



**FORECLOSURE MEDIATION IN DEPTH: NUMBER OF MEDIATIONS CONDUCTED PER MONTH**  
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Foreclosure mediation programs began appearing in local, state, and national contexts in response to the 2007 foreclosure crisis. As the crisis persists, more states have adopted or are looking to adopt such programs as a way to ensure borrowers and lenders sit down together to discuss the foreclosure at hand.

Increasingly, researchers and politicians are interested in whether these programs are producing the intended results. Resolution Systems Institute has long advocated that mediation programs should establish systems for ongoing monitoring and evaluation. Keeping statistics and subjective comments can not only inform researchers, but can also benefit program managers seeking to improve programs.

Some foreclosure mediation programs monitor how many mediations are actually occurring. This quick reference guide gathers and breaks down such numbers. It is organized by number of mediations conducted per month and features programs that involve a neutral third person (“official” mediation) and are connected to the courts in some way. The second list, organized by jurisdiction, is a more comprehensive description of how I compiled these statistics. Note that the statistics are from publicly-available sources and may not reflect what is actually happening in the programs.

**Number of Mediations Conducted Per Month**

1. Connecticut—822 (calculated from mid-2010 report)
2. Florida—562 (for seven circuits that implemented by December 2010)
3. Nevada—125, 463 (two reports provide two very different statistics)
4. Illinois
  - a. Cook County—264
  - b. Will County—133
5. Ohio
  - a. Stark County—37
  - b. Franklin County—114
  - c. Cuyahoga County—198
6. Pennsylvania (Philadelphia)—101
7. New Jersey—100
8. Indiana—60
9. Maryland—59
10. Wisconsin (Milwaukee)—57
11. New Hampshire—4, 6
12. Hawaii (Third Circuit)—1



## Statistics by Jurisdiction

- **Connecticut:** In a year (July 1, 2009-June 30, 2010), 21,174 qualified for the mediation program. Of those, 9,865, or 47%, completed mediation.<sup>1</sup> That number breaks down to about 822 mediations per month.
- **Florida:** Between March and June of 2010, 13,417 files were referred for mediation, 3,341 mediations were scheduled, 2,250 mediations were conducted.<sup>2</sup> That number breaks down to about 562 mediations per month.
- **Hawaii** (judicial, as non-judicial has not yet begun): From November 2009-June 2010, the pilot program in the Third Circuit had 31 cases qualify for the program. Of those, 27 requests for mediation were received, and 18 judicial conferences were held. Of those cases, 12 were ordered to mediation, and seven mediations were held.<sup>3</sup> That number breaks down to about one mediation per month.
- **Illinois:** Cook County reports that between July 2010 and March 2011, 9,813 people from the hotline scheduled to meet with housing counselors, 1,820 were referred to mediation. 1119 were still in the mediation process. 627 mediations were completed. Because this program involves multiple mediation sessions per case, it is difficult to estimate how many sessions occur each month.<sup>4</sup> If all cases “still in process” have had at least one session and all completed cases had at least two (this is a conservative estimate, as many completed cases have three), the number breaks down to about 264 mediations per month. From August 2010 to August 2011, Will County had 1606 borrowers qualify for mediation after a pre-mediation conference.<sup>5</sup> This number breaks down to about 133 mediations per month.
- **Indiana:** Between March and November 2010, the primary program counties reported that 1,491 orders for phone conferences were mailed, 737 phone conferences occurred, and 681 borrowers from those conferences were found to be eligible for in-person settlement conference. From there, 623 conferences were requested, and 541 conferences had taken place so far.<sup>6</sup> This number breaks down to about 60 mediations per month.

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<sup>1</sup> Foreclosure Mediation Program Statistics, State of Connecticut Judicial Branch (2010), [http://www.jud.ct.gov/statistics/FMP/FMP\\_graph\\_2010.pdf](http://www.jud.ct.gov/statistics/FMP/FMP_graph_2010.pdf).

<sup>2</sup> Report and Recommendations Relating to the Residential Mortgage Foreclosure Mediation Program, Florida Supreme Court (2010), [http://www.floridasupremecourt.org/pub\\_info/documents/Foreclosure/12-28-2010\\_Foreclosure\\_Mediation\\_Report\\_1.pdf](http://www.floridasupremecourt.org/pub_info/documents/Foreclosure/12-28-2010_Foreclosure_Mediation_Report_1.pdf).

<sup>3</sup> “Article – Third Circuit Court of Hawaii Reports Home Foreclosure Mediation Pilot Project Statistics,” *Disputing* blog, Sept. 7, 2010, <http://www.karlbayer.com/blog/?p=10748>; Foreclosure Mediation Pilot Project Report, Circuit Court of the Third Circuit, (2010), [http://www.courts.state.hi.us/docs/ADA/foreclosure\\_pilot\\_project\\_report\\_ADA.pdf](http://www.courts.state.hi.us/docs/ADA/foreclosure_pilot_project_report_ADA.pdf).

<sup>4</sup> Barbara Vitello, *Program helps homeowners avoid foreclosure*, The Daily Herald, May 3, 2011, <http://www.dailyherald.com/article/20110503/news/705039801/#ixzz1LP1KRB15>.

<sup>5</sup> Telephone Interview by Jessica Glowinski with Kurt Sangmeister, Trial Court Administrator, 12th Judicial Circuit of Illinois. (Aug. 16, 2011).

<sup>6</sup> Rebecca Berfanger, *Court programs, economy among focuses of foreclosure conference*, The Indiana Lawyer, Nov. 24, 2010, <http://www.theindianalawyer.com/court-programs-economy-among-focuses-of-foreclosure-conference/PARAMS/article/25214>.

- **Maryland:** From July 2010 to May 2011, 829 mediation cases were closed, which does not mean a mediation occurred. In about 120 cases, the homeowners did not show up for their scheduled hearings. Another 50 homeowners were ruled ineligible for the program because of bankruptcy or for other reasons.<sup>7</sup> So, presuming all others were mediated, 659 mediations occurred. This number breaks down to 59 mediations per month.
- **Nevada:** One source says that from July 2009 to January 2010, 3,890 of the 38,277 Nevada homes in foreclosure requested mediation and of those, 1,821 were assigned mediators and 877 mediations were completed.<sup>8</sup> This would break down to 125 mediations per month. Another source says that from September 2009 through September 2010, 6,021 mediations have taken place.<sup>9</sup> This would break down to 463 mediations per month.
- **New Hampshire:** Since the program began in January 2010, New Hampshire has had 102 cases referred to mediation from the lender, with 23 being closed without mediation. This breaks down to about 4 mediations per month. In the new court-referred program, begun in April, 18 cases have been referred.<sup>10</sup> This breaks down to 6 cases per month.
- **New Jersey:** The program began in early 2009. As of January 2010, the program had mediated 1,300 cases.<sup>11</sup> That breaks down to about 100 mediations per month.
- **Ohio:** Stark County had 367 mediations in 2008, after the program was instituted in March.<sup>12</sup> This breaks down to about 37 mediations per month. Franklin County had 1892 cases referred to mediation in 2010, and 1373 mediations conducted.<sup>13</sup> That breaks down to about 114 mediations per month. Cuyahoga County had 3296 cases referred to mediation in 2010. Of those, 2376 mediations were held.<sup>14</sup> This breaks down to 198 mediations per month.
- **Pennsylvania:** The program began in April 2008. As of December 2008, 2,331 households attended the first a conciliation conference, but 1,423 postponed further negotiations to talk with a housing

<sup>7</sup> Ovetta Wiggins, *Program to deter foreclosures in Maryland is less successful than anticipated*, Wash. Post, July 5, 2011, [http://www.washingtonpost.com/local/program-to-deter-foreclosures-in-maryland-is-less-successful-than-anticipated/2011/06/30/gHQAaguezH\\_story.html](http://www.washingtonpost.com/local/program-to-deter-foreclosures-in-maryland-is-less-successful-than-anticipated/2011/06/30/gHQAaguezH_story.html)

<sup>8</sup> *Few Take Part in Foreclosure Mediation*, Las Vegas Review-Journal, Jan. 19, 2011, <http://www.lvrj.com/news/few-take-part-in-foreclosure-mediation-82038592.html>

<sup>9</sup> Oskar Garcia, *Nevada's Foreclosure Mediation Left Many in Home*, ABC News, Jan. 12, 2011, <http://abcnews.go.com/Business/wireStory?id=12597429&page=1>

<sup>10</sup> Shawne K. Wickham, *NH foreclosure mediation program sees limited success: 14 settlements*, N.H. Sun. News, July 17, 2011, <http://www.unionleader.com/article/20110717/NEWS02/707179975>.

<sup>11</sup> Sean Sposito, *N.J. Sees 29 Percent, Year-End Jump in Residential Foreclosure Filings*, New Jersey Star Ledger, Jan. 20, 2010, [http://www.nj.com/business/index.ssf/2010/01/nj\\_sees\\_29\\_percent\\_year-end\\_ju.html](http://www.nj.com/business/index.ssf/2010/01/nj_sees_29_percent_year-end_ju.html)

<sup>12</sup> Shane Hoover, *Foreclosures Keep Stark County Courts, Sheriff Busy*, Canton Rep., Mar. 9, 2009, <http://www.cantonrep.com/news/x2081096350/Foreclosures-keep-Stark-County-courts-sheriff-busy>

<sup>13</sup> *Mediation in Franklin County*, The Columbus Dispatch, May 15, 2011, <http://www.dispatch.com/live/export-content/sites/dispatch/data/nocat/stories/2011/05/15/mediation-art0-gf0cm2d8-10515gfx-mediation-franklin-county-eps-large.jpg>

<sup>14</sup> Powerpoint from Kathryn W. Hexter, Cleveland State University, on file with author.

counselor, so 908 total mediations occurred.<sup>15</sup> This breaks down to about 101 completed conferences per month.

- **Wisconsin (Milwaukee):** From program beginning in September 2009 through November 2009, the program managed 320 cases. Of those, 172 were scheduled for mediation.<sup>16</sup> This breaks down to 57 mediations per month.

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<sup>15</sup> Residential Mortgage Foreclosure Diversion Program, Redevelopment Authority of the City of Philadelphia, <http://www.phila.gov/rda/residential%20mortgage%20foreclosure%20diversion%20program.htm>

<sup>16</sup> Georgia Pabst, *Mediation fends off foreclosure*, Journal Sentinel, Jan. 24, 2010, <http://www.jsonline.com/news/milwaukee/82567662.html>.