2010 1:20 PM
To: Schaefer, Judge John
Subject: RE: New Judges' College

Hi John:

I attach some of the hypos you requested for the motions in limine part of the program...please let me know if you want more of the same than the two attached...Hope all is well.

From: Schaefer, Judge John [mailto:jaschaef@jud6.org]
Sent: Monday, March 15, 2010 11:58 AM
To: 'Ralph Artigliere'; Kest, John
Cc: Danica Winter; Don Jacobsen; John Kest; Patricia Thomas; Thomas Turner; William Roby
Subject: RE: New Judges' College

Be glad to jump in. We have tried different things to try and handle foreclosure calendars- I'm sure each circuit probably doing similar things or have different ways to try and cope. Good area of discussion for our class during case management area.

From: Ralph Artigliere [mailto:skywayra@tds.net]
Sent: Sunday, March 14, 2010 11:31 AM
To: Kest, John
Cc: Danica Winter; Don Jacobsen; John Kest; Schaefer, Judge John; Patricia Thomas; Thomas Turner; William Roby
Subject: Re: New Judges' College

John and other good friends,

In answer to your (John Kest) question: During case and docket management on the first morning, I will cover Motions to Continue and Motions to Declare Complex and also Motion to Withdraw as Counsel, as all those are related. I think we have your outlines in the materials already, plus we have some of our other materials cover these areas.

John, I would like to thank you and certainly take you up on your offer of bringing copies of your order declaring the case complex and if you don't mind also bringing copies of any comprehensive case management order you may have so I can hand those out. I do not have ability to copy. Apparently, OSCA wants handouts three hole punched as well. If anyone else has a good, comprehensive case management order and is willing to bring copies, that works for me. Please email me electronic copies if you have them.

I welcome any help you and John and other faculty can give during the presentation, **especially** commenting on ideas for handling influx of foreclosure cases. This is a topic that obviously I have only read about and I have no practical experience with today's foreclosure climate. From what I read in the Bar News, I think Bill Roby has a really good handle on foreclosures, and others of you, I am sure, have some good input. Since foreclosures will affect different dockets in different ways, I do not want to overdo it, but docket management must necessarily include some specific ideas on handling foreclosures and handling the docket in light of current foreclosure caseloads.

Please let me know if you will help with these items.

Ralph Artigliere
skywayra@tds.net
 706-632-6035
 706-851-4121

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

From: Kest, John
To: Ralph Artigliere
Cc: Schaefer, Judge John
Sent: Sunday, March 14, 2010 9:31 AM
Subject: RE: Materials deadline is March 31

Ralph,

On the New Judges college, I am finally getting a break from trials and finalizing some things. I just want to confirm that you do NOT want John and I to cover Motions to Continue and Motions to Declare Complex as you are going to cover them in your case management. Is that correct? We of course can chime in the discussions. I was going to supply outlines, but will not if that is the case. I will get you the copies of the orders that I have done on 1.201 matters and bring those.

John

From: Ralph Artigliere [mailto:skywayra@tds.net]
Sent: Friday, March 12, 2010 3:08 PM
To: Tom Masterson; Maria R. Gomez; Kelly Hamer; Kest, John; Dan Rettig; Chip Rice; Bill Artigliere; Maria Luisa Rubio
Subject: Materials deadline is March 31

Hello, Faculty.

This concerns two items: written and CD Handouts and the rolling fact scenario for role play. To help guide us for our class, I have attached the results of our survey.

16TH CIR 01057

2/3/2011

Our deadline for materials to be copied is March 31. I have some ideas for materials to be included in addition to the Florida Medical Malpractice Handbook. I will pass those on to you next week. Meanwhile, I would like you to consider what we might want to include on a Handout CD for the class and in additional written materials.

One thing we probably want to do is have written materials for our role play and other exercises. We need to develop a rolling fact scenario that we can use throughout the class that we can build on. I want to hit the most important issues hard and include as many of the other issues as we can.

Take a look at the attached and send me any ideas you have for written materials and for the role play scenarios. Remember: We will start with the client meeting and proceed to a lawsuit and discovery and trial with role play re hearings and trial issues.

Also, be sure to get your biography in to Dan Rettig if you have not already done so.

Thanks,

Ralph
Ralph Artigliere
skywavra@tds.net
706-632-6035
706-851-4121

Julian Letton

From: Dennis Pelletier [PelletierD@leoncountyfl.gov]
Sent: Thursday, June 10, 2010 10:51 AM
To: Personnel Reps; Gary Phillips
Cc: David Pepper; Trial Court Administrators; Terri Williams
Subject: Re: OPS Positions for Foreclosure Backlog/Economic Recovery

Gary,
Sorry for the delay, but the 2nd will be using 4 positions. If you need anything else please let me know. Thanks.

>>> Gary Phillips <phillipsg@fcourts.org> 6/7/2010 11:05 AM >>>

Good morning all,

As you know, each circuit submitted a plan for how you will use temporary funding to tackle the backlog of foreclosure of real property cases. You might be using Senior Judges, contracting, using OPS magistrates, case managers and secretaries; or some combination of resources for this purpose.

This message pertains to OPS resources only (magistrates, case managers and secretaries). Attached is a spreadsheet that I need for you to fill out and return to my office as soon as possible by listing the OPS resources you intend to use for this project. This information is necessary so we can assign position numbers to OPS resources that you intend to use, and so we can get the resources set up in People First. The sooner you supply our office with this information, the sooner we can provide position numbers for your upcoming OPS hires.

If you have any questions, feel free to give me a call or e-mail.

Thanks,

Gary

Gary R. Phillips, SPHR

Chief of Personnel Services

Office of the State Courts Administrator

500 S. Duval Street

Tallahassee, Florida 32399-1900

16TH CIR 01059

2/3/2011

phone: 850-617-4028

fax: 850-488-3744

email: phillipsg@flcourts.org

Julian Letton

From: Paul Kanarek
Sent: Tuesday, June 22, 2010 7:49 AM
To: Thomas Genung
Subject: RE: Proposal for Foreclosure and Economic Recovery Program

Dear Tom,

I have a few suggested changes to the material that you want to post on the web site. I have made the changes in red.

Indian River County: Beginning the week of August 9, 2010, a Senior Judge will hear a full day of only summary judgments on residential mortgage foreclosure cases on Fridays beginning at 9:00 am. Judge Kanarek will continue to hear all other matters foreclosure cases, and will assist the Senior Judge by also conducting hearings on summary judgments. All summary judgments hearings in which counsel for the plaintiff wishes to appear by phone should be scheduled by contacting CourtCall. Refer to Judge Kanarek's webpage at www.circuit19.org for information to schedule all hearings except hearings for summary judgment.

Everything else is fine. Have you had any contact with the foreclosure mills?

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, June 21, 2010 4:00 PM
To: Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Burton Conner
Subject: Proposal for Foreclosure and Economic Recovery Program
Importance: High

Please see the attached for your review and comment. Judge Conner has reviewed this version. Kindly respond with comments at your earliest convenience.

Thank you for your consideration.

16TH CIR 01061

2/3/2011

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: Burton Conner
Sent: Tuesday, June 22, 2010 6:44 PM
To: Larry Schack
Subject: RE: Re: Suggested Posting to Circuit Webpage

I do not ignore any of your emails...but I don't always have the time to respond and sometimes I have not reached a decision regarding best practice.

I make a conscious effort as Civil Administrative Judge to make sure all the civil judges are given notice of any circuit-wide meetings.

There have been some issues regarding the new economic recovery funds and how the circuit will use those funds. Steve has made an executive decision that the resources from those funds would not be expended in Okee. Consequently, you may have not been involved in emails concerning that program since it will not affect your caseload. I certainly understand your input is necessary on anything that affects your caseload.

Thanks for the authorization to put a temporary blinking tab on your webpage. I hope you can attend the meeting on July 30 as well.

The focus of the meeting on July 30 will be the operation of the RMFM Program. If time permits, and anyone wants to bring up other issues concerning residential foreclosure cases, I am not opposed to discussing those issues, but the primary purpose of the meeting is to discuss how to make the RMFM Program work efficiently.

From: Larry Schack
Sent: Tuesday, June 22, 2010 6:31 PM
To: Burton Conner
Cc: Steve Levin
Subject: RE: Re: Suggested Posting to Circuit Webpage

I was simply trying to determine if I was notified of meetings relating to the civil division since decisions are made that impact my assignment. Many if not most of my e-mails are ignored entirely by the other civil judges, so I was trying to determine if I was left out of the loop.

Ignoring the rudeness and getting to the substance, no, I do not mind if you wish to post it. Have a good night.

From: Burton Conner
Sent: Tuesday, June 22, 2010 6:26 PM
To: Larry Schack
Subject: RE: Re: Suggested Posting to Circuit Webpage

I honestly don't remember the dates and don't have the time to look it up. I also don't remember if you attended the meeting or not. The question is simple: do you mind if we put a temporary blinking tab on your web page to give notice of the meeting?

Burton

From: Larry Schack
Sent: Tuesday, June 22, 2010 6:22 PM
To: Burton Conner
Subject: RE: Re: Suggested Posting to Circuit Webpage

Oh. When were they? I don't think I was in on those. Was one the meeting by video that we had?

From: Burton Conner
Sent: Tuesday, June 22, 2010 6:20 PM
To: Larry Schack
Subject: RE: Re: Suggested Posting to Circuit Webpage

I think I recall that that since you have been handling civil, there have been two meetings of the civil judges. I was referring to our last meeting.

Burton

From: Larry Schack
Sent: Tuesday, June 22, 2010 5:16 PM
To: Burton Conner
Cc: Steve Levin; Paul Kanarek; Elizabeth Metzger; Thomas Genung
Subject: Re: Suggested Posting to Circuit Webpage

I may be out of the loop. "One of our recent civil division meetings..." I'm not sure I know of these.

Larry Schack
Circuit Court Judge
312 N.W. 3rd St.
Okeechobee, FL 34972
863-763-1240

 Please consider the environment before printing this email.

Julian Letton

From: Thomas Genung
Sent: Tuesday, June 22, 2010 10:21 AM
To: Burton Conner
Subject: RE: Proposal for Foreclosure and Economic Recovery Program

Okay, thanks.

From: Burton Conner
Sent: Tuesday, June 22, 2010 9:51 AM
To: Thomas Genung
Subject: RE: Proposal for Foreclosure and Economic Recovery Program

Let me focus everyone again on the reason I am asking the question: unique to SLC is the fact that I have been doing emergency motions to cancel sales and postpone writs of possession. Shields was not handling those (I was) so he really has no experience base to offer an opinion. I assumed that Paul and Elizabeth were also getting such motions...but I guess I may have been wrong on my assumption.

Burton

From: Thomas Genung
Sent: Tuesday, June 22, 2010 9:36 AM
To: Burton Conner
Subject: RE: Proposal for Foreclosure and Economic Recovery Program

Can we also get feedback from Judge McManus on motions in St. Lucie?

From: Burton Conner
Sent: Tuesday, June 22, 2010 8:37 AM
To: Paul Kanarek; Elizabeth Metzger
Cc: Thomas Genung; Steve Levin
Subject: RE: Proposal for Foreclosure and Economic Recovery Program

Until 2 months ago, the typical "emergency" motion was a request by the borrower to stop sale because the borrower is in the middle of trying to get a short sale worked out, or has not received back a response to their request for a modification. I generally give them one bite at the apple in those scenarios (after taking brief testimony confirming they in fact have a contract for sale, and it is for a price at least ½ the amount of the judgment, or in the case of a modification, they are employed and they now can pay at least ½ of what the monthly payment was before there was a default in payment). Occasionally, the motion seeks to set aside the judgment on a due process ground. Sometimes I grant that if there seems there may be any merit, just to give them a chance to get a hearing on the matter in front of the regularly assigned judge.

So I take it from your responses that you do not get such motion, typically filed 4-5 days before the sale?

Within the last 2 months, I am not getting emergency motions to cancel sales filed by plaintiff's (I assume in response to the Supreme Court opinion indicating a motion is now necessary and discouraging language in judgments allowing the sale to be unilaterally canceled by plaintiffs. Are you both not getting those motions? If so, what calendar do you put those on?

Burton

From: Paul Kanarek
Sent: Tuesday, June 22, 2010 7:44 AM
To: Elizabeth Metzger; Burton Conner
Cc: Thomas Genung; Steve Levin
Subject: RE: Proposal for Foreclosure and Economic Recovery Program

Dear Burton,

Like Elizabeth I do not get very many "emergency" motions. Whatever I receive I will review and if it needs a hearing right away I will set it on UMC. The typical type of situation is a motion to stop the sale or a motion dealing with a writ of possession that has been issued.

Paul B. Kanarek

kanarekp@circuit19.org

From: Elizabeth Metzger
Sent: Monday, June 21, 2010 6:04 PM
To: Burton Conner
Cc: Thomas Genung; Paul Kanarek; Steve Levin
Subject: Re: Proposal for Foreclosure and Economic Recovery Program

I generally do not allow "emergency" hearings unless I believe the situation is an emergency. If the fj has been issued, there generally are not too many situations that require emergency attention by the court. It would be helpful to know what types of scenerios you are dealing with that are being heard on emergency basis; certainly you indicated motions to postpone, etc., but specific facts would be helpful to better address your inquiry. In general. The types of motions you mentioned are set on my regular umc, w/proper notice to all.

Sent from my iPhone

On Jun 21, 2010, at 5:25 PM, "Burton Conner" <ConnerB@circuit19.org> wrote:

Paul and Elizabeth,
 When I reviewed the draft over the weekend, something occurred to me that I need your input on...even though it concerns St. Lucie County. Let me give

you some background leading up to my question.

Since a judge has been coming to St. Lucie County only 5 days a month to do residential foreclosures, I worked out an agreement with the Clerks that I would do the emergency motions to stop sales and the emergency motions to postpone the effective date of a writ of possession. I have the Clerks throw those on to my short hearing calendar/UMC (which is 5 days a week). I normally require that the motion has to be filed with the Clerk at least three days before the hearing so that the Clerk is able to give the opposing party at least 48 hours notice by fax. The Clerk faxes a form order I prepared giving notice of the date and time of the hearing.

Now that a senior judge will be in SLC 3 days a week to handle foreclosures, it seems to me that the senior judge should hear the emergency motions to stop sale/postpone writs of possession...which can be handled on the UMC calendar for the senior judge.

My question to the two of you is this: do you set emergency motions to stop sale/postpone writs of possession on your UMC calendars or some other hearing calendar? Do you require the attorneys to serve the notice of hearing, or do you Clerks do that? How much advance notice do you require for the notice of hearing?

Thanks for your input. Have a Great Evening,
Burton

From: Thomas Genung
Sent: Monday, June 21, 2010 4:00 PM
To: Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Burton Conner
Subject: Proposal for Foreclosure and Economic Recovery Program
Importance: High

Please see the attached for your review and comment. Judge Conner has reviewed this version. Kindly respond with comments at your earliest convenience.

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

Burton

From: William Roby
Sent: Monday, August 09, 2010 4:36 PM
To: Burton Conner; Thomas Genung; Steve Levin
Subject: RE: Res Mortgage Foreclosure trials

We could do it that way or we could use our standard pre-trial order setting dates and times for completion of discovery, pre-trial statement etc. This gives all parties about 45 days to be ready for a docket call. At docket call, one would be able to figure out about how much time will be needed for trial, especially if the defendant fails to submit a pretrial statement with evidence and witnesses disclosed. A judge could enter a default at docket call for failure of a defendant to appear and set a 5-10 min. evidentiary hearing on damages. I would think that a SR judge could set one day for all 5-10 minute hearings based on failure to comply with the pretrial order. He/she could set aside one day for 3-4 trials which usually only last 2 hours at most if the defendant is pro se. I do not really have time to hear a lot of contested cases until Nov. or December. But could if we don't have Sr. judge time available. I would just push other non jury cases to the back of the line.

From: Burton Conner
Sent: Monday, August 09, 2010 4:25 PM
To: Thomas Genung; Steve Levin; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Here are my thoughts. As Bill points out, there will probably be a number of instances in which the case (probably pro se) is set for a contested trial and the defendant does not show up. So I suggest this: we adopt a procedure in which if a case is going to be set for a contested trial, the Senior Judge conducts a case management conference to determine how much time is needed and if the issues can be narrowed. The CM order can compel the defendant to appear and warn that if they do not appear, a default will be entered. If the defendant fails to appear, a default can be entered (there may still be a need for a trial on damages, but that would be a very short trial). Thus, if after the CM conference it appears the parties will show up, then the case should be sent to Bill to try. If the defendant does not appear, a default can be entered and a 15 minute or 30 minute trial on damages can be set before the Senior Judge.

Bill, what are your thoughts on my proposal?
 Burton

From: Thomas Genung
Sent: Monday, August 09, 2010 10:44 AM
To: Burton Conner; Steve Levin; William Roby
Subject: RE: Res Mortgage Foreclosure trials

There are a number of matters which have already been set on the special set dates for short, one to four hour trials (I do not have this number). There are at least 3 all day trials waiting, and a number of shorter trial notices pending (perhaps 5 to 10). My suggestion is that we utilize the SR Judges by adding a day in SLC per week, or every two weeks to address these cases.

16TH CIR 01069

2/3/2011

From: Burton Conner
Sent: Monday, August 09, 2010 10:28 AM
To: Steve Levin; Thomas Genung; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Tom, before I weigh in on the issue, can you tell me as of now, how many cases need a contested trial?

Thanks,
Burton

From: Steve Levin
Sent: Friday, August 06, 2010 12:43 PM
To: Thomas Genung; Burton Conner; William Roby
Subject: RE: Res Mortgage Foreclosure trials

If Judge Roby can do them, that would be great but if he does not have the time we will have to use Senior Judges. If we can use the Senior Judges under the Economic Recovery Project as you stated, that would be ideal.

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

From: Thomas Genung
Sent: Friday, August 06, 2010 10:02 AM
To: Steve Levin; Burton Conner; William Roby
Subject: Res Mortgage Foreclosure trials

Judges,

Pursuant to AO 2009 – 11 (Amended), Judge Roby would preside over “trials of Residential Mortgage Foreclosure Cases”. There are a number of cases to be set for trial now, and some requiring a half day or less have been set on special set days for the SR Judges. Would you prefer that we use our SR Judge resources through the Res Mortgage Foreclosure and Economic Recovery project to hear these trials? Of those pending, we can have them set and heard before November. Otherwise they may need to wait until 2011. If we are going to have the SR Judges proceed on trials, your guidance on trial orders etc... would be much 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: Monday, August 09, 2010 6:21 PM
To: Burton Conner; William Roby; Steve Levin
Subject: RE: Res Mortgage Foreclosure trials

I'm with you. I will do as you all determine to be best. Please remember that we probably have more SR Judge days for Foreclosure than we will use, so if you do decide that the SR Judges can do the contested matters, we can schedule the case mgt conferences or docket calls and trial days. Saïidia is pulling the contested matters which have been set on special set days. I will have numbers for you tomorrow.

From: Burton Conner
Sent: Monday, August 09, 2010 6:01 PM
To: William Roby; Thomas Genung; Steve Levin
Subject: RE: Res Mortgage Foreclosure trials

Bill,

My concern is this: I think we will be better able to meet the 62% reduction requirement by focusing Senior Judge time on summary judgment hearings, as opposed to contested foreclosure trials. I agree, we need to address the contested foreclosure trials because if the legislature finds out the court is pushing contested trials to the bottom of the heap, the legislature is not going to believe we are appropriately dealing with all aspects the foreclosure backlog.

Just as we may have to pull case managers from family court to get the job done, we may have to push other civil cases back. So what you have scheduled for contested trials in nonjury cases on other matters may have to take a back seat to address the contested foreclosure trials. And if need be, I may have to take a jury trial week away before the end of the year to spend time on contested foreclosure trials.

I just don't think it is a good idea to use the senior judge time for contested trials. If it turns out that the senior judges are not staying busy, then I agree, they should do the contested trials.

So Tom, again, Bill and I need specifics regarding the backlog of contested foreclosure cases set for trial.

Bill, the next time you are at the main courthouse over the lunch hour, maybe you, me and Tom need to meet and come up with a strategy. Tom, what are your thoughts?

Julian Letton

From: Thomas Genung
Sent: Monday, August 09, 2010 10:48 AM
To: William Roby; Burton Conner
Cc: Steve Levin
Subject: RE: Res Mortgage Foreclosure trials

Good question. Some are notices from a number of months ago, which may have otherwise resolved...

From: William Roby
Sent: Monday, August 09, 2010 10:34 AM
To: Burton Conner
Cc: Steve Levin; Thomas Genung
Subject: RE: Res Mortgage Foreclosure trials

I am interested as well. I have set 12 mortgage foreclosure cases on one day in the past, starting at 9 and being done by noon because defendants generally do not come to trial, even though they have filed some sort of pleading. Are these really contested foreclosures or have they just not been timely set for Summary Final Judgment hearings?

From: Burton Conner
Sent: Monday, August 09, 2010 10:28 AM
To: Steve Levin; Thomas Genung; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Tom, before I weigh in on the issue, can you tell me as of now, how many cases need a contested trial?

Thanks,
Burton

From: Steve Levin
Sent: Friday, August 06, 2010 12:43 PM
To: Thomas Genung; Burton Conner; William Roby
Subject: RE: Res Mortgage Foreclosure trials

If Judge Roby can do them, that would be great but if he does not have the time we will have to use Senior Judges. If we can use the Senior Judges under the Economic Recovery Project as you stated, that would be ideal.

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

From: Thomas Genung

Sent: Friday, August 06, 2010 10:02 AM
To: Steve Levin; Burton Conner; William Roby
Subject: Res Mortgage Foreclosure trials

Judges,

Pursuant to AO 2009 – 11 (Amended), Judge Roby would preside over “trials of Residential Mortgage Foreclosure Cases”. There are a number of cases to be set for trial now, and some requiring a half day or less have been set on special set days for the SR Judges. Would you prefer that we use our SR Judge resources through the Res Mortgage Foreclosure and Economic Recovery project to hear these trials? Of those pending, we can have them set and heard before November. Otherwise they may need to wait until 2011. If we are going to have the SR Judges proceed on trials, your guidance on trial orders etc... would be much 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: Thursday, September 02, 2010 1:29 PM
To: William Roby
Subject: RE: Res Mortgage Foreclosure trials

Thanks. I will "excuse the ring".

From: William Roby
Sent: Thursday, September 02, 2010 1:28 PM
To: Thomas Genung
Subject: RE: Res Mortgage Foreclosure trials

Thanks Tom, I did not see the string before I responded, in the immortal words of Emily LaTilda (from the old Saturday Night Live)... "never mind"

From: Thomas Genung
Sent: Thursday, September 02, 2010 12:07 PM
To: William Roby
Subject: RE: Res Mortgage Foreclosure trials

I'm anticipating that the SR Judges will hear these pursuant to the string below (?)

From: William Roby
Sent: Thursday, September 02, 2010 11:48 AM
To: Thomas Genung
Subject: RE: Res Mortgage Foreclosure trials

You may want to get Judge Vaughn in on this as he will be taking over my assignment in January.

From: Thomas Genung
Sent: Thursday, September 02, 2010 8:55 AM
To: William Roby; Burton Conner; Steve Levin
Cc: Saiidia Johnson; Michelle Spector
Subject: RE: Res Mortgage Foreclosure trials

I'm going to start setting either CM conferences on the contested cases or Docket calls as indicated below. We will probably need to add days to our SLC calendar for both the contested cases and for special set hearings, as we are currently setting special set hearings in February 2011. I'm thinking that if we add two days a month either Thursdays or Fridays, we should be fine. Your direction is appreciated.

Thank you.

From: William Roby
Sent: Monday, August 09, 2010 4:36 PM

To: Burton Conner; Thomas Genung; Steve Levin
Subject: RE: Res Mortgage Foreclosure trials

We could do it that way or we could use our standard pre-trial order setting dates and times for completion of discovery, pre-trial statement etc. This gives all parties about 45 days to be ready for a docket call. At docket call, one would be able to figure out about how much time will be needed for trial, especially if the defendant fails to submit a pretrial statement with evidence and witnesses disclosed. A judge could enter a default at docket call for failure of a defendant to appear and set a 5-10 min. evidentiary hearing on damages. I would think that a SR judge could set one day for all 5-10 minute hearings based on failure to comply with the pretrial order. He/she could set aside one day for 3-4 trials which usually only last 2 hours at most if the defendant is pro se. I do not really have time to hear a lot of contested cases until Nov. or December. But could if we don't have Sr. judge time available. I would just push other non jury cases to the back of the line.

From: Burton Conner
Sent: Monday, August 09, 2010 4:25 PM
To: Thomas Genung; Steve Levin; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Here are my thoughts. As Bill points out, there will probably be a number of instances in which the case (probably pro se) is set for a contested trial and the defendant does not show up. So I suggest this: we adopt a procedure in which if a case is going to be set for a contested trial, the Senior Judge conducts a case management conference to determine how much time is needed and if the issues can be narrowed. The CM order can compel the defendant to appear and warn that if they do not appear, a default will be entered. If the defendant fails to appear, a default can be entered (there may still be a need for a trial on damages, but that would be a very short trial). Thus, if after the CM conference it appears the parties will show up, then the case should be sent to Bill to try. If the defendant does not appear, a default can be entered and a 15 minute or 30 minute trial on damages can be set before the Senior Judge.

Bill, what are your thoughts on my proposal?
 Burton

From: Thomas Genung
Sent: Monday, August 09, 2010 10:44 AM
To: Burton Conner; Steve Levin; William Roby
Subject: RE: Res Mortgage Foreclosure trials

There are a number of matters which have already been set on the special set dates for short, one to four hour trials (I do not have this number). There are at least 3 all day trials waiting, and a number of shorter trial notices pending (perhaps 5 to 10). My suggestion is that we utilize the SR Judges by adding a day in SLC per week, or every two weeks to address these cases.

From: Burton Conner
Sent: Monday, August 09, 2010 10:28 AM
To: Steve Levin; Thomas Genung; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Tom, before I weigh in on the issue, can you tell me as of now, how many cases need a contested trial?

Thanks,
Burton

From: Steve Levin
Sent: Friday, August 06, 2010 12:43 PM
To: Thomas Genung; Burton Conner; William Roby
Subject: RE: Res Mortgage Foreclosure trials

If Judge Roby can do them, that would be great but if he does not have the time we will have to use Senior Judges. If we can use the Senior Judges under the Economic Recovery Project as you stated, that would be ideal.

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

From: Thomas Genung
Sent: Friday, August 06, 2010 10:02 AM
To: Steve Levin; Burton Conner; William Roby
Subject: Res Mortgage Foreclosure trials

Judges,

Pursuant to AO 2009 – 11 (Amended), Judge Roby would preside over “trials of Residential Mortgage Foreclosure Cases”. There are a number of cases to be set for trial now, and some requiring a half day or less have been set on special set days for the SR Judges. Would you prefer that we use our SR Judge resources through the Res Mortgage Foreclosure and Economic Recovery project to hear these trials? Of those pending, we can have them set and heard before November. Otherwise they may need to wait until 2011. If we are going to have the SR Judges proceed on trials, your guidance on trial orders etc... would be much 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, August 06, 2010 1:59 PM
To: Steve Levin; Burton Conner; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Okay, my preference is that we utilize the resources specifically apportioned to address our residential mortgage foreclosure cases, ie. SR Judges. What we need your guidance and assistance on is procedures and trial orders. Instead of recreating the wheel, I would prefer to utilize procedures and orders already working.

Thank you.

From: Steve Levin
Sent: Friday, August 06, 2010 12:43 PM
To: Thomas Genung; Burton Conner; William Roby
Subject: RE: Res Mortgage Foreclosure trials

If Judge Roby can do them, that would be great but if he does not have the time we will have to use Senior Judges. If we can use the Senior Judges under the Economic Recovery Project as you stated, that would be ideal.

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

From: Thomas Genung
Sent: Friday, August 06, 2010 10:02 AM
To: Steve Levin; Burton Conner; William Roby
Subject: Res Mortgage Foreclosure trials

Judges,

Pursuant to AO 2009 – 11 (Amended), Judge Roby would preside over “trials of Residential Mortgage Foreclosure Cases”. There are a number of cases to be set for trial now, and some requiring a half day or less have been set on special set days for the SR Judges. Would you prefer that we use our SR Judge resources through the Res Mortgage Foreclosure and Economic Recovery project to hear these trials? Of those pending, we can have them set and heard before November. Otherwise they may need to wait until 2011. If we are going to have the SR Judges proceed on trials, your guidance on trial orders etc... would be much 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: Thursday, September 02, 2010 3:14 PM
To: Burton Conner; William Roby; Steve Levin
Cc: Saidia Johnson; Michelle Spector
Subject: RE: Res Mortgage Foreclosure trials

Great, we'll take care of it.

From: Burton Conner
Sent: Thursday, September 02, 2010 3:09 PM
To: Thomas Genung; William Roby; Steve Levin
Cc: Saidia Johnson; Michelle Spector
Subject: RE: Res Mortgage Foreclosure trials

Tom,

I am relying on you to assess how to allocate the senior judge time for foreclosures. I do not have the time to monitor that work flow. If you have a logistics question about the best way to "skin the cat," I will give you my suggestions, but I cannot be involved in the time management issues for the senior judges.

I agree with Bill that sending out our standard order setting nonjury cases for trial (perhaps revised to address foreclosure cases alone), and having the senior judges handle the docket call would be best. If I need to tailor the order setting the case for trial, I am asking Bill to give me the form he is using now, and I will tweak it. If Bill thinks his form is ok without tweaking, then he can send it to you and you can give it to whoever is going to prepare them for a senior judge to sign.

Thanks and have a Great Evening,
 Burton

From: Thomas Genung
Sent: Thursday, September 02, 2010 8:55 AM
To: William Roby; Burton Conner; Steve Levin
Cc: Saidia Johnson; Michelle Spector
Subject: RE: Res Mortgage Foreclosure trials

I'm going to start setting either CM conferences on the contested cases or Docket calls as indicated below. We will probably need to add days to our SLC calendar for both the contested cases and for special set hearings, as we are currently setting special set hearings in February 2011. I'm thinking that if we add two days a month either Thursdays or Fridays, we should be fine. Your direction is appreciated.

Thank you.

From: William Roby
Sent: Monday, August 09, 2010 4:36 PM
To: Burton Conner; Thomas Genung; Steve Levin
Subject: RE: Res Mortgage Foreclosure trials

We could do it that way or we could use our standard pre-trial order setting dates and times for completion of discovery, pre-trial statement etc. This gives all parties about 45 days to be ready for a docket call. At docket call, one would be able to figure out about how much time will be needed for trial, especially if the defendant fails to submit a pretrial statement with evidence and witnesses disclosed. A judge could enter a default at docket call for failure of a defendant to appear and set a 5-10 min. evidentiary hearing on damages. I would think that a SR judge could set one day for all 5-10 minute hearings based on failure to comply with the pretrial order. He/she could set aside one day for 3-4 trials which usually only last 2 hours at most if the defendant is pro se. I do not really have time to hear a lot of contested cases until Nov. or December. But could if we don't have Sr. judge time available. I would just push other non jury cases to the back of the line.

From: Burton Conner
Sent: Monday, August 09, 2010 4:25 PM
To: Thomas Genung; Steve Levin; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Here are my thoughts. As Bill points out, there will probably be a number of instances in which the case (probably pro se) is set for a contested trial and the defendant does not show up. So I suggest this: we adopt a procedure in which if a case is going to be set for a contested trial, the Senior Judge conducts a case management conference to determine how much time is needed and if the issues can be narrowed. The CM order can compel the defendant to appear and warn that if they do not appear, a default will be entered. If the defendant fails to appear, a default can be entered (there may still be a need for a trial on damages, but that would be a very short trial). Thus, if after the CM conference it appears the parties will show up, then the case should be sent to Bill to try. If the defendant does not appear, a default can be entered and a 15 minute or 30 minute trial on damages can be set before the Senior Judge.

Bill, what are your thoughts on my proposal?
Burton

From: Thomas Genung
Sent: Monday, August 09, 2010 10:44 AM
To: Burton Conner; Steve Levin; William Roby
Subject: RE: Res Mortgage Foreclosure trials

There are a number of matters which have already been set on the special set dates for short, one to four hour trials (I do not have this number). There are at least 3 all day trials waiting, and a number of shorter trial notices pending (perhaps 5 to 10). My suggestion is that we utilize the SR Judges by adding a day in SLC per week, or every two weeks to address these cases.

From: Burton Conner
Sent: Monday, August 09, 2010 10:28 AM
To: Steve Levin; Thomas Genung; William Roby
Subject: RE: Res Mortgage Foreclosure trials

Tom, before I weigh in on the issue, can you tell me as of now, how many cases need a contested trial?

Thanks,
Burton

From: Steve Levin
Sent: Friday, August 06, 2010 12:43 PM
To: Thomas Genung; Burton Conner; William Roby
Subject: RE: Res Mortgage Foreclosure trials

If Judge Roby can do them, that would be great but if he does not have the time we will have to use Senior Judges. If we can use the Senior Judges under the Economic Recovery Project as you stated, that would be ideal.

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

From: Thomas Genung
Sent: Friday, August 06, 2010 10:02 AM
To: Steve Levin; Burton Conner; William Roby
Subject: Res Mortgage Foreclosure trials

Judges,

Pursuant to AO 2009 – 11 (Amended), Judge Roby would preside over “trials of Residential Mortgage Foreclosure Cases”. There are a number of cases to be set for trial now, and some requiring a half day or less have been set on special set days for the SR Judges. Would you prefer that we use our SR Judge resources through the Res Mortgage Foreclosure and Economic Recovery project to hear these trials? Of those pending, we can have them set and heard before November. Otherwise they may need to wait until 2011. If we are going to have the SR Judges proceed on trials, your guidance on trial orders etc... would be much 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: Marsha Ewing [mewing@martin.fl.us]
Sent: Thursday, July 01, 2010 10:30 AM
To: Thomas Genung; 'Joseph Smith'; 'Barton, Jeffrey'
Cc: 'Carin Smith'; 'Helen Staggs'; 'Jeff Smith'; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Marc Traum
Subject: RE: Residential Mortgage Foreclosure and Economic Recovery Project

Tom,

In answer to whether the Judge could determine through CCIS or our case maintenance systems if the original note had been filed in the case, we docket "Original Note Filed" or "Copy of Note Filed". So the answer is "yes".

I want to start holding sales on-line and would like to have the software vender do a demo for all stakeholders (our staff, judges and anyone you want to attend) sometime during the week of 7/12. Maybe we could all meet here, then watch the demo.
 Marsha

From: Thomas Genung [mailto:GenungT@circuit19.org]
Sent: Wednesday, June 30, 2010 5:33 PM
To: Joseph Smith; Marsha Ewing; Barton, Jeffrey (jeffreymbarton@yahoo.com)
Cc: Carin Smith; 'Helen Staggs'; Jeff Smith; Steve Levin; Burton Conner; Paul Kanarek; Elizabeth Metzger; Marc Traum
Subject: Residential Mortgage Foreclosure and Economic Recovery Project
Importance: High

Joe, Marsha and Jeff,

We have staff starting on July 1 and 2 for this project, and expect to begin hearing these cases in all three counties the first week of August. There are a number of questions that I'm sure we all have, so I would like your thoughts on how we can best address the questions. We could do a group meeting, which certainly has its benefits, or I could come to you and discuss any challenges or opportunities that may be involved.

July 12, 13, 14 Judge Fennelly will be hearing cases that were scheduled for Judge Schack in July, and moved to those dates at the SLW Courthouse.

July 19, 20, 21 Judge Shahood will be hearing cases that were scheduled for Judge Schack in July, and moved to some of these dates at SLW Courthouse. In addition, on the 20th, Judge Shahood will hear other residential mortgage foreclosure motions.

On Mondays, Tuesdays and Wednesdays, a Senior Judge will hear St Lucie County Residential Mortgage Foreclosure cases at the SLW Courthouse.

On Thursdays, a Senior Judge will hear Martin County Residential Mortgage Foreclosure Summary Judgment cases at the Martin County Courthouse.

On Fridays, a Senior Judge will hear Indian River County Residential Mortgage Foreclosure Summary Judgment cases at the Indian River County Courthouse.

One of the more important questions our judges have, is will our staff be able to verify that the original note or mortgage was filed by searching CCIS or your respective electronic document systems?

Please let me know whether you prefer a group meeting or individual meetings, and what dates and times may work best for you over the course of the next week or so.

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: Wednesday, June 30, 2010 4:23 PM
To: Paul Kanarek; Burton Conner; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice
Attachments: Residential Foreclosure Web Posting 7-10.docx

Please see below and attached, which contains Judge Conner's changes, and Judge Kanarek's changes as indicated below.


From: Paul Kanarek
Sent: Wednesday, June 30, 2010 2:32 PM
To: Thomas Genung; Burton Conner; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Dear Tom,

Here are my suggestions.

1. I know that we talked about the number of cases that would be set before the Senior Judge but I am not sure that there was any agreement. I think that scheduling 180 phone hearings a day before the Senior Judge will be more than they can handle and more work than the staff will be able to produce. I would suggest 12 every half hour or 144 case per day. Agreed, I think that if we set 12 per ½ hour (72 for the morning), and set 12 per ½ hour from 1:30 pm to 3:30 pm inclusive of the 3:30 time (60 for the afternoon), that should be plenty, and should allow the SR Judges to conclude their day by around 5:00 PM without running over...
2. I suggest that we add CourtCall's phone number in the instructions. Can do.
3. Concerning walk in cases I would suggest the following language. Cases in which counsel for the plaintiff wishes to appear in person may be scheduled by contacting Judge Kanarek's office. Counsel for the plaintiff may not appear by phone at these hearings. Got this as well.
4. Concerning the SLC cases I would suggest first that you make it clear that the court will not hear summary judgment motions during UMC. I think that there need to be some instructions as to what the court will hear at UMC. I have attached a copy of my requirements for UMC. You don't need to use mine but there should be some clear instructions on how you are going to handle these. Judge Metzger may have some simpler instructions. I like the instructions, and ask for direction from Judge Conner.

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: Tuesday, June 29, 2010 2:51 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Please see the attached for your review and comment. The text in red is additions and questions. I also moved the start date to the week of August 2, as Judge Midelis indicates the Hatch trial will be over soon, and he will be available.

Thank you.

From: Burton Conner
Sent: Tuesday, June 29, 2010 11:42 AM
To: Thomas Genung; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Tom,

I assume you will copy the three of us with whatever you are intending to post to the website so we can review it and tweak it as needed before it gets posted. We are now in the "polishing" phase of the project plan, and I assume Paul and Elizabeth agree it is important to avoid tweaking the plan after the info gets posted to the website. I know you previously floated a draft of the plan (part of which would be posted to the website), but I am not sure if anything got revised after you floated it, and I would personally like to see as a separate document whatever will be posted to the website (so there is no confusion among us judges as to what will be disseminated on the website).

As much detail as practical needs to be given to the attorneys as to how to set hearings to avoid as many phone calls as we can for the JAs and the secretary for the senior judge.

Since there are differences in how the senior judge will work in MC and IRC, as compared to SLC, I would suggest that we give instructions for each county (even if that means we are repeating what is posted for MC and IRC (and I do not recommend lumping the instructions for MC and IRC together...we need to spoon feed the law offices)).

Regarding CourtCall, my recollection is that Paul suggested, and Elizabeth agreed, that CourtCall should be instructed that for any calendar month to fill up the senior judge timeslots first, then the elected judge slots. If I have understood Paul's suggestion, I ask him and Elizabeth to chime in. Also, if they feel any other instructions should be given to CourtCall, they will let you know.

Paul and Elizabeth, please chime in and give Tom and I your thoughts. Thanks.
Burton

From: Thomas Genung
Sent: Tuesday, June 29, 2010 11:10 AM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I would like to get the info up on our website by COB tomorrow (that which you have previously approved). I just received Judge Shahood's schedule for the remainder of the calendar year, and Judge Midelis said "put me to work". We may have to include Judge Fennelly in the mix every now and then...

Judge Midelis thinks his trial may finish this week. He is intending on going to the Circuit Judge's Conference, so we may be able to begin the first week of August with him covering all hearings that week, Thursday and Friday for the next two weeks with Fennelly covering Monday through Wednesday... So, I think we can start filling up time beginning August 2.

As for advising CourtCall of the dates in each county, would you like us to do so for all three counties, or Judge Kanarek for Indian River and Judge Metzger for Martin? (Thursdays in Martin and Fridays in Indian River beginning the week of August 2)

Are you good with this plan?

From: Burton Conner
Sent: Tuesday, June 29, 2010 10:52 AM
To: Thomas Genung
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I intend to discuss the FER project at the liaison meeting on July 30. I do not intend to schedule anything earlier than that, and intend to rely on the circuit website to get out the info about the FER project.

Burton

From: Thomas Genung
Sent: Monday, June 28, 2010 6:09 PM
To: Burton Conner
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Are we meeting with the plaintiff firms to advise them about the Foreclosure and Economic Recovery project?

From: Burton Conner

Sent: Tuesday, June 22, 2010 3:49 PM

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

Cc: Steve Shaw; Rick Collins; Marilyn Garcia

Subject: Revised RMFM Program Liaison Meeting Notice

Tom pointed out to me the prior draft did not include the time of the meeting. It also occurred to me that it might be useful to request a letter advising if anyone attending has a particular issue he or she would like to address. I am attaching a revised notice.

Julian Letton

From: Paul Kanarek
Sent: Wednesday, June 30, 2010 2:32 PM
To: Thomas Genung; Burton Conner; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice
Attachments: UMC Requirements.docx

Dear Tom,

Here are my suggestions.

1. I know that we talked about the number of cases that would be set before the Senior Judge but I am not sure that there was any agreement. I think that scheduling 180 phone hearings a day before the Senior Judge will be more than they can handle and more work than the staff will be able to produce. I would suggest 12 every half hour or 144 case per day.
2. I suggest that we add CourtCall's phone number in the instructions.
3. Concerning walk in cases I would suggest the following language. Cases in which counsel for the plaintiff wishes to appear in person may be scheduled by contacting Judge Kanarek's office. Counsel for the plaintiff may not appear by phone at these hearings.
4. Concerning the SLC cases I would suggest first that you make it clear that the court will not hear summary judgment motions during UMC. I think that there need to be some instructions as to what the court will hear at UMC. I have attached a copy of my requirements for UMC. You don't need to use mine but there should be some clear instructions on how you are going to handle these. Judge Metzger may have some simpler instructions.

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: Tuesday, June 29, 2010 2:51 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Please see the attached for your review and comment. The text in red is additions and questions. I also moved the start date to the week of August 2, as Judge Midelis indicates the Hatch trial will be over soon, and he will be available.

Thank you.

From: Burton Conner
Sent: Tuesday, June 29, 2010 11:42 AM
To: Thomas Genung; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Tom,

I assume you will copy the three of us with whatever you are intending to post to the website so we can review it and tweak it as needed before it gets posted. We are now in the "polishing" phase of the project plan, and I assume Paul and Elizabeth agree it is important to avoid tweaking the plan after the info gets posted to the website. I know you previously floated a draft of the plan (part of which would be posted to the website), but I am not sure if anything got revised after you floated it, and I would personally like to see as a separate document whatever will be posted to the website (so there is no confusion among us judges as to what will be disseminated on the website).

As much detail as practical needs to be given to the attorneys as to how to set hearings to avoid as many phone calls as we can for the JAs and the secretary for the senior judge.

Since there are differences in how the senior judge will work in MC and IRC, as compared to SLC, I would suggest that we give instructions for each county (even if that means we are repeating what is posted for MC and IRC (and I do not recommend lumping the instructions for MC and IRC together...we need to spoon feed the law offices)).

Regarding CourtCall, my recollection is that Paul suggested, and Elizabeth agreed, that CourtCall should be instructed that for any calendar month to fill up the senior judge timeslots first, then the elected judge slots. If I have understood Paul's suggestion, I ask him and Elizabeth to chime in. Also, if they feel any other instructions should be given to CourtCall, they will let you know.

Paul and Elizabeth, please chime in and give Tom and I your thoughts. Thanks.
 Burton

From: Thomas Genung
Sent: Tuesday, June 29, 2010 11:10 AM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I would like to get the info up on our website by COB tomorrow (that which you have previously approved). I just received Judge Shahood's schedule for the remainder of the calendar year, and Judge Midelis said "put me to work". We may have to include Judge

Fennelly in the mix every now and then...

Judge Midelis thinks his trial may finish this week. He is intending on going to the Circuit Judge's Conference, so we may be able to begin the first week of August with him covering all hearings that week, Thursday and Friday for the next two weeks with Fennelly covering Monday through Wednesday... So, I think we can start filling up time beginning August 2.

As for advising CourtCall of the dates in each county, would you like us to do so for all three counties, or Judge Kanarek for Indian River and Judge Metzger for Martin? (Thursdays in Martin and Fridays in Indian River beginning the week of August 2)

Are you good with this plan?

From: Burton Conner
Sent: Tuesday, June 29, 2010 10:52 AM
To: Thomas Genung
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I intend to discuss the FER project at the liaison meeting on July 30. I do not intend to schedule anything earlier than that, and intend to rely on the circuit website to get out the info about the FER project.

Burton

From: Thomas Genung
Sent: Monday, June 28, 2010 6:09 PM
To: Burton Conner
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Are we meeting with the plaintiff firms to advise them about the Foreclosure and Economic Recovery project?

From: Burton Conner
Sent: Tuesday, June 22, 2010 3:49 PM
To: Paul Kanarek; Elizabeth Metzger; Larry Schack; Steve Levin; Thomas Genung
Cc: Steve Shaw; Rick Collins; Marilyn Garcia
Subject: Revised RMFM Program Liaison Meeting Notice

Tom pointed out to me the prior draft did not include the time of the meeting. It also occurred to me that it might be useful to request a letter advising if anyone attending has a particular issue he or she would like to address. I am attaching a revised notice.

Julian Letton

From: Burton Conner
Sent: Wednesday, June 30, 2010 12:10 PM
To: Thomas Genung
Cc: Steve Levin
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Paul and Elizabeth contend they have never had a trial...and I am hoping the same holds true in SLC, but I felt because of volume, we needed to allow for the possibility.

My thought is this: if it is estimated the trial will take ½ or less, the senior judge can do it. If more than a ½ day, then we either need to use Fennelly or throw it to Bill (who up until tomorrow has been the one assigned to do contested residential foreclosure trials). If Bill is the one to do trial longer than ½ day, then when the notice of trial comes in, we need to determine the time estimate for the trial, and if it is more than ½ day, then Bill can send out the order setting trial, and he takes the case forward from that point on.

BTW: I have not discussed any of this with Bill...so I am making assumptions. Steve will have to tell me if he agrees when he gets back and if he agrees with me, then we need to give Bill the "heads up."

Burton

From: Thomas Genung
Sent: Wednesday, June 30, 2010 11:36 AM
To: Burton Conner
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Judge Conner,

Your revisions look great. If there is a trial, I suppose we would set that on a Wednesday 9:30 am, or thereafter, and go over into the afternoon if necessary?

From: Burton Conner
Sent: Wednesday, June 30, 2010 9:34 AM
To: Thomas Genung
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Tom,
Attached is my revisions of the website info. I ask Paul and Elizabeth to tweak the portions for MC and IRC.
Burton

From: Thomas Genung

Sent: Tuesday, June 29, 2010 2:51 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Please see the attached for your review and comment. The text in red is additions and questions. I also moved the start date to the week of August 2, as Judge Midelis indicates the Hatch trial will be over soon, and he will be available.

Thank you.

From: Burton Conner
Sent: Tuesday, June 29, 2010 11:42 AM
To: Thomas Genung; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Tom,

I assume you will copy the three of us with whatever you are intending to post to the website so we can review it and tweak it as needed before it gets posted. We are now in the "polishing" phase of the project plan, and I assume Paul and Elizabeth agree it is important to avoid tweaking the plan after the info gets posted to the website. I know you previously floated a draft of the plan (part of which would be posted to the website), but I am not sure if anything got revised after you floated it, and I would personally like to see as a separate document whatever will be posted to the website (so there is no confusion among us judges as to what will be disseminated on the website).

As much detail as practical needs to be given to the attorneys as to how to set hearings to avoid as many phone calls as we can for the JAs and the secretary for the senior judge.

Since there are differences in how the senior judge will work in MC and IRC, as compared to SLC, I would suggest that we give instructions for each county (even if that means we are repeating what is posted for MC and IRC (and I do not recommend lumping the instructions for MC and IRC together...we need to spoon feed the law offices)).

Regarding CourtCall, my recollection is that Paul suggested, and Elizabeth agreed, that CourtCall should be instructed that for any calendar month to fill up the senior judge timeslots first, then the elected judge slots. If I have understood Paul's suggestion, I ask him and Elizabeth to chime in. Also, if they feel any other instructions should be given to CourtCall, they will let you know.

Paul and Elizabeth, please chime in and give Tom and I your thoughts. Thanks.
Burton

From: Thomas Genung
Sent: Tuesday, June 29, 2010 11:10 AM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I would like to get the info up on our website by COB tomorrow (that which you have previously approved). I just received Judge Shahood's schedule for the remainder of the calendar year, and Judge Midelis said "put me to work". We may have to include Judge Fennelly in the mix every now and then...

Judge Midelis thinks his trial may finish this week. He is intending on going to the Circuit Judge's Conference, so we may be able to begin the first week of August with him covering all hearings that week, Thursday and Friday for the next two weeks with Fennelly covering Monday through Wednesday... So, I think we can start filling up time beginning August 2.

As for advising CourtCall of the dates in each county, would you like us to do so for all three counties, or Judge Kanarek for Indian River and Judge Metzger for Martin? (Thursdays in Martin and Fridays in Indian River beginning the week of August 2)

Are you good with this plan?

From: Burton Conner
Sent: Tuesday, June 29, 2010 10:52 AM
To: Thomas Genung
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I intend to discuss the FER project at the liaison meeting on July 30. I do not intend to schedule anything earlier than that, and intend to rely on the circuit website to get out the info about the FER project.

Burton

From: Thomas Genung
Sent: Monday, June 28, 2010 6:09 PM
To: Burton Conner
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Are we meeting with the plaintiff firms to advise them about the Foreclosure and Economic Recovery project?

From: Burton Conner
Sent: Tuesday, June 22, 2010 3:49 PM
To: Paul Kanarek; Elizabeth Metzger; Larry Schack; Steve Levin; Thomas Genung
Cc: Steve Shaw; Rick Collins; Marilyn Garcia
Subject: Revised RMFM Program Liaison Meeting Notice

Tom pointed out to me the prior draft did not include the time of the meeting. It also occurred to me that it might be useful to request a letter advising if anyone attending has a particular issue he or she would like to address. I am attaching a revised notice.

Julian Letton

From: Burton Conner
Sent: Wednesday, June 30, 2010 9:34 AM
To: Thomas Genung
Subject: RE: Revised RMFM Program Liaison Meeting Notice
Attachments: Residential Foreclosure Web Posting 6-29-10.docx

Tom,

Attached is my revisions of the website info. I ask Paul and Elizabeth to tweak the portions for MC and IRC.

Burton

From: Thomas Genung
Sent: Tuesday, June 29, 2010 2:51 PM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson; Marc Traum
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Please see the attached for your review and comment. The text in red is additions and questions. I also moved the start date to the week of August 2, as Judge Midelis indicates the Hatch trial will be over soon, and he will be available.

Thank you.

From: Burton Conner
Sent: Tuesday, June 29, 2010 11:42 AM
To: Thomas Genung; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Tom,

I assume you will copy the three of us with whatever you are intending to post to the website so we can review it and tweak it as needed before it gets posted. We are now in the "polishing" phase of the project plan, and I assume Paul and Elizabeth agree it is important to avoid tweaking the plan after the info gets posted to the website. I know you previously floated a draft of the plan (part of which would be posted to the website), but I am not sure if anything got revised after you floated it, and I would personally like to see as a separate document whatever will be posted to the website (so there is no confusion among us judges as to what will be disseminated on the website).

As much detail as practical needs to be given to the attorneys as to how to set hearings to avoid as many phone calls as we can for the JAs and the secretary for the senior judge.

Since there are differences in how the senior judge will work in MC and IRC, as compared to SLC, I would suggest that we give instructions for each county (even if that means we are repeating what is posted for MC and IRC (and I do not recommend lumping the instructions for MC and IRC together...we need to spoon feed the law offices)).

Regarding CourtCall, my recollection is that Paul suggested, and Elizabeth agreed, that CourtCall should be instructed that for any calendar month to fill up the senior judge timeslots first, then the elected judge slots. If I have understood Paul's suggestion, I ask him and Elizabeth to chime in. Also, if they feel any other instructions should be given to CourtCall, they will let you know.

Paul and Elizabeth, please chime in and give Tom and I your thoughts. Thanks.
Burton

From: Thomas Genung
Sent: Tuesday, June 29, 2010 11:10 AM
To: Burton Conner; Paul Kanarek; Elizabeth Metzger
Cc: Steve Levin; Corrie Johnson
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I would like to get the info up on our website by COB tomorrow (that which you have previously approved). I just received Judge Shahood's schedule for the remainder of the calendar year, and Judge Midelis said "put me to work". We may have to include Judge Fennelly in the mix every now and then...

Judge Midelis thinks his trial may finish this week. He is intending on going to the Circuit Judge's Conference, so we may be able to begin the first week of August with him covering all hearings that week, Thursday and Friday for the next two weeks with Fennelly covering Monday through Wednesday... So, I think we can start filling up time beginning August 2.

As for advising CourtCall of the dates in each county, would you like us to do so for all three counties, or Judge Kanarek for Indian River and Judge Metzger for Martin? (Thursdays in Martin and Fridays in Indian River beginning the week of August 2)

Are you good with this plan?

From: Burton Conner
Sent: Tuesday, June 29, 2010 10:52 AM
To: Thomas Genung
Subject: RE: Revised RMFM Program Liaison Meeting Notice

I intend to discuss the FER project at the liaison meeting on July 30. I do not intend to schedule anything earlier than that, and intend to rely on the circuit website to get out the

info about the FER project.
Burton

From: Thomas Genung
Sent: Monday, June 28, 2010 6:09 PM
To: Burton Conner
Subject: RE: Revised RMFM Program Liaison Meeting Notice

Are we meeting with the plaintiff firms to advise them about the Foreclosure and Economic Recovery project?

From: Burton Conner
Sent: Tuesday, June 22, 2010 3:49 PM
To: Paul Kanarek; Elizabeth Metzger; Larry Schack; Steve Levin; Thomas Genung
Cc: Steve Shaw; Rick Collins; Marilyn Garcia
Subject: Revised RMFM Program Liaison Meeting Notice

Tom pointed out to me the prior draft did not include the time of the meeting. It also occurred to me that it might be useful to request a letter advising if anyone attending has a particular issue he or she would like to address. I am attaching a revised notice.