

Appendix H

Circuit by Circuit Analyses

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1st Circuit:

- Foreclosures are handled by the Civil Division Judges
- Usually on a blended calendar with other civil matters, but is left to individual judge
- Calendaring is handled by the Judicial Assistant

2008: 7736 January-May 2009: 3458 (annualized proj. 8229)*

Increase in foreclosure filings 2006-2008: 230%

2nd Circuit:

- Foreclosures are handled by the Civil Division Judges
- Usually on a blended calendar with other civil matters
- Calendaring is handled by the Judicial Assistant
- Case management is handled by volunteer trained interns, case management includes assignment of cases for mediation to a low-fee panel of mediators

2008: 2490 January-May 2009 1340 (annualized proj. 3216)*

Increase in foreclosure filings 2006-2008: 111%

3rd Circuit:

- Foreclosures are handled by Circuit Judges, all of whom have combination divisions
- Usually on a blended calendar with other civil matters
- Calendaring is handled by the Judicial Assistant

2008: 1102 January-May 2009: 507 (annualized proj. 1217)*

Increase in foreclosure filings 2006-2008: 102%

4th Circuit:

- Foreclosures are heard by the Civil Division Judges
- Usually on a blended calendar with other civil matters
- Calendaring is handled by the Judicial Assistant

2008: 13,979 January-May 2009: 7360 (annualized proj. 17,664)*

Increase in foreclosure filings 2006-2008: 148%

5th Circuit:

- Foreclosures are heard by Civil Division Judges
- Usually on a blended calendar with other civil matters
- 1 County Judge is hearing foreclosure cases 1 day per week
- Calendaring is handled by the Judicial Assistant

2008: 15,402 January-May 2009: 7397 (annualized proj. 17,752)*

6th Circuit:

- Foreclosures are handled by the Civil Division Judges
- Most have separate foreclosure summary judgment calendars
- In addition, there are supplemental foreclosure calendars added by the division judges, usually once per month.
- Calendaring is handled by the Judicial Assistant

2008: 21,872 January-May 2009: 10,470 (annualized proj. 25,128)*

Increase in foreclosure filings 2005-2008: 282%

7th Circuit:

- Foreclosures are handled by Civil Division Judges
- Many judges use the Court Call system to handle hearings telephonically
- Generally, matters are heard on separate foreclosure dockets
- Calendaring is handled electronically

2008: 13,429 January-May 2009: 6905 (annualized proj. 16,572)*

Increase in foreclosure filings 2006-2008: 273%

8th Circuit:

- Foreclosures are handled by two Civil Division Judges in Alachua County and as part of the general Circuit docket in the outlying counties
- Usually on a blended calendar with other civil matters
- Calendaring is handled by the Judicial Assistant
- Computerized case management is utilized

2008: 1913 January-May 2009: 1,050 (annualized proj. 2520)*

Increase in foreclosure filings 2006-2008: 91%

9th Circuit:

- Foreclosures are handled by Civil Division Judges
- Usually on a blended calendar with other civil matters
- Two business court divisions also have special foreclosure dockets
- Calendaring is handled by the Judicial Assistant

2008: 36,939 January-May 2009 18,882 (annualized proj. 45,317)*

Increase in foreclosure filings 2006-2008: 444%

10th Circuit:

- Foreclosures are heard by Civil Division Judges
- Usually on morning calendars, with supplemental foreclosure calendars set once or twice per month
- Calendaring is handled by Judicial Assistant utilizing email

2008: 10,921 January-May 2009: 5193 (annualized proj. 12,463)*

Increase in foreclosure filing 2006-2008: 269%

11th Circuit:

- Foreclosures are heard by 22 Civil Division judges
- Generally on separate foreclosure calendars
- Some judges use an open calendar system in which firms notice the matters for hearing and may notice as many as they wish
 - Under this system, attorneys sign in the cases. When the case is called, the Judge will entertain any argument if opposed, or, if pro se borrowers appear, will discuss the case with them. If it appears summary judgment is appropriate, the Plaintiff attorney leaves the package, which consists of the Case Status Sheet, and Courtesy Copies of the Motion for Summary Judgment, all Affidavits, the Original Note and Mortgage, mediation compliance if any, and proposed Final Judgment. The Judge reviews the package after the hearing session and the attorney is called to pick up the package after signing. There is no calendaring involved by the Judicial Assistant.
- Other judges use closed calendars in which a specific number of foreclosure cases are set and calendaring is handled by the Judicial Assistant.

2008: 56,100 January-May 2009: 29,681 (annualized proj. 71,234)*

Increase in foreclosure filings 2006-2008: 474%

12th Circuit:

- 1 Civil Division with a combined probate and uncontested foreclosure docket hearing about 80 foreclosures per week
- 1 Senior Judge does a docket every two weeks, 250 cases
- 5 Civil Division judges hear contested foreclosures assigned to their division

2008: 14,530 January-May 2009: 6728 (annualized proj. 16,147)*

Increase in foreclosure filings 2006-2008: 631%

13th Circuit:

- Foreclosures are heard by Civil Division Judges
- Many judges have specialized telephone dockets for foreclosure cases
- Calendaring is handled electronically monitored by the Judicial Assistant

2008: 21,468 January-May 2009: 9667 (annualized proj. 23,201)*

Increase in foreclosure filings 2006-2008: 356%

14th Circuit:

- Foreclosures are heard by Civil Division judges assigned to each county
- Usually on a blended calendar with other civil matters
- Calendaring is handled by the Judicial Assistant

2008: 2782 January-May 2009: 1497 (annualized proj. 3593)*

Increase in foreclosure filings 2006-2008: 198%

15th Circuit:

- 1 Circuit Civil Division entirely dedicated to foreclosure cases
- 3 days per week Circuit Judge hears foreclosures
- ½ day per week County Judge hears foreclosures
- In addition, 1 day per month, the 11 Civil Division Judges dedicate a full day to summary judgment foreclosure hearings
- Calendaring is handled electronically

2008: 29,411 January-May 2009: 13,525 (annualized proj. 32,460)*

Increase in foreclosure filings 2006-2008: 496%

16th Circuit:

- Foreclosures are handled by Civil Division Judges with support from magistrates if time available
- Usually on a blended calendar with other civil matters
- Calendaring is handled by Judicial Assistant
- County judge assists with foreclosures cases in Marathon

2008: 1403 January-May 2009: 850 (annualized proj. 2040)*

17th Circuit:

- Foreclosures are handled by the Civil Division Judges
- Most hearings are handled each morning on combined civil/foreclosure calendars. The division judges identifies the uncontested cases, and those cases are immediately sent that same moment to a Senior Judge who is available four full days a week to hear uncontested foreclosure matters
- Division judges then retain any contested foreclosure matters
- Calendaring is handled electronically

2008: 45,923 January-May 2009: 22,306 (annualized proj. 53,534)*

Increase in foreclosure filings 2006-2008: 516%

18th Circuit:

- Foreclosures are assigned to Civil Division Judges
- Set on a separate foreclosure calendar one morning per week
- Calendaring is handled by the Judicial Assistant

2008: 15,699 January-May 2009:7793 (annualized proj. 18,703)*

Increase in foreclosure filings 2006-2008: 387%

19th Circuit:

- Foreclosures are assigned to division judges
- Judges are assisting each other by sharing part of docket or hearing supplemental foreclosure calendars, for example the Okeechobee county judge hears St. Lucie county foreclosures four full days per month
- Calendaring is handled by the Judicial Assistant

2008: 13,984 January-May 2009: 5057 (annualized proj. 12,137)*

Increase in foreclosure filings 2006-2008: 550%

20th Circuit: Charlotte, Collier, Glades, Hendry and Lee Counties)

- Circuit Civil Division judges can hear up to 50 foreclosures each on Mondays
- Senior judge hears up to 500 summary judgment foreclosure motions each Friday, 250 in the morning and 250 in the afternoon
- All scheduled through a central scheduler by email request

2008: 41,626 January-May 2009: 15,946 (annualized proj. 38,270)*

Increase in foreclosure filings 2006-2008: 399%

* These numbers were taken from the State Summary Reporting System. However, during the first five months of 2009, many Plaintiffs instituted filing moratoria on foreclosures while they explored new programs with the Obama administration. For that reason, the annualized projections based upon the first five months of the year may substantially underestimate the number of actual filings Florida's courts are likely to experience this year. For example, although the 11th Circuit only had 29,671 cases as of May 31, 2009 per SRS, by July 31, the number had accelerated to 58,000 which annualizes to 99,428 cases—28,104 cases higher than the annualized SRS projection calculates. The annualized projections are likely to substantially undercount the potential 2009 caseload across the state. Further, no new judicial positions have been funded in the last three legislative sessions despite the ongoing increase in filings reflected in Appendix B.