

VALUED CLIENTS:

Client Advisory: Ohio Supreme Court Foreclosure & Civil Justice Report and Recommendations

The Office of Court Services of the Supreme Court of Ohio issued its Foreclosure & Civil Justice Report and Recommendations on June 19, 2020. The Report addresses the impact of the public health emergency caused by COVID-19 on the Ohio court system, including an anticipated influx of foreclosure case filings and backlog of civil cases generally.

Regarding the anticipated increase in Ohio foreclosure case filings, certain recommendations were proposed to assist Ohio courts in managing and resolving foreclosure-related cases in a more efficient manner. The primary recommendations relating to foreclosure cases are as follows:

- 1. The Supreme Court should consider adopting a toolkit that would set forth a uniform framework that local courts could elect to adopt regarding foreclosure mediation.
- 2. The Supreme Court should encourage Settlement Events (defined as a bench-bar collaboration events using volunteer mediators to resolve pending cases) and distribute materials for local courts to use to prepare and implement a settlement event.
- 3. The Supreme Court should adopt temporary rules regarding Foreclosure Mediation Training and Settlement Event Training to focus on foreclosure specific considerations and reduce the number of training hours required for potential mediators.
- 4. The Supreme Court should encourage use of a compendium of loss mitigation alternatives to foreclosure.

It is important to note that the recommendations set forth in the Report have not been formally adopted at this time. And, while the Report and corresponding recommendations were developed by court officials, professional mediators, and legal aid program administrators, it does acknowledge that collaboration with the local bar association and lending community is central to the success of the proposed initiatives. As such, RAS Crane is expecting to work on this initiative to ensure that the interests of the mortgage servicing industry are duly considered.

Our firm will continue to monitor for opportunities to provide feedback to the Court regarding the recommendations. Please share with us any questions or concerns you may have. The full Report can be viewed at: http://www.supremecourt.ohio.gov/coronavirus/resources/ForeclosureReport.pdf. We will notify you of any updates as they become available. Please contact Brady Lighthall (blighthall@rascrane.com; 470-321-7112 ext. 230) or John Crane

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