

Lawyers to handle Florida property defaults

Written by
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The Florida Supreme Court is signing off on a plan to use lawyers — not judges — to handle hundreds of thousands of foreclosure cases.

Justices on Thursday issued an order that will allow chief judges across the state to use “general magistrates” to process the nearly 400,000 pending home foreclosures. More than 9,000 cases are backlogged in Lee County, according to court records.

The Supreme Court’s move was quickly criticized by a lawyer representing homeowners. Matthew Weidner called it an “attack on consumers” who deserve to have their cases heard by judges who are responsible to voters.

The court’s decision comes right after the Legislature approved a bill, sponsored by state Rep. Kathleen Passidomo, R-Naples, designed to speed up the foreclosure process.

State Courts Administrator Lisa Goodner noted some judicial circuits already use magistrates. But the order allows cases to be automatically referred to magistrates unless someone objects.

Lee Clerk of Court Linda Doggett said Lee already utilizes magistrates in foreclosure cases, but magistrates can’t sign orders, only make recommendations. Doggett said she thinks any problems that arise within the magistrate system will be managed well.

Records show 477 foreclosures were filed in Lee in April. In total, 2,049 have been filed this year. Through April 30, 9,122 cases were backlogged, but Doggett said the cases are moving along at a pretty good pace.

“Especially recently, they brought in some additional help,” Doggett said.

In 2008, when foreclosures were hitting historic highs, Lee and other counties in the state began a “rocket docket” campaign in which retired judges expedited large numbers of foreclosure suits to push them through the system.

Charlie Green, former Lee clerk of court who established Lee’s “rocket docket” system, said he doesn’t have any trouble with attorneys handling foreclosure cases if the parties are in default.

“It’s nothing like it was four or five years ago,” Green said, when monthly cases regularly numbered in the thousands.

Kara Jursinski, a Fort Myers-based attorney who represents people being foreclosed on, would like to see some relief but isn’t sure the magistrate system is the best way to go about it.

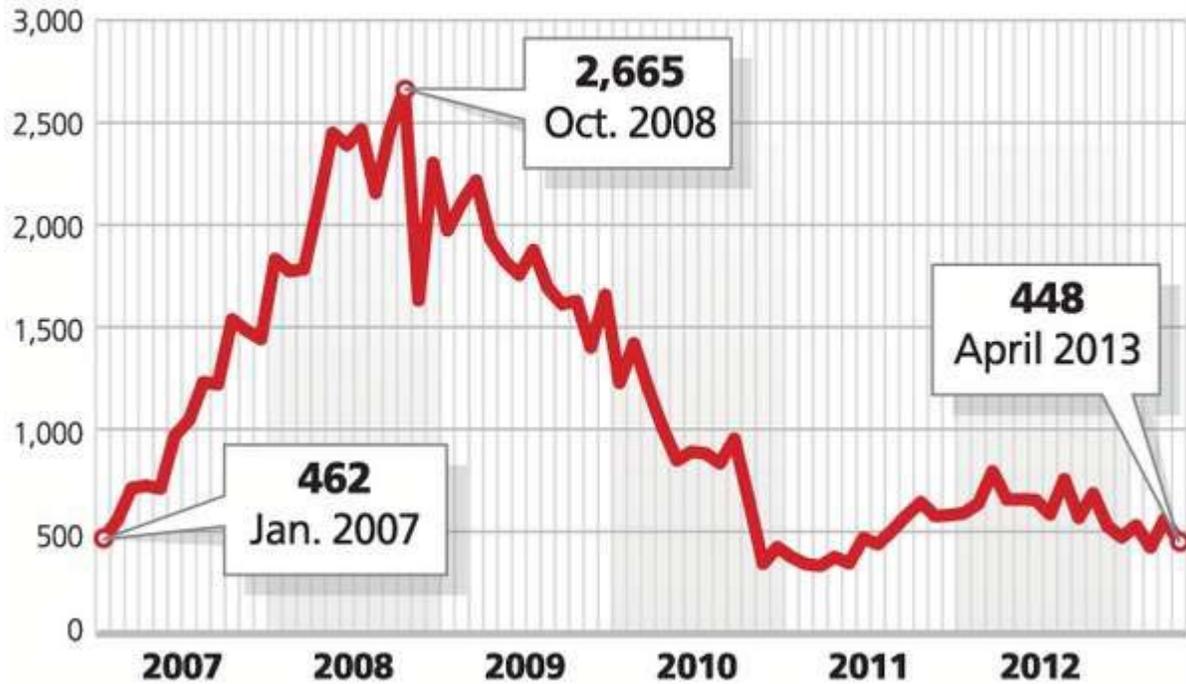
“My bigger concern is local counsel appearing ... who aren’t familiar with the files” and the clients, she said. She’s also concerned it will create more of a delay because of objections and scheduling.

It would be helpful to limit what can be heard in front of a magistrate, Jursinski said. She recommends procedural nondispositive issues and case management conferences be handled by a magistrate, but dismissals and summary judgments remain with judges.

— The Associated Press contributed to this report.

Lee County foreclosures

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SOURCE: Southwest Florida Real Estate Investment Association

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