

**FLORIDA SUPREME COURT**  
**TASK FORCE ON RESIDENTIAL MORTGAGE FORECLOSURE CASES**

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**FINAL REPORT AND RECOMMENDATIONS**  
**ON RESIDENTIAL MORTGAGE FORECLOSURE CASES**

**AUGUST 17, 2009**

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# **Appendix A**

## **Task Force Principles**

## **Task Force Principles**

### Overarching Principles

The following basic principles guided the work of the Task Force as well as each of the subcommittees individually:

- The Task Force recognizes and will not impair legal, equitable and constitutional rights which form the basis of foreclosure actions.
- The Task Force will strive to be consistent with existing (or amended) statutes, rules, case law, and policies.
- Recommendations will be cost-effective and affordable.
- The Task Force will promote and recommend public education on mortgage foreclosure issues.
- The Task Force will be responsive to the needs of various stakeholders in designing and implementing case management and ADR processes.
- Solutions will value uniformity and simplicity.
- Whatever the Task Force recommends will contain a program evaluation component to assess program effectiveness.

### Case Management Subcommittee Principles

- The case management procedure should provide for the fair and efficient administration of justice while recognizing there may be socioeconomic issues implicated in foreclosure cases which are not directly within the court's jurisdiction.
- The Case Management Subcommittee will design a durable differentiated case management system with established uniform forms, orders and rules to resolve foreclosure cases.

## ADR Subcommittee Principles

- Foreclosure ADR should promote the free and confidential exchange of information and avoid disclosure of information to parties not controlled by confidentiality.
- Foreclosure ADR should preserve mediation as a confidential process under the Mediation Confidentiality and Privilege Act. Fla. Stat. §§ 44.401-44.406 (2008).
- Foreclosure ADR should have consistent objective criteria for referral.
- The Task Force should consider a range of ADR methods.
- The ADR Subcommittee's ultimate recommendation should include a process for approval of other forms of ADR as proposed by chief judges in order to explore innovation and best practices in this dynamic environment.
- Foreclosure ADR should invite all defendants to participate in the ADR process.
- Foreclosure ADR should provide that neutrals are specifically trained to serve as ADR foreclosure neutrals.
- Foreclosure ADR should provide participants with opportunity to become prepared to participate constructively in ADR.
- Solutions should minimize the financial impact of ADR on the parties.
- Solutions should be accessible to residential mortgage foreclosure ADR participants.
- Solutions should utilize only Florida Supreme Court certified circuit mediators to mediate residential foreclosures.
- Solutions should provide that the parties exchange essential information prior to mediation.
- The ADR Subcommittee should establish a definition of what "appearance at mediation" means, which is a work in progress.