

> Jacksonville, FL 32202
> Wk: 904-630-7256
>
> <img-Y16114217-0001.pdf>

D'Amour, Rose

From: A. C. Soud, Jr. [acsoudjr@comcast.net]
Sent: Wednesday, November 17, 2010 9:40 AM
To: Stelma, Joe
Cc: Moran, Donald R.
Subject: RE: Mortgage Foreclosure Proceedings

Joe, thanks for a copy of the communications made from Chief Justice Canady to Chief Judge Moran. I am happy to report that the Senior Judges of the Fourth Circuit believe that the process and procedures we have implemented and followed, considering the space and resources available, have always been open to the public; and at the same time we have been fortunate enough to continue to provide safety and security to all those attending the hearings.

As you may know some of these hearings can be emotional, similar to those where the determination of the custody of a child is at issue. Our Judges would wish that none lose their home in foreclosure cases and that all could mediate satisfactorily the issues with their lenders, but that is a wish beyond realization. Only 25% of those offered mediation are opting to attempt it, 75% choosing not to do so. The managed mediation program established by Judge Moran is working effectively. The only disappointment is that not more property owners are choosing to participate. We are trying to improve on that.

What has been stunning is that so many property owners who have fallen behind in their mortgage payments-many through hardships they did not ask for-are defaulting, that is, not responding to the summons served on them and, in effect, admitting that there no contest on their part to the foreclosure suit.

Again, thanks for all the assistance you and Judge Moran have given us. We will continue to do an effective, fair and impartial job with the duties assigned us.

AC

From: Stelma, Joe [mailto:jstelma@coj.net]
Sent: Wednesday, November 17, 2010 8:11 AM
To: D'Amour, Rose; Emery, Caroline; Stewart, Gina; acsoudjr@comcast.net
Subject: FW: Mortgage Foreclosure Proceedings

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Debbie Howells [mailto:howellsd@flcourts.org]
Sent: Wednesday, November 17, 2010 8:03 AM
To: Trial Court Chief Judges
Cc: Trial Court Administrators; Lisa Goodner; Blan Teagle; Laura Rush; Kristine Slayden; Brenda Johnson; Judge

3/1/2011

4th Cir 00402

John Laurent

Subject: Mortgage Foreclosure Proceedings

Please see the attached memorandum from Chief Justice Canady regarding mortgage foreclosure proceedings.

Also attached is a copy of Chief Justice Canady's letter to The Florida Press Association.

Debbie Howells

Office of the State Courts Administrator

500 S. Duval Street

Tallahassee, FL 32399-1900

Phone 850-922-4370

Fax 850-488-0156

Email howellsd@flcourts.org

3/1/2011

4th Cir 00403

D'Amour, Rose

From: Debbie Howells [howellsd@flcourts.org]
Sent: Wednesday, November 17, 2010 8:03 AM
To: Trial Court Chief Judges
Cc: Trial Court Administrators; Lisa Goodner; Blan Teagle; Laura Rush; Kristine Slayden; Brenda Johnson; Judge John Laurent
Subject: Mortgage Foreclosure Proceedings
Attachments: Memo to Chief Judges re Mortgage Foreclosure Proceedings.pdf; Letter to Florida Press Assn et al.pdf

Please see the attached memorandum from Chief Justice Canady regarding mortgage foreclosure proceedings.

Also attached is a copy of Chief Justice Canady's letter to The Florida Press Association.

Debbie Howells
Office of the State Courts Administrator
500 S. Duval Street
Tallahassee, FL 32399-1900
Phone 850-922-4370
Fax 850-488-0156
Email howellsd@flcourts.org

3/1/2011

4th Cir 00404



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

Chief Justice Charles T. Canady
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1925

November 12, 2010

Dear Chief Justice Canady,

We write to express our concern that the right to open access to judicial proceedings is being unduly impeded in foreclosure proceedings around the state. Our organizations have received numerous reports that extraordinary barriers to access are preventing members of the general public, as well as representatives of the news media, from observing foreclosure proceedings in judicial circuits around the state. We believe these barriers undercut the transparency of the judicial process; they also violate the strong presumption of open access to judicial proceedings under Florida law. We urge you to take action to secure the public's right to observe the workings of the judicial system.

As you know, Florida law recognizes a strong presumption in favor of open access to judicial proceedings. We have no objection, of course, to ordinary security screening measures. We are concerned, however, that the barriers to access here go far beyond such measures, leaving members of the public and press subject to the discretion of individual foreclosure judges to admit or exclude them.

The reports we have received come from all around the state, and although the precise nature of the barriers to access varies, a troubling pattern emerges: foreclosure divisions recently established by the judicial circuits have been operating under a presumption of closure to members of the general public, rather than the presumption of openness mandated by Florida law. An illustrative, but not exhaustive, list of encounters that have been reported to our organizations since August 2010 follows:

- A court observer in Hillsborough County called the court to ask about the rules governing attendance at foreclosure proceedings and was told that the proceedings were not open to the public.
- A pro se defendant in Duval County was told by a member of court security that she could not access foreclosure proceedings because only attorneys were permitted.
- A court observer called the Orange County courthouse to ask about attending foreclosure proceedings. She was informed that foreclosure hearings were held "in private chambers" and therefore not open to the public.

- In Citrus County, an individual preparing to mount a pro se defense in his own foreclosure case attempted to attend foreclosure hearings in advance of his own so that he could know what to expect when his case was heard. He was told that foreclosure hearings are “private” and take place in judges’ chambers, and that he would not be permitted to observe them.
- Most recently, a legal aid attorney in Jacksonville attended a foreclosure proceeding accompanied by a reporter from Rolling Stone Magazine. Neither the attorney nor the reporter did anything disruptive to the proceedings. At one point the reporter left the proceedings in order to interview a pro se litigant whose case had just been heard. Later that day, the judge sent an email to the attorney castigating her for bringing the reporter into the proceedings. He stated that, while “attorneys are welcome in Chambers at their leisure,” members of the media are “permitted” entry only upon “proper request to the security officer.” He further informed the attorney that she “did not have authority to take anyone back to chambers without proper screening” and stated that her “apparent authorization that the reporter could pursue a property owner immediately out of Chambers into the hallway for an interview” may be “sited [sic] for possible contempt charges in the future.”¹

In raising our concerns about this pattern of exclusion, we rely on the extensive body of case law that has made Florida a model for open government. Systematically excluding members of the press and public from judicial foreclosure proceedings violates the robust guarantee of open access to courts provided by Florida law. This Court has held that “both civil and criminal court proceedings in Florida are public events and adhere to the well established common law right of access to court proceedings and records.” *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113, 116 (Fla. 1988); see also Fla. R. Jud. Admin. 2.420 (codifying public right of access to records of the judiciary). *Barron* articulated this right of access in forceful terms. It emphasized that “a strong presumption of openness exists for all court proceedings” and outlined the carefully circumscribed exceptions to this broad rule:

[C]losure of court proceedings or records should occur only when necessary (a) to comply with established public policy set forth in the constitution, statutes, rules, or case law; (b) to protect trade secrets; (c) to protect a compelling governmental interest [e.g., national security; confidential informants]; (d) to obtain evidence to properly determine legal issues in a case; (e) to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]; or (f) to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed.

¹ Since the incident in Duval County was particularly egregious, we have also asked that Chief Judge Moran consider appropriate action.

Id., at 118. Even in these exceptional circumstances, “before entering a closure order, the trial court shall determine that no reasonable alternative is available to accomplish the desired result, and, if none exists, the trial court must use the least restrictive closure necessary to accomplish its purpose.” *Id.*

The protection of public access to judicial proceedings serves fundamental constitutional values. In particular, the “value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that *anyone* is free to attend gives assurance that established procedures are being followed and that deviations will become known.” *Sarasota Herald-Tribune v. State*, 924 So. 2d 8, 12 (Fla. 2d DCA 2005) (quoting *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 508 (1984)). “A trial courtroom is a public place where people have a general right to be present, and what transpires in the courtroom is public property.” *Plaintiff B v. Francis*, No. 5:08-cv-79, 2010 WL 503067, *2 (N.D. Fla. Feb. 5, 2010). Foreclosure proceedings are currently a matter of intense public interest. Indeed, the media has, in recent months, scrutinized them for possible procedural deficiencies. *See, e.g.*, Gretchen Morgenson and Geraldine Fabrikant, *Florida's High-Speed Answer to a Foreclosure Mess*, N.Y. TIMES, Sept. 14, 2010; Polyana da Costa, *Before Foreclosing, Judges Must Hear Out Homeowners*, MIAMI DAILY BUS. REV., Oct. 14, 2010.

As the examples outlined above show, Florida’s presumption of openness is being inverted in the context of foreclosure proceedings: courts across the state are effectively imposing a presumption of closure, which may be overcome only by special permission to observe proceedings. In effect, only those who actively assert their right of access in the face of initial barriers, and then ultimately receive permission, may exercise their right to observe foreclosure hearings.

Under Florida law, there are few justifications that can counterbalance the right to access. Even when those exceptional circumstances exist, the court must still determine that no more narrowly tailored alternative is available. *Barron*, 531 So. 2d at 118; *see also Globe Newspaper Co. v. Super. Ct. for the County of Norfolk*, 457 U.S. 596 (1982) (invalidating statute closing trials for certain sex offenses involving minors where state had a “compelling” interest in protecting minors’ privacy but where the court “offered no empirical support” that closure would effectively further that interest). There is no indication that closure of foreclosure courts occurs only when such rigorous analysis has taken place. Indeed, the opposite appears to be true: by choosing to conduct foreclosure hearings in “private” conference rooms or judicial chambers and treat those as closed proceedings, the burden shifts to members of the press or public to convince the court to allow access.

We recognize that the heavy volume of foreclosure cases has led to difficulties finding judges and courtrooms to hear the cases. As a result, some cases are being held in chambers for lack of an available traditional courtroom. Nevertheless, the proceedings must be open, even if they are held temporarily in a smaller and less formal physical

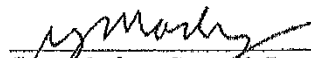
setting than usual. While we understand the necessity for ordinary and uniform security screening procedures, the unavailability of a traditional courtroom cannot justify a deprivation of the rights established under Florida law and the U.S. Constitution.

This Court has noted that the press plays an indispensable role in maintaining "the judicial system's credibility in a free society." *Barron*, 531 So. 2d at 116. That credibility cannot be maintained when members of the public and media are dependent on the indulgence of the presiding judge to allow them to observe important judicial proceedings.

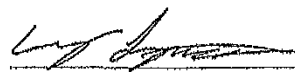
It is our sincere hope that we, and other representatives of the media, will be able to avoid instituting litigation over the issue of access to foreclosure proceedings. We do face certain time constraints, however, because Florida Rule of Appellate Procedure 9.100(d) provides for expedited review of orders excluding the public and media from judicial proceedings, and it requires such petitions to be filed within 30 days of an exclusion order.²


Accordingly, we respectfully urge you to take corrective action to ensure citizen and press access as guaranteed by Florida's right-of-access jurisprudence. In particular, we ask that you promulgate an Administrative Order or take other expeditious and appropriate action to ensure that both the public and media may observe proceedings consistent with Florida law and subject only to ordinary security measures

We thank you for your attention to this important matter.



Sam Morley, General Counsel
The Florida Press Association


Talbot D'Alemberte, Bar No. 0017529
The Florida Press Association


Larry Schwartz, Staff Attorney
The American Civil Liberties Union


Randall Marshall, Legal Director
The American Civil Liberties Union of Florida

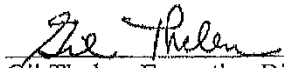
² The incident in Duval County occurred on October 26th. Accordingly, the last day to file a petition for review pursuant to Rule 9.100(d) is November 29th.



James Parker Rhea, Director & General Counsel
The First Amendment Foundation



C. Patrick Roberts, President & CEO
Florida Association of Broadcasters



Gil Thelen, Executive Director
The Florida Society of Newspaper Editors



James Denton, Editor
The Florida Times-Union

D'Amour, Rose

From: Emery, Caroline
At: Tuesday, November 16, 2010 12:11 PM
To: CTADM1_JUDGES; CTADM1_JA'S; Hon Robert Foster; JA Sherry Colson; Hon Brian J. Davis; JA Agnes Prelow; Hon Grandville C. Burgess; JA Monica Benischeck; Dot Cook (FCS); 'Conni Lewis'; Hon. William H. Wilkes; Lenore Dunaway; Hon John H. Skinner; Symantha Juneau; Hon Timothy R. Collins; Michelle Gipson; Hon Richard R. Townsend; Katie Wilt; Hon Mack Crenshaw Jr.; Kaye Tate; Hon Daniel Wilensky; Star Mariano; GM William Grant; Akel, Franklin; Heiney, Mia; Ivey, James; Marchant, Debra; Harrison, Wanda; D'Amour, Rose; Norris, Elizabeth; Ellis, Michele; Maurer, Bud; Sourbeer, Jeff
Subject: FW: Foreclosure Cases - Courtroom Assignments

Attachments: img-Y16114217-0001.pdf



img-Y16114217-0001.pdf

FYI

Caroline Emery, Court Counsel
Duval County Courthouse
Room 220
330 East Bay Street
Jacksonville, FL 32202
Wk: 904-630-7256

MEMO

To: All Judges in the Fourth Judicial Circuit

From: Chief Judge Donald R. Moran, Jr. 

Date: November 16, 2010

Re: Foreclosure Cases - Courtroom Assignment

Traditionally, foreclosure proceedings have been handled in chambers in order to minimize any embarrassment for the home owners. However, extensive national media coverage of the foreclosures in recent history has generated substantial interest in these cases. After discussion with Judge A.C. Soud, we recognize that, due to the increased interest, chambers can no longer accommodate the lawyers, the parties, the media, and the public.

At the request of Judge Soud and in recognition of the media interest, we will be moving the proceedings from chambers to Courtroom 59 on the Fifth floor and provide a Bailiff beginning Monday, November 22, 2010 in order to make the proceedings more secure and accessible to all interested persons.



Florida Press Association
336 E. College Avenue, Suite 203
Tallahassee, FL 32301
(850) 521-1199
Fax (850) 577-3829

Chief Judge Donald R. Moran
Fourth Judicial Circuit of the State of Florida
330 E. Bay Street
Jacksonville, Florida 32202

RECEIVED NOV 15 2010

November 12, 2010

Dear Chief Judge Moran,

We write to express our concern that the right to open access to judicial proceedings is not being fully protected in the Duval County foreclosure division. It has recently come to our attention that Senior Judge Soud has severely curtailed public access to foreclosure proceedings, including access by members of the media. We urge you to take action to secure the public's right to observe the workings of the judicial system.

As you know, Florida law recognizes a strong presumption in favor of open access to judicial proceedings. We have received a number of reports, however, suggesting that members of the public and press who attempt to observe foreclosure proceedings in Duval County encounter unjustifiable hurdles. We have no objection, of course, to ordinary security screening measures. We are concerned, however, that the barriers to access here go far beyond such measures, leaving members of the public and press subject to the discretion of individual foreclosure judges to admit or exclude them.

This practice of exclusion recently crystallized into an explicit statement of policy by Senior Judge Soud. On October 26, an attorney from Jacksonville Area Legal Aid accompanied a reporter from Rolling Stone Magazine to observe proceedings held in Judge Soud's chambers. Neither the attorney nor the reporter did anything to disrupt the proceedings. At one point the reporter left the proceedings in order to interview a pro se litigant whose case had just been heard and who had left the room. Later that day, Judge Soud sent an email to the attorney castigating her for bringing the reporter into the proceedings. He stated that, while "attorneys are welcome in Chambers at their leisure," members of the media are "permitted" entry only upon "proper request to the security officer." He further informed the attorney that she "did not have authority to take anyone back to chambers without proper screening," and stated that her "apparent authorization that the reporter could pursue a property owner immediately out of Chambers into the hallway for an interview" may be "sited [sic] for possible contempt charges in the future."

Judge Soud's stated policy is irreconcilable with the extensive body of case law that has made Florida a model for open government. He has stated that members of the media may observe foreclosure proceedings only after making a "proper request" and that lawyers who facilitate access by the press may face contempt charges based on a reporter's non-disruptive interview and observation of judicial proceedings. But the Florida Supreme Court has held that "both civil and criminal court proceedings in Florida are public events and adhere to the well established common law right of access to court proceedings and records." *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113, 116 (Fla. 1988); see also Fla. R. Jud. Admin. 2.420

(codifying public right of access to records of the judiciary). *Barron* articulated this right of access in forceful terms. It emphasized that “a strong presumption of openness exists for all court proceedings” and outlined the carefully circumscribed exceptions to this broad rule:

[C]losure of court proceedings or records should occur only when necessary (a) to comply with established public policy set forth in the constitution, statutes, rules, or case law; (b) to protect trade secrets; (c) to protect a compelling governmental interest [e.g., national security; confidential informants]; (d) to obtain evidence to properly determine legal issues in a case; (e) to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]; or (f) to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed.

Id., at 118. Even in these exceptional circumstances, “before entering a closure order, the trial court shall determine that no reasonable alternative is available to accomplish the desired result, and, if none exists, the trial court must use the least restrictive closure necessary to accomplish its purpose.” *Id.*

The protection of public access to judicial proceedings serves fundamental constitutional values. In particular, the “value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that *anyone* is free to attend gives assurances that established procedures are being followed and that deviations will become known.” *Sarasota Herald-Tribune v. State*, 924 So. 2d 8, 12 (Fla. 2d DCA 2005) (quoting *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 508 (1984)). “A trial courtroom is a public place where people have a general right to be present, and what transpires in the courtroom is public property.” *Plaintiff B v. Francis*, No. 5:08-cv-79, 2010 WL 503067, *2 (N.D. Fla. Feb. 5, 2010). Foreclosure proceedings are currently a matter of intense public interest. Indeed, the media has, in recent months, scrutinized them for possible procedural deficiencies. See, e.g., Gretchen Morgenson and Geraldine Fabrikant, *Florida’s High-Speed Answer to a Foreclosure Mess*, N.Y. TIMES, Sept. 14, 2010; Polyana da Costa, *Before Foreclosing, Judges Must Hear Out Homeowners*, MIAMI DAILY BUS. REV., Oct. 14, 2010.

Judge Soud’s policy stands in direct opposition to these principles of open access. Rather than adhere to the “strong presumption of openness,” he does precisely the opposite: he employs a presumption of exclusion that apparently may be overcome only if he gives permission to specific members of the press. Cf. *NYCLU v. NYC Transit Auth.*, 675 F. Supp. 2d 411, 428-39 (S.D.N.Y. 2009) (holding that administrative hearing that can be closed upon request of a party violates the First Amendment right of access). Under Florida law, there are few justifications that can counterbalance the right to access. Even when those exceptional circumstances exist, the court must still determine that no more narrowly tailored alternative is available. *Barron*, 531 So. 2d at 118; see also *Globe Newspaper Co. v. Super. Ct. for the County of Norfolk*, 457 U.S. 596 (1982) (invalidating statute closing trials for certain sex offenses involving minors where state had a “compelling” interest in protecting minors’ privacy but where the court “offered no empirical support” that closure would effectively further that interest). It follows from the enumeration of a narrow set of exceptional circumstances under which proceedings may be

closed that *Barron* precludes a situation where access is contingent on court approval; reversing the presumption of openness is tantamount to exclusion. Judge Soud has failed to engage in the rigorous analysis necessary to establish the prerequisites for court closure.

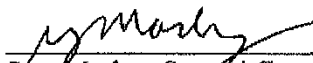
We recognize that the heavy volume of foreclosure cases has led to difficulties finding judges and courtrooms to hear the cases. As a result, some cases are being held in chambers for lack of an available traditional courtroom. Nevertheless, the proceedings must be open, even if they are held temporarily in a smaller and less formal physical setting than usual. While we understand the necessity for ordinary and uniform security screening procedures, the unavailability of a traditional courtroom cannot justify a deprivation of the rights established under Florida law and the U.S. Constitution.

As the Florida Supreme Court has noted, the press plays an indispensable role in maintaining "the judicial system's credibility in a free society." *Barron*, 531 So. 2d at 116. That credibility cannot be maintained when members of the public and media are dependent on the specific permission of the presiding judge to observe important judicial proceedings.

It is our sincere hope that we, and other representatives of the media, will be able to avoid instituting litigation over the issue of access to foreclosure proceedings. We do face certain time constraints, however, because Florida Rule of Appellate Procedure 9.100(d) provides for expedited review of orders excluding the public and media from judicial proceedings, and it requires such petitions to be filed within 30 days of an exclusion order.¹

Accordingly, we urge you to take corrective action to ensure citizen and press access as required by Florida law. In particular, we ask that you promulgate an Administrative Order or take other expeditious and appropriate action setting forth clear procedures governing public access to foreclosure proceedings in the Fourth Judicial Circuit.² Those procedures should ensure that both the public and media can observe proceedings subject only to ordinary security measures.

We thank you for your attention to this important matter.



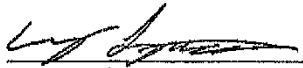
Sam Morley, General Counsel
The Florida Press Association



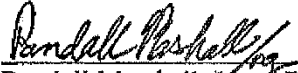
Talbot D'Alemberte, Bar No. 0017529
The Florida Press Association

¹ The incident described in this letter occurred on October 26th. Accordingly, the last day to file a petition for review pursuant to Rule 9.100(d) is November 29th.


² Although the incident described herein is particularly disturbing, barriers to public access to foreclosure proceedings have been reported statewide, and for that reason we have also sent a letter to Chief Justice Canady requesting that he take action to ensure open access to foreclosure proceedings across the state.



Larry Schwartztol, Staff Attorney
The American Civil Liberties Union



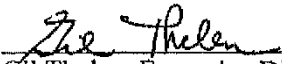
Randall Marshall, Legal Director
The American Civil Liberties Union of Florida



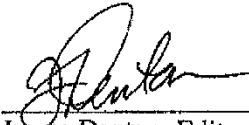
James Parker Rhea, Director & General Counsel
The First Amendment Foundation



C. Patrick Roberts, President & CEO
Florida Association of Broadcasters



Gil Thelen, Executive Director
The Florida Society of Newspaper Editors



James Denton, Editor
The Florida Times-Union

D'Amour, Rose

From: Talley, Alana
Sent: Monday, November 15, 2010 4:57 PM
To: Moran, Donald R.
Subject: FW:

Good Afternoon Chief Judge Moran,
Judge Soud asked me to forward this email to you.
Thank you,
Robin Talley

From: Talley, Alana **On Behalf Of** Duval Foreclosure
Sent: Tuesday, October 26, 2010 2:43 PM
To: 'April Charney'
Subject:

Dear Ms. Charney:
This morning when you were in Chambers, accompanying you was the reporter for Rolling Stone Magazine.

Of course, attorneys are welcome in Chambers at their leisure and we ask that anyone other than a lawyer remain in the lobby until the case they are interested in is called up.

Media are permitted, of course, when proper request is made to the security officer because we do not know who is a property owner or media.

When you came this morning you did not have authority to take anyone back to chambers without proper screening. This policy is in effect for security reasons.

Please do not repeat such conduct in the future. Your unprofessional conduct and apparent authorization that the reporter could pursue a property owner immediately out of Chambers into the hallway for an interview, may very well be sited for possible contempt in the future.

Senior Judge Soud

art

3/1/2011

4th Cir 00416

D'Amour, Rose

From: McCallum, Linda
nt: Monday, November 15, 2010 3:30 PM
o: CTADM1_CIRCUIT_JUDGES
Subject: FW: Press groups, ACLU call for Florida foreclosure courts to be more open to public | jacksonville.com

-
Subject: Press groups, ACLU call for Florida foreclosure courts to be more open to public
| jacksonville.com

<http://jacksonville.com/business/2010-11-15/story/press-groups-aclu-call-florida-foreclosure-courts-be-more-open-public>

D'Amour, Rose

From: Carithers, Hugh
Sent: Monday, November 15, 2010 1:44 PM
To: Taylor, L. Haldane; CTADM1_CIRCUIT_JUDGES
Subject: RE: Foreclosures (Jdg Mitchell)

Here's the link

<http://money.cnn.com/>

Also, here are comments posted by Chip Parker on the T-U web site, in response to their article:

"No matter where you stand on foreclosure issues,
By jaxlawguy | 11/12/10 - 08:06 am

you should be concerned when our judicial system isn't afraid to set aside the rule of law to find for a particular party. This arrogance can seep into every other courtroom and undermine the public's confidence in our system of justice.

Anyone can be wrongfully accused of a crime, seek a divorce or be involved in a car accident. Do you want to be sitting before a judge who believes that he (or she) can do what he wants regardless of the well established law? That's what is happening today in foreclosure court.

If you want proof, go see for yourself on the 5th floor of the Duval County Courthouse. Oh, wait. You can't. You see, even though our system of justice requires open access to observe court proceedings (in all but a very few cases), the senior judges have literally locked the doors to public observation. Does this sound familiar? Can you say China, North Korea or Iran?

Chip Parker"

From: Taylor, L. Haldane
Sent: Monday, November 15, 2010 1:28 PM
To: CTADM1_CIRCUIT_JUDGES
Subject: Foreclosures

Check out Judge Mitchell on Cnn/money.com for a video play of Florida's Robo Judges. LHT

3/1/2011

4th Cir 00418

D'Amour, Rose

From: Larry Schwartztol [lschwartztol@aclu.org]
Sent: Monday, November 15, 2010 11:26 AM
To: Moran, Donald R.
Subject: FW: Public and Media Access to Foreclosure Proceedings
Attachments: Ltr to Chief Judge Moran.FINAL.pdf

Dear Chief Judge Moran,

I hope this email finds you well. On Friday I sent the email printed below to your attention, but I directed it to an erroneous email address. As you will see in the forwarded text, my intent was to let you know in advance of a letter set for delivery this morning by the American Civil Liberties Union and organizations representing members of the Florida news media regarding access to foreclosure courts. My apologies for not getting this to you in advance as I had intended.

Sincerely,

Larry Schwartztol

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

This e-mail message is intended only for the named recipient(s) above, and may contain information that is confidential or privileged. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

From: Larry Schwartztol
Sent: Friday, November 12, 2010 7:18 PM
To: 'dmoran@cos.net'
Subject: Public and Media Access to Foreclosure Proceedings

Dear Chief Judge Moran,

I hope this email finds you well. I am an attorney with the American Civil Liberties Union. The ACLU is working with a coalition of organizations representing members of the Florida news media to protest barriers to access to foreclosure proceedings around the state of Florida, and particularly in Duval County. We have sent to your attention a letter detailing these concerns, to be delivered by UPS on Monday morning, and we intend to issue a press release Monday afternoon. Because we want to provide you with notice of the letter in advance of any press inquiries, it is also attached to this email.

We thank you for your attention to this matter.

Sincerely,

Larry Schwartztol

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

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3/1/2011

4th Cir 00419

D'Amour, Rose

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

FYI.

Lisa

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

Craig,

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

Best,

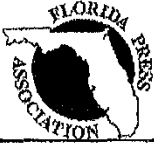
Larry

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

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3/1/2011

4th Cir 00420



Florida Press Association
336 E. College Avenue, Suite 203
Tallahassee, FL 32301
(850) 521-1109
Fax (850) 577-3629

Chief Justice Charles T. Canady
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1925

November 12, 2010

Dear Chief Justice Canady,

We write to express our concern that the right to open access to judicial proceedings is being unduly impeded in foreclosure proceedings around the state. Our organizations have received numerous reports that extraordinary barriers to access are preventing members of the general public, as well as representatives of the news media, from observing foreclosure proceedings in judicial circuits around the state. We believe these barriers undercut the transparency of the judicial process; they also violate the strong presumption of open access to judicial proceedings under Florida law. We urge you to take action to secure the public's right to observe the workings of the judicial system.

As you know, Florida law recognizes a strong presumption in favor of open access to judicial proceedings. We have no objection, of course, to ordinary security screening measures. We are concerned, however, that the barriers to access here go far beyond such measures, leaving members of the public and press subject to the discretion of individual foreclosure judges to admit or exclude them.

The reports we have received come from all around the state, and although the precise nature of the barriers to access varies, a troubling pattern emerges: foreclosure divisions recently established by the judicial circuits have been operating under a presumption of closure to members of the general public, rather than the presumption of openness mandated by Florida law. An illustrative, but not exhaustive, list of encounters that have been reported to our organizations since August 2010 follows:

- A court observer in Hillsborough County called the court to ask about the rules governing attendance at foreclosure proceedings and was told that the proceedings were not open to the public.
- A pro se defendant in Duval County was told by a member of court security that she could not access foreclosure proceedings because only attorneys were permitted.
- A court observer called the Orange County courthouse to ask about attending foreclosure proceedings. She was informed that foreclosure hearings were held "in private chambers" and therefore not open to the public.

- In Citrus County, an individual preparing to mount a pro se defense in his own foreclosure case attempted to attend foreclosure hearings in advance of his own so that he could know what to expect when his case was heard. He was told that foreclosure hearings are “private” and take place in judges’ chambers, and that he would not be permitted to observe them.
- Most recently, a legal aid attorney in Jacksonville attended a foreclosure proceeding accompanied by a reporter from Rolling Stone Magazine. Neither the attorney nor the reporter did anything disruptive to the proceedings. At one point the reporter left the proceedings in order to interview a pro se litigant whose case had just been heard. Later that day, the judge sent an email to the attorney castigating her for bringing the reporter into the proceedings. He stated that, while “attorneys are welcome in Chambers at their leisure,” members of the media are “permitted” entry only upon “proper request to the security officer.” He further informed the attorney that she “did not have authority to take anyone back to chambers without proper screening” and stated that her “apparent authorization that the reporter could pursue a property owner immediately out of Chambers into the hallway for an interview” may be “sited [sic] for possible contempt charges in the future.”¹

In raising our concerns about this pattern of exclusion, we rely on the extensive body of case law that has made Florida a model for open government. Systematically excluding members of the press and public from judicial foreclosure proceedings violates the robust guarantee of open access to courts provided by Florida law. This Court has held that “both civil and criminal court proceedings in Florida are public events and adhere to the well established common law right of access to court proceedings and records.” *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113, 116 (Fla. 1988); *see also* Fla. R. Jud. Admin. 2.420 (codifying public right of access to records of the judiciary). *Barron* articulated this right of access in forceful terms. It emphasized that “a strong presumption of openness exists for all court proceedings” and outlined the carefully circumscribed exceptions to this broad rule:

[C]losure of court proceedings or records should occur only when necessary (a) to comply with established public policy set forth in the constitution, statutes, rules, or case law; (b) to protect trade secrets; (c) to protect a compelling governmental interest [e.g., national security; confidential informants]; (d) to obtain evidence to properly determine legal issues in a case; (e) to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]; or (f) to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed.

¹ Since the incident in Duval County was particularly egregious, we have also asked that Chief Judge Moran consider appropriate action.

Id., at 118. Even in these exceptional circumstances, “before entering a closure order, the trial court shall determine that no reasonable alternative is available to accomplish the desired result, and, if none exists, the trial court must use the least restrictive closure necessary to accomplish its purpose.” *Id.*

The protection of public access to judicial proceedings serves fundamental constitutional values. In particular, the “value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that *anyone* is free to attend gives assurance that established procedures are being followed and that deviations will become known.” *Sarasota Herald-Tribune v. State*, 924 So. 2d 8, 12 (Fla. 2d DCA 2005) (quoting *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 508 (1984)). “A trial courtroom is a public place where people have a general right to be present, and what transpires in the courtroom is public property.” *Plaintiff B v. Francis*, No. 5:08-cv-79, 2010 WL 503067, *2 (N.D. Fla. Feb. 5, 2010). Foreclosure proceedings are currently a matter of intense public interest. Indeed, the media has, in recent months, scrutinized them for possible procedural deficiencies. *See, e.g.*, Gretchen Morgenson and Geraldine Fabrikant, *Florida’s High-Speed Answer to a Foreclosure Mess*, N.Y. TIMES, Sept. 14, 2010; Polyana da Costa, *Before Foreclosing, Judges Must Hear Out Homeowners*, MIAMI DAILY BUS. REV., Oct. 14, 2010.

As the examples outlined above show, Florida’s presumption of openness is being inverted in the context of foreclosure proceedings: courts across the state are effectively imposing a presumption of closure, which may be overcome only by special permission to observe proceedings. In effect, only those who actively assert their right of access in the face of initial barriers, and then ultimately receive permission, may exercise their right to observe foreclosure hearings.

Under Florida law, there are few justifications that can counterbalance the right to access. Even when those exceptional circumstances exist, the court must still determine that no more narrowly tailored alternative is available. *Barron*, 531 So. 2d at 118; *see also Globe Newspaper Co. v. Super. Ct. for the County of Norfolk*, 457 U.S. 596 (1982) (invalidating statute closing trials for certain sex offenses involving minors where state had a “compelling” interest in protecting minors’ privacy but where the court “offered no empirical support” that closure would effectively further that interest). There is no indication that closure of foreclosure courts occurs only when such rigorous analysis has taken place. Indeed, the opposite appears to be true: by choosing to conduct foreclosure hearings in “private” conference rooms or judicial chambers and treat those as closed proceedings, the burden shifts to members of the press or public to convince the court to allow access.

We recognize that the heavy volume of foreclosure cases has led to difficulties finding judges and courtrooms to hear the cases. As a result, some cases are being held in chambers for lack of an available traditional courtroom. Nevertheless, the proceedings must be open, even if they are held temporarily in a smaller and less formal physical

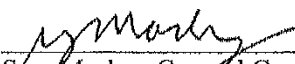
setting than usual. While we understand the necessity for ordinary and uniform security screening procedures, the unavailability of a traditional courtroom cannot justify a deprivation of the rights established under Florida law and the U.S. Constitution.

This Court has noted that the press plays an indispensable role in maintaining "the judicial system's credibility in a free society." *Barron*, 531 So. 2d at 116. That credibility cannot be maintained when members of the public and media are dependent on the indulgence of the presiding judge to allow them to observe important judicial proceedings.

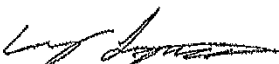
It is our sincere hope that we, and other representatives of the media, will be able to avoid instituting litigation over the issue of access to foreclosure proceedings. We do face certain time constraints, however, because Florida Rule of Appellate Procedure 9.100(d) provides for expedited review of orders excluding the public and media from judicial proceedings, and it requires such petitions to be filed within 30 days of an exclusion order.²


Accordingly, we respectfully urge you to take corrective action to ensure citizen and press access as guaranteed by Florida's right-of-access jurisprudence. In particular, we ask that you promulgate an Administrative Order or take other expeditious and appropriate action to ensure that both the public and media may observe proceedings consistent with Florida law and subject only to ordinary security measures

We thank you for your attention to this important matter.

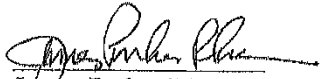

Sam Morley, General Counsel
The Florida Press Association


Talbot D'Alemberte, Bar No. 0017529
The Florida Press Association


Larry Schwartz, Staff Attorney
The American Civil Liberties Union


Randall Marshall, Legal Director
The American Civil Liberties Union of Florida

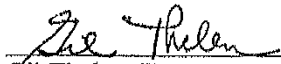
² The incident in Duval County occurred on October 26th. Accordingly, the last day to file a petition for review pursuant to Rule 9.100(d) is November 29th.




James Parker Rhea, Director & General Counsel
The First Amendment Foundation



C. Patrick Roberts, President & CEO
Florida Association of Broadcasters



Gil Thelen, Executive Director
The Florida Society of Newspaper Editors



James Denton, Editor
The Florida Times-Union



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CHARLES T. CANADY
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
RICKY POLSTON
JORGE LABARGA
JAMES E. C. PERKY
JUSTICES

THOMAS D. HALL
CLERK OF COURT

KEVIN WHITE
ACTING MARSHAL

November 17, 2010

Mr. Sam Morley
General Counsel
The Florida Press Association
336 East College Avenue, Suite 203
Tallahassee, Florida 32301

Mr. Talbot D'Alemberte
Mr. Larry Schwartztol
Mr. Randall Marshall
Mr. James Parker Rhea
Mr. C. Patrick Roberts
Mr. Gil Thelen
Mr. James Denton

Gentlemen:

Thank you for your letter of November 12, 2010, regarding public access to Florida foreclosure proceedings. As you know, judicial ethics rules prohibit me from intervening in actual legal disputes pending or likely to be filed in lower courts, including the possible future litigation you mentioned with regard to an incident in Duval County.

But Canon 3C(3) of the Florida Code of Judicial Conduct expressly says that “[a] judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure . . . the proper performance of their other judicial responsibilities.” Under the Florida Constitution, article V, section 2(b), I

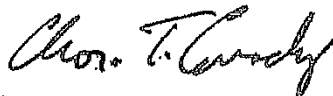
Mr. Sam Morley, et al.
November 17, 2010
Page Two

am the chief administrative officer of the state courts system. I write you solely in that capacity.

The courts of Florida belong to the people of Florida. The people of Florida are entitled to know what takes place in the courts of this state. No crisis justifies the administrative suspension of the strong legal presumption that state court proceedings are open to the public.

Today I have sent to the chief judges of Florida's twenty judicial circuits a supervisory memorandum—a copy of which is enclosed—setting forth my administrative directive on this matter. Under that directive, the chief judges shall ensure that the judges they supervise and the staff who report to those judges, as well as bailiffs and employees of the clerks of court, are not violating the rights of Floridians by improperly closing judicial proceedings to the public. The chief judges shall promptly exercise their administrative and supervisory authority to countermand closures or impediments to access that are inconsistent with Florida law.

Sincerely,



Charles T. Canady

CTC/ps

Enclosure



MEMORANDUM

TO: Chief Judges of the Circuit Courts

FROM: John Laurent

DATE: October 28, 2010

SUBJECT: Foreclosure Initiative

*The Honorable
John F. Laurent, Chair*

*The Honorable
Margaret Steinbeck,
Vice-Chair*

Members

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

Ex-Officio Members

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

*The Honorable Susan F. Schaeffer
Chair Emeritus*

Supreme Court Liaison

Justice James E. C. Perry

Florida State Courts System

500 South Duval Street

Tallahassee, FL 32399-1900

www.flcourts.org

In follow up to the Judicial Administration Committee conference call held on October 18, 2010, I am writing to reiterate the Trial Court Budget Commission's purpose for tracking the progress of cases the trial courts are hearing using funding provided for the foreclosure and economic recovery initiative. When the Florida Legislature appropriated special funding of \$6 million to help the trial courts with the significant backlog of foreclosure cases, the Trial Court Budget Commission established a measurement of progress that corresponded to the funding received: 62% of the backlog cases potentially could be processed because the Legislature funded 62% of the original request from the courts. A simple case tracking system was set up to monitor the progress and identify any reasons for delays. This is so that we will be able to report to the Legislature on how these funds were used. However, the Legislature has not specifically directed us to make such a report.

The 62% rate is not a quota. The 62% rate is simply a goal set by the TCBC to help measure the courts' progress in this initiative and document how the appropriation for the foreclosure initiative is being spent. The 62% rate was set before the initiative began and, most notably, before many of the lender moratoriums and other delays occurred. Please assure judges working on this project that the 62% rate was never intended to interfere with their ability to adjudicate each case fairly on its merits.

We will continue to monitor the progress of this initiative because we have an obligation to account for how these funds have been used. But we also will document all issues related to any difficulties that prevent or delay the court from hearing and disposing of cases before them.

JL/ks

cc: TCBC Members



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

Chief Judge Donald R. Moran
Fourth Judicial Circuit of the State of Florida
330 E. Bay Street
Jacksonville, Florida 32202

November 12, 2010

Dear Chief Judge Moran,

We write to express our concern that the right to open access to judicial proceedings is not being fully protected in the Duval County foreclosure division. It has recently come to our attention that Senior Judge Soud has severely curtailed public access to foreclosure proceedings, including access by members of the media. We urge you to take action to secure the public's right to observe the workings of the judicial system.

As you know, Florida law recognizes a strong presumption in favor of open access to judicial proceedings. We have received a number of reports, however, suggesting that members of the public and press who attempt to observe foreclosure proceedings in Duval County encounter unjustifiable hurdles. We have no objection, of course, to ordinary security screening measures. We are concerned, however, that the barriers to access here go far beyond such measures, leaving members of the public and press subject to the discretion of individual foreclosure judges to admit or exclude them.

This practice of exclusion recently crystallized into an explicit statement of policy by Senior Judge Soud. On October 26, an attorney from Jacksonville Area Legal Aid accompanied a reporter from Rolling Stone Magazine to observe proceedings held in Judge Soud's chambers. Neither the attorney nor the reporter did anything to disrupt the proceedings. At one point the reporter left the proceedings in order to interview a pro se litigant whose case had just been heard and who had left the room. Later that day, Judge Soud sent an email to the attorney castigating her for bringing the reporter into the proceedings. He stated that, while "attorneys are welcome in Chambers at their leisure," members of the media are "permitted" entry only upon "proper request to the security officer." He further informed the attorney that she "did not have authority to take anyone back to chambers without proper screening," and stated that her "apparent authorization that the reporter could pursue a property owner immediately out of Chambers into the hallway for an interview" may be "sited [sic] for possible contempt charges in the future."

Judge Soud's stated policy is irreconcilable with the extensive body of case law that has made Florida a model for open government. He has stated that members of the media may observe foreclosure proceedings only after making a "proper request" and that lawyers who facilitate access by the press may face contempt charges based on a reporter's non-disruptive interview and observation of judicial proceedings. But the Florida Supreme Court has held that "both civil and criminal court proceedings in Florida are public events and adhere to the well established common law right of access to court proceedings and records." *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113, 116 (Fla. 1988); see also Fla. R. Jud. Admin. 2.420

(codifying public right of access to records of the judiciary). *Barron* articulated this right of access in forceful terms. It emphasized that “a strong presumption of openness exists for all court proceedings” and outlined the carefully circumscribed exceptions to this broad rule:

[C]losure of court proceedings or records should occur only when necessary (a) to comply with established public policy set forth in the constitution, statutes, rules, or case law; (b) to protect trade secrets; (c) to protect a compelling governmental interest [e.g., national security; confidential informants]; (d) to obtain evidence to properly determine legal issues in a case; (e) to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]; or (f) to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed.

Id., at 118. Even in these exceptional circumstances, “before entering a closure order, the trial court shall determine that no reasonable alternative is available to accomplish the desired result, and, if none exists, the trial court must use the least restrictive closure necessary to accomplish its purpose.” *Id.*

The protection of public access to judicial proceedings serves fundamental constitutional values. In particular, the “value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that *anyone* is free to attend gives assurances that established procedures are being followed and that deviations will become known.” *Sarasota Herald-Tribune v. State*, 924 So. 2d 8, 12 (Fla. 2d DCA 2005) (quoting *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 508 (1984)). “A trial courtroom is a public place where people have a general right to be present, and what transpires in the courtroom is public property.” *Plaintiff B v. Francis*, No. 5:08-cv-79, 2010 WL 503067, *2 (N.D. Fla. Feb. 5, 2010). Foreclosure proceedings are currently a matter of intense public interest. Indeed, the media has, in recent months, scrutinized them for possible procedural deficiencies. *See, e.g.*, Gretchen Morgenson and Geraldine Fabrikant, *Florida’s High-Speed Answer to a Foreclosure Mess*, N.Y. TIMES, Sept. 14, 2010; Polyana da Costa, *Before Foreclosing, Judges Must Hear Out Homeowners*, MIAMI DAILY BUS. REV., Oct. 14, 2010.

Judge Soud’s policy stands in direct opposition to these principles of open access. Rather than adhere to the “strong presumption of openness,” he does precisely the opposite: he employs a presumption of exclusion that apparently may be overcome only if he gives permission to specific members of the press. *Cf. NYCLU v. NYC Transit Auth.*, 675 F. Supp. 2d 411, 428-39 (S.D.N.Y. 2009) (holding that administrative hearing that can be closed upon request of a party violates the First Amendment right of access). Under Florida law, there are few justifications that can counterbalance the right to access. Even when those exceptional circumstances exist, the court must still determine that no more narrowly tailored alternative is available. *Barron*, 531 So. 2d at 118; *see also Globe Newspaper Co. v. Super. Ct. for the County of Norfolk*, 457 U.S. 596 (1982) (invalidating statute closing trials for certain sex offenses involving minors where state had a “compelling” interest in protecting minors’ privacy but where the court “offered no empirical support” that closure would effectively further that interest). It follows from the enumeration of a narrow set of exceptional circumstances under which proceedings may be

closed that *Barron* precludes a situation where access is contingent on court approval; reversing the presumption of openness is tantamount to exclusion. Judge Soud has failed to engage in the rigorous analysis necessary to establish the prerequisites for court closure.

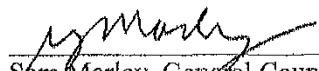
We recognize that the heavy volume of foreclosure cases has led to difficulties finding judges and courtrooms to hear the cases. As a result, some cases are being held in chambers for lack of an available traditional courtroom. Nevertheless, the proceedings must be open, even if they are held temporarily in a smaller and less formal physical setting than usual. While we understand the necessity for ordinary and uniform security screening procedures, the unavailability of a traditional courtroom cannot justify a deprivation of the rights established under Florida law and the U.S. Constitution.


As the Florida Supreme Court has noted, the press plays an indispensable role in maintaining "the judicial system's credibility in a free society." *Barron*, 531 So. 2d at 116. That credibility cannot be maintained when members of the public and media are dependent on the specific permission of the presiding judge to observe important judicial proceedings.

It is our sincere hope that we, and other representatives of the media, will be able to avoid instituting litigation over the issue of access to foreclosure proceedings. We do face certain time constraints, however, because Florida Rule of Appellate Procedure 9.100(d) provides for expedited review of orders excluding the public and media from judicial proceedings, and it requires such petitions to be filed within 30 days of an exclusion order.¹

Accordingly, we urge you to take corrective action to ensure citizen and press access as required by Florida law. In particular, we ask that you promulgate an Administrative Order or take other expeditious and appropriate action setting forth clear procedures governing public access to foreclosure proceedings in the Fourth Judicial Circuit.² Those procedures should ensure that both the public and media can observe proceedings subject only to ordinary security measures.

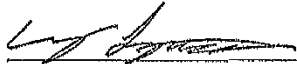
We thank you for your attention to this important matter.


Sam Morley, General Counsel
The Florida Press Association

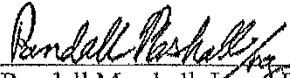

Talbot D'Alemberte, Bar No. 0017529
The Florida Press Association

¹ The incident described in this letter occurred on October 26th. Accordingly, the last day to file a petition for review pursuant to Rule 9.100(d) is November 29th.

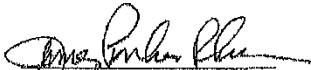
² Although the incident described herein is particularly disturbing, barriers to public access to foreclosure proceedings have been reported statewide, and for that reason we have also sent a letter to Chief Justice Canady requesting that he take action to ensure open access to foreclosure proceedings across the state.



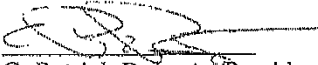
Larry Schwartz, Staff Attorney
The American Civil Liberties Union



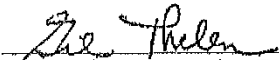
Randall Marshall, Legal Director
The American Civil Liberties Union of Florida



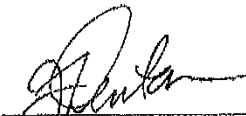
James Parker Rhea, Director & General Counsel
The First Amendment Foundation



C. Patrick Roberts, President & CEO
Florida Association of Broadcasters



Gil Thelen, Executive Director
The Florida Society of Newspaper Editors



James Denton, Editor
The Florida Times-Union

D'Amour, Rose

From: Janocko, Eve
Sent: Monday, November 15, 2010 8:13 AM
To: Sourbeer, Jeff; Stelma, Joe
Cc: Moran, Donald R.; Norris, Elizabeth
Subject: RE: Foreclosure Status (Update)

What is the process for submission to OSCA?

Eve Janocko
Court Operations Program Assistant
Duval County Courthouse
330 East Bay Street, Room 512B
Jacksonville, Florida 32202
Voice: (904)-630-1644
Fax: (904)-301-3810
ejanocko@coj.net

From: Sourbeer, Jeff
Sent: Wednesday, November 10, 2010 2:36 PM
To: Stelma, Joe
Cc: Moran, Donald R.; Norris, Elizabeth; Janocko, Eve
Subject: Foreclosure Status (Update)

I just received the October 2010 submission from Duval County. Eve Janocko now has all three County worksheets.

I received the foreclosure worksheets from Clay and Nassau County this afternoon for the October 2010 submission to OSCA. I have an e-mail into the Clerk's IT staff regarding Duval's submission.

3/1/2011

4th Cir 00433

D'Amour, Rose

From: Sourbeer, Jeff
Sent: Wednesday, November 10, 2010 2:18 PM
To: Stelma, Joe
Cc: Moran, Donald R.; Norris, Elizabeth; Janocko, Eve
Subject: Foreclosure Status

I received the foreclosure worksheets from Clay and Nassau County this afternoon for the October 2010 submission to OSCA. I have an e-mail into the Clerk's IT staff regarding Duval's submission.

3/1/2011

4th Cir 00434

D'Amour, Rose

From: Sourbeer, Jeff
Sent: Monday, November 08, 2010 1:57 PM
To: Stelma, Joe
Cc: Moran, Donald R.; D'Amour, Rose; Norris, Elizabeth
Subject: FW: Foreclosure Data Reporting
Attachments: 20101108084446734.pdf, ATT4558404.htm *no attachment*

Thanks Joe. I believe this automated solution could be beneficial to other Courts to gather the data, not just the Courts using the Aptitude Solution for Case Maintenance.

From: Stelma, Joe
Sent: Monday, November 08, 2010 1:42 PM
To: Sourbeer, Jeff
Subject: Fwd: Foreclosure Data Reporting

Sent from my iPhone

Begin forwarded message:

From: Debbie Howells <howellsd@flcourts.org>
Date: November 8, 2010 8:55:46 AM EST
To: "Judge Donald R. Moran, Jr." <maryloum@coj.net>
Cc: "Joseph Stelma, Jr." <jstelma@coj.net>, Judge John Laurent <jlaurent@jud10.flcourts.org>
Subject: **Foreclosure Data Reporting**

Please see the attached letter from Lisa Goodner. The original letter will follow via U.S. Mail delivery.

Debbie Howells

Office of the State Courts Administrator

500 S. Duval Street

Tallahassee, FL 32399-1900

Phone 850-922-4370

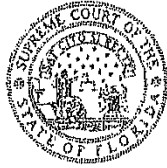
Fax 850-488-0156

Email howellsd@flcourts.org

3/1/2011

4th Cir 00435

Charles T. Canady
Chief Justice



Elisabeth H. Goodner
State Courts Administrator

Office of the State Courts Administrator

Phone: (850) 922-5081 Fax: (850) 488-0156
e-mail: osca@flcourts.org

November 5, 2010

The Honorable Donald R. Moran, Jr.
Chief Judge, Fourth Judicial Circuit
330 E. Bay Street, Room 220
Jacksonville, Florida 32202

Dear Chief Judge Moran:

Thank you for your correspondence dated October 5, 2010, concerning the reporting of data associated with the Foreclosure and Economic Recovery Initiative. Specifically, you identified the challenges facing the Fourth Judicial Circuit in reporting the necessary foreclosure data and proposed a course of action that will facilitate your ability to provide the required information to the Office of the State Courts Administrator (OSCA).

Your letter indicates the Fourth Circuit believes the most efficient course of action would be to make use of an automated program produced by the Duval County Clerk of Court. However, I understand you have been informed that the Clerk's Office will need \$8,000 to produce the program. Therefore, by copy of this letter, I am referring this matter to the TCBC for consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Goodner".

Elisabeth H. Goodner

LG:KS:dgh

cc: The Honorable John Laurent, Chair, Trial Court Budget Commission

D'Amour, Rose

From: Debbie Howells [howellsd@flcourts.org]
Sent: Monday, November 08, 2010 8:56 AM
To: Judge Donald R. Moran, Jr.
Cc: Stelma, Joe; Judge John Laurent
Subject: Foreclosure Data Reporting
Attachments: 20101108084446734.pdf

Please see the attached letter from Lisa Goodner. The original letter will follow via U.S. Mail delivery.

Debbie Howells
Office of the State Courts Administrator
500 S. Duval Street
Tallahassee, FL 32399-1900
Phone 850-922-4370
Fax 850-488-0156
Email howellsd@flcourts.org

3/1/2011

4th Cir 00437

Charles T. Canady
Chief Justice



Elisabeth H. Goodner
State Courts Administrator

Office of the State Courts Administrator

Phone: (850) 922-5081 Fax: (850) 488-0156
e-mail: osca@flcourts.org

November 5, 2010

The Honorable Donald R. Moran, Jr.
Chief Judge, Fourth Judicial Circuit
330 E. Bay Street, Room 220
Jacksonville, Florida 32202

Dear Chief Judge Moran:

Thank you for your correspondence dated October 5, 2010, concerning the reporting of data associated with the Foreclosure and Economic Recovery Initiative. Specifically, you identified the challenges facing the Fourth Judicial Circuit in reporting the necessary foreclosure data and proposed a course of action that will facilitate your ability to provide the required information to the Office of the State Courts Administrator (OSCA).

Your letter indicates the Fourth Circuit believes the most efficient course of action would be to make use of an automated program produced by the Duval County Clerk of Court. However, I understand you have been informed that the Clerk's Office will need \$8,000 to produce the program. Therefore, by copy of this letter, I am referring this matter to the TCBC for consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Goodner".

Elisabeth H. Goodner

LG:KS:dgh

cc: The Honorable John Laurent, Chair, Trial Court Budget Commission

D'Amour, Rose

From: a c soud Jr [acsoudjr@comcast.net]
Sent: Friday, November 05, 2010 3:53 PM
To: Stelma, Joe; Emery, Caroline; Moran, Donald R.
Subject: Re: ACLU Public Records Request - clarifications

Caroline will get with you first of week to see what this means for our circuit.

Sent from my Verizon Wireless BlackBerry

From: "Stelma, Joe" <Jstelma@coj.net>
Date: Fri, 5 Nov 2010 15:29:08 -0400
To: Emery, Caroline <CEmery@coj.net>; Moran, Donald R. <Dmoran@coj.net>; A. C. Soud, Jr. <acsoudjr@comcast.net>
Subject: FW: ACLU Public Records Request - clarifications

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax: (904) 630-8209

From: Laura Rush [mailto:RushL@frcourts.org]
Sent: Friday, November 05, 2010 3:18 PM
To: Trial Court Administrators
Cc: 'Berghorn, Robin'; Kearson, Linda
Subject: ACLU Public Records Request - clarifications

All,

I spoke with ACLU attorney Larry Schwartzol yesterday afternoon. Following are the clarifications we discussed:

1. Time frame from January 1, 2009 to the present:

ACLU's interest in pre-July 1, 2010, records is narrowly focused on those records specifically relating to any specialized foreclosure divisions or special foreclosure courts that were established prior to the \$6 million appropriation becoming available this past July to process the foreclosure case backlog. ACLU is not interested in any records relating to non-specialized foreclosure courts.

Therefore, ACLU is looking for pre-July 1, 2010, records only as to those circuits that had specialized foreclosure divisions or special foreclosure courts before July 1, 2010. If a circuit had a specialized foreclosure division or special foreclosure court prior to July 1, 2010, ACLU's request encompasses those records relating to the planning and establishment of the specialized division or court. If a circuit did not have a specialized foreclosure division or foreclosure court prior to July 1, 2010, it need not produce records prior to July 1, 2010,

3/1/2011

in response to any of the six requests listed in the Oct. 19 letter.

2. Request items #2 and #4.

ACLU will send out revised, clarified records requests for items #2 and #4. With respect to individual case records that could be responsive to item #2, Mr. Schwartztol indicated there were some individual case records ACLU will want to have encompassed within the request, but he will clarify that point in writing. There was no indication that ACLU is looking for individual case records in response to item #1.

3. Definition of "clerks" in Item #2.

The term "clerks" should be broadly interpreted to include any type of clerk, including clerk of court, law clerk, or a clerical position, assigned to a specialized foreclosure division, section or case management unit.

4. Task Force or Managed Mediation Program records

ACLU is not interested in records relating to the task force or managed mediation programs. Their request is directed strictly to records relating to the adjudicatory process.

Hope this is helpful. If I missed anything, or you would like me to pursue further clarification, please let me know. I anticipate talking with Mr. Schwartztol again.

Sincerely,
Laura Rush
General Counsel
Office of the State Courts Administrator
500 South Duval Street
Tallahassee, FL 32399-1900
(850) 488-1824

3/1/2011

4th Cir 00440

D'Amour, Rose

From: D'Amour, Rose
nt: Friday, November 05, 2010 8:53 AM
o: CTADM1_JUDGES; CTADM1_STAFF_ATTORNEYS; Laquidara, Cindy; Stelma, Joe; Stewart, Gina; Heiney, Mia; 'Michael.Figgins@Jaxlegalaid.org'; Gardner, James ; 'apksm@aol.com'; 'kowalski.law@mac.com'; 'bgm@bgmccarthy.com'; 'dschutt@jaxtrialattorneys.com'; Hon Brian J. Davis; Hon Grandville C. Burgess; Hon Robert Foster; Akel, Franklin; Bass, Lester; DeLorenzo, Denise; Houser, Joanna; Keebler, Maria; Matthews, Donald; Misiak, Dianne; Sampson, John; Walton, Leatrice; Hon Daniel Wilensky; Hon John H. Skinner; Hon Mack Crenshaw Jr.; Hon Richard R. Townsend; Hon Timothy R. Collins; Hon. William H. Wilkes
Subject: FW: Admin. Order 2010-8 - JUDICIAL SALES FEE IN ALL FORECLOSURE CASES
Attachments: img-Y04145256-0001.pdf



img-Y04145256-0001.pdf

Please read the new order. Thanks.

Rosemarie D'Amour
Judicial Assistant to Chief
Judge Donald R. Moran, Jr.
Duval County Courthouse-Room 220
Jacksonville, Fl. 32202
904-630-2541 E-Mail: Rosed@coj.net

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

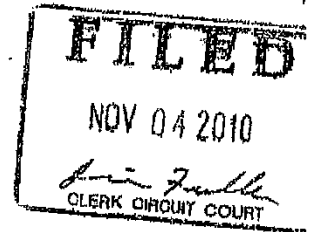
From: Brunette, Suzanne
Sent: Friday, November 05, 2010 8:31 AM
To: D'Amour, Rose
Subject: FW: Admin. Order 2010-8 - JUDICIAL SALES FEE IN ALL FORECLOSURE CASES

I've forwarded certified copies to The Jax Bar, the Law Library and, of course, Caroline.

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2010-8

RE: **JUDICIAL SALES FEE IN ALL FORECLOSURE CASES**



WHEREAS, in foreclosure actions, the Office of the Clerk for Clay County has been experiencing substantial difficulty in collecting the judicial sales fees for conducting public sales once final judgments have been entered;

WHEREAS, after final judgment, the plaintiff in a foreclosure action, which is typically the lending institution, more often than not, ultimately purchases the property at the judicial sale;

WHEREAS, it has become necessary to restructure the payment procedures so that the Office of the Clerk can be assured of payment by requiring payment when suit is initially filed;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

1. That beginning December 1, 2010, the plaintiff in each and every foreclosure action will be required to pay seventy dollars (\$70.00) to the Clerk of Court for Clay County at the time of filing the complaint, as a service charge pursuant to § 45.035(1), Florida Statutes, "for services in making, recording, and certifying the sale and title" which "shall be advanced by the plaintiff before the sale." This seventy dollars (\$70.00) service charge may be refunded to the plaintiff if - and only if - the case is voluntarily dismissed prior to the judicial sale.

2. That, should Clay County implement electronic foreclosure sales in the future, then at that time, plaintiffs in each and every foreclosure action will be required to pay an additional seventy dollars (\$70.00) to the Clerk of Court for Clay County when filing the complaint, pursuant to § 45.035(3), Florida Statutes, for services in conducting the public sale by electronic means. Such electronic sales costs are statutorily required to be paid by the "winning bidder." Therefore, in the event the winning bidder at the electronic judicial sale is ultimately not the plaintiff, but instead, is a third party purchaser, the Clerk will refund the seventy dollars (\$70.00) to the plaintiff within thirty (30) calendar days of the sale.

Instr #: 2010258329
BK: 15419 PAGES 2000-2002
RECORDED 11/04/2010 03:20
Clerk of Courts
Duval County Florida
ERecord -belvl

4th Cir 00442

3. That, unless objections to the public sale are filed with the Court within ten (10) days after filing the certificate of sale pursuant to § 45.031(5), Florida Statutes, the party to whom the certificate of title is issued shall pay the required documentary stamp fees no later than fifteen (15) calendar days from the date the certificate of sale is filed.

4. That beginning December 1, 2010, if a foreclosure sale is incomplete, and the successful third party bidder does not follow through with paying the balance of bid price in full, the 5 % deposit, which the third party bidder has as a credit with the Clerk of Court, shall be forfeited to the Clerk of Court subject to partial distribution to the plaintiff upon application in accordance with Florida law. The plaintiff will be required to file a motion to reschedule the foreclosure sale and simultaneously pay to the Clerk of Court for Clay County: (a) a filing fee in the amount of fifty dollars (\$50.00) for reopening the action, as authorized by § 28.241, Florida Statutes; (b) an additional seventy dollars (\$70.00) service charge pursuant to § 45.035(1), Florida Statutes, "for services in making, recording, and certifying the sale and title" to be refunded to the plaintiff if the case is voluntarily dismissed; and (c) if, and only if, Clay County implements public sales electronically, then plaintiffs will also have to pay an additional seventy dollars (\$70.00) for services in conducting an electronic public sale pursuant to § 45.035(3), Florida Statutes, to be refunded to the plaintiffs within thirty (30) calendar days of the public sale if the "winning bidder" at the electronic judicial sale is ultimately a third party purchaser.

5. That this Administrative Order shall be recorded by the Clerk of the Court in the Official Records of Duval County, in the State of Florida, and shall take effect on December 1, 2010 and remain in full force and effect unless and until otherwise ordered by this Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this

7 day of Nov, 2010.

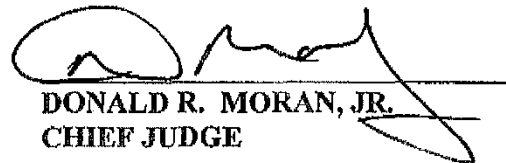
STATE OF FLORIDA
DUVAL COUNTY

I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court of Duval County, Florida.

WITNESS my hand and seal of Clerk of Circuit Court at Jacksonville, Florida, this the 7 day of Nov, A.D. 2010.

JIM FULLER
Clerk, Circuit and County Courts
Duval County, Florida.

By Valencia Bell
Deputy Clerk


DONALD R. MORAN, JR.
CHIEF JUDGE

cc: All Judges in the Fourth Judicial Circuit
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable William A. Wilkes, Administrative Judge, Clay County
All Magistrates in the Fourth Circuit
The Honorable Jim Fuller, Clerk of the Circuit Court, Duval County
The Honorable James B. Jett, Clerk of the Circuit Court, Clay County
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
The Honorable Cindy A. Laquidara, General Counsel
The Jacksonville Bar Association, Program Manager
Mark Kessler, Esq.
James Kowalski, Esq.
Blane McCarthy, Esq.
Dennis Schutt, Esq, JAX Mediation Center
James Gardner, Fourth Judicial Circuit ADR Director
Joseph Stelma, Fourth Judicial Circuit Trial Court Administrator
Mia Heiney, Chief Deputy Court Administrator
Caroline C. Emery, Esq. Court Counsel
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit
Michael Figgins, Esq., Director JALA

D'Amour, Rose

From: Stelma, Joe
Sent: Monday, November 01, 2010 3:45 PM
To: Moran, Donald R.; 'A. C. Soud, Jr.'
Cc: Sourbeer, Jeff; Norris, Elizabeth
Subject: FW: Foreclosure and Economic Recovery Status Report - First Quarter of Fiscal Year 2010-11
Attachments: First Quarter of FY 2010-11 Status Report_v2.pdf

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Kristine Slayden [mailto:slaydenk@flcourts.org]
Sent: Monday, November 01, 2010 2:49 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Blan Teagle; Laura Rush; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; P.J. Stockdale; Greg Youchock
Subject: Foreclosure and Economic Recovery Status Report - First Quarter of Fiscal Year 2010-11

Chief Judges/Trial Court Administrators: Attached is the Foreclosure and Economic Recovery Status Report – First Quarter of Fiscal Year 2010-11. Please let me know if you have any questions. Kris

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

3/1/2011

4th Cir 00445

**Foreclosure and Economic Recovery
Real Property/Mortgage Foreclosure Backlog
Status Report - First Quarter of Fiscal Year 2010-11**

Circuit	Real Property/ Mortgage Foreclosure Backlog as of June 30, 2010¹	First Quarter of FY 2010-11 Initiative Dispositions²	Balance of Backlog After First Quarter of FY 2010-11³
1	10,979	717	10,262
2	3,460	183	3,277
3	1,115	120	995
4	17,916	2,948	14,968
5	16,281	840	15,441
6	31,791	2,730	29,061
7	18,440	3,837	14,603
8	1,926	522	1,404
9	39,700	6,048	33,652
10	11,045	3,004	8,041
11	75,326	4,920	70,406
12	21,617	1,878	19,739
13	32,843	4,364	28,479
14	3,897	823	3,074
15	46,438	9,846	36,592
16	2,259	133	2,126
17	48,675	9,585	39,090
18	27,117	2,768	24,349
19	19,061	951	18,110
20	32,453	9,613	22,840
Total	462,339	65,830	396,509

¹ Real Property/Mortgage Foreclosure Backlog as of June 30, 2010 was determined by subtracting the number of SRS dispositions from the number of SRS filings for July 1, 2006 through June 30, 2010.

² First Quarter of FY 2010-11 Initiative Dispositions are based on data that is provided to the OSCA on a monthly basis by each trial court. These data are the reported information on cases disposed from July 1, 2010 through September 30, 2010 using the new resources. In addition, Desoto County and Okeechobee County did not receive Foreclosure and Economic Recovery funding and are not included above; Circuit 4 has not submitted data during the initiative (The data provided above for Circuit 4 represents the number of SRS dispositions for July 2010 through September 2010.); July 2010 data is incomplete for Pinellas County; and September 2010 data is incomplete for Orange County, Circuit 18 and Circuit 19.

³ Balance of Backlog After First Quarter of Fiscal Year 2010-11 was determined by subtracting the number of First Quarter of FY 2010-11 Initiative Dispositions from the number of Real Property/Mortgage Foreclosure Backlog as of June 30, 2010.

Note: First Quarter of Fiscal Year 2010-11 includes data from July 1, 2010 to September 30, 2010.

Foreclosure and Economic Recovery
Real Property/Mortgage Foreclosure Type of Dispositions¹
Status Report - First Quarter of Fiscal Year 2010-11

Circuit	Dismissed	Summary/ Final Judgment	Trial	Unidentified	Total Disposed
1	192	522	1	2	717
2	32	151	0	0	183
3	50	70	0	0	120
4	1,176	1,772	0	0	2,948
5	249	547	0	44	840
6	19	2,710	1	0	2,730
7	1,213	2,569	2	53	3,837
8	175	320	6	21	522
9	1,635	4,401	1	11	6,048
10	859	2,125	1	19	3,004
11	3,566	1,354	0	0	4,920
12	127	1,744	5	2	1,878
13	230	3,986	0	148	4,364
14	342	471	0	10	823
15	2,849	6,956	1	40	9,846
16	23	100	0	10	133
17	2,381	7,105	1	98	9,585
18	983	1,779	3	3	2,768
19	281	399	1	270	951
20	643	7,859	0	1,111	9,613
Total	17,025	46,940	23	1,842	65,830

¹ Type of Dispositions are based on the initiative data that is provided to the OSCA on a monthly basis by each trial court. These data represent the reported information on cases disposed from July 1, 2010 through September 30, 2010 using the new resources. In addition, Desoto County and Okeechobee County did not receive Foreclosure and Economic Recovery funding and are not included above; Circuit 4 has not submitted data during the initiative (The data provided above for Circuit 4 represents the number of SRS dispositions for July 2010 through September 2010.); July 2010 data is incomplete for Pinellas County; and September 2010 data is incomplete for Orange County, Circuit 18 and Circuit 19. Note: First Quarter of Fiscal Year 2010-11 includes data from July 1, 2010 to September 30, 2010.

**Foreclosure and Economic Recovery
Real Property/Mortgage Foreclosure Case Status¹
Status Report - First Quarter of Fiscal Year 2010-11**

Case Status as of September 30, 2010				
Circuit	Cases Disposed	Cases Active ²	Cases Inactive ³	Cases Stayed ⁴
1	717	162	10,172	0
2	183	353	3,758	2
3	120	1,168	17	0
4	2,948	NA	18,291	NA
5	840	3,639	13,639	2
6	2,730	6	33,638	9
7	3,837	13	15,352	0
8	522	357	1,503	2
9	6,048	4,645	39,754	1
10	3,004	9,701	2,047	7
11	4,920	45,455	33,219	0
12	1,878	265	19,921	0
13	4,364	1	28,846	0
14	823	2,214	1,957	11
15	9,846	0	43,026	0
16	133	615	1,727	4
17	9,585	23,583	28,403	0
18	2,768	662	23,937	116
19	951	0	20,523	0
20	9,613	20,628	4,623	6
Total	65,830	113,467	344,353	160

¹ Cases Status is based on the initiative data that is provided to the OSCA on a monthly basis by each trial court. These data represent the reported information on cases disposed in July 2010 through September 2010 using the new resources and the status of the remaining pending cases. In addition, Desoto and Okeechobee Counties did not receive Foreclosure and Economic Recovery funding and are not included above; Circuit 4 has not submitted data during the initiative (The number of Cases Disposed provided above for Circuit 4 represents the number of SRS dispositions for July 2010 through September 2010.); July 2010 data is incomplete for Pinellas County; and September 2010 data is incomplete for Orange County, Circuit 18 and Circuit 19.

² Cases Active represents those cases the court is actively working to resolve. Court administration may not be made aware immediately when a case moves from inactive to active status.

³ Cases Inactive represents cases where judicial action cannot be concluded due to extenuating circumstances. This includes, but is not limited to, cases inactive due to attorney inactivity, cases with insufficient pleadings or documentation, cases involved in mediation/settlement negotiations, and other similar matters. All cases at the beginning of the initiative in July 2010 were identified as inactive.

⁴ Cases Stayed includes bankruptcy cases, cases pending resolution of another case, cases where there is an agreement of the parties, and cases pending appeal.

Note: First Quarter of Fiscal Year 2010-11 includes data from July 1, 2010 to September 30, 2010.

Foreclosure and Economic Recovery
Number of Additional Real Property/Mortgage Foreclosure Cases
Added to Backlog and Percent of Cases Disposed
Quarter Ending September 2006 through September 2010

Quarter	Number of Additional Backlog Cases Added ¹	Clearance Rate ²
July -September 2006	4,199	78.6%
October - December 2006	8,702	64.5%
January - March 2007	13,811	56.9%
April - June 2007	16,852	54.6%
July -September 2007	26,234	45.9%
October - December 2007	38,845	39.7%
January - March 2008	34,319	38.4%
April - June 2008	51,034	43.8%
July -September 2008	53,250	45.5%
October - December 2008	49,532	49.9%
January - March 2009	50,158	53.6%
April - June 2009	36,553	63.0%
July -September 2009	35,034	64.0%
October - December 2009	29,000	69.4%
January - March 2010	14,423	82.0%
April - June 2010	-11,872	125.1%
July -September 2010	-14,615	123.1%

¹ Number of Additional Backlog Cases Added was determined by subtracting the number of SRS dispositions from the number of SRS filings for the quarters ending September 30, 2006 through September 30, 2010.

² Clearance Rate was determined by dividing the number of SRS dispositions by the number of SRS filings for the quarters ending September 30, 2006 through September 30, 2010.

D'Amour, Rose

From: Kristine Slayden [slaydenk@flcourts.org]
Sent: Monday, November 01, 2010 2:49 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Blan Teagle; Laura Rush; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; P.J. Stockdale; Greg Youchock
Subject: Foreclosure and Economic Recovery Status Report - First Quarter of Fiscal Year 2010-11
Attachments: First Quarter of FY 2010-11 Status Report_v2.pdf

Chief Judges/Trial Court Administrators: Attached is the Foreclosure and Economic Recovery Status Report – First Quarter of Fiscal Year 2010-11. Please let me know if you have any questions. Kris

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

3/1/2011

4th Cir 00450

**Foreclosure and Economic Recovery
Real Property/Mortgage Foreclosure Backlog
Status Report - First Quarter of Fiscal Year 2010-11**

Circuit	Real Property/ Mortgage Foreclosure Backlog as of June 30, 2010¹	First Quarter of FY 2010-11 Initiative Dispositions²	Balance of Backlog After First Quarter of FY 2010-11³
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³ Balance of Backlog After First Quarter of Fiscal Year 2010-11 was determined by subtracting the number of First Quarter of FY 2010-11 Initiative Dispositions from the number of Real Property/Mortgage Foreclosure Backlog as of June 30, 2010.

Note: First Quarter of Fiscal Year 2010-11 includes data from July 1, 2010 to September 30, 2010.

Foreclosure and Economic Recovery
Real Property/Mortgage Foreclosure Type of Dispositions¹
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5	249	547	0	44	840
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7	1,213	2,569	2	53	3,837
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11	3,566	1,354	0	0	4,920
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20	643	7,859	0	1,111	9,613
Total	17,025	46,940	23	1,842	65,830

¹ Type of Dispositions are based on the initiative data that is provided to the OSCA on a monthly basis by each trial court. These data represent the reported information on cases disposed from July 1, 2010 through September 30, 2010 using the new resources. In addition, Desoto County and Okeechobee County did not receive Foreclosure and Economic Recovery funding and are not included above; Circuit 4 has not submitted data during the initiative (The data provided above for Circuit 4 represents the number of SRS dispositions for July 2010 through September 2010.); July 2010 data is incomplete for Pinellas County; and September 2010 data is incomplete for Orange County, Circuit 18 and Circuit 19. Note: First Quarter of Fiscal Year 2010-11 includes data from July 1, 2010 to September 30, 2010.

**Foreclosure and Economic Recovery
Real Property/Mortgage Foreclosure Case Status¹
Status Report - First Quarter of Fiscal Year 2010-11**

Case Status as of September 30, 2010				
Circuit	Cases Disposed	Cases Active ²	Cases Inactive ³	Cases Stayed ⁴
1	717	162	10,172	0
2	183	353	3,758	2
3	120	1,168	17	0
4	2,948	NA	18,291	NA
5	840	3,639	13,639	2
6	2,730	6	33,638	9
7	3,837	13	15,352	0
8	522	357	1,503	2
9	6,048	4,645	39,754	1
10	3,004	9,701	2,047	7
11	4,920	45,455	33,219	0
12	1,878	265	19,921	0
13	4,364	1	28,846	0
14	823	2,214	1,957	11
15	9,846	0	43,026	0
16	133	615	1,727	4
17	9,585	23,583	28,403	0
18	2,768	662	23,937	116
19	951	0	20,523	0
20	9,613	20,628	4,623	6
Total	65,830	113,467	344,353	160

¹ Cases Status is based on the initiative data that is provided to the OSCA on a monthly basis by each trial court. These data represent the reported information on cases disposed in July 2010 through September 2010 using the new resources and the status of the remaining pending cases. In addition, Desoto and Okeechobee Counties did not receive Foreclosure and Economic Recovery funding and are not included above; Circuit 4 has not submitted data during the initiative (The number of Cases Disposed provided above for Circuit 4 represents the number of SRS dispositions for July 2010 through September 2010.); July 2010 data is incomplete for Pinellas County; and September 2010 data is incomplete for Orange County, Circuit 18 and Circuit 19.

² Cases Active represents those cases the court is actively working to resolve. Court administration may not be made aware immediately when a case moves from inactive to active status.

³ Cases Inactive represents cases where judicial action cannot be concluded due to extenuating circumstances. This includes, but is not limited to, cases inactive due to attorney inactivity, cases with insufficient pleadings or documentation, cases involved in mediation/settlement negotiations, and other similar matters. All cases at the beginning of the initiative in July 2010 were identified as inactive.

⁴ Cases Stayed includes bankruptcy cases, cases pending resolution of another case, cases where there is an agreement of the parties, and cases pending appeal.

Note: First Quarter of Fiscal Year 2010-11 includes data from July 1, 2010 to September 30, 2010.

Foreclosure and Economic Recovery
Number of Additional Real Property/Mortgage Foreclosure Cases
Added to Backlog and Percent of Cases Disposed
Quarter Ending September 2006 through September 2010

Quarter	Number of Additional Backlog Cases Added ¹	Clearance Rate ²
July -September 2006	4,199	78.6%
October - December 2006	8,702	64.5%
January - March 2007	13,811	56.9%
April - June 2007	16,852	54.6%
July -September 2007	26,234	45.9%
October - December 2007	38,845	39.7%
January - March 2008	34,319	38.4%
April - June 2008	51,034	43.8%
July -September 2008	53,250	45.5%
October - December 2008	49,532	49.9%
January - March 2009	50,158	53.6%
April - June 2009	36,553	63.0%
July -September 2009	35,034	64.0%
October - December 2009	29,000	69.4%
January - March 2010	14,423	82.0%
April - June 2010	-11,872	125.1%
July -September 2010	-14,615	123.1%

¹ Number of Additional Backlog Cases Added was determined by subtracting the number of SRS dispositions from the number of SRS filings for the quarters ending September 30, 2006 through September 30, 2010.

² Clearance Rate was determined by dividing the number of SRS dispositions by the number of SRS filings for the quarters ending September 30, 2006 through September 30, 2010.

D'Amour, Rose

From: D'Amour, Rose
Sent: Monday, November 01, 2010 10:46 AM
To: CTADM1_JUDGES; 'james.fuller@duvalclerk.com'; 'James Jett';
'Michael.Figgins@Jaxlegalaid.org'; Stewart, Gina; Heiney, Mia; Stelma, Joe; Gardner, James ;
Laquidara, Cindy; 'kowalski.law@mac.com'; 'bgm@bgmccarthy.com';
'dschutt@jaxtrialattorneys.com'; Akel, Franklin; Bass, Lester; DeLorenzo, Denise; Houser,
Joanna; Keebler, Maria; Matthews, Donald; Misiak, Dianne; Sampson, John; Walton, Leatrice
Subject: FW: ADMIN. ORDER 10-7 - Judicial Sales Fee in all Foreclosure Cases
Attachments: img-X29083436-0001.pdf



img-X29083436-000
1.pdf

This is an administrative order for foreclosures. Thank you.

Rosemarie D'Amour
Judicial Assistant to Chief
Judge Donald R. Moran, Jr.
Duval County Courthouse-Room 220
Jacksonville, Fl. 32202
904-630-2541 E-Mail: Rosed@coj.net

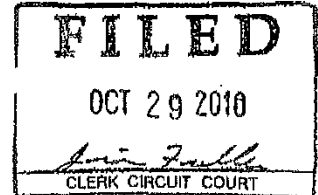
-----Original Message-----

From: Brunette, Suzanne
Sent: Friday, October 29, 2010 9:45 AM
To: ; Emery, Caroline; D'Amour, Rose
Subject: FW: ADMIN. ORDER 10-7 - Judicial Sales Fee in all Foreclosure Cases

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2010-7

RE: **JUDICIAL SALES FEE IN ALL FORECLOSURE CASES**



WHEREAS, in foreclosure actions, the Office of the Clerk for Duval County has been experiencing substantial difficulty in collecting the judicial sales fees for conducting public sales once final judgments have been entered;

WHEREAS, after final judgment, the plaintiff in a foreclosure action, which is typically the lending institution, more often than not, ultimately purchases the property at the judicial sale;

WHEREAS, it has become necessary to restructure the payment procedures so that the Office of the Clerk can be assured of payment by requiring payment when suit is initially filed;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

1. That beginning December 1, 2010, the plaintiff in each and every foreclosure action will be required to pay seventy dollars (\$70.00) to the Clerk of Court for Duval County at the time of filing the complaint, as a service charge pursuant to § 45.035(1), Florida Statutes, "for services in making, recording, and certifying the sale and title" which "shall be advanced by the plaintiff before the sale." This seventy dollars (\$70.00) service charge may be refunded to the plaintiff if - and only if - the case is dismissed prior to the judicial sale.

2. That beginning December 1, 2010, the plaintiff in each and every foreclosure action will be required to pay an additional seventy dollars (\$70.00) to the Clerk of Court for Duval County at the time of filing the complaint, pursuant to § 45.035(3), Florida Statutes, for services in conducting the public sale, which is by electronic means. Such costs are statutorily required to be paid by the "winning bidder." Therefore, if the winning bidder at the judicial sale is ultimately not the plaintiff, but instead, is a third party purchaser, the Clerk shall refund the seventy dollars (\$70.00) to the plaintiff within thirty (30) calendar days of the sale.

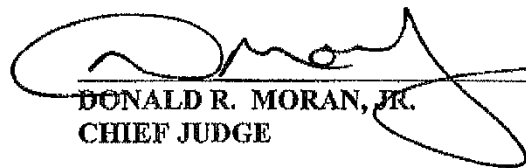
Instr #: 2010253241
BK: 15412 PAGES 2143-2145
RECORDED 10/29/2010 08:52
Clerk of Courts
Duval County Florida
ERecord -bellvl

3. That, unless objections to the public sale are filed with the Court within ten (10) days after filing the certificate of sale pursuant to § 45.031(5), Florida Statutes, the party to whom the certificate of title is issued shall pay the required documentary stamp fees no later than fifteen (15) calendar days from the date the certificate of sale is filed.

4. That beginning December 1, 2010, if a foreclosure sale is incomplete, and the successful third party bidder does not follow through with paying the balance of bid price in full, the 5 % deposit, which the third party bidder has as a credit with the Clerk of Court, shall be forfeited to the Clerk of Court subject to partial distribution to the plaintiff upon application in accordance with Florida law. The plaintiff will be required to file a motion to reschedule the foreclosure sale and simultaneously pay to the Clerk of Court for Duval County: (a) a filing fee in the amount of fifty dollars (\$50.00) for reopening the action, as authorized by § 28.241, Florida Statutes; (b) an additional seventy dollars (\$70.00) service charge pursuant to § 45.035(1), Florida Statutes, "for services in making, recording, and certifying the sale and title" to be refunded to the plaintiff if the case is voluntarily dismissed; and (c) an additional seventy dollars (\$70.00) for services in conducting an electronic public sale pursuant to § 45.035(3), Florida Statutes, to be refunded to the plaintiff within thirty (30) calendar days of the public sale if the "winning bidder" at the judicial sale is ultimately a third party purchaser.

5. That this Administrative Order shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, and shall take effect on December 1, 2010 and remain in full force and effect unless and until otherwise ordered by this Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 27 day of Oct, 2010.


DONALD R. MORAN, JR.
CHIEF JUDGE

STATE OF FLORIDA
DUVAL COUNTY

I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court of Duval County, Florida.

WITNESS my hand and seal of Clerk of Circuit Court at Jacksonville, Florida, this the 29 day of Oct A.D. 2010

JIM FULLER

Clerk, Circuit and County Courts
Duval County, Florida.

By Valana L. Bell
Deputy Clerk

cc: All Judges in the Fourth Circuit Court, in Duval County
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable William A. Wilkes, Administrative Judge, Clay County
All Magistrates in the Fourth Circuit
The Honorable Jim Fuller, Clerk of the Circuit Court, Duval County
The Honorable James B. Jett, Clerk of the Circuit Court, Clay County
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
The Honorable Cindy A. Laquidara, General Counsel
The Jacksonville Bar Association, Program Manager
Mark Kessler, Esq.
James Kowalski, Esq.
Blane McCarthy, Esq.
Dennis Schutt, Esq, JAX Mediation Center
James Gardner, Fourth Judicial Circuit ADR Director
Joseph Stelma, Fourth Judicial Circuit Trial Court Administrator
Mia Heiney, Chief Deputy Court Administrator
Caroline C. Emery, Esq. Court Counsel
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit
Michael Figgins, Esq., Director JALA

D'Amour, Rose

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

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

Sue Bruce

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

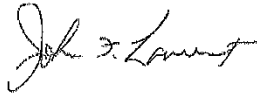
3/1/2011

4th Cir 00459



MEMORANDUM

TO: Chief Judges of the Circuit Courts

FROM: John Laurent 

DATE: October 28, 2010

SUBJECT: Foreclosure Initiative

*The Honorable
John F. Laurent, Chair*

*The Honorable
Margaret Steinbeck,
Vice-Chair*

Members

- Catherine Brunson, Circuit Judge*
- Paul S. Bryan, Circuit Judge*
- Joseph P. Farina, Circuit Judge*
- Charles A. Francis, Circuit Judge*
- Mark Mahon, Circuit Judge*
- J. Thomas McGrady, Circuit Judge*
- Wayne M. Miller, County Judge*
- Belvin, Perry, Jr., Circuit Judge*
- Robert E. Roundtree, Jr., Circuit Judge*
- Clayton D. Simmons, Circuit Judge*
- Elijah Smiley, Circuit Judge*
- Patricia V. Thomas, Circuit Judge*
- Miko Bridenback, Court Administrator*
- Tom Genung, Court Administrator*
- Sandra Lohergan, Court Administrator*
- Carol Lee Ortman, Court Administrator*
- Walt Smith, Court Administrator*
- Mark Weinberg, Court Administrator*
- Robin Wright, Court Administrator*

Ex-Officio Members

- The Honorable Kevin M. Eimas
Florida Conference of Circuit Court Judges*
- The Honorable Susan F. Schaeffer
Chair Emeritus*

Supreme Court Liaison

Justice James E. C. Perry

Florida State Courts System
500 South Duval Street
Tallahassee, FL 32399-1900
www.flcourts.org

In follow up to the Judicial Administration Committee conference call held on October 18, 2010, I am writing to reiterate the Trial Court Budget Commission's purpose for tracking the progress of cases the trial courts are hearing using funding provided for the foreclosure and economic recovery initiative. When the Florida Legislature appropriated special funding of \$6 million to help the trial courts with the significant backlog of foreclosure cases, the Trial Court Budget Commission established a measurement of progress that corresponded to the funding received: 62% of the backlog cases potentially could be processed because the Legislature funded 62% of the original request from the courts. A simple case tracking system was set up to monitor the progress and identify any reasons for delays. This is so that we will be able to report to the Legislature on how these funds were used. However, the Legislature has not specifically directed us to make such a report.

The 62% rate is not a quota. The 62% rate is simply a goal set by the TCBC to help measure the courts' progress in this initiative and document how the appropriation for the foreclosure initiative is being spent. The 62% rate was set before the initiative began and, most notably, before many of the lender moratoriums and other delays occurred. Please assure judges working on this project that the 62% rate was never intended to interfere with their ability to adjudicate each case fairly on its merits.

We will continue to monitor the progress of this initiative because we have an obligation to account for how these funds have been used. But we also will document all issues related to any difficulties that prevent or delay the court from hearing and disposing of cases before them.

JL/ks

cc: TCBC Members

D'Amour, Rose

From: Melissa Henderson [HendersM@flcourts.org]
Sent: Thursday, October 14, 2010 12:10 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Susan Leseman; OSCA-JUDED; Blan Teagle
Subject: New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee
Attachments: Foreclosure Bench Book.pdf

To: Chief Judges and Trial Court Administrators

From: Judge Mark King Leban, Chair, Florida Court Education Council's Publications Committee

Re: New Publication: *Residential Foreclosure Bench Book*

The Publications Committee of the Florida Court Education Council is pleased to announce the posting of the *Residential Foreclosure Bench Book* in the Court Education Resource Library on the Florida State Courts intranet. The *Residential Foreclosure Bench Book* was written by the Eleventh Circuit's Judge Jennifer Bailey and Assistant General Counsel Doris Bermudez-Goodrich. Used for a recent judicial education course for judges assigned to hear foreclosure cases, this bench book presents readers with the nuts and bolts of current foreclosure law and procedures.

In addition to this bench book, the Court Education Resource Library, developed by OSCA's Court Education Section and Publications Unit, contains a plethora of judicial education materials, among them, court publications (benchguides, bench books, toolkits, and case summaries); court education program materials; and other useful resources (a catalog of books, manuals, and other publications, including materials by state and national organizations).

A PDF of the bench book is attached, but you can also access it from the Court Education Resource Library, at https://intranet.flcourts.org/osca/Judicial_Education/Library/librarymain.shtml (As the bench book will be periodically updated to reflect changes in foreclosure law and procedure, please visit the site for update notifications.)

Please share this information with judges and court staff who are handling residential mortgage foreclosure cases.

If you have any questions, contact Susan Leseman, OSCA Publications Attorney, at (850) 922-5085 or lesemans@flcourts.org

3/1/2011

4th Cir 00461

D'Amour, Rose

From: Stelma, Joe
Sent: Wednesday, October 13, 2010 1:53 PM
To: Moran, Donald R.
Subject: FW: cancelled sales

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax: (904) 630-8209

From: Pappas, Sara
Sent: Wednesday, October 13, 2010 1:52 PM
To: Stelma, Joe
Subject: FW: cancelled sales

Sara Pappas

***Administrative Secretary 1
Fourth Judicial Circuit
330 E. Bay St. Jacksonville, Florida 32202
Duval County, Florida***

From: Johnroe, Steve G [mailto:Steve.Johnroe@duvalclerk.com]
Sent: Wednesday, October 13, 2010 1:49 PM
To: Pappas, Sara; Talley, Alana
Cc: Soud, A.C.; Fuller, Jim B; Portlock, Justin E; Brown, Betty J; Hiers, Tom E
Subject: cancelled sales

Hi Sara and Robin – we're starting to see foreclosure cases going to sale even though the plaintiff has not paid the mandatory \$70 judicial sale fee (this occurs after the plaintiff's motion to cancel the sale has been denied). Every time we hold a sale and don't collect the fee, we lose \$49 (which we are contractually obligated to pay to our online auction vendor). Since F.S. 45.035(1) requires the plaintiff to pay the sales fee prior to the sale and because the clerk is facing a severe budget shortfall, we cannot continue to hold sales without being paid. Please inform Judge Soud of the dilemma we're in. Thanks.

3/1/2011

4th Cir 00462

D'Amour, Rose

From: D'Amour, Rose
nt: Wednesday, October 13, 2010 11:20 AM
nt: CTADM1_JUDGES; Sampson, John; Walton, Leatrice; Akel, Franklin; Houser, Joanna; Misiak, Dianne; Matthews, Donald; Keebler, Maria; DeLorenzo, Denise; Bass, Lester; Hon Daniel Wilensky; Hon John H. Skinner; Hon Mack Crenshaw Jr.; Hon Richard R. Townsend; Hon Timothy R. Collins; Hon. William H. Wilkes; Hon Brian J. Davis; Hon Grandville C. Burgess; Hon Robert Foster
Cc: Stewart, Gina; Heiney, Mia; Stelma, Joe; 'jba@jaxbar.org'; 'Michael.Figgins@Jaxlegalaid.org'; Gardner, James ; Laquidara, Cindy; 'dschutt@jaxtrialattorneys.com'; 'bgm@bgmccarthy.com'; 'kowalski.law@mac.com'
Subject: FW: First Amend. Admin. Order 2010-1 -Residential Homestead Foreclosure Cases Mandatory Referral to Mediation
Attachments: img-X13094632-0001.pdf



img-X13094632-0001.pdf

Good Morning Everyone.
Please read the attached administration order. Thanks.

Rosemarie D'Amour
Judicial Assistant to Chief
Judge Donald R. Moran, Jr.
Duval County Courthouse-Room 220
Jacksonville, Fl. 32202
4-630-2541 E-Mail: Rosed@coj.net

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

From: WorkCentre 7345 [mailto:xxrxscan@coj.net]
Sent: Wednesday, October 13, 2010 10:47 AM
To: D'Amour, Rose; Brunette, Suzanne
Subject: First Amend. Admin. Order 2010-1 -Residential Homestead Foreclosure Cases Mandatory Referral to Mediation

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Number of Images: 5
Attachment File Type: PDF

Device Name: WorkCentre 7345
Device Location:

For more information on Xerox products and solutions, please visit <http://www.xerox.com/>

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA**

FIRST AMENDED ADMINISTRATIVE ORDER NO. 2010-1

**RE: RESIDENTIAL HOMESTEAD FORECLOSURE CASES
MANDATORY REFERRAL TO MEDIATION**

WHEREAS, it is in the best interest of the judiciary, the parties involved, the mediators, the Residential Mortgage Foreclosure Mediation (RMFM) Program Manager, and the citizens of the Fourth Judicial Circuit, to establish some reasonable time lines within which the Borrowers must respond to the Program Manager in order to report any intentions of proceeding with the mediation process;

WHEREAS, it has also become necessary to establish accountability for the Borrowers' failure to timely file the "Borrowers' Request to Participate in the RMFM Program," therefore delaying the program schedule so that it is unable to complete credit counseling and the exchange of financial documents with the Plaintiffs as required in order to schedule mediation within 120 days of the date the case is filed;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

1. That upon filing a new case, plaintiffs in the Fourth Judicial Circuit shall send a completed Form "A" as revised, amended and attached hereto, and a check in the amount of \$400.00 to the Jacksonville Bar Association (hereinafter, the "Program Manager");
2. That within twenty (20) days from the date the Program Manager receives a completed Form A from the Plaintiffs, the Program Manager shall make a diligent, good faith attempt to contact the Borrower and will mail a Packet, including a letter explaining the Residential Mortgage Foreclosure Mediation (RMFM) Program to the Borrower, along with the Borrower's Request to Participate in RMFM Program form, the Borrower's Decline to Participate in RMFM Program form, and a Business Reply envelope for the Borrower's Response.
3. That from the date that the Program Manager mails the Packet to the Borrower, the Borrower shall have twenty-five (25) calendar days, excluding holidays (unless good cause is shown to the Court), within which to submit a response in writing to the Program Manager;

3.a) in its response to the Program Manager, the Borrower may:

(i) submit the Borrower's Request to Participate in RMFM Program form to the Program Manager; or

(ii) submit the Borrower's Decline to Participate in RMFM Program form to the Program Manager.

b) in its response to the Program Manager, if the Borrower timely submits the Borrower's Request to Participate form to the Program Manager, then Mediation must be scheduled within the original one-hundred and twenty (120) days from the date the Program Manager received the completed Form A and the check from the Plaintiffs, unless the Plaintiff fails to timely comply with the financial documentation production requirements contained within Section 6 and 7 of the original Administrative Order No. 2010-1;

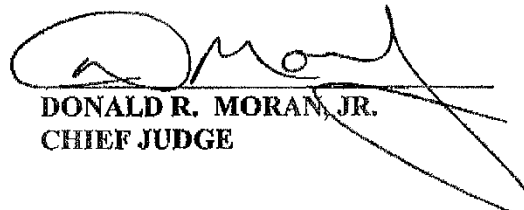
c) if the Borrower submits the Borrower's Decline to Participate in RMFM Program form to the Program Manager, fails to respond timely, or ignores the matter, the Program Manager shall file with the Court the Notice of Borrower Nonparticipation with RMFM Program no later than 60 days after the receipt of the completed Form A and check from the Plaintiffs.

4. That if, after submitting the Borrower's Request to Participate in RMFM Program form to the Program Manager, the Borrower then fails to comply with *any* of the requirements of the Mediation process, the Program Manager will forthwith terminate the Mediation process and file with the Court a Notice of Borrower's Nonparticipation;

5. That all of the original Administrative Order No. 2010-1 previously entered and requiring mediation for residential homestead mortgage foreclosure cases is only superseded where it is contrary and inconsistent to the terms provided above; otherwise, it remains in full force and effect; and

6. That this First Amended Administrative Order shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, and shall take effect immediately and remain in full force and effect unless and until otherwise ordered by the Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 13 day of Oct, 2010.


DONALD R. MORAN, JR.
CHIEF JUDGE

cc: All Judges in the Fourth Circuit Court, in Duval County
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable William A. Wilkes, Administrative Judge, Clay County
All Magistrates in the Fourth Circuit
The Honorable Jim Fuller, Clerk of the Circuit Court, Duval County
The Honorable James B. Jett, Clerk of the Circuit Court, Clay County
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
The Honorable Cindy A. Laquidara, General Counsel
The Jacksonville Bar Association, Program Manager
Mark Kessler, Esq.
James Kowalski, Esq.
Blane McCarthy, Esq.
Dennis Schutt, Esq, JAX Mediation Center
James Gardner, Fourth Judicial Circuit ADR Director
Joseph Stelma, Fourth Judicial Circuit Trial Court Administrator
Mia Heiney, Chief Deputy Court Administrator
Caroline C. Emery, Esq. Court Counsel
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit
Michael Figgins, Esq., Director JALA

Please fill in and file the original with the Clerk of Court
IN THE CIRCUIT COURT IN AND FOR _____ COUNTY, FLORIDA

Case No.:

Plaintiff,

vs.

Defendant(s)

Form "A"

(Certifications Pursuant to Fourth Judicial Circuit Administrative Order 2010-1)

Certificate of Plaintiff's Counsel Regarding Origination of Note and Mortgage

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the origination of the note and mortgage sued upon in this action ___ WAS or ___ WAS NOT subject to the provisions of the federal Truth in Lending Act, Regulation Z.

Certificate of Plaintiff's Counsel Regarding Status of Residential Property

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the property that is the subject matter of this lawsuit ___ IS or ___ IS NOT a homestead residence. A "homestead residence" means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

If the residential property is a homestead residence, complete both of the following:

Certificate of Plaintiff's Counsel Regarding Pre-Suit Mediation

The following certification ___ DOES or ___ DOES NOT apply to this case: THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies that prior to filing suit a plaintiff's representative with full settlement authority attended and participated in mediation with the borrower, conducted by The Jacksonville Bar Association Fourth Judicial Circuit Residential Mortgage Foreclosure Mediation Program and the mediation resulted in an impasse or a pre-suit settlement agreement was reached but the settlement agreement has been breached. The undersigned further certifies that prior to mediation the borrower received services from a HUD or NFMC approved foreclosure counselor, Borrower's Financial Disclosure for Mediation was provided, and Plaintiff's Disclosure for Mediation was provided.

Certificate of Plaintiff's Counsel Regarding Plaintiff's Representative at Mediation

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the following is a list of the persons, one of whom will represent the plaintiff in mediation with full authority to modify the existing loan and mortgage and to settle the foreclosure case, and with authority to sign a settlement agreement on behalf of the plaintiff *(list name, address, phone number, facsimile number, and email address):*

Plaintiff's counsel understands the mediator or the RMFM Program Manager may report to the court who appears at mediation and, if at least one of plaintiff's representatives named above does not appear at mediation, sanctions may be imposed by the court for failure to appear. As required by the Administrative Order, plaintiff's counsel will transmit electronically to the RMFM Program Manager the case number of this action, the contact information regarding the parties, and a copy of this Form A, using the approved web-enable information platform.

Certificate of Borrower's Last Known Address and Occupancy

Borrower Name: _____

Last Known Mailing Address: _____

Home Phone Number: _____

Work Phone Number: _____

Alternate Phone Number: _____

Email Address: _____

An answer of "unknown," "not sure,"
"not applicable," or other like response
will not be accepted.

Is this residence occupied by the borrower? Yes No

Borrower's Attorney (if applicable): _____

Firm Name: _____

Address: _____

Phone Number: _____

If certified property is homestead, please make check payable to The Jacksonville Bar Association--RMFMP in the amount of \$400.00

Date:

(Signature of Plaintiff's Counsel)
[Printed name, address, phone number and
Fla. Bar No.]

D'Amour, Rose

From: Stelma, Joe
Sent: Friday, October 08, 2010 5:18 PM
To: Misra, Jill A
Cc: Moran, Donald R.; Sourbeer, Jeff
Subject: Re: Foreclosure Meeting

Thanks Jill

On Oct 8, 2010, at 4:31 PM, "Misra, Jill A" <Jill.Misra@DuvalClerk.com> wrote:

> Sorry forgot to tell you. The data is all transactions from July 1 to
> Oct 7.

>

> Sent from my iPhone

>

> On Oct 8, 2010, at 4:26 PM, "Sourbeer, Jeff" <SOURBEER@coj.net> wrote:

>

>> That is great. Does this include July through September for Duval?

>>

>> _____

>>

>> From: Misra, Jill A [mailto:Jill.Misra@DuvalClerk.com]

>> Sent: Friday, October 08, 2010 2:28 PM

>> To: Sourbeer, Jeff

>> Cc: Stelma, Joe

>> Subject: RE: Foreclosure Meeting

>>

>>

>>

>>

>> Attached is the Duval data.

>>

>>

>>

>> Jill Misra

>>

>> Applications and Development

>>

>> Office: 904-630-1212 ext 6717

>>

>> Mobile: 904-338-3517

>>

>>

>> _____

>> From: Sourbeer, Jeff [mailto:SOURBEER@coj.net]

>> Sent: Monday, October 04, 2010 9:03 AM

>> To: Misra, Jill A

>> Cc: Stelma, Joe; Smith, James M; Boone, Joshua L

>> Subject: FW: Foreclosure Meeting

>>

>>

>>

>> Jill - We are the only Circuit statewide who is not submitting their
>> data on the required spreadsheet. So, we will need to move forward
>> towards identifying funding on the Court's part to pay for your time.
>> Can you provide me with a format of the data that you will require
>> from Clay and Nassau in order to allow us to provide spreadsheets
>> from those two counties as well? Thank you for your efforts in this
>> area.

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>>

>> From: Misra, Jill A [mailto:Jill.Misra@DuvalClerk.com]
>> Sent: Wednesday, September 22, 2010 12:23 PM
>> To: Pappas, Sara; Stelma, Joe; Sourbeer, Jeff; Paruolo, Vincent;
>> Talley, Alana; Howard, Ray L; Brown, Betty J; A. C. Soud, Jr.
>> Cc: Johnroe, Steve G
>> Subject: RE: Foreclosure Meeting

>>
>> Sorry for responding so late. I am attaching the proposal plan of
>> the work that we would do for the Foreclosure Case Tracking. The
>> plan is brief and I will go into more detail at the meeting. The
>> basic idea is that there is one source for the data and that would be
>> the Clerk of Court Case Management System. The plan contains
>> estimated hours. If we do go with this plan the Clerk would bill
>> actual hours spent developing the application. Again I will go over
>> the plan in detail at 2:00.

>>
>>
>> We will continue with the initial agreement of giving Court Admin a
>> updated excel file that to submit to OSCA for the July and August
>> data. This should be completed today or tomorrow.

>>
>>
>> I have a 3:00 meeting at JSO and I would still like to attend this
>> meeting if possible. If not I will stay as long as I am needed.

>> Thanks,
>>

>>
>> Jill Misra
>>
>> Applications and Development
>>
>> Duval County Clerk of Court
>>
>> Office: 904-630-1212 ext 6717
>>
>> Mobile: 904-338-3517
>>

>>
>> _____
>>
>> From: Pappas, Sara [mailto:SaraP@coj.net]
>> Sent: Monday, September 20, 2010 1:57 PM
>> To: Stelma, Joe; Sourbeer, Jeff; Paruolo, Vincent; Talley, Alana;
>> Howard, Ray L; Brown, Betty J; Misra, Jill A; A. C. Soud, Jr.
>> Subject: Foreclosure Meeting

>>
>>
>> Good Afternoon,
>>
>>
>>
>> I am writing this e-mail to inform everyone of a meeting that will
>> take place concerning the reporting of foreclosures for each month to
>> come. Joe has asked that I e-mail all of you, as it would be helpful
>> to have you there. The meeting will be this Wednesday, September 22,
>> 2010 at 2:00 p.m. in Room 506. If you have any questions please
>> e-mail me. I hope to see you all there.
>>

>>
>>
>> Thanks,
>>
>> Sara
>>
>> <04_16Duval_FERCTS.xls>
>> <image001.jpg>
> 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.
>

D'Amour, Rose

From: Stelma, Joe
Sent: Friday, October 08, 2010 5:21 PM
To: Moran, Donald R.; Sourbeer, Jeff; Norris, Elizabeth; Paruolo, Vincent
Subject: Fwd: Clarification of Foreclosure Reporting Requirements

Begin forwarded message:

From: "P.J. Stockdale" <stockdap@flcourts.org>
Date: October 8, 2010 3:22:11 PM EDT
To: Trial Court Administrators <TrialCourtAdministrators@flcourts.org>
Cc: Kristine Slayden <slaydenk@flcourts.org>, Arlene Johnson <johnsona@flcourts.org>
Subject: Clarification of Foreclosure Reporting Requirements

Trial Court Administrators,

Thank you for your participation in yesterday's phone call. We appreciate your patience and insight into these projects.

I would like to summarize the issues discussed yesterday concerning the reporting requirements for the Foreclosure and Economic Recovery Case Tracking System (FERCTS) workbooks.

In the interest of keeping the project manageable while still satisfying the essential reporting requirements:

+ The importance of the 62% target numbers have been clarified to better reflect the goals of the initiative and the mission of the courts. The target numbers provide a goal to shoot for but should not be emphasized to the detriment of a fair and meaningful adjudicatory process.

+ In order to reduce the workload impact of the reporting component, circuits do not need to report the dates of reopen or reopened closed events. If a case that was disposed prior to July

3/1/2011

4th Cir 00472

1, 2010 that does not already appear in your application workbook is reopened, this case does not need to be added to the workbook.

+ It is still important that we track the number of cases achieving final disposition. Therefore, new cases that are opened after July 1, 2010 will need to be added to the application as appropriate.

Existing cases achieving final disposition should also be updated and reported.

+ As discussed, several mortgage companies within the state are enacting a voluntary moratorium on their foreclosure proceedings while they review their internal procedures. In many parts of the state, this will affect a significant number of cases currently being processed by initiative staff. While some concrete statistics on the number of cases affected would be useful, the additional workload required to report this circumstance does not justify the result. Active cases affected for more than thirty days by these voluntary stoppages should be reported in the "Inactive – Other" status category in the FERCTS workbook. Initiative staff are encouraged to identify cases affected by a moratorium in the comments field but this is not required.

We are open to suggestions from the circuits as to how we might obtain some hard numbers to help us better understand the impact of these moratoria.

Many jurisdictions report that they have enough cases not affected by the moratoria to keep initiative staff busy.

Thanks again for your input. Please contact myself or Kris if you have any questions or comments.

PJ

PJ Stockdale

3/1/2011

Senior Court Statistics Consultant

OSCA - Court Services

Supreme Court Building Annex

500 S Duval St

Tallahassee FL 32301-1900

(ph) 850.410.1523

(fax) 850.414.1342

3/1/2011

4th Cir 00474

D'Amour, Rose

From: Stelma, Joe
Sent: Monday, October 04, 2010 3:59 PM
To: 'Ted McFetridge'
Cc: Moran, Donald R.
Subject: FW: E-Filing Mortgage Foreclosure Complaints

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Johnroe,Steve G [mailto:Steve.Johnroe@duvalclerk.com]
Sent: Monday, October 04, 2010 3:58 PM
To: Stelma, Joe
Cc: Misra,Jill A; Pappas, Sara; Talley, Alana; Soud, A.C.
Subject: RE: E-Filing Mortgage Foreclosure Complaints

Joe – Florida Statutes require the clerks of court to implement electronic filing (F.S. 28.22205). According to the letter of approval we received from the Florida Courts Technology Commission, we must test e-filing in each case type 90 days before we require the e-filing of all documents in each area. Right now we are testing in Probate and we plan to move forward with Circuit Civil (which includes foreclosure actions) sometime in November. That would mean we would be going live in Circuit Civil sometime in February or March.

As far as how to “do this,” we are working with the Office of State Courts Administrator, the Florida Association of Clerks and Comptrollers and the Florida Courts Technology Commission to coordinate the specifications of e-filing. OSCA has been driving the process so I would suggest that Mr. McFetridge contact that office for more information. Of course, our IT folks are available to elaborate on the idea if you need them to.

Let me know if you have any questions. Thanks.

From: Stelma, Joe [mailto:Jstelma@coj.net]
Sent: Monday, October 04, 2010 1:59 PM
To: Johnroe,Steve G
Subject: FW: E-Filing Mortgage Foreclosure Complaints

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202

3/1/2011

4th Cir 00475

Work: (904) 630-1655
Fax:(904) 630-8209

From: Ted McFetridge [mailto:mcfetridget@circuit8.org]
Sent: Monday, October 04, 2010 1:06 PM
To: Benefiel, Matthew; Bridenback, Mike; Callahan, Richard; slonergan@jud11.flcourts.org; Dawicke, Barbara ; Elomina, Holly; Genung, Thomas; Inskip, Gay Lynne; Ted McFetridge; Ortman, Carol; Shadburn, Jan; Slayden, Grant; Smith, Walt; Stelma, Joe; Sudzina, Nick; Trammel, David; Van Bever, Mark; Weinberg, Mark; Sondra M. Lanier; Wright, Robin
Cc: Chic Palmeri
Subject: E-Filing Mortgage Foreclosure Complaints

Does anyone currently allow for e- filing for mortgage foreclosure complaints, related mortgage foreclosure court documents, judgment etc. and of course can you share how you do this?

Currently this is a paper driven and paper heavy division in the 8th.

Ted

3/1/2011

4th Cir 00476

D'Amour, Rose

From: Stelma, Joe
Sent: Monday, October 04, 2010 1:24 PM
To: Moran, Donald R.
Subject: FW: Foreclosure and Economic Recovery Case Tracking System

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Janocko, Eve
Sent: Monday, October 04, 2010 12:49 PM
To: Norris, Elizabeth; Stelma, Joe
Subject: RE: Foreclosure and Economic Recovery Case Tracking System

I was able to get the macro screen to work by disabling the security for the worksheet alone. Data entry will be easier but time consuming for sure.

Eve Janocko
Court Operations Program Assistant
Duval County Courthouse
330 East Bay Street, Room 512B
Jacksonville, Florida 32202
(904)-630-1644
ejanocko@coj.net

From: Norris, Elizabeth
Sent: Monday, October 04, 2010 10:51 AM
To: Janocko, Eve
Subject: FW: Foreclosure and Economic Recovery Case Tracking System

From: P.J. Stockdale [mailto:stockdap@flcourts.org]
Sent: Tuesday, September 14, 2010 1:56 PM
To: Norris, Elizabeth
Subject: FW: Foreclosure and Economic Recovery Case Tracking System

Here are the workbooks for the 4th circuit.

PJ

3/1/2011

PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services
Supreme Court Building Annex
500 S Duval St
Tallahassee FL 32301-1900
(ph) 850.410.1523
(fax) 850.414.1342

From: P.J. Stockdale
Sent: Tuesday, July 20, 2010 9:56 AM
To: Joseph Stelma, Jr.
Subject: Foreclosure and Economic Recovery Case Tracking System

Joseph,

Please find attached the Foreclosure and Economic Recovery Case Tracking System (FERCTS) workbook for each county in your circuit. These workbooks have been pre-loaded with all non-disposed, reopened and pending cases as of June 30, 2010 as provided by the Clerks of Court for that county. We apologize for the delay in completing these workbooks for you. Since the Foreclosure Initiative began July 1, 2010, please update these workbooks to include all initiative activity beginning on July 1, 2010. Please email a copy of these workbooks to the OSCA on the 10th of each month. **Since we are late getting this to you and there is probably a lot of work being done initially, we are going to skip the first reporting cycle and ask that you provide your first submission on September 10, 2010.** Please see the attached FERCTS Users Guide for more information.

Since this tracking application is based upon VBA macros, there are a few steps that need to be taken to get it installed and running. I've attached a set of installations instructions to this email. However, each circuit has established different security procedures that could affect installation. You may want to have one of your IT people set the application up to ensure it works properly. Please have your IT folks give me a call, if needed, and I'll go through it with them. **Please note that if you only see a spreadsheet and not a data entry screen, the application may not have installed properly.**

Please do not hesitate to contact Court Services, Kris Slayden (slaydenk@flcourts.org), or PJ Stockdale (stockdap@flcourts.org) if you have any questions or if we can be of any assistance.

Thanks
PJ

PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services
Supreme Court Building Annex
500 S Duval St
Tallahassee FL 32301-1900
(ph) 850.410.1523
(fax) 850.414.1342

3/1/2011

4th Cir 00478

D'Amour, Rose

From: Stelma, Joe
Sent: Monday, October 04, 2010 11:00 AM
To: Moran, Donald R.
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)
Attachments: 04_10Clay_FERCTS.xls; 04_45Nassau_FERCTS.xls

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Sourbeer, Jeff
Sent: Monday, October 04, 2010 10:58 AM
To: 'Leah Conner'; Mitchell Keiter
Cc: Stelma, Joe; Lewis, Conni; Harrison, Wanda
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Leah & Mitch - Our Circuit was required to provide updates of Foreclosure data to the Supreme Court using the attached spreadsheets on the 10th of each Month for the prior month, starting August 10. The spreadsheets were originally provided by each of you to the Supreme Court around the first week in July. They are to contain status updates to the original spreadsheet and any new foreclosures and their respective status, if appropriate. Both of your counties chose to provide only summary data using a word format and not the detail spreadsheet. We are the only Circuit to not provide the updates on the spreadsheet. I need to know when you can begin providing this information. If you don't have an automated solution, you may want to check with another Clerk in Florida with a similar case maintenance system to see if you can get the code to produce the updates for the spreadsheet. I need to have an answer as soon as possible as the Chief Judge has a conference call with all other Chief Judges and the Supreme Court this Thursday, October 9, to explain the situation of why we are the only Circuit not providing foreclosure statistics in the required excel format. Thank you for your prompt attention in this important matter.

Jeff Sourbeer
Court Technology Officer
Fourth Judicial Circuit
Clay, Duval and Nassau Counties
Duval County Courthouse, Room 514
330 East Bay Street
Jacksonville, Florida 32202
Email sourbeer@coj.net
Phone (904)630-7333
Fax (904)630-8345

3/1/2011

From: Stelma, Joe
Sent: Monday, October 04, 2010 10:15 AM
To: Sourbeer, Jeff
Cc: Moran, Donald R.
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: P.J. Stockdale [mailto:stockdap@flcourts.org]
Sent: Wednesday, September 29, 2010 2:54 PM
To: Stelma, Joe
Cc: Kristine Slayden; Arlene Johnson
Subject: RE: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Joe,

Thank you for your submission of Foreclosure and Economic Recovery Initiative data. I apologize for not being able to look at the documents you sent before now. I'm afraid we've had all we can do just getting the data we had in and validated.

Unfortunately, Joe, the data you sent is not what we need for this project. This project does not depend on summary case counts. For the Initiative, we are looking for actual foreclosure case data for the 4th circuit. In July, we sent you a set of Excel workbooks for Clay, Duval and Nassau named 04_10Clay_FERCTS.xls, 04_16Duval_FERCTS.xls and 04_45Nassau_FERCTS.xls. These workbooks contained both an initial list of all open or reopened cases pending in your circuit as of June 30, 2010 and a tracking application to assist foreclosure and economic initiative staff in tracking these cases as they move through the court system and in adding new cases as they come in to the system.

The Excel application was provided as a tool to assist the circuits with case tracking. It is true that you do not need to use the application in your day to day operations. Many of the medium and large circuits have better mechanisms for case tracking already in place. However, the workbooks provide the standardized format that we need to process the foreclosure case data each month. Therefore, initiative staff should update and return the workbooks to the OSCA each month by the 10th.

I'm always available to assist your staff in using or updating and submitting these workbooks or to answer any general questions they may have. Please have them give me a call.

Thank you
PJ

PJ Stockdale
Senior Court Statistics Consultant

3/1/2011

OSCA - Court Services
Supreme Court Building Annex
500 S Duval St
Tallahassee FL 32301-1900
(ph) 850.410.1523
(fax) 850.414.1342

From: Stelma, Joe [mailto:Jstelma@coj.net]
Sent: Monday, September 20, 2010 12:02 PM
To: P.J. Stockdale
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

i thought these were already sent to you but was told by the person that completed them, that they were not. I apologize. this is Duval County. i will be forwarding the other counties now.

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Sourbeer, Jeff
Sent: Friday, September 17, 2010 3:22 PM
To: Stelma, Joe
Cc: Norris, Elizabeth
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

3/1/2011

4th Cir 00481

D'Amour, Rose

From: Stelma, Joe
Sent: Monday, October 04, 2010 10:15 AM
To: Sourbeer, Jeff
Cc: Moran, Donald R.
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: P.J. Stockdale [mailto:stockdap@flcourts.org]
Sent: Wednesday, September 29, 2010 2:54 PM
To: Stelma, Joe
Cc: Kristine Slayden; Arlene Johnson
Subject: RE: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Joe,

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I'm always available to assist your staff in using or updating and submitting these workbooks or to answer any general questions they may have. Please have them give me a call.

Thank you
PJ

3/1/2011

PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services
Supreme Court Building Annex
500 S Duval St
Tallahassee FL 32301-1900
(ph) 850.410.1523
(fax) 850.414.1342

From: Stelma, Joe [mailto:Jstelma@coj.net]
Sent: Monday, September 20, 2010 12:02 PM
To: P.J. Stockdale
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

i thought these were already sent to you but was told by the person that completed them, that they were not. I apologize. this is Duval County. i will be forwarding the other counties now.

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Sourbeer, Jeff
Sent: Friday, September 17, 2010 3:22 PM
To: Stelma, Joe
Cc: Norris, Elizabeth
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

3/1/2011

4th Cir 00483

D'Amour, Rose

From: Stelma, Joe
Sent: Wednesday, September 29, 2010 4:35 PM
To: Sourbeer, Jeff; Moran, Donald R.; Trent, Pam
Subject: RE: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

thanks jeff. We will discuss with the Chief.

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax: (904) 630-8209

From: Sourbeer, Jeff
Sent: Wednesday, September 29, 2010 4:33 PM
To: Stelma, Joe
Cc: Moran, Donald R.; C. Soud Jr. A.; Pappas, Sara; Norris, Elizabeth; Paruolo, Vincent
Subject: Re: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

We can pay the \$8,000 to the Duval Clerk for the programing. Money will not be available until the end of October. 120 hours to complete. It may not be programmer until December. So, Duval data in the OSCA spreadsheet format will be delayed until around January. Also, Clay and Nassau have not agreed to submit it in any order other than in the summary format.

On Sep 29, 2010, at 4:04 PM, "Stelma, Joe" <jstelma@coj.net> wrote:

Begin forwarded message:

From: "P.J. Stockdale" <stockdap@flcourts.org>
Date: September 29, 2010 2:54:29 PM EDT
To: "Joseph Stelma, Jr." <jstelma@coj.net>
Cc: Kristine Slayden <slaydenk@flcourts.org>, Arlene Johnson <johnsona@flcourts.org>
Subject: RE: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Joe,

Thank you for your submission of Foreclosure and Economic Recovery

3/1/2011

4th Cir 00484

Initiative data. I apologize for not being able to look at the documents you sent before now. I'm afraid we've had all we can do just getting the data we had in and validated.

Unfortunately, Joe, the data you sent is not what we need for this project. This project does not depend on summary case counts. For the Initiative, we are looking for actual foreclosure case data for the 4th circuit. In July, we sent you a set of Excel workbooks for Clay, Duval and Nassau named 04_10Clay_FERCTS.xls, 04_16Duval_FERCTS.xls and 04_45Nassau_FERCTS.xls. These workbooks contained both an initial list of all open or reopened cases pending in your circuit as of June 30, 2010 and a tracking application to assist foreclosure and economic initiative staff in tracking these cases as they move through the court system and in adding new cases as they come in to the system.

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I'm always available to assist your staff in using or updating and submitting these workbooks or to answer any general questions they may have. Please have them give me a call.

Thank you

PJ

PJ Stockdale

Senior Court Statistics Consultant

OSCA - Court Services

Supreme Court Building Annex

500 S Duval St

Tallahassee FL 32301-1900

(ph) 850.410.1523

(fax) 850.414.1342

From: Stelma, Joe [mailto:Jstelma@coj.net]
Sent: Monday, September 20, 2010 12:02 PM

3/1/2011

4th Cir 00485

To: P.J. Stockdale

Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

i thought these were already sent to you but was told by the person that completed them, that they were not. I apologize. this is Duval County. i will be forwarding the other counties now.

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508

Jacksonville, Florida 32202

Work: (904) 630-1655

Fax:(904) 630-8209

From: Sourbeer, Jeff

Sent: Friday, September 17, 2010 3:22 PM

To: Stelma, Joe

Cc: Norris, Elizabeth

Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

3/1/2011

4th Cir 00486

D'Amour, Rose

From: Sourbeer, Jeff
Sent: Wednesday, September 29, 2010 4:33 PM
To: Stelma, Joe
Cc: Moran, Donald R.; C. Soud Jr. A.; Pappas, Sara; Norris, Elizabeth; Paruolo, Vincent
Subject: Re: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

We can pay the \$8,000 to the Duval Clerk for the programing. Money will not be available until the end of October. 120 hours to complete. It may not be programmer until December. So, Duval data in the OSCA spreadsheet format will be delayed until around January. Also, Clay and Nassau have not agreed to submit it in any order other than in the summary format.

On Sep 29, 2010, at 4:04 PM, "Stelma, Joe" <Jstelma@coj.net> wrote:

Begin forwarded message:

From: "P.J. Stockdale" <stockdap@flcourts.org>
Date: September 29, 2010 2:54:29 PM EDT
To: "Joseph Stelma, Jr." <jstelma@coj.net>
Cc: Kristine Slayden <slaydenk@flcourts.org>, Arlene Johnson <johnsona@flcourts.org>
Subject: RE: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Joe,

Thank you for your submission of Foreclosure and Economic Recovery Initiative data. I apologize for not being able to look at the documents you sent before now. I'm afraid we've had all we can do just getting the data we had in and validated.

Unfortunately, Joe, the data you sent is not what we need for this project. This project does not depend on summary case counts. For the Initiative, we are looking for actual foreclosure case data for the 4th circuit. In July, we sent you a set of Excel workbooks for Clay, Duval and Nassau named 04_10Clay_FERCTS.xls, 04_16Duval_FERCTS.xls and 04_45Nassau_FERCTS.xls. These workbooks contained both an initial list of all open or reopened cases pending in your circuit as of June 30, 2010 and a

3/1/2011

4th Cir 00487

tracking application to assist foreclosure and economic initiative staff in tracking these cases as they move through the court system and in adding new cases as they come in to the system.

The Excel application was provided as a tool to assist the circuits with case tracking. It is true that you do not need to use the application in your day to day operations. Many of the medium and large circuits have better mechanisms for case tracking already in place. However, the workbooks provide the standardized format that we need to process the foreclosure case data each month. Therefore, initiative staff should update and return the workbooks to the OSCA each month by the 10th.

I'm always available to assist your staff in using or updating and submitting these workbooks or to answer any general questions they may have. Please have them give me a call.

Thank you

PJ

PJ Stockdale

Senior Court Statistics Consultant

OSCA - Court Services

Supreme Court Building Annex

500 S Duval St

Tallahassee FL 32301-1900

(ph) 850.410.1523

(fax) 850.414.1342

From: Stelma, Joe [mailto:Jstelma@coj.net]
Sent: Monday, September 20, 2010 12:02 PM
To: P.J. Stockdale

3/1/2011

4th Cir 00488

Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

i thought these were already sent to you but was told by the person that completed them, that they were not. I apologize. this is Duval County. i will be forwarding the other counties now.

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508

Jacksonville, Florida 32202

Work: (904) 630-1655

Fax:(904) 630-8209

From: Sourbeer, Jeff
Sent: Friday, September 17, 2010 3:22 PM
To: Stelma, Joe
Cc: Norris, Elizabeth
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

3/1/2011

4th Cir 00489

D'Amour, Rose

From: Stelma, Joe
Sent: Wednesday, September 29, 2010 4:03 PM
To: Moran, Donald R.; Sourbeer, Jeff; C. Soud Jr. A.; Pappas, Sara; Norris, Elizabeth; Paruolo, Vincent
Subject: Fwd: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Begin forwarded message:

From: "P.J. Stockdale" <stockdap@flcourts.org>
Date: September 29, 2010 2:54:29 PM EDT
To: "Joseph Stelma, Jr." <jstelma@coj.net>
Cc: Kristine Slayden <slaydenk@flcourts.org>, Arlene Johnson <johnsona@flcourts.org>
Subject: RE: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Joe,

Thank you for your submission of Foreclosure and Economic Recovery Initiative data. I apologize for not being able to look at the documents you sent before now. I'm afraid we've had all we can do just getting the data we had in and validated.

Unfortunately, Joe, the data you sent is not what we need for this project. This project does not depend on summary case counts. For the Initiative, we are looking for actual foreclosure case data for the 4th circuit. In July, we sent you a set of Excel workbooks for Clay, Duval and Nassau named 04_10Clay_FERCTS.xls, 04_16Duval_FERCTS.xls and 04_45Nassau_FERCTS.xls. These workbooks contained both an initial list of all open or reopened cases pending in your circuit as of June 30, 2010 and a tracking application to assist foreclosure and economic initiative staff in tracking these cases as they move through the court system and in adding new cases as they come in to the system.

The Excel application was provided as a tool to assist the circuits with case tracking. It is true that you do not need to use the application in your day to day operations. Many of the medium and large circuits have better mechanisms for case tracking already in place. However, the workbooks provide the standardized format that we need to process the foreclosure case data each month. Therefore, initiative staff should update and return the workbooks to the OSCA each month by the 10th.

3/1/2011

4th Cir 00490

I'm always available to assist your staff in using or updating and submitting these workbooks or to answer any general questions they may have. Please have them give me a call.

Thank you

PJ

PJ Stockdale

Senior Court Statistics Consultant

OSCA - Court Services

Supreme Court Building Annex

500 S Duval St

Tallahassee FL 32301-1900

(ph) 850.410.1523

(fax) 850.414.1342

From: Stelma, Joe [mailto:Jstelma@coj.net]

Sent: Monday, September 20, 2010 12:02 PM

To: P.J. Stockdale

Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

i thought these were already sent to you but was told by the person that completed them, that they were not. I apologize. this is Duval County. i will be forwarding the other counties now.

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508

Jacksonville, Florida 32202

Work: (904) 630-1655

3/1/2011

4th Cir 00491

Fax:(904) 630-8209

From: Sourbeer, Jeff
Sent: Friday, September 17, 2010 3:22 PM
To: Stelma, Joe
Cc: Norris, Elizabeth
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

3/1/2011

4th Cir 00492

D'Amour, Rose

From: Stelma, Joe
Sent: Wednesday, September 29, 2010 4:05 PM
To: Moran, Donald R.; 'A. C. Soud, Jr.'; Sourbeer, Jeff; Paruolo, Vincent; Pappas, Sara; Talley, Alana
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: P.J. Stockdale [mailto:stockdap@flcourts.org]
Sent: Wednesday, September 29, 2010 2:54 PM
To: Stelma, Joe
Cc: Kristine Slayden; Arlene Johnson
Subject: RE: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

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PJ Stockdale

3/1/2011

Senior Court Statistics Consultant
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Supreme Court Building Annex
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Tallahassee FL 32301-1900
(ph) 850.410.1523
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Fourth Circuit Court Administrator

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Jacksonville, Florida 32202
Work: (904) 630-1655
Fax:(904) 630-8209

From: Sourbeer, Jeff
Sent: Friday, September 17, 2010 3:22 PM
To: Stelma, Joe
Cc: Norris, Elizabeth
Subject: FW: Foreclosure and Economic Recovery Initiative Case Data List (DUVAL)

3/1/2011

4th Cir 00494

D'Amour, Rose

From: Kristine Slayden [slaydenk@flcourts.org]
Sent: Tuesday, September 28, 2010 12:26 PM
To: Kristine Slayden; Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; P.J. Stockdale; Arlene Johnson
Subject: RE: Media Requests - Foreclosure Initiative Status Report

Chief Judges and Trial Court Administrators – After receiving feedback from a number of you, we have decided to postpone the release of the Foreclosure Initiative Status Report to the public until we have 3 months of data collected and verified. There was concern that the first month or two of data was not representative of the work because the circuits were just getting started, and a quarterly status report would be more appropriate. The plan is to release the July-September report in late October after everyone has had a chance to review the information more carefully and provide updated information to the OSCA, if needed. Thank you for your continued support of this initiative. Kris

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

From: Kristine Slayden
Sent: Thursday, September 23, 2010 2:44 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; P.J. Stockdale; Arlene Johnson
Subject: Media Requests - Foreclosure Initiative Status Report
Importance: High

Chief Judges/Trial Court Administrators – As follow-up to the JAC conference call on Monday, September 20th, we are sending the updated status reports out and ask for your critical review of the results. We have received numerous requests for this data from reporters and do not feel comfortable releasing the information until you have had an opportunity to let us know if there are any problems with the data. Since these tables were produced from your first submission of data, we understand that there may need to be some kinks worked out in the system. Also, if you would like us to prepare any detailed reports for your circuit/county, we are available to easily produce custom reports for you.

Please contact me by COB, Monday, September 27th if you have any concerns. Thank you for your help. Kris

Kris Slayden
Research and Data
Office of the State Courts Administrator

3/1/2011

4th Cir 00495

Florida Supreme Court
500 S. Duval Street
Tallahassee, Florida 32399
850-922-5106 (wk)
850-556-2335 (cell)
850-414-1342 (fax)

From: Arlene Johnson
Sent: Thursday, September 23, 2010 12:18 PM
To: Kristine Slayden
Subject: status report

Arlene Johnson
OSCA, Research and Data
Telephone 850.922.5103
Facsimile 850.414.1342

3/1/2011

4th Cir 00496

D'Amour, Rose

From: Sourbeer, Jeff
Sent: Friday, September 24, 2010 1:48 PM
To: Stelma, Joe
Cc: Moran, Donald R.; acsoudjr@comcast.net
Subject: Re: Foreclosure Meeting

I totally agree. I don't know why OSCA has to have that degree of detail of information. I wish I knew what was driving that initiative.

On Sep 24, 2010, at 1:40 PM, "Stelma, Joe" <Jstelma@coj.net> wrote:

thanks. I have been in foreclosures meeting this a m and other issues. Libby is out sick. I spoke with the clerks people at the meeting and they returned their funds due to too many strings attached. we are all in agreement and the reporting we do will just have to suffice. Sara and Robin will have to submit on the 10th the best we can.

Fourth Circuit Court Administrator

330 E. Bay Street, Room 508
Jacksonville, Florida 32202
Work: (904) 630-1655
Fax: (904) 630-8209

From: Sourbeer, Jeff
Sent: Friday, September 24, 2010 1:30 PM
To: Stelma, Joe
Cc: Norris, Elizabeth
Subject: FW: Foreclosure Meeting

Joe - This is the cost proposal (\$7,950.00) Jill Misra provided us to automate the Duval County Foreclosure monthly submission update from their ShowCase system to OSCA's spreadsheet. This does not include the required spreadsheets from Clay and Nassau County. They have already voiced that they can only provide the summary information and not the detailed spreadsheet for each of their counties. The only way we could submit their information as a Circuit, would be for the Court staff in Duval County to input the spreadsheet information for them. This is just not feasible because Robin and Sara said they are already overwhelmed trying to maintain our own calendar and won't have the time to key in a second/duplicate calendar/spreadsheet for OSCA. The best solution would be for the Chief Judge to request that OSCA/Lisa Goodner be satisfied with receiving the summary data that the Clerks are already submitting to the Court and to them. To maintain the detailed OSCA spreadsheet is very unreasonable and unattainable with the current assigned staffing. Let me know if you need me to speak further on this issue.

From: Misra, Jill A [mailto:Jill.Misra@DuvalClerk.com]
Sent: Wednesday, September 22, 2010 12:23 PM
To: Pappas, Sara; Stelma, Joe; Sourbeer, Jeff; Paruolo, Vincent; Talley, Alana; Howard, Ray L; Brown, Betty J; A. C. Soud, Jr.

3/1/2011

4th Cir 00497

Cc: Johnroe, Steve G
Subject: RE: Foreclosure Meeting

Sorry for responding so late. I am attaching the proposal plan of the work that we would do for the Foreclosure Case Tracking. The plan is brief and I will go into more detail at the meeting. The basic idea is that there is one source for the data and that would be the Clerk of Court Case Management System. The plan contains estimated hours. If we do go with this plan the Clerk would bill actual hours spent developing the application. Again I will go over the plan in detail at 2:00.

We will continue with the initial agreement of giving Court Admin a updated excel file that to submit to OSCA for the July and August data. This should be completed today or tomorrow.

I have a 3:00 meeting at JSO and I would still like to attend this meeting if possible. If not I will stay as long as I am needed.

Thanks,

Jill Misra
Applications and Development
Duval County Clerk of Court
Office: 904-630-1212 ext 6717
Mobile: 904-338-3517

From: Pappas, Sara [mailto:SaraP@coj.net]
Sent: Monday, September 20, 2010 1:57 PM
To: Stelma, Joe; Sourbeer, Jeff; Paruolo, Vincent; Talley, Alana; Howard, Ray L; Brown, Betty J; Misra, Jill A; A. C. Soud, Jr.
Subject: Foreclosure Meeting

Good Afternoon,

I am writing this e-mail to inform everyone of a meeting that will take place concerning the reporting of foreclosures for each month to come. Joe has asked that I e-mail all of you, as it would be helpful to have you there. The meeting will be this Wednesday, September 22, 2010 at 2:00 p.m. in Room 506. If you have any questions please e-mail me. I hope to see you all there.

Thanks,
Sara

3/1/2011

4th Cir 00498

D'Amour, Rose

From: Stelma, Joe
Sent: Friday, September 24, 2010 1:41 PM
To: Sourbeer, Jeff
Cc: Moran, Donald R.; 'acsoudjr@comcast.net'
Subject: RE: Foreclosure Meeting

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Fourth Circuit Court Administrator

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Sent: Friday, September 24, 2010 1:30 PM
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3/1/2011

4th Cir 00499

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