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.

8. Agreements (including those resulting in modification or surrender of property) were reached in about (indicate approximate percentage below) of the cases in which I participated in the loss mitigation program in this court. Create Chart Download

	Response Percent	Response Count
100%	17.4%	31
75%	31.5%	56
50%	18.0%	32
25%	12.4%	22
None	20.8%	37

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

9. Were all the agreements reached after completing the entire process under the program? Create Chart Download

	Response Percent	Response Count
Yes	51.4%	89
No. Please indicate below at what point in the process an agreement was reached and the formal process discontinued:	48.6%	84
	Describe "no" answer above: Show Responses	79
	answered question	173

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
					Comments 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)

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	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

24. Should special provisions be made for pro se debtors to participate? If yes, indicate what provisions?

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	Response Percent	Response Count
No	67.0%	191
Yes	33.0%	94
If yes, list provisions or features for pro se debtors Show Responses		79

Program features that would discourage participation

25. What features of a court's loss mitigation program would discourage or prevent you or those you represent from participating in it? (Check all that apply)

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	Response Percent	Response Count
Debtor does not qualify as eligible to participate	67.4%	176
Costs and fees	53.6%	140
Required use of portal	16.9%	44
Mandatory appointment of mediator	13.4%	35
Mandatory use of software for preparing documents	30.7%	80
Other	8.8%	23
Explanation for choice(s) above: Show Responses		44

How much time should mediation take?

27. What is the maximum amount of time an average loss mitigation should take to be completed from beginning to end?

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	Response Percent	Response Count
less than 45 days	16.7%	48
more than 45 days but less than 90 days	37.3%	107
more than 90 days but less than 120 days	22.3%	64
more than 120 days but less than 180 days	6.6%	19
no set time, each loss mitigation has its own time requirements	15.0%	43
Other	2.1%	6
Comments or other suggested time period: Show Responses		32

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

28. Should the U.S. Bankruptcy Courts for the Southern, Middle and Northern Districts of Florida adopt a uniform Loss Mitigation Program? If yes or maybe, what uniform name would you suggest for the program?

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	Response Percent	Response Count
Yes	58.7%	166
No	18.4%	52
Maybe	23.0%	65
Please add any comments to explain your reply. Show Responses		97

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

28. Should the U.S. Bankruptcy Courts for the Southern, Middle and Northern Districts of Florida adopt a uniform Loss Mitigation Program? If yes or maybe, what uniform name would you suggest for the program?

	Response Percent	Response Count
Yes	68.4%	78
No	12.3%	14
Maybe	19.3%	22
Please add any comments to explain your reply.		45

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

28. Should the U.S. Bankruptcy Courts for the Southern, Middle and Northern Districts of Florida adopt a uniform Loss Mitigation Program? If yes or maybe, what uniform name would you suggest for the program?

	Response Percent	Response Count
Yes	54.5%	78
No	21.7%	31
Maybe	23.8%	34
Please add any comments to explain your reply.		42

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

28. Should the U.S. Bankruptcy Courts for the Southern, Middle and Northern Districts of Florida adopt a uniform Loss Mitigation Program? If yes or maybe, what uniform name would you suggest for the program?

	Response Percent	Response Count
Yes	40.7%	11
No	25.9%	7
Maybe	33.3%	9
Please add any comments to explain your reply.		11