

Minutes of the Bench-Bar Foreclosure Committee Meeting

Meeting held August 29, 2023, from 4:00 p.m. -4:46 p.m., via Microsoft Teams

Members in attendance: Hon. Claudia A. Baio, Chair, Hon. James W. Abrams, Hon. Lisa K. Morgan, Hon. Andrew W. Roraback, Hon. Walter M. Spader, Jr., Attorney George P. Generas, III, Attorney Jeffrey S. Gentes, Attorney James A. Pocklington, Attorney Maria Salatto-Gilhuly, Attorney Rebecca R. Schmitt, and Attorney Jenna M. Sternberg

1. Welcome

Judge Baio welcomed the members to the reactivated Bench-Bar Foreclosure Committee.

2. Introduction of Members

The members of the Committee introduced themselves.

3. Discussion of Mission of the Committee

Judge Baio informed the members that the mission of the Committee, as set forth when the committee was established, is to promote cooperation between the bench and the bar and to address current practices in the courts, regarding foreclosure cases, and to make recommendations on ways to improve those procedures and practices.

Discussion of setting meeting schedule

Judge Baio suggested starting with quarterly meetings so the Committee members will know what dates to set aside and have some consistency. The Committee was amendable to a quarterly schedule. The next meeting will be scheduled sooner following this preliminary introductory meeting, and then with a quarterly meeting schedule. If, at a future date, subcommittees are created a new schedule could be discussed. The last time this Committee met was in 2014. There was more evolution coming down from the Federal government, which necessitated having more frequent meetings and several subcommittees. The last minutes indicate that this Committee was heavily involved in reviewing the standing orders. This Committee will need to determine, which, if any of these subcommittees, or others, may be appropriate. Prior subcommittees included:

- Process Subcommittee
- Supplemental Judgment Subcommittee
- Committee Subcommittee
- Short Calendar Subcommittee
- Subcommittee re Investor Restrictions
- Subcommittee re Motions to Open Judgment
- Subcommittee re Real Estate Conveyance Tax
- Subcommittee re Recording of Documents and Notice to Mortgagees
- Summary Judgment

- Federal Loss Mitigation Affidavit Review
- Standing Orders Review

4. Discussion of Future Topics

Judge Baio suggested starting with a review of the foreclosure standing orders and exploring consistency, to the extent possible, across the state.

Judge Morgan suggested that something be posted on the Branch's website to explain how the foreclosure dockets are handled in each of the districts. There have been issues raised with the standing orders and short calendar notices. It would be helpful to let people know whether foreclosure hearings are held remotely, or in person. There was committee consensus on this issue and the plan to address it.

Attorney Gentes suggested that the remote versus in person nature of proceedings be reviewed for a uniform policy.

Attorney Schmitt reported that in conjunction with the new term, Judge Bozzuto and Judge Bellis are coordinating a review of the civil standing orders, including the foreclosure standing orders. This Committee was heavily involved in prior standing orders and input from the Committee could be taken into consideration to document practices.

Attorney Pocklington mentioned that many courts have different notices, as far as scheduling. It would be helpful to practitioners to know the practice across the state, or note what the differences are. The committee concurred, noting the benefit for self represented parties also and to resolve for the parties some confusion to know whether or not to go to Court, practitioners' confusion by the short calendar process and scheduling in the different districts.

Judge Baio reminded the Committee that the Committee's role is to determine whether there are recommendations to be made. This starts with the Committee making a valid recommendation to the administration to review. The suggestion that we come up with some sort of way of posting how the various dockets are handled, in conjunction with the standing order review, is something that would be helpful and a good starting point for the Committee. Attorney Pocklington suggested that the Committee also review how to deal with the process, rather than the technology, which the Branch has done a good job documenting.

Timeline for standing orders is as soon as possible, within the limitations of staffing and availability. Attorney Schmitt will let Judge Bellis know that the Committee has discussed undertaking a review and whether the Committee needs a meeting sooner, rather than later. The review is a separate undertaking from the Committee. The understanding is that this Committee was heavily involved in the initial drafts of the standing orders and

Judge Bellis would be open to any feedback provided. Attorney Schmitt can discuss the matter with Judge Bellis and report back.

Judge Morgan volunteered to work with Attorney Schmitt and interface with Judge Bellis to address the foreclosure short calendar notices, and report back to this committee. Judge Abrams moved to make Judge Morgan point person on the matters discussed, Attorney Pocklington seconded the motion. There was no discussion. The motion passed unanimously.

Attorney Schmitt clarified the difference between standing orders, short calendar notices, and JDNOs.

For the next meeting, Committee members should consider what, if any, subcommittees may be beneficial.

The next meeting of the Committee will be scheduled for a date in late September and then proceed quarterly.

Upon motion to adjourn from Judge Spader, seconded by Judge Abrams and carried unanimously, the meeting was adjourned at 4:46 p.m.