



13th Judicial Circuit of Florida  
**PROGRAM MANAGER APPLICATION**  
**for**  
**Residential Mortgage Foreclosure Mediation**

**DEADLINE FOR RETURN OF THIS APPLICATION:**  
**Friday, April 30, 2010**

To help ease the foreclosure crisis affecting homestead owners and to comply with Florida Supreme Court's Administrative Order [AOSC09-54](#), the 13<sup>th</sup> Circuit is soliciting applications for a provider of mediation services Florida Supreme Court's Administrative Order [AOSC09-54](#). Please complete the following questionnaire and return on or before **Friday, April 30, 2010** to:

Michael L. Bridenback, Court Administrator, 800 E. Twiggs Street, Room 604, Tampa, FL 33602 or by e-mail at [bridenml@fljud13.org](mailto:bridenml@fljud13.org).

The *Parameters for Managed Mediation*, Exhibit 13 to [AOSC09-54](#), and the Supreme Court's Model Administrative Order (MAO) with all exhibits should be reviewed carefully before responding. Take the space you need to answer but be succinct.

1. State the name, mailing address, email, and telephone phone contact information of the person or entity that will be contracting with the circuit for Program Management services. Include the same contact information for any organization that will be sharing responsibility for delivering managed mediation services.
2. Describe the applicant's experience with alternate dispute resolution in Florida courts. You may attach a résumé or summary of the applicant's background, training, and education in mediation or arbitration.
3. Identify the non-profit entity or associated organization of proven competence, autonomous and independent from the judicial branch which will act as Program Manager.
4. Please provide an overview of your operational plan for implementing managed mediation in this circuit.

5. From the date you are appointed Program Manager, state the number of calendar days you estimate it will take to become fully operational.

Days to become fully operational \_\_\_\_\_;

6. Describe the accounting system and procedures you will use to accept, disburse, track and report servicer payments and refunds, and indicate how you will meet the requirement of being fiscally transparent and accountable.
7. Describe your plan to implement a secure web-enabled information platform and/or e-mail address procedure to facilitate secure communication with parties to mediation (MAO, p. A-7). Explain in detail how that plan will accommodate block calendaring of mediation sessions and transmission of documents between parties.
8. The MAO (p. A-5) requires the servicer to provide the borrower's contact information to the Program Manager.
- a. What procedures to contact borrowers will the Program Manager adopt if this information proves unreliable or outdated;
- b. From the date the complaint is filed, how many days should elapse before attempts by the Program Manager to contact borrowers should cease:  
\_\_\_\_\_ days;
9. The MAO (p. A-5) requires the servicer to confirm the homestead status of the borrower on Form A at the time the complaint is filed. Does your operational plan include a procedure for the Program Manager to determine if the servicer has failed to accurately identify homestead owners? Yes \_\_\_\_\_ NO \_\_\_\_\_; if yes, describe the procedure:
10. The supreme court approved a maximum fee of \$750 for each homestead referred to managed mediation payable in two installments, \$400 when the case is filed and \$350 payable 10 days after mediation is scheduled. **Assuming mediation is completed:**
- a. Do you plan to charge the maximum fee? Yes\_\_\_\_; No\_\_\_\_; If not, what sum will you be charging servicers? \$ \_\_\_\_\_ .
- b. State the dollar portion of the servicer's mediation fee you plan to pay to:
- Credit counselors: \$ \_\_\_\_\_
- Mediators attending mediation sessions: \$ \_\_\_\_\_
- To Program Manager: \$ \_\_\_\_\_

11. The MAO (p. A-13) contemplates a servicer will receive a partial refund of its fee (\$350) if the mediation is cancelled more than 5 days before a scheduled session. If cancelled within 5 days of the session, to whom would the remaining fee be allocated and in what amount and percentage?
12. Regarding credit counselors as defined by the MAO (p. A-3):
  - a. Describe your plan to locate and employ the number of counselors that may be required to meet the quantity of cases you expect to be referred. Indicate if you intend to outsource credit counseling service or hire counselors to provide such services in-house.
  - b. Describe any inquiries you have made of credit counseling services to determine their capacity to accept referrals from the 13<sup>th</sup> Circuit, and indicate if you are anticipating any shortage of counselors to accommodate the expected case load.
  - c. Is your plan to have the borrower meet telephonically or in person with credit counselors?
13. State any suggestions you may have for modification of MAO provisions or forms that would improve the ability of the Program Manager to provide services in the 13th Circuit, and if there are areas of ambiguity in the MAO that you would like to clarify, please note them here.
14. Include any additional issues or concerns you believe are pertinent to serving as Program Manager and discuss:
  - a. How your organization will be capable of efficiently administering large case loads; include a description of your proposed calendaring system to monitor times lines mandated by the MAO, and how you plan to implement block scheduling of counseling or mediation sessions;
  - b. Locations where you plan on conducting mediation sessions in the 13<sup>th</sup> Circuit;
  - c. How many persons, employees or agents will be located inside or outside the 13<sup>th</sup> Circuit and authorized to act on behalf the Program Manager;
  - d. How you plan to meet the provision in the MAO (p. A-9) that requires the Program Manager to be physically present to take roll prior to the opening of each mediation session;

- e. Your written criteria for selecting mediators and your plan for impartially rotating and referring cases to them (MAO, p. A-15);
- f. Your plan for removing from referral lists mediators who perform poorly or fail to comply with program rules and procedures;
- g. Whether there should be a geographical limitation on the circuit pool of mediators;
- h. Your plan for communicating with non-English speaking borrowers at all phases of the mediation process, including outreach, credit counseling, and during or after mediation sessions;
- i. Your plan for referring unrepresented borrowers to local legal aid organizations;
- j. Your plan for reporting to the court the number of successful or impasse mediation sessions, the results by type (modification, short sale, deed in lieu, etc.), fees allocated to Program Manager, credit counselors, mediators, and fees refunded, total cases referred for outreach, and total cases mediated. If you have developed a reporting template, please attach.