

# All-Foreclosure Mediator Event—November 2, 2015

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## SESSION 1: CASE STUDY

### MEDIATION STAGE/TIMELINE

Assignment through scheduling

### DISCUSSION FOCUS (based on May 2015 survey)

#6 Session scheduling and rescheduling

#7 Fees and related policies

### CASE BACKGROUND

Sixty days after the referral, the beneficiary responds to the mediator's repeated attempts to communicate and provides the name of their legal representative. The representative's first available date is three months out, meaning the date for mediation will be more than 120 days from the date of referral. The beneficiary representative calls the borrower's representative and they both agree to extend the mediation time. A date is agreed on with the mediator's approval. Fees have not been collected from either party at this point.

Forty days before the session, the borrower asks for a reschedule. Both parties agree and the mediator reschedules it. Two days before the scheduled session, the borrower is seeking to reschedule again because of vacation plans. Also, the borrower had just received a TPP offer, which she plans to accept. The beneficiary agrees to reschedule. The mediator is requesting a rescheduling fee. The borrower representative challenges the rescheduling fee request and amount, stating the borrower was not aware of the rescheduling fee. The borrower is also waiting to see if the mediation session occurs before paying her fee. The beneficiary representative supports the challenge. They both complain to Commerce. Commerce cannot find a scheduling notice for this mediation.

### ACTIVITY [Group Work 10:00-10:45; Break 10:45-11:00; Gather in Ballroom 11:00]

1. **Required by RCW: What are the relevant provision(s) of the FFA for this case? Brainstorm with the group and record.**

