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Courts Utilizing Stimulus Dollars To Ease Backlog of Mortgage Foreclosure Cases

CLEARWATER – Utilizing federal stimulus dollars that were appropriated by the Legislature, the Sixth Judicial Circuit has temporarily hired eight case managers, who will assist senior judges – also paid with stimulus dollars – in a series of hearings designed to close up to 800 mortgage foreclosure cases each week. Currently, more than 33,000 such cases are open in the circuit, which serves Pasco and Pinellas Counties.

Chief Judge J. Thomas McGrady, who announced the new program, said the goal is to resolve more than 24,000 of the backlogged cases within a year. Newly established calendars will be utilized only for foreclosure cases involving residential property. McGrady said the program will apply to both borrowed-occupied and investor properties.

“We have to clear these cases because of the negative impact they are having on other civil litigation,” McGrady said. “The real estate crisis has placed a tremendous burden on our judges, and people with other types of pending litigation are also entitled to their day in court.”

The foreclosure calendars will be presided over by senior judges, retired judges who have been certified by the State Supreme Court to fill in for sitting judges when needed. The goal is to schedule up to 100 summary judgment cases per day during twice-a-week sessions at each of four courthouses in the Circuit.

A summary judgment hearing is the last step in the foreclosure process and clears the way for the property to be sold at auction. As more new cases are filed – currently at the rate of more than 500 a month in Pinellas County – it has become increasingly difficult for attorneys representing lenders to schedule summary judgment hearings.

The new calendars will be on Tuesdays and Thursdays in Dade City; on Tuesdays and Fridays in St. Petersburg; on Wednesdays and Thursdays in Clearwater; and Wednesdays and Fridays in New Port Richey. Dedicated phone lines have been set up for attorneys who have summary judgment motions ready to be heard: 352-521-4274, ext. 5867 in Dade City; 727-847-2411, ext. 7246 in New Port Richey; 727-464-3300 in Clearwater; and 727-582-7700 in St. Petersburg.

The \$317,752 appropriated to the Sixth Circuit by this year’s Legislature for the program is part of the federal stimulus dollars that each state receives. All in all, the Legislature appropriated \$9.6 million to help clear the courts’ foreclosure backlog. A total of \$6 million is being divided up among the state’s 20 judicial circuits, and the remaining \$3.6 million will go to the court clerks, whose workload has also been dramatically affected by the foreclosure crisis.

In addition to the salaries and expenses for the senior judges, the local appropriation covers other court expenses, including the salaries for the eight temporary positions. Those positions are for case managers, who do the administrative work that is required before and after the summary judgment hearings.

The senior judges will primarily hear summary judgment motions, McGrady said, pointing out that discovery and other preliminary motions will still be heard on the regular judicial calendars.

The use of senior judges to preside over summary judgment calendars is the second major program the Circuit has initiated since July 1 in efforts to get the foreclosure backlog off the courts' back. Under the Residential Foreclosure Mediation Program that began earlier this month, every borrower who resides in the mortgaged property is entitled to enter a mediation program that requires the lender to negotiate with the borrower before the case can proceed through the courts. That service is available to homeowners at no initial cost to them.

Anyone seeking more information on either of these programs may visit a special mortgage foreclosure page on the Circuit's website (<http://www.jud6.org/LegalCommunity/MortgageForeclosures.html>).