

Illinois Foreclosure Mediation Program

Statistical Report

June 30, 2015

Introduction

Background

In 2013, the Illinois Attorney General granted funds to Dispute Resolution Institute, Resolution Systems Institute and the University of Illinois School of Law to develop and administer 10 court-referred foreclosure mediation programs throughout the state. Six of those programs were in place as of June 30, 2015.

Program Design

Each program employs a different model. (See individual programs.) However, each has a two-part process: a pre-mediation service in which homeowners learn about their options and get help gathering required documents, and mediation itself.

Program Sites

- ★ <u>Dispute Resolution Institute</u>

 Partners: Land of Lincoln Assistance

 Foundation, Urban League of Metropolitan
 St. Louis, Beyond Housing

 Temperature

 **Temperature*
- Resolution Systems Institute

 Partners: Joseph Corp (16th), Neighborhood

 Housing Services of the Fox Valley (16th),

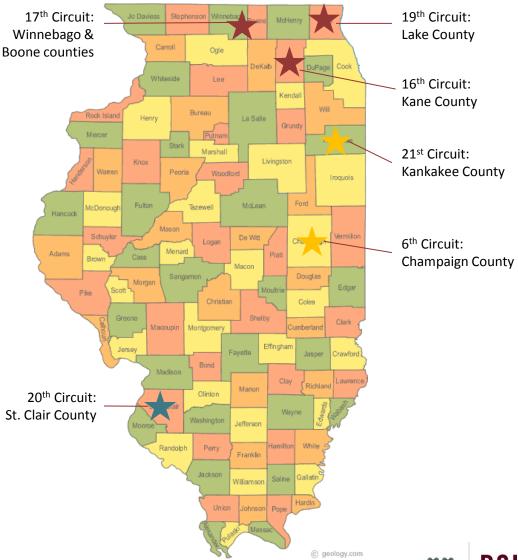
 Northern Illinois University College of Law (16th),

 HomeStart (17th), Affordable Housing Corp of

 Lake County (19th), Consumer Credit Counseling

 Services of Northern Illinois (16th & 19th), Prairie

 State Legal Services (16th)
- ★ University of Illinois School of Law Partners: Land of Lincoln Assistance Foundation (6th), Navicore Solutions (6th), Prairie State Legal Services (21st), Community Service Council of Northern Will County (21st), Institute for Consumer Credit Education (21st), Foreclosure Mediation Services (21st)



All Programs Overview – From Program Start

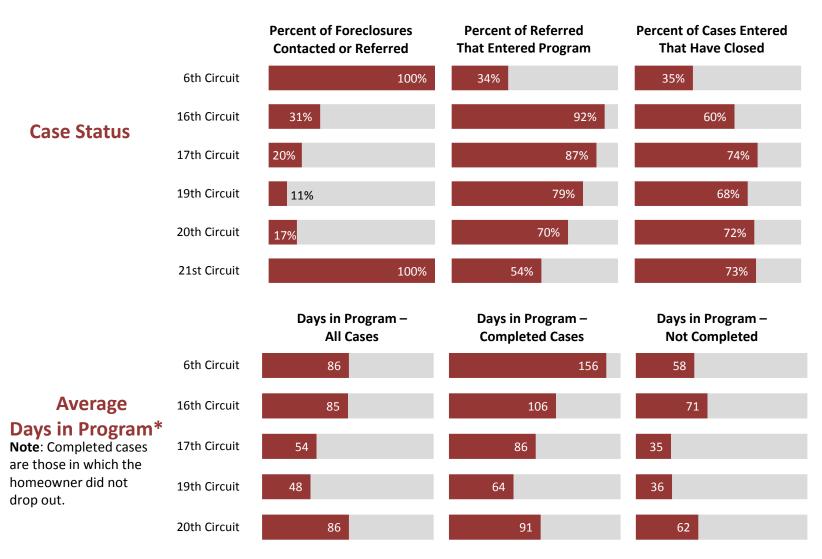
Summary – Total for All Programs

	Total	% of Foreclosures	
Foreclosures Filed	8737		
Contacted/Referred to Program	2196	25%	
Entered Program	1608	18%	73% of cases contacted/ referred
Cases Closed	1222	14%	76% of cases entering program
Homes Retained/TPP *	345	4%	28% of closed cases
Homes Voluntarily Relinquished	82	1%	7% of closed cases
No Agreement	229	3%	19% of closed cases
Homeowner Did Not Complete Program	566	6%	46% of closed cases

^{*}TPP refers to trial period plans. In theses plans, the lender agrees to modify the terms of the mortgage and the homeowner agrees to make payments for a short period of time (generally three months). If they make all the payments on time, the payment plan should be converted into a permanent loan modification.



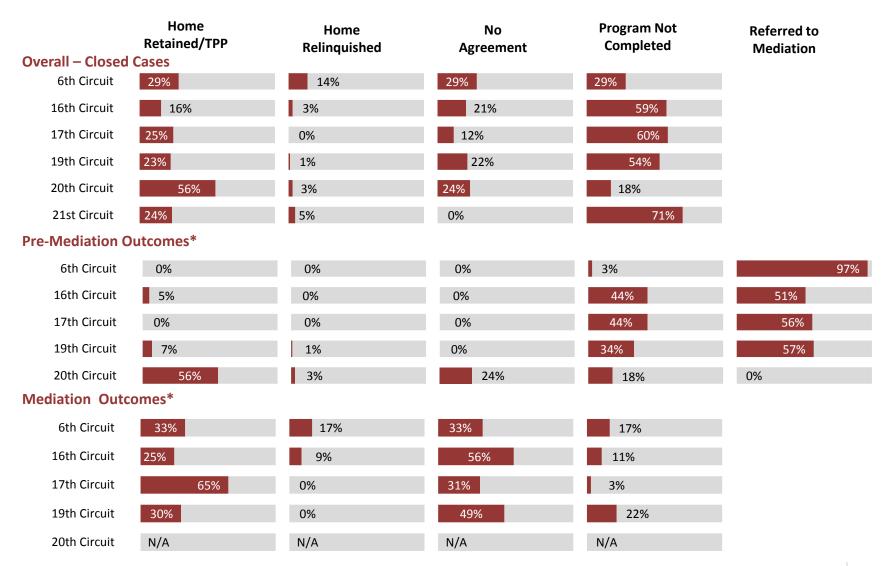
All Programs Case Status & Days in Program – Cases Opened in 2015



^{*} There is no data for the 21st Circuit on the amount of time cases spend in the program.



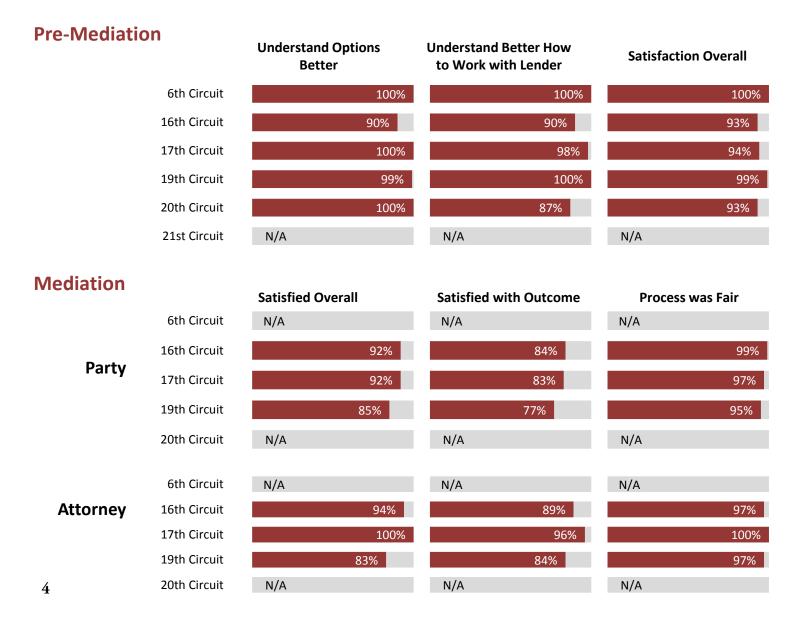
All Programs Case Outcomes – Cases Opened in 2015



^{*}Statistics for the 21st Circuit do not indicate at which point an outcome is achieved. Therefore, only overall outcomes are included.



All Programs Participant Experience – 2015



All Programs Overview

Case Status: 1/1/15 - 6/30/15

	Eligible Foreclosures Filed	Contac Program/F (% of Forec	Referred		ered eferred)	Closed
6th Circuit	115	115	N/A	39*	34%	7
16th Circuit	684	211	31%	194	92%	117
17th Circuit	700	142	20%	123	87%	91
19th Circuit	1,050	112	11%	88	79%	60
20th Circuit	401**	67	17%	47	70%	34
21st Circuit	168	168	N/A	91	54%	66

^{*9} cases were filed and then dismissed prior to the first pre-mediation session.



^{**}This is based on the court's estimate that 5% of foreclosures are commercial.

All Programs Overview

Case Outcomes – Cases Opened in 2015

	# Closed Cases	% Retention/ Temporary Payment Plan (TPP)	% Relinquishment	% No Agreement	% Dropped Out of Program*
6th Circuit	7	29%	14%	29%	29%
16th Circuit	117	16%	3%	21%	59%
17th Circuit	91	25%	0%	12%	60%**
19th Circuit	83	23%	1%	22%	54%
20th Circuit	34	56%	3%	24%	18%
21st Circuit	173	24%	5%	0%	71%***

^{*}Dropped out of program means that the homeowner entered the program but then either voluntarily withdrew or did not comply with the requirements.



^{**}In the 17th Circuit, the percentage of homeowners who dropped out of the program includes those who cannot continue through the program by court rule because they do not have a viable retention option.

^{***}In the 21st Circuit, it is unclear whether termination from the program is due to a lack of agreement between the homeowner and the lender or whether the homeowner withdrew. The 71% most likely includes both.

All Programs Overview

Timelines – Cases Opened in 2015

Days Allowed at Each Stage					Actual Days Sp	oent – Average	
	Deadline to Enroll	Maximum Days in Pre- Mediation	Maximum Days in Mediation	From Filing to Program Exit*	From Program Entry to Program Exit*	In Pre- Mediation	In Mediation
6th Circuit	N/A	No maximum	No maximum	Not applicable	156	26	83
16th Circuit	45	120	No maximum	143	106	71	33
17th Circuit	21	44	No maximum	99***	86	33	50
19th Circuit	35 +7	44	60	95***	64	33	38
20th Circuit	30	120**	120	125***	91	64	Not Applicable
21st Circuit	N/A	60	Must be timely	Not applicable	Not available	Not available	Not available

^{*}Completed cases. Does not include cases in which the homeowner dropped out of the program. Time in pre-mediation plus in mediation do not equal total time in program because some cases close after pre-mediation.

^{***}For cases filed before the program launch date, the date of the court order was used instead of the filed date.



^{**}The maximum is extended for cases in which additional sessions are needed. It is also extended to 195 days if the homeowner is not eligible for a loan modification and the lender agrees to consider relinquishment options.



Individual Program Profiles

6th Judicial Circuit (Champaign County) Overview – From Program Start

Program Start Date

October 1,2014

Entry Process

(mandatory appearance to pre-mediation session scheduled within 42-60 days of summons) Lender's counsel schedules pre-mediation session with program and then files the foreclosure. To participate, homeowners appear for the session.

Pre-Mediation Process

(up to 3 pre-mediation sessions – status conference 45-60 days after submission of packet) A housing counselor or legal services representative conducts the premediation session. If the homeowner doesn't have an attorney, a housing counselor or legal aid representative must help him or her to prepare the packet. The homeowner has 3 sessions to submit a complete packet. Once submitted, a status conference is scheduled at which a mediator facilitates document exchange. There is no limit on the number of status conferences.

Mediation Process

(mediation within 45 days of status conference completion)

Once all documents have been exchanged, mediation is scheduled to discuss home retention or relinquishment options.

Closure

A case is closed when the homeowner doesn't comply with program rules or voluntarily withdraws, the case is resolved, or there is no agreement. The case remains open during the trial plan period.

Status of Cases Through 6/30/15

Foreclosures Filed	172
Referred	172
Entered Program	74*
Closed	26
Pending	48

^{*9} cases were dismissed prior to the first pre-mediation session.

Outcomes of Closed Cases

Temporary Loan Modification (TPP)*	0
Agreement: Retention	4
Agreement: Relinquishment	3
No Agreement	7
Closed: Program Not Completed	12

^{*}The program does not close cases until the end of the trial plan period. There is no data on the number of cases in TPP.

Pre-Mediation (2015)

Outcomes		
Referred to Mediation	28	
Agreement: Retention	0	
Agreement: Relinquishment	0	
No Agreement	0	
Closed: Program Not Completed	1	
Pending	9	

Homeowner Experience (n = 9)		
Understand options better than before	100%	
Understand how to work with lender better than before	100%	
Satisfied overall	100%	

Mediation (2015)

Outcomes	
Agreement: Retention	2
Agreement: Relinquishment	1
No Agreement	2
Closed: Program Not Completed	1
Pending	22

Participant Experience		
	Party (n = 2)	Attorney (n = 3)
Satisfied overall	100%	100%
Satisfied with outcome	0%	100%
Process was fair	100%	100%

Average Days by Stage (2015)

From filing to close – all cases	Total in program – all cases	In program – completed	In program – not completed	In pre-mediation	In mediation
Not Applicable	119	156	58	26	83

16th Judicial Circuit (Kane County) Overview – From Program Start

Program Start Date	January 2, 2014
Entry Process (initial conference within 45 days of summons)	All eligible homeowners are referred to the program. The program coordinator calls the homeowner for the initial conference. If homeowner wants to participate and has filed an appearance, they enter the program.
Pre-Mediation Process (30-60 days to complete packet, 45-60 days for lender review)	Housing counseling is not mandatory. Housing counselors help homeowners to complete their loan packet and discuss possible options with them. Generally, this takes one or two sessions. Once done, the lender is given 45 days to review the packet.
Mediation Process (mediation within 60 days of referral to mediation)	When the packet has been completed and reviewed, the lender's attorney informs the program coordinator that the case is ready for mediation. Mediation is completed in one or two sessions.
Closure	A case is closed when the homeowner doesn't comply with program rules or voluntarily withdraws, the case is resolved, a temporary payment plan is entered, or there is no agreement.

Status of Cases Through 6/30/15				
Foreclosures Filed	2282			
Initial Conference	667			
Entered Program	598			
Closed	445			
Pending	153			

Temporary Loan Modification (TPP)	56
Agreement: Retention	34
Agreement: Relinquishment	20
No Agreement	96
Closed: Program Not Completed	239

Outcomes of Closed Cases*^

[^]The outcome of three cases is not known.



^{*}When TPPs are converted to permanent loan modifications, the outcome is changed to Agreement: Retention.

16th Judicial Circuit Comparison 2014 - 2015

Case Status

	# of Foreclosures	Conta Refe	-	Ento	ered	Clo	osed
	# OI FOIECIOSUIES	#	% of Foreclosures	#	% of Referred	#	% of Entered
Jan – June 2014	843	227	26.9%	164	72.2%	94	57.3%
Jan – June 2015	684	211	30.8%	194	91.9%	117	60.3%

Outcomes

# of Closed -		TPP/Re	etention		ement: uishment	No Agı	eement		Complete gram
	Cases	#	%	#	%	#	%	#	%
Jan – June 2014*	94	18	19.1%	6	6.4%	6	6.4%	64	68.1%
Jan – June 2015**	117	19	16.2%	4	3.4%	24	20.5%	69	58.9%

^{*}One outcome was marked as "other."



^{**}The outcome of one case was not known.

16th Judicial Circuit Ordered Cases – Cases Opened in 2015

Outcomes (2015)				
Total Ordered	13			
Closed	9			
Temporary Loan Modification (TPP)	1			
Agreement: Retention	1			
Agreement: Relinquishment	2			
No Agreement	1			
Program Not Completed	4			

Pre-Mediation (2015)

Outcomes	
Referred to Mediation	74
Temporary Loan Modification (TPP)	7
Agreement: Retention	1
Agreement: Relinquishment	0
No Agreement	0
Closed: Program Not Completed	64
Pending	47

Homeowner Experience (n = 41)				
Understand options better than before	90%			
Understand how to work with lender better than before	90%			
Satisfied overall	93%			

Mediation (2015)

Outcomes*	
Temporary Loan Modification (TPP)	8
Agreement: Retention	3
Agreement: Relinquishment	4
No Agreement	24
Closed: Program Not Completed	5
Pending	30

Participant Experience				
	Party (n =215)	Attorney (n = 119)		
Satisfied overall	92%	94%		
Satisfied with outcome	84%	89%		
Process was fair	99%	97%		

Average Days by Stage (2015)

From filing to close – all cases	Total in program – all cases	In program – completed	In program – not completed	In pre-mediation	In mediation
127	85	106	71	71	33

^{*}The outcome of one case was not known

17th Judicial Circuit (Winnebago & Boone Counties) Overview – From Program Start

Program Start Date	June 1, 2014 (Winnebago), November 1, 2014 (Boone)
Entry Process (within 21 days of summons)	All eligible homeowners receive notification of the mediation program with their summons. They are instructed to go to the program website to complete an application.
Pre-Mediation Process (within 30 days of completing application)	When the homeowners complete the application, they meet with a housing counselor. The counselor determines whether the homeowner can realistically obtain a loan modification or other retention option. If not, the case is returned to court and referred to housing counseling. If so, it is scheduled for mediation.
Mediation Process (mediation within 45 days of referral to mediation)	When the packet has been completed and reviewed, the housing counselor completes a pre-mediation report indicating the case is ready for mediation.
Closure	A case is closed if the housing counselor determines the homeowner doesn't have viable options, when the homeowner doesn't comply with program rules, when agreement is reached, or when no agreement is reached in mediation.

Status of Cases Through 6/30/15				
Foreclosures Filed	1341			
Started Application	304			
Entered Program	239			
Closed	203			
Pending	36			

Outcomes of Closed Cases*	:
Temporary Loan Modification (TPP)	49
Agreement: Retention	17
Agreement: Relinquishment	2
No Agreement	25
Closed: Program Not Completed	110

^{*}Two cases had outcomes marked as "other."



17th Judicial Circuit Comparison 2014 – 2015 (Winnebago Only)

Case Status

	# of Fowerloovers	Conta Refe	octed/ orred	Ent	ered	CI	osed
	# of Foreclosures	#	% of Foreclosures	#	% of Referred	#	% of Entered
June – Dec 2014*	641	145	22.6%	116	80.0%	73	62.9%
Jan – June 2015	588	131	22.3%	114	87.0%	86	75.4%

^{*}Note that this is 7 months.

Outcomes

	# of Closed	TPP/Re	etention	_	ment: ishment	No Agı	eement		Complete ogram
	Cases	#	%	#	%	#	%	#	%
June – Dec 2014*	73	22	30.1%	0	0%	7	9.6%	44	60.3%
Jan – June 2015	86**	22	25.6%	0	0%	11	12.8%	51	59.3%

^{*}Note that this is 7 months.



^{**}Two outcomes were marked "other"

17th Judicial Circuit By County (1/1/15 – 6/30/15)

Case Status

	# of Foreclosures	Contacted/ Referred		Ento	ered	Closed	
	# Of Foreclosures	#	% of Foreclosures	#	% of Referred	#	% of Entered
Winnebago	588	131	22.3%	114	87.0%	86	75.4%
Boone	112	11	9.8%	9	81.8%	5	55.6%

Outcomes

	# of Closed	TPP/R	etention	_	ment: ishment	No Agı	eement		Complete ogram
	Closed	#	%	#	%	#	%	#	%
Winnebago	86	23	26.7%	0	0%	11	12.8%	51	59.3%
Boone	5	1	20.0%	0	0%	0	0%	4	80.0%

17th Judicial Circuit Ordered Cases – Cases Opened in 2015

Outcomes (2015)

Winnebago				
Total Ordered	24			
Entered	24			
Closed	18*			
Temporary Loan Modification (TPP)	3			
Agreement: Retention	1			
Agreement: Relinquishment	0			
No Agreement	3			
Program Not Completed	10**			

^{*}One outcome was marked "other".

Boone No cases were sent via court order.

^{**6} were found to be not viable for a temporary loan modification.

Pre-Mediation (2015)

Outcomes*	
Referred to Mediation	69
Closed: Program Not Completed	54**
Pending	2

^{*}Two outcomes were marked "other"

Homeowner Experience (n = 87)				
Understand options better than before	100%			
Understand how to work with lender better than before	98%			
Satisfied overall	94%			

^{**}These include those considered not to be viable for mediation because the homeowner did not qualify for the available retention options.

Mediation (2015)

Outcomes				
Temporary Loan Modification (TPP)	16			
Agreement: Retention	7			
Agreement: Relinquishment	0			
No Agreement	11			
Closed: Program Not Completed	1			
Pending	34			

Participant Experience				
	Party (n = 107)	Attorney (n = 76)		
Satisfied overall	92%	100%		
Satisfied with outcome	83%	96%		
Process was fair	97%	100%		

Average Days by Stage (2015)

From filing to close – all cases	Total in program – all cases	In program – completed	In program – not completed	In pre-mediation	In mediation
72	54	86	35	33	50

19th Judicial Circuit (Lake County) Overview – From Program Start

Program Start Date	December 2, 2013
Entry Process (attend information session within 35 days of summons, call for housing counseling within 7 days of info session)	Homeowners receive notice of the program with their summons. They must attend an information session in order to participate, and they then must follow up with housing counseling.
Pre-Mediation Process (30 days to complete packet)	Housing counselors help homeowners to complete their loan packet and discuss possible options with them. Generally, this takes one or two sessions.
Mediation Process (mediation within 35 days of referral to mediation)	When packet has been completed, the housing counseling agency informs the program coordinator that the case is ready for mediation. Mediation generally takes two sessions.
Closure	A case is closed when the homeowner or lender doesn't comply with program rules or voluntarily withdraws, the case is resolved, there is no agreement, or a temporary payment plan is agreed to.

Status of Cases Through 6/30/15			
Foreclosures Filed	3389		
Attended Info Session	395		
Entered Program	305		
Closed	265		
Pending	40		

Outcomes of Closed Cases	*
Temporary Loan Modification (TPP)	45
Agreement: Retention	23
Agreement: Relinquishment	12
No Agreement	55
Program Not Completed	130

^{*}When TPPs are made permanent, the outcome is changed to Agreement: Retention.



19th Judicial Circuit Comparison 2014 – 2015

Case Status

	# of	Conta Refe	octed/ erred	Ento	ered	Clo	osed
	Foreclosures	#	% of Foreclosures	#	% of Referred	#	% of Entered
Dec 2013 – June 2014*	1,319	124	9.4%	92	74.2%	67	72.8%
Jan – June 2015	1050	112	10.7%	108	78.6%	83	76.8%

^{*}Note that this is 7 months.

Outcomes

	# of Closed	TPP/Re	etention	_	ment: ishment	No Agı	eement		Complete ogram
	Closed	#	%	#	%	#	%	#	%
Dec 2013 – June 2014*	67	22	32.8%	4	6.0%	8	11.9%	33	49.2%
Jan – June 2015	83	19	22.9%	1	1.2%	18	21.7%	45	54.2%

^{*}Note that this is 7 months.



19th Judicial Circuit Ordered Cases – 2015

Outcomes (2015)				
Total Ordered	76			
Entered	64			
Closed	43			
Temporary Loan Modification (TPP)	9			
Agreement: Retention	0			
Agreement: Relinquishment	0			
No Agreement	14			
Program Not Completed	20			



Pre-Mediation (2015)

Outcomes				
Referred to Mediation	62			
Temporary Loan Modification (TPP)	7			
Agreement: Retention	1			
Agreement: Relinquishment	1			
No Agreement	0			
Closed: Program Not Completed	37			
Pending	15			

Homeowner Experience (n = 62)				
Understand options better than before	99%			
Understand how to work with lender better than before	100%			
Satisfied overall	99%			

Mediation (2015)

Outcomes*				
Temporary Loan Modification (TPP)	10			
Agreement: Retention	1			
Agreement: Relinquishment	0			
No Agreement	18			
Closed: Program Not Completed	8			
Pending	23			

Participant Experience				
	Party (n = 187)	Attorney (n = 79)		
Satisfied overall	85%	83%		
Satisfied with outcome	77%	84%		
Process was fair	95%	97%		

Average Days by Stage (2015)

From filing to close	Total in program – all cases	In program – completed	In program – not completed	In pre-mediation	In mediation
75	48	64	36	33	38

^{*}There was one "other" outcome.

20th Judicial Circuit (St. Clair County) Overview – From Program Start

Program Start Date	January 14, 2014
Entry Process (submit request within 30 days of service or order by the court)	Homeowners receive a mediation request form and financial questionnaire with their summons. They must submit the request to the St. Clair County Circuit Clerk's Office in order to participate in the program.
Pre-Mediation Process (30 days from request to first pre-mediation session, 45 days from first to second session)	Program staff conduct a phone orientation and then schedules the first pre-mediation session with both the homeowner and the lender. These sessions, conducted by the program coordinator, focus on documents and negotiating possible options. By rule, 3 sessions are permitted, but additional sessions may be conducted if both parties agree.
Mediation Process (no deadline for first session)	If no agreement is reached in pre- mediation and the homeowner is interested in exploring options, the case is referred to mediation. Three mediation sessions are allowed.
Closure	A case is closed when the homeowner doesn't comply with program rules or voluntarily withdraws, the case is resolved, or there is no agreement. The case remains open during the temporary payment plan trial period.

Status of Cases Through 6/30/15			
Foreclosures	1131		
Referred	236		
Entered Program	162		
Closed	147		
Pending	15		

Outcomes of Closed Cases	
Temporary Loan Modification (TPP)*	7
Agreement: Retention	60
Agreement: Relinquishment	11
No Agreement	46
Program Not Completed	23

^{*}These cases are technically open and are being monitored until the end of the trial period.



20th Judicial Circuit Comparison 2014 - 2015

Case Status

	# of Foreclosures	Contacted/ Referred		Ento	ered	Closed	
	# OI FOIECIOSUIES	#	% of Foreclosures	#	% of Referred	#	% of Entered
Jan – June 2014	404	87	21.5%	63	72.4%	29	46.0%
Jan – June 2015	401	67	16.7%	47	70.1%	34	72.3%

Outcomes

# of		TPP/Re	etention	_	ement: uishment	No Agreement		Did Not Complete Program	
	Closed Cases	#	%	#	%	#	%	#	%
Jan – June 2014	29	10	34.5%	0	0%	13	44.8%	6	20.7%
Jan – June 2015	34	19	55.9%	1	2.9%	8	23.5%	6	17.6%

20th Judicial Circuit Ordered Cases - Cases Opened in 2015

Outcomes (2015)						
Total Ordered	20					
Entered	18					
Closed	11					
Temporary Loan Modification (TPP)	3					
Agreement: Retention	3					
Agreement: Relinquishment	0					
No Agreement	4					
Program Not Completed	1					



Pre-Mediation (2015)

Outcomes	
Referred to Mediation	0
Temporary Loan Modification (TPP)	7
Agreement: Retention	12
Agreement: Relinquishment	1
No Agreement	8
Closed: Program Not Completed	6
Pending	13

Homeowner Experience (n = 15)						
Understand options better than before	100%					
Understand how to work with lender better than before	87%					
Satisfied overall	93%					

Average Days by Stage (2015)

Fro	m filing to close*	to Total in program – In program – all cases completed		In program – not completed	In pre-mediation	In mediation
	118	86	91	62	64	N/A

^{*}For cases filed prior to the launch of the program, the date of the court order to mediation is used instead of the filed date.



Mediation

No mediations were conducted for cases opened January through June, 2015.



21st Judicial Circuit (Kankakee County) Overview - Since Program Start

Program Start Date	October 1, 2013
Entry Process (need only to appear for pre-mediation conference)	Homeowners are given a date to attend the pre-mediation screening conference. They must appear in order to enter the program.
Pre-Mediation Process (conference is 42 to 60 days from summons)	The lender's counsel and the homeowner attend the pre-mediation screening conference with a neutral to discuss what documents need to be exchanged. The neutral then either schedules a status conference to determine if all documentation and review are complete or schedules a formal mediation.
Mediation Process (mediation must be timely)	When ready, the case is mediated by the same neutral who conducted the premediation conference.
Closure	A case is closed when the homeowner doesn't comply with program rules or voluntarily withdraws, the case is resolved, or there is no agreement. The case remains open until the end of a temporary payment plan trial.

Status of Cases Through 6/30/15						
Foreclosure s Filed	422					
Referred	422					
Entered Program	236					
Closed	200					
Pending	36					

Outcomes of Closed Cases - All						
Agreement: Retention*	52					
Agreement: Relinquishment	32					
No Agreement	0					
Program Not Completed	132					

^{*}The program does not track whether loan modifications were temporary or permanent.



21st Judicial Circuit Comparison 2014 - 2015

Case Status

	# of Foundatives	Conta Refe		Ent	ered	Clo	osed
	# of Foreclosures		% of Foreclosures	#	% of Referred	#	% of Entered
Jan – June 2014	159	159	100%	88	55.3%	50	56.8%
Jan – June 2015	168	168	16.7%	91	54.2%	66	72.5%

Outcomes

# of Closed Cases		TPP/Re	etention	_	ement: uishment	No Agreement		Did Not Complete Program	
	Cases	#	%	#	%	#	%	#	%
Jan – June 2014	50	6	12.0%	14	28.0%	0	0%	30	60.0%
Jan – June 2015	66	16	24.2%	3	4.5%	0	0%	47	71.2%

Pre-Mediation/Mediation* (2015)

Outcomes		
Agreement: Retention	50	
Agreement: Relinquishment	34	
No Agreement	0	
Closed: Program Not Completed	52	
Pending	25	

Homeowner Experience (n = 4)**		
Understand options better than before	100%	
Understand how to work with lender better than before	75%	
Satisfied overall	100%	

Days by Stage

There is no data regarding the number of days cases spend in the program.

^{*}The same neutral works with the case through both the pre-mediation and mediation stages. There is no data on the point at which particular outcomes are achieved.

^{**}Homeowners complete the pre-mediation session survey after the first pre-mediation session.