

20th Judicial
Circuit
Lee County

Lee County's Foreclosure Reduction Plan- Fiscal Year 12/13

Economic Recovery Initiative

Purpose

Temporary funding has been allocated to the 20th Judicial Circuit to implement a Foreclosure Backlog Reduction Initiative for Fiscal Year 12/13 to begin 7/1/2012 and end 6/30/13. The purpose of these guidelines is to assist Lee County's Civil Division meet the 32% state-wide reduction goal for cases pending over 18 months and to maintain a 100% clearance rate to keep pace with the number of cases filed monthly throughout this project.

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Lee County's Civil Case Management – Foreclosure Reduction Program
FY 12/13



1. Purpose

The purpose of the state-wide Foreclosure Reduction Project for FY 12/13ⁱ is to allow the Circuit Courts the ability to manage and reduce the foreclosure backlog for cases that are pending over 18 months. Prior allocations for a similar foreclosure reduction project during FY 10/11ⁱⁱ proved that additional resources can make a difference with managing the court's backlog. Although the circuit's total allotment for FY 12/13 is roughly one-third of the amount provided prior, the goal for this project has also been reduced and is commensurate with the allocation. Total funding allocations to the 20th Judicial Circuit have been divided between the 5 countiesⁱⁱⁱ consistent with backlog and needs. A statewide staff funding formula was used to assist with resource distributions and Lee County secured 130 Senior Judge Days, one full-time (1.0 FTE) Case Manager and one part-time (0.5 FTE) Administrative Assistant for this project (See Appendix A).

2. Goal

The state-wide goal for the Foreclosure Reduction Project is to reduce the number of foreclosure cases pending over 18 months by 32%. For Lee County, the total pending foreclosure caseload as of June 12, 2012 was 9,066 cases^{iv}. For the purpose of this project, the commercial foreclosure case types^v will be excluded resulting in a pending caseload of 8,855 cases. A summary is provided below identifying the age of the pending foreclosure caseload with a more detailed report found in Appendix B. Seventy-one percent (71%) or 6,297 foreclosure cases are pending under 18 months and twenty-nine percent (29%) or 2,558 foreclosure cases are now pending over 18 months. This later group is the targeted "backlog" for this project. The statewide goal may be met if Lee County is able to dispose of 819 of the backlog cases during FY 12/13 which is approximately 68 cases per month.

LEE COUNTY- AGE OF PENDING FORECLOSURE CASES AS OF 6/12/12 EXCLUDING COMMERCIAL FORECLOSURE CASE TYPES

Summary

#	Range	Case Count	Percentage
1	0-90 days	1,840	20.78%
2	91-180 days	1,620	18.29%
3	181-270 days	1,279	14.44%
4	271-365 days	785	8.87%
5	366-450 days	421	4.75%
6	451-545 days	352	3.98%
7	546-630 days	415	4.69%
8	631-730 days	471	5.32%
9	>730 days	1,672	18.88%
		8,855	100.00%

During this project, Lee County also expects to keep pace with the new foreclosure filings by meeting a 100% clearance rate goal. This means that Lee County will need to dispose of the same number of foreclosure cases being filed in addition to disposing of 32% of the court’s backlog pending over 18 months. This number will fluctuate monthly throughout the course of this project and will be dependent upon the number of filings in Lee County.

3. Docket Types

Various dockets will be used throughout the course of this project and are tailored to promote the reduction of the foreclosure backlog and keep pace with monthly filings. A collaborative effort between Court Administration and the Clerk of Court will be necessary to organize, schedule and dedicate to the progress of these dockets and support the judiciary in their role.

A table is provided below identifying the docket types and scheduling format that will be used. Dockets may be located on the court’s website at <http://www.ca.cjis20.org/home/lee/leeforeclose.asp>. *Docket types and scheduling formulas may change and is subject to the case flow needs and demands during this project.*

<p>Expedited Foreclosure Track</p>	<p>§702.10, Fla. Stat.</p> <p>Docket Type: Expedited foreclosures cases or cases using an Order to Show Cause process will be scheduled on the “Foreclosure Friday” dockets along with the Motions for Summary Judgment.</p> <p>Docket scheduling format:</p> <ul style="list-style-type: none"> • “Foreclosure Friday” - Mixed docket used for Motions for Summary Judgment/ Orders to Show Cause (expedited foreclosure case track) with 12 cases set at 1/2 hour increments. Start morning dockets at 9 a.m. and afternoon dockets at 1:30 p.m. • Set 2 days per month and on Friday <p>Scheduling: The Case Management Office will schedule cases on the “Expedited Foreclosure Track” once an <i>original</i> Order to Show Cause document is received and reviewed. Judicial Automated Calendaring System (JACS) will be used to set these dockets. Dockets will be posted on the court’s webpage.</p>
<p>Case Management Conference</p>	<p>Fla. R. Civ. P. 1.200, and Fla. R. Jud. Admin 2.548.</p> <p>Docket Type: Case Management Conferences are scheduled to allow the judiciary the ability to monitor and control the pace of litigation. A conference may be scheduled by the court or by request of a party. Initially, this docket will target cases pending over 18 months, however, cases pending under 18 months</p>

	<p>may also be scheduled using this docket type.</p> <p>Docket Scheduling Format: Dockets will be scheduled on Tuesdays and Thursdays with 6 cases set at 1/2 hour increments. Start morning dockets at 8:30 a.m. and afternoon dockets at 1:30 p.m.</p> <p>Scheduling: The Case Management Office will schedule the Case Management Conferences. Judicial Automated Calendaring System (JACS) will be used to set these dockets. Dockets will be posted on the court's webpage.</p>
<p>Motion for Summary Judgment</p>	<p>Fla. R. Civ. P. 1.510.</p> <p>Docket Type: Motions for Summary Judgment will be scheduled on the "Foreclosure Friday" dockets along with the Orders to Show Cause "Expedited Foreclosure Track."</p> <p>Docket scheduling format:</p> <ul style="list-style-type: none"> • "Foreclosure Friday" - Mixed docket used for Motions for Summary Judgment/ Orders to Show Cause (expedited foreclosure case track with 12 cases set at 1/2 hour increments. Start morning dockets at 9 a.m. and afternoon dockets at 1:30 p.m. • Set 2 days per month and on Friday <p>Scheduling: The Clerk's Office will continue to schedule the Motions for Summary Judgment after a request is received via email to: FridayForeclosure@leeclerk.org. Parties who are unable to email may contact the Civil Case Management program at 239- 533-8421 to assist with scheduling.</p> <p>Judicial Automated Calendaring System (JACS) will be used to set the dockets. Dockets will be posted on the court's webpage.</p>
<p>Uncontested Non-Jury Trial</p>	<p>Fla. R. Civ. P. 1.440.</p> <p>Docket Type: Uncontested Non-Jury Trial cases may be scheduled after a Notice For Trial is received and a request is made through the Civil Case Management Office specifically identifying a case(s) as meeting the criteria of "uncontested".</p> <p>Docket scheduling format: <u>Uncontested</u> Non-Jury Trials may be set throughout the week with 6 cases set at 1/2 hour increments. Start morning dockets at 8:30 a.m. and afternoon dockets at 1:30 p.m.</p> <p>Scheduling: The Case Management Office will schedule the trials using the Judicial Automated Calendaring System (JACS). Dockets will be posted on the court's webpage.</p>
<p>Contested Non-Jury Trial</p>	<p>Fla. R. Civ. P. 1.440.</p> <p>Docket Type: <u>Contested</u> Non-Jury Trial cases may be scheduled after a Notice For Trial is received in a case.</p>

	<p>Docket scheduling format: <u>Contested</u> Non-Jury Trial cases may be set throughout the week and scheduling is dependent upon the request for trial time. Start morning dockets at 8:30 a.m. and afternoon dockets at 1:30 p.m.</p> <p>Scheduling: The Case Management Office will schedule the trials using the Judicial Automated Calendaring System (JACS). Dockets will be posted on the court's webpage.</p>
Lack of Prosecution Track	<p>Fla. R. Civ. P. 1.420(e).</p> <p>Docket Type: The Lack of Prosecution docket is designed to identify cases where no record of activity has occurred for a period of 10 months and there is no order staying the action or stipulation to stay approved by the court.</p> <p>Scheduling: The Clerk's Office will schedule these dockets.</p>
Homestead Mediation Track	<p>Twentieth Circuit Administrative Order 1.14</p> <p>This case track has been established consistent with Administrative Order 1.14 to allow parties to conduct early mediation in a contested residential homestead mortgage foreclosure action. Cases that follow the A.O. procedures to "Opt-In" and qualify for this case track will be monitored to determine case progress and may be set for a case management conference.</p>
Contested Motion	<p>Docket Type: Parties should attempt to resolve the issues before filing any motions. Contested Motions will be scheduled on a motion docket.</p> <ul style="list-style-type: none"> • Docket scheduling format: Dockets will be scheduled on Tuesdays and Thursdays with 6 cases set at 1/2 hour increments. Start morning dockets at 9 a.m. and afternoon dockets at 1:30 p.m. <p>Scheduling: The Clerk's Office will schedule the Motions after a request is received via email to: FridayForeclosure@leeclerk.org. Parties who are unable to email may contact the Civil Case Management program at 239- 533-8421 to assist with scheduling.</p> <p>Judicial Automated Calendaring System (JACS) will be used to set these dockets. Dockets will be posted on the court's webpage.</p>

4. Forms

The following forms are to be used during the course of this project and are subject to change.

Name	Purpose
Order Setting Case Management Conference	This form will be used to schedule pending and active cases for a Case Management Conference.
Order at Judicial Case Management Conference	This form may be used at a case management conference to identify a case progression plan which includes court deadline dates, next court events, and trial date.
Order of Dismissal	This form may be used to dismiss a case with or without prejudice.
Motion to Dismiss for Lack of Prosecution and Notice of Hearing	This form may be used to identify cases on the clerk's progress docket where there has been no record of activity by filing of pleadings, order of court, order staying the action or court approved stipulation to stay the action within the past 10 months. A hearing date is scheduled within 60-days and the parties have the ability to provide written show cause why the case shall not be dismissed.
Order of Dismissing for Lack of Prosecution	This form may be used to dismiss a case when a party fails to show written cause why a case should not be dismissed for lack of prosecution.
Order Setting an Uncontested Non-Jury Trial	This form may be used to set an "uncontested" foreclosure case for non-jury trial.
Order Setting Trial	This order may be used to set a "contested" foreclosure case for non-jury trial.
Case Management Plan and Order	This form may be used for cases requiring a more detailed case plan with deadline dates and specific case action.

5. Performance and Analysis

Lee County will locally monitor the court's performance to determine if the clearance rate goal is being met and to also analyze the impact of the reduction project with the age of pending caseload and timeliness of case dispositions. It is through these reports that Florida is able to statistically determine the impact and progress of the Foreclosure Reduction Initiative. Statistical data and performance reports will be provided to the Chief Judge, Trial Court Administrator and Civil Administrative Judge on a quarterly basis. These reports will also be provided on a monthly basis, when requested. Performance reports include the number of foreclosures cases filed and disposed monthly, the court's clearance rate, the pending foreclosure caseload, the age of pending foreclosure caseload and a time to disposition report.

The Foreclosure Reduction Initiative Project for FY 12/13 will be reviewed frequently and throughout the course of the project so that adjustments may be made to meet the case flow needs and demands. Court forms will also be frequently reviewed and modified to keep pace with program changes and to stay current with the laws.

ⁱ FY 12/13 is used to identify the State's Fiscal Year from July 1, 2012 through June 30, 2013.

ⁱⁱ FY 10/11 is used to identify the State's Fiscal Year from July 1, 2010 through June 30, 2011.

ⁱⁱⁱ The 20th Judicial Circuit is comprised of a 5 county area which includes Charlotte, Collier, Glades, Hendry and Lee Counties.

^{iv} The pending caseload includes cases filed that do not have a clerical code of disposed. This calculation excludes post-judgment or "re-open" cases.

^v Commercial Foreclosure case types excluded from the pending caseload as of 5/7/12 are CA Commercial Foreclosure 1: \$0-\$50,000, CA Commercial Foreclosure 1: \$50,000-\$249,999 and CA Commercial Foreclosure 1: \$250,000 and more.