

SUMMARY OF COMBINED LMM SURVEY RESPONSES

INTRODUCTION

The U.S. Bankruptcy Courts for the Southern, Middle and Northern Districts of Florida jointly conducted a survey on mortgage mitigation mediation programs offered in their respective courts.

The survey was open for responses from September 16 through December 2, 2013. Each court sent invitations to participate in the survey to all registered CM/ECF users in their courts, in addition to posting a link to the survey on their court websites.

NUMBER OF PARTICIPANTS; 293 COMPLETED THE SURVEY (152 MDFL, 117 SDFL, and 24 NDFL)

A total of 583 started the survey, with 94 automatically disqualifying themselves because they indicated they had neither participated in or were familiar at all with any mediation programs and did not wish to take the survey. Of those not disqualified, 293 completed the survey: 152 (51.9%) who indicated they received the survey from the MDFL; 117 (39.9%) who indicated they received the survey from the SDFL and 24 (8.2%) who indicated they received the survey from the NDFL.

Because some the survey questions only applied to those experienced with that specific court's program or that court's program and another program, not all survey takers received the same questions. In addition, responses were optional for some questions. As a result, total for responses reported here will vary.

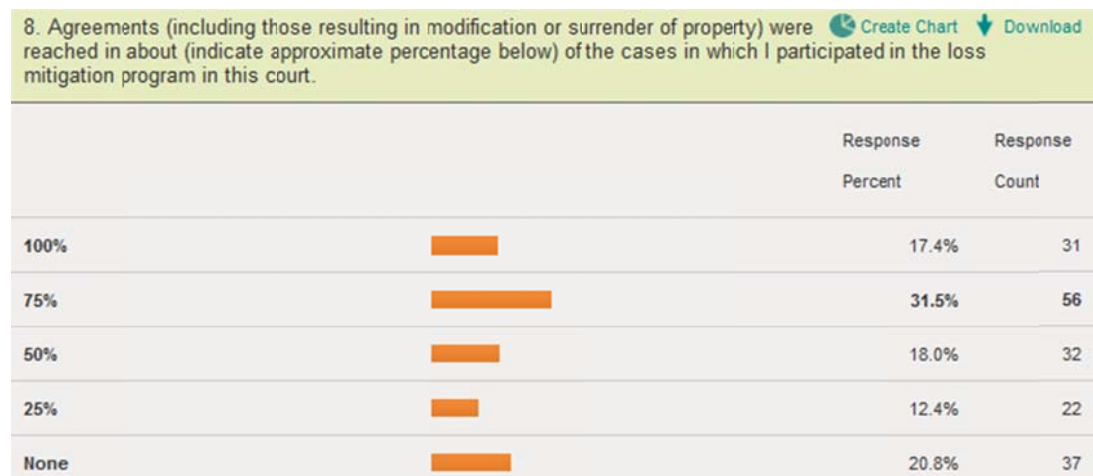
PARTICIPANTS WHO RESPONDED – MOST CASES WERE CHAPTER 13 AND ROLE OF MOST RESPONDING WAS OF ATTORNEY FOR DEBTOR (66%)

Of those who indicated they had participated in one or more mediations in the court they received the survey from, chapter participation was as follows: Chapter 13 (177) ; Chapter 7 individual (37); Chapter 11 individual (20); and Chapter 12(one).

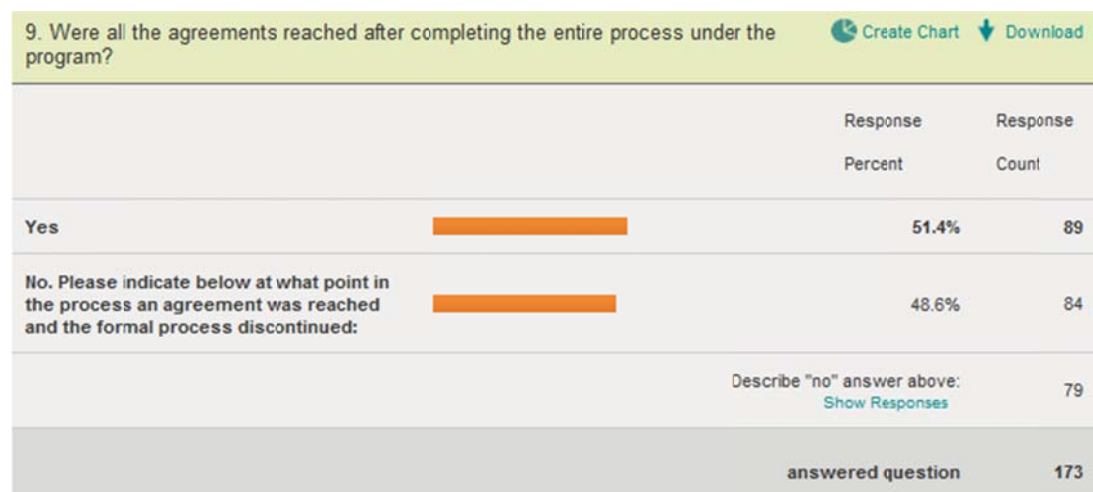
Survey takers who participate in the program classified their roles as follows: (note: those indicating "other" clarified their roles as follows: Co-counsel in ch.13 for modification purposes; covered for Debtor's attorney; paralegal assisting debtor's attorney; ch. 11 trustee attorney for ch. 7 trustee; Trustee; Mediator in all districts. Debtor attorney only in the middle district

		Response Percent	Response Count
Debtor		1.1%	2
Debtor's Attorney		65.6%	120
Creditor		2.2%	4
Creditor's Attorney		25.7%	47
Mediator		15.8%	29
Other		3.8%	7

The chart below shows survey responses to the question asking in what percentage of cases were agreements reached.



The chart below reflects responses regarding when agreements were reached during the program:



Mediators: The following chart reflects responses from all courts together:

14. Regarding mediators/facilitators and their compensation in this court's loss mitigation program:						Create Chart	Download
	Totally Agree	Agree	Neither Agree or Disagree	Disagree	Not Sure or Not applicable	Rating Count	
Appointment of a mediator/facilitator is essential and should not be optional	49.8% (114)	18.3% (42)	10.9% (25)	17.0% (39)	3.9% (9)	229	
Appointment of a mediator/facilitator should not be required in every case	11.8% (26)	18.6% (41)	10.0% (22)	54.3% (120)	5.4% (12)	221	
The compensation rate is satisfactory	22.7% (52)	34.5% (79)	19.2% (44)	15.3% (35)	8.3% (19)	229	
The requirements for mediators in this court make successful mediations more likely	34.4% (78)	38.8% (88)	9.3% (21)	11.9% (27)	5.7% (13)	227	
The program provides mediators/facilitators sufficient flexibility to allow for successful mediations	27.2% (62)	37.7% (86)	18.0% (41)	7.0% (16)	10.1% (23)	228	
						Show Responses	45

Below is a breakdown of responses to the above mediator question 14 by each court:

SDFL

14. Regarding mediators/facilitators and their compensation in this court's loss mitigation program:						
	Totally Agree	Agree	Neither Agree or Disagree	Disagree	Not Sure or Not applicable	Rating Count
Appointment of a mediator/facilitator is essential and should not be optional	53.5% (54)	18.8% (19)	10.9% (11)	10.9% (11)	5.9% (6)	101
Appointment of a mediator/facilitator should not be required in every case	7.1% (7)	17.3% (17)	9.2% (9)	59.2% (58)	7.1% (7)	98
The compensation rate is satisfactory	22.2% (22)	28.3% (28)	20.2% (20)	19.2% (19)	10.1% (10)	99
The requirements for mediators in this court make successful mediations more likely	29.3% (29)	40.4% (40)	11.1% (11)	11.1% (11)	8.1% (8)	99
The program provides mediators/facilitators sufficient flexibility to allow for successful mediations	22.2% (22)	34.3% (34)	21.2% (21)	7.1% (7)	15.2% (15)	99
						Comments
						20

MDFL

14. Regarding mediators/facilitators and their compensation in this court's loss mitigation program:						
	Totally Agree	Agree	Neither Agree or Disagree	Disagree	Not Sure or Not applicable	Rating Count
Appointment of a mediator/facilitator is essential and should not be optional	48.4% (62)	20.3% (26)	10.9% (14)	18.8% (24)	1.6% (2)	128
Appointment of a mediator/facilitator should not be required in every case	12.9% (16)	16.9% (21)	12.1% (15)	54.8% (68)	3.2% (4)	124
The compensation rate is satisfactory	26.0% (34)	35.9% (47)	17.6% (23)	13.7% (18)	6.9% (9)	131
The requirements for mediators in this court make successful mediations more likely	38.0% (49)	38.8% (50)	10.1% (13)	10.1% (13)	3.1% (4)	129
The program provides mediators/facilitators sufficient flexibility to allow for successful mediations	29.2% (38)	39.2% (51)	17.7% (23)	7.7% (10)	6.2% (8)	130
Comments						22

NDFL

14. Regarding mediators/facilitators and their compensation in this court's loss mitigation program:						
	Totally Agree	Agree	Neither Agree or Disagree	Disagree	Not Sure or Not applicable	Rating Count
Appointment of a mediator/facilitator is essential and should not be optional	33.3% (6)	11.1% (2)	22.2% (4)	27.8% (5)	5.6% (1)	18
Appointment of a mediator/facilitator should not be required in every case	22.2% (4)	27.8% (5)	11.1% (2)	27.8% (5)	11.1% (2)	18
The compensation rate is satisfactory	0.0% (0)	55.6% (10)	27.8% (5)	11.1% (2)	5.6% (1)	18
The requirements for mediators in this court make successful mediations more likely	27.8% (5)	44.4% (8)	0.0% (0)	22.2% (4)	5.6% (1)	18
The program provides mediators/facilitators sufficient flexibility to allow for successful mediations	22.2% (4)	55.6% (10)	11.1% (2)	5.6% (1)	5.6% (1)	18
Comments						5

When should a mediator be appointed?

26. When should a mediator be appointed?			Create Chart	Download
		Response Percent	Response Count	
Always for every loss mitigation		52.2%	151	
Only if requested by a party		22.8%	66	
Never, mediators are not needed		1.4%	4	
Depends on the complexity of the issues involved in the loss mitigation		19.7%	57	
Never, judges should mediate if mediation is required		1.0%	3	
Other (please explain below)		2.8%	8	
Please clarify any answer above if desired:			Show Responses	30

Portals

18. Regarding the loss mitigation web based portal(s) you have used for exchange of information and documents: Did you find the portal:							Create Chart	Download
	Totally Agree	Agree	Neither Agree or Disagree	Disagree	Not Sure	Rating Count		
Easy to access and use	32.3% (32)	34.3% (34)	10.1% (10)	16.2% (16)	7.1% (7)	99		
Accessible to all parties required for mediation	28.1% (27)	40.6% (39)	10.4% (10)	10.4% (10)	10.4% (10)	96		
Good value for cost	29.9% (29)	26.8% (26)	22.7% (22)	8.2% (8)	12.4% (12)	97		
Absolutely essential for a successful mediation	29.9% (29)	25.8% (25)	13.4% (13)	24.7% (24)	6.2% (6)	97		
Free of technical Issues	20.8% (20)	27.1% (26)	22.9% (22)	18.8% (18)	10.4% (10)	96		
Meeting your required standards of security	28.9% (28)	39.2% (38)	15.5% (15)	4.1% (4)	12.4% (12)	97		
Time saving	31.3% (30)	29.2% (28)	10.4% (10)	21.9% (21)	7.3% (7)	96		
						Comments: Show Responses		20

Software:

20. Regarding document preparation software you have used for a loss mitigation program: Did you find it:						Create Chart	Download
	Totally Agree	Agree	Neither Agree nor Disagree	Disagree	Not Sure	Rating Count	
Easy to access and use	27.0% (10)	45.9% (17)	13.5% (5)	10.8% (4)	2.7% (1)	37	
Accessible to all required parties	27.8% (10)	41.7% (15)	16.7% (6)	8.3% (3)	5.6% (2)	36	
Good value for cost	33.3% (12)	33.3% (12)	13.9% (5)	16.7% (6)	2.8% (1)	36	
Absolutely essential	34.3% (12)	34.3% (12)	8.6% (3)	20.0% (7)	2.9% (1)	35	
Free of technical issues	35.3% (12)	26.5% (9)	20.6% (7)	11.8% (4)	5.9% (2)	34	
Meeting your required standards of security	36.1% (13)	36.1% (13)	22.2% (8)	0.0% (0)	5.6% (2)	36	
Time saving	30.6% (11)	36.1% (13)	5.6% (2)	25.0% (9)	2.8% (1)	36	
Contained all necessary templates	25.0% (9)	36.1% (13)	16.7% (6)	11.1% (4)	11.1% (4)	36	
Flexible (easy to customize)	20.0% (7)	20.0% (7)	20.0% (7)	31.4% (11)	8.6% (3)	35	
						Comments: Show Responses	9

Desired Features of a Program (both experienced and inexperienced users responses)

21. Which of the following features of a loss mitigation program SHOULD be mandatory? (Check all that apply)				Create Chart	Download
		Response Percent	Response Count		
Use of a dedicated web based portal for exchange of documents and information		63.3%	178		
Use of uniform software for preparation of documents		41.6%	117		
Appointment of an independent mediator		65.8%	185		
Court established fees and costs		69.4%	195		
Court sanctions if not good faith effort		76.9%	216		
Other		12.1%	34		
If you checked "other" above, please describe other features that should be mandatory:			Show Responses		46

Features Important to success of program (responses from experienced and non-experienced)

22. How important are the following to the success of a loss mitigation program? Create Chart Download					
	Not at all important	Somewhat unimportant	Depends on the facts of the actual mediation	Extremely important	Rating Count
Quality of mediators/facilitators	2.8% (8)	8.0% (23)	29.5% (85)	59.7% (172)	288
No restrictions as to chapter, type of debtor or types of property for which mitigation is sought	8.9% (25)	9.3% (26)	39.9% (112)	42.0% (118)	281
Deadlines set by the court for completion of process	3.1% (9)	10.1% (29)	31.1% (89)	55.6% (159)	286
Costs to participants	1.4% (4)	13.2% (38)	24.4% (70)	61.0% (175)	287
Availability of local forms for uniform use by participants	5.7% (16)	15.7% (44)	24.6% (69)	54.1% (152)	281
Access to web based portal for exchange of information	11.3% (32)	14.9% (42)	19.1% (54)	54.6% (154)	282
Access to uniform software for document preparation	17.4% (49)	18.9% (53)	23.8% (67)	39.9% (112)	281

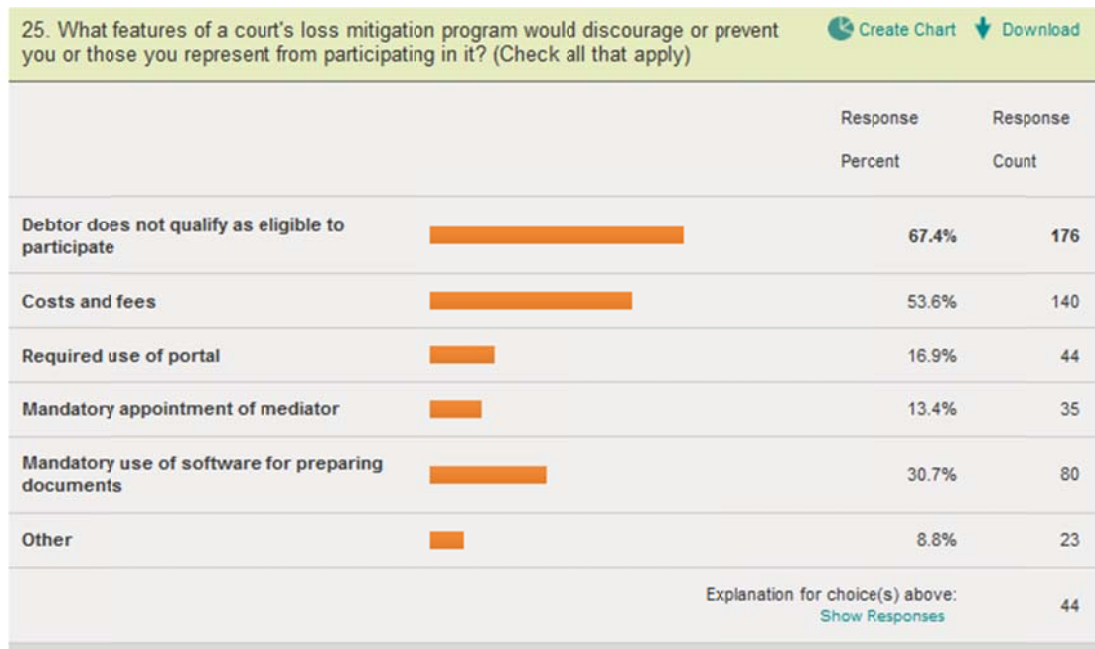
Who should pay for costs of the program?

23. Who should be required to pay for loss mitigation program participation expenses (mediator, portal access, document preparation software, etc)? Create Chart Download			
		Response Percent	Response Count
Debtor		14.9%	43
Party seeking loss mitigation (if other than debtor)		13.9%	40
Debtor and Lender equally		57.6%	166
Other		13.5%	39
If you checked "Other" above, please explain: Show Responses			47

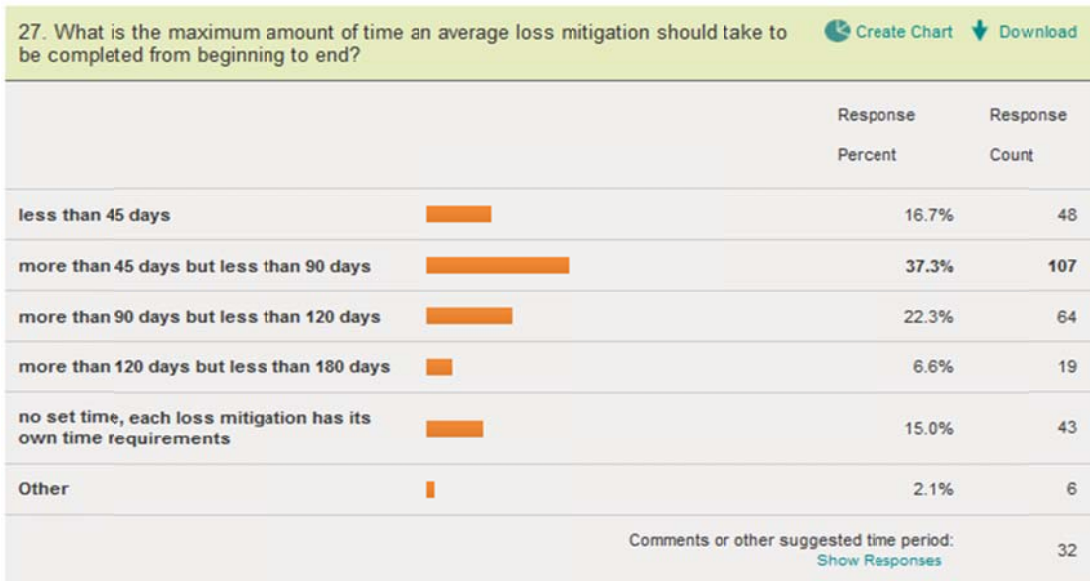
Pro se provisions



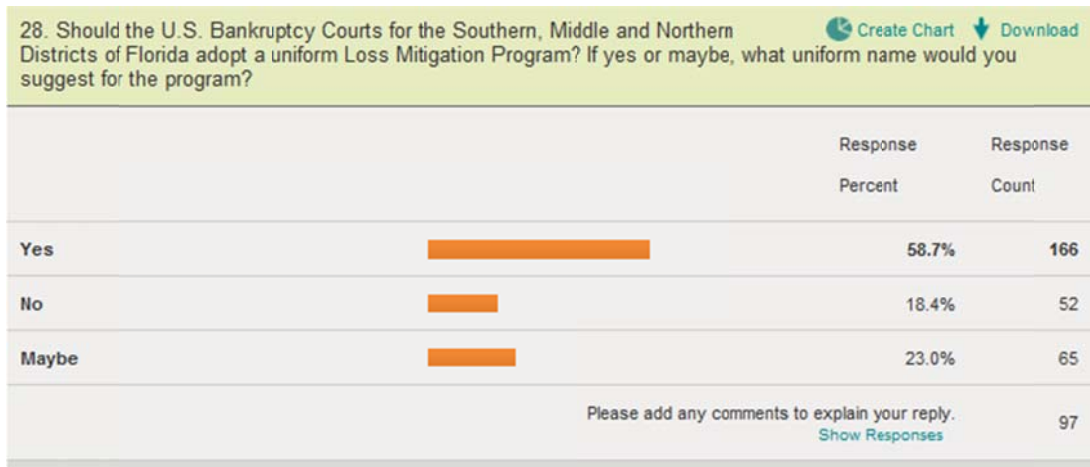
Program features that would discourage participation



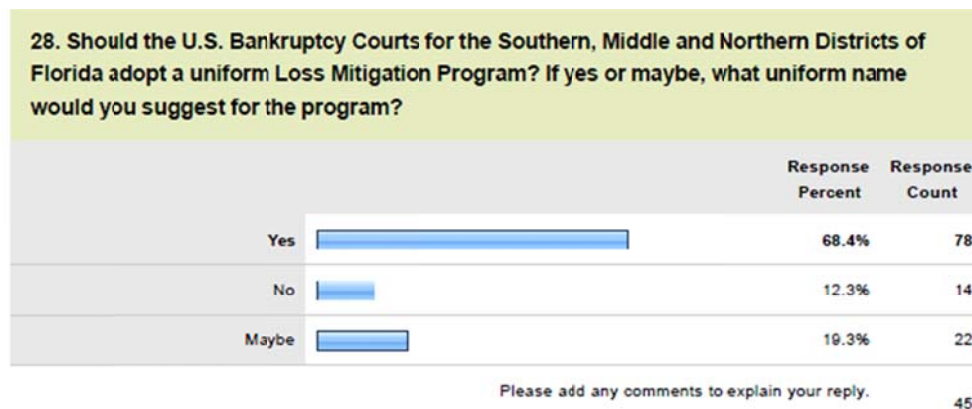
How much time should mediation take?



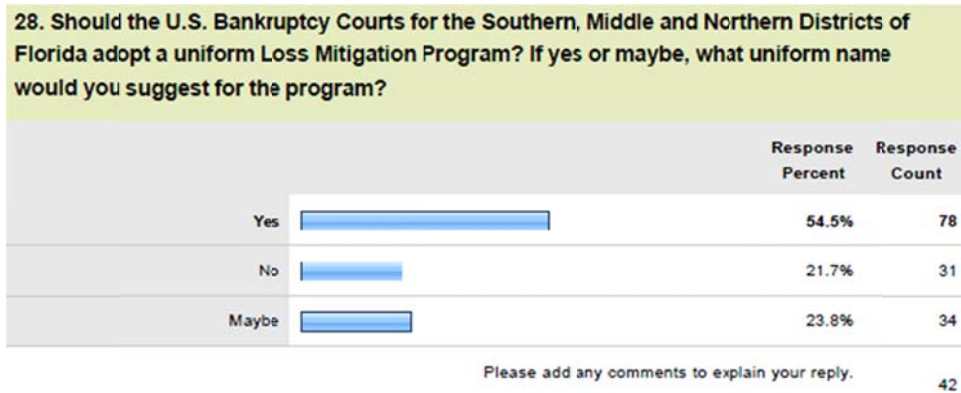
Should a uniform program be adopted? (Combined responses from the 3 courts)



SDFL responses to “should a uniform program be adopted?”



MDFL responses to “should a uniform program be adopted?”



NDFL responses to “should a uniform program be adopted?”

