

BENCH-BAR FORECLOSURE COMMITTEE MEETING
Wednesday, July 31, 2024 – 3:00 PM
via Microsoft Teams

AGENDA

Attendees: Hon. Claudia A. Baio, Chair, Hon. Walter M. Spader, Attorney George P. Generas, III., Attorney Jeffrey S. Gentes, Attorney James A.R. Pocklington, Attorney Mary Salatto-Gilhuly, Attorney Rebecca R. Schmitt, and Attorney Jenna M. Sternberg

Excused: Hon. James W. Abrams and Hon. Andrew W. Roraback

1. Call to order

Judge Baio called the meeting to order at 3:04 p.m.

2. Approval of Minutes of January 31, 2024, Meeting

Upon motion by Attorney Gentes seconded by Attorney Generas, and carried unanimously, the draft minutes of the January 31, 2024, meeting were approved.

3. Old business

a. Property Calendar Notice

Any suggestions should be sent to Attorney Schmitt for consideration at the next meeting.

b. Foreclosure Standing Order-

The Committee's recommendations were sent to Judge Bellis for review. Judge Bellis reviewed the recommendations and determined that no action will be taken at this time to modify the standing order.

c. Quality of Life Improvement Suggestions-

The list of suggestions is in the minutes from the last meeting. The committee discussed what to do with these suggestions, beyond raising them as a concern. Judge Baio suggested that the committee take the suggestions and incorporate them into memo form for review and then consideration for approval to see if they should be disseminated to the judges who handle foreclosure actions. Perhaps, suggesting that they be incorporated as part of a training platform for judge who handle foreclosure actions.

Attorney Pocklington forwarded motion to substitute language to Attorney Schmitt for circulation and consideration at the next meeting.

Attorney Gentes suggested developing plain language notices. If pursued, discussion included that the first step would be approval from Judicial administration.

Attorney Schmitt will circulate a bullet point list of suggestions to the committee in advance of the next meeting. If everyone agrees, the committee will then discuss seeking approval to go forward with the suggestions. Attorney Gentes suggested a subcommittee; Judge Baio suggested there is not likely a need for subcommittees since the committee is so much smaller in its current form from the former committee.

d. Outstanding Recommendations

Clerk arriving at the foreclosure docket 15 minutes early- The recommendation was approved by Judge Bozzuto and sent to Court Operations for implementation.

Bankruptcy Stay Flag- Judge Bellis requested further information and it was discovered that there is already an indicator that can be used in Edison to inform the court of a bankruptcy stay. Judge Bozzuto approved the recommendation that the existing indicator be used, and the recommendation was sent to Court Operations for implementation.

Attorney Sternberg had questions about what the bankruptcy indicator is. Attorney Schmitt explained the purpose of the indicator. The process already exists but use of the procedure has fallen by the wayside. Attorney Schmitt will be directing the clerks to follow the procedure, which will make it easier for judges to immediately identify that a case is in bankruptcy. Once the case is out of bankruptcy the clerk will remove the indicator.

4. New Business

Attorney Pocklington mentioned that the CFPB has a new proposed rule on loss mitigation. The last time this happened was in 2013 and it was a sea change for loan servicing. If implemented as currently written, the new proposed rule would have a significant impact. The committee discussed whether it should pull together materials for education purposes, to factually explain the new rule to the judges who handle foreclosure.

Attorney Gentes suggested that to the extent there is an appetite, it is not unusual in other states for there to be trainings. Judicial could have a substantive but neutral presentation. Could be done every year, or every three years. Attorney Gentes would be happy to help with that. For example, My Home CT was around for a year and a half and impacted 2,000 foreclosure cases. Judge Baio explained that there is an annual Judges' Institute, in addition to various trainings in other practice areas. There is an annual foreclosure update and housing update. The trainings are done internally and don't generally go beyond Judicial. Judge Baio can inquire of Judicial leadership if this is something they want the committee to

get involved with, before the committee begins to undertake a job that could take a lot of time. Another possibility is to get permission to present the information at one of our committee meetings within this forum.

If the committee wants to pursue seeing if there is an interest in having education come from the committee, Judge Baio will ask if this is something our administration wants us to do as an advisory committee.

Attorney Schmitt cannot speak for judge training, that is not through Court Operations. Court Operations does collaborate with other agencies to facilitate mediator trainings.

Judge Baio requested comments from the committee about making the suggestion to administration. Attorney Gentes suggested that if there is no appetite to have practitioners provide the training we should look to other groups, perhaps the bureau itself. This would avoid practitioners from providing training and then appearing before the court. There was discussion among the committee

Including a suggestion of e.g. Something from the Consumer Financial Protection Bureau as an unbiased third party presenting the information. ~~+~~important to make everyone aware,

Attorney Gentes had a question as to how appraisers get appointed. Premise of an appraiser is having someone who is familiar with local market. Curious as to how appraisers make it on the list and is it worth looking at it. Again, only in the context of appraisers appointed to assist the committee in conducting a foreclosure sale.

Attorney Schmitt mentioned there are requirements to be an appraiser and it is upon application to the presiding judge. There are also distinctions between commercial and residential appraisers. The commercial list is smaller so the same appraiser may be appointed more often. The list is non-discretionary for the clerk and appointments go in order. Attorney Schmitt will circulate the link to information on the Judicial Branch website.

Attorney Generas raised the issue of reporting the results of foreclosure sales by the committee to the plaintiff. The plaintiff's client requests the information and there is nothing in the standing orders that addresses this. Some committees will give the plaintiff a difficult time in providing that information and without a standing order there is no requirement that they do so.

The JD-CV-79 doesn't really address the nitty-gritty and procedural step by step, which results in committees winging things. Discussion ensued.

Attorney Generas proposed that a foreclosure sale be reported by the committee to the plaintiff, within one business day of the sale. One business day seems reasonable given that the sales take place on Saturdays. Attorney Baio treated this proposal as a motion by Attorney Generas, seconded by Attorney Pocklington, and unanimously passed. Attorney

Generas will provide Attorney Schmitt with the requested language. The proposal will then be sent to Judge Bellis for review.

5. Adjourn

Upon motion to adjourn by Judge Spader, seconded by Attorney Gentes, and carried unanimously, the meeting was adjourned at 3:44 p.m.