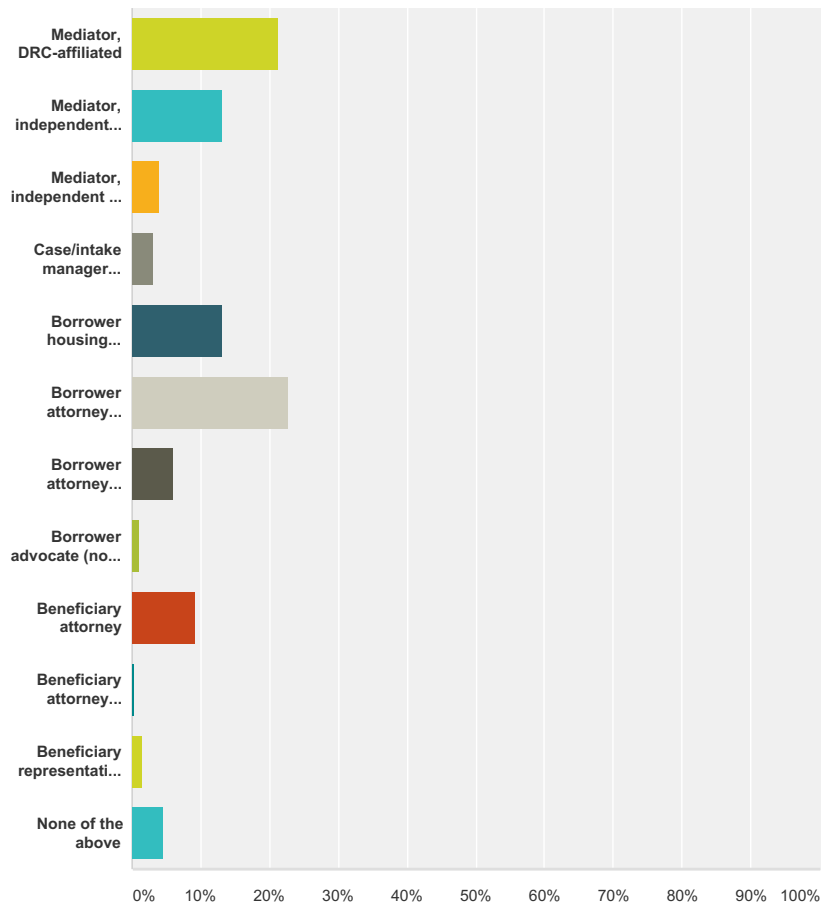


Priority	Topic
1	Mediator's discretion to determine good faith.
2	Federal regulatory guidelines: HAMP, CFPB, etc.
3	FFA intent and requirements; Commerce's guidelines.
4	NPV inputs and test.
5	Multiple mediation sessions and continuances.
6	Session scheduling and/or re-scheduling mediator discretion.
7	Setting fees: session(s), rescheduling, cancellations.
8	Facilitating the document and information exchange.
9	Avoiding borrower eligibility disputes.
10	Mediator's authority to cancel mediation (per RCW 61.24.163(11)).
11	Pre-session check-in with the parties, readiness for session.
12	Joint and shuttle mediation techniques, conducting the session.
13	Handling complaints against mediators.
14	Mediator substitutions during the mediation process.
Q 3 & 4	Beneficiary's authority to settle
Q 3 & 4	Borrowers who are poorly or not represented

2015 FFA Mediator Event

Q1 What is your role in the foreclosure mediation process? Select one answer only.

Answered: 198 Skipped: 0

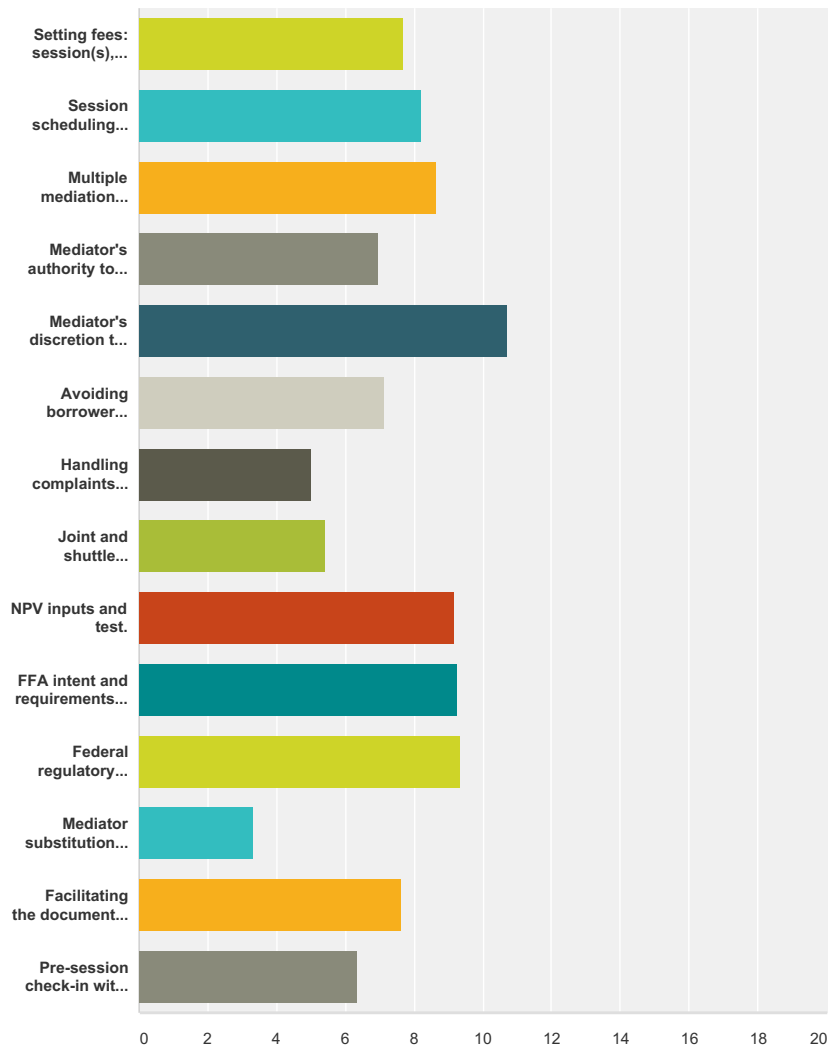


Answer Choices	Responses	
Mediator, DRC-affiliated	21.21%	42
Mediator, independent (non-DRC)	13.13%	26
Mediator, independent and DRC-affiliated	4.04%	8
Case/intake manager (non-foreclosure mediator)	3.03%	6
Borrower housing counselor	13.13%	26
Borrower attorney (including legal aid)	22.73%	45
Borrower attorney assistant	6.06%	12
Borrower advocate (not representing borrowers in mediation)	1.01%	2
Beneficiary attorney	9.09%	18
Beneficiary attorney assistant	0.51%	1
Beneficiary representative (non-attorney)	1.52%	3
None of the above	4.55%	9
Total		198

2015 FFA Mediator Event

Q2 What topics would you like mediators to explore together during the all-mediator event? Please rank the following topics in order of importance, with number 1 being the most important to you. You can drag and drop the topics to put them in priority order—the topics will automatically re-number. (The list below is in no particular order.)

Answered: 198 Skipped: 0



	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total	Score
Setting fees: session(s), rescheduling, cancellations.	9.60% 19	6.06% 12	7.58% 15	9.60% 19	4.04% 8	9.60% 19	6.06% 12	8.08% 16	5.56% 11	6.57% 13	6.06% 12	5.56% 11	5.05% 10	10.61% 21	198	7.69
Session scheduling and/or re-scheduling mediator discretion.	3.54% 7	10.61% 21	7.07% 14	9.09% 18	10.61% 21	10.10% 20	8.08% 16	6.06% 12	8.08% 16	10.10% 20	6.06% 12	3.54% 7	4.55% 9	2.53% 5	198	8.22

2015 FFA Mediator Event

Multiple mediation sessions and continuances.	9.09% 18	6.06% 12	7.58% 15	8.08% 16	11.62% 23	12.12% 24	9.60% 19	8.08% 16	9.60% 19	7.07% 14	2.02% 4	4.04% 8	3.54% 7	1.52% 3	198	8.66
Mediator's authority to cancel mediation (per RCW 61.24.163(11)).	1.52% 3	2.53% 5	5.05% 10	8.59% 17	6.57% 13	8.59% 17	9.60% 19	14.65% 29	10.10% 20	5.56% 11	12.63% 25	4.04% 8	6.57% 13	4.04% 8	198	6.99
Mediator's discretion to determine good faith.	24.75% 49	11.62% 23	11.11% 22	10.10% 20	8.59% 17	10.10% 20	10.61% 21	3.54% 7	3.03% 6	3.54% 7	1.01% 2	0.51% 1	0.00% 0	1.52% 3	198	10.71
Avoiding borrower eligibility disputes.	3.54% 7	3.03% 6	4.55% 9	6.57% 13	12.63% 25	6.57% 13	8.59% 17	11.11% 22	11.11% 22	8.08% 16	6.57% 13	3.54% 7	9.09% 18	5.05% 10	198	7.15
Handling complaints against mediators.	2.53% 5	3.03% 6	2.02% 4	2.02% 4	2.53% 5	2.02% 4	6.06% 12	6.57% 13	8.59% 17	11.62% 23	9.60% 19	18.69% 37	14.65% 29	10.10% 20	198	5.03
Joint and shuttle mediation techniques, conducting the session.	1.01% 2	2.53% 5	2.02% 4	5.56% 11	4.55% 9	2.02% 4	7.07% 14	6.06% 12	10.10% 20	12.12% 24	14.65% 29	13.64% 27	7.58% 15	11.11% 22	198	5.42
NPV inputs and test.	7.07% 14	15.15% 30	14.14% 28	8.59% 17	9.09% 18	8.08% 16	4.04% 8	8.59% 17	5.56% 11	5.56% 11	5.56% 11	4.04% 8	2.02% 4	2.53% 5	198	9.18
FFA intent and requirements; Commerce's guidelines.	11.11% 22	14.65% 29	11.11% 22	10.10% 20	7.07% 14	7.58% 15	6.57% 13	4.55% 9	7.07% 14	5.05% 10	5.05% 10	6.06% 12	3.54% 7	0.51% 1	198	9.27
Federal regulatory guidelines: HAMP, CFPB, etc.	13.64% 27	14.65% 29	11.62% 23	7.07% 14	9.09% 18	5.05% 10	3.54% 7	8.59% 17	7.07% 14	4.55% 9	7.58% 15	3.03% 6	3.03% 6	1.52% 3	198	9.35
Mediator substitutions during the mediation process.	1.52% 3	0.51% 1	0.51% 1	1.01% 2	0.00% 0	2.02% 4	3.54% 7	3.54% 7	3.03% 6	7.07% 14	6.57% 13	21.21% 42	24.24% 48	25.25% 50	198	3.33
Facilitating the document and information exchange.	8.08% 16	5.56% 11	9.09% 18	7.07% 14	6.57% 13	10.10% 20	8.08% 16	5.05% 10	4.55% 9	7.58% 15	7.07% 14	4.55% 9	12.63% 25	4.04% 8	198	7.65
Pre-session check-in with the parties, readiness for session.	3.03% 6	4.04% 8	6.57% 13	6.57% 13	7.07% 14	6.06% 12	8.59% 17	5.56% 11	6.57% 13	5.56% 11	9.60% 19	7.58% 15	3.54% 7	19.70% 39	198	6.34

2015 FFA Mediator Event

Q3 Optional: What other mediation PROCESS(ES) would you like mediators to explore or improve on? Please keep your response short.

Answered: 98 Skipped: 100

#	Responses	Date
1	Keeping the beneficiary accountable to agreed deadlines.	5/26/2015 3:23 PM
2	Refraining from confining the dialogue of the parties. Remaining impartial throughout the process.	5/26/2015 2:59 PM
3	options other than HAMP..poor servicer accounting practices	5/26/2015 11:31 AM
4	Issuing Not In Good Faith Certification against a beneficiary when appropriate even if a borrower receives a TPP.	5/26/2015 9:29 AM
5	Lender accountability. If the lender omits/outdated FFA required documents they are not acting in good faith.	5/26/2015 9:13 AM
6	knowing all the options	5/25/2015 12:19 PM
7	Living with the reality of the timeliness of actual sessions proximate to when requested.	5/25/2015 7:57 AM
8	certification comments sections: variables ~ is less more?	5/24/2015 5:23 PM
9	None	5/22/2015 3:05 PM
10	Determinations of beneficiary authority to participate in mediation. The party participating in the mediation is almost never the beneficiary. A loan servicer is not the beneficiary. However, its almost always attorneys for the loan servicer who shop up at mediation.	5/22/2015 2:28 PM
11	Mediators have authority under the 61.24.163 to find Not-In-Good-Faith (NGF) where an agreement is reached between parties. Many mediators are not aware this is possible. Allowing for this outcome encourages the parties engagement throughout process, and doesn't over-emphasize a positive result in instances where a party isn't otherwise in compliance with the FFA.	5/22/2015 2:26 PM
12	Handling continuations relative to Temporary Payment Plans	5/22/2015 2:18 PM
13	Ability to handle borrower representatives who are in bad faith when the borrower themselves is not.	5/22/2015 1:41 PM
14	Explain procedure to borrower.	5/22/2015 12:03 PM
15	The validation of the beneficiary declaration.	5/22/2015 11:48 AM
16	Reduction in mediator bias towards beneficiaries, must treat both parties equally.	5/22/2015 11:33 AM
17	Moving the mediation along during the mediation itself.	5/22/2015 11:14 AM
18	The mediators thinking this is a legal proceeding	5/22/2015 11:13 AM
19	How to keep current on changes to regulatory guidelines, e.g., a resource library in a central location maintained by Commerce.	5/21/2015 7:41 PM
20	Understand HAMP, NPV, review submission, ask questions, understand importance of rescheduling for review to be completed etc	5/21/2015 6:43 PM
21	Borrower document collection and overview of the process discussion with the borrowers before the process begins.In person or by phone.	5/21/2015 1:40 PM
22	Intractability re: continuances when both sides agree it needs to be continued.	5/21/2015 1:03 PM
23	More involvement in the bones of the review, many times in seems the mediators are only participating with the document exchange. Almost afraid to make a judgment call, probably due to their lack of knowledge within the many programs guidance's out there. Often times I feel they take the beneficiary and/or their legal counsels word at face value and a housing counselor has no value-ironically more often than not we hold more knowledge about the modification programs than the rep on the phone, the attorney and the mediator.	5/21/2015 10:51 AM
24	Mediator preparation for the mediation session.	5/21/2015 10:47 AM
25	Big Lenders do not pay attention to Washington's law and don't comply. don't be afraid to use the not in good faith certification until they get it and agree to try to find a suitable workout or modification	5/21/2015 10:18 AM
26	bank delays; if a bank does not come prepared and cannot demonstrate timely request for information, then the first mediation session should not count as one of the two allowed; continued foot dragging by the bank should be penalized - reimbursing the borrower for the cost of the session, and confirming the session(s) are not counted against borrower's total and/or automatic continuance granted to borrower	5/21/2015 8:55 AM
27	none	5/21/2015 8:13 AM
28	Some of the mediators seem to accommodate the Borrower much more the Beneficiary. Often times it appears b/c the Borrower is not represented. than the I've had experience.	5/20/2015 8:05 PM
29	how to manage good faith in pre-mediation behavior vs behavior in mediation session.	5/20/2015 8:00 PM
30	Mediators need to develop consistent practices for the conduct of the mediation to ensure that documents are provided, a person with authority is at the mediation, and the FFA is followed.	5/20/2015 6:05 PM

2015 FFA Mediator Event

31	Earlier exchange of bank documents and NPV information	5/20/2015 5:06 PM
32	control of parties	5/20/2015 4:20 PM
33	Rescheduling sessions when waiting for beneficiary countersigned final modifications and when the review is incomplete	5/20/2015 3:44 PM
34	I have only been involved in two mediations and I thought the mediators handled both very well	5/20/2015 3:03 PM
35	Keeping beneficiaries accountable. I worry about borrowers who are not in mediation who are affected even more deeply by broken processes that need to be fixed for borrowers who are not in mediation. For example, one of our clients have had their signatures on their permanent modification documents rejected by Bank of America's quality control team 5 times now, currently going on the 6th. Apparently, their signatures need to look exactly like how it does in the original documents. I can't imagine how this same issue would affect Borrowers who are in foreclosure but not in mediation.	5/20/2015 2:55 PM
36	Getting to facts- realistic options for borrower after consideration of the facts.	5/20/2015 2:36 PM
37	More consistency with how Mediators view non-retention option handling through the Mediation process.	5/20/2015 1:57 PM
38	leverage to get beneficiaries to respond upon request of documents (complete documents) penalties?	5/20/2015 1:27 PM
39	I have concerns about mediator conflicts of interest - specifically, a mediator who is an attorney who represents foreclosing banks in other areas of their practice who has expressed a bias against homeowners, yet has the discretion as a mediator to determine the homeowner's good faith. Concern about fees for homeowners who are already in the loan modification process with the loan servicer, but due to the 20 day deadline to refer for mediation, these homeowners are responsible for paying the mediation fee for a service they ultimately never use, as frequently the loan servicer modifies the loan prior to the scheduling or occurrence of the first mediation session. We have seen mediators demand payment even though no mediation session took place, or warn us of re-scheduling fees even though it is the loan servicer's delay in completing the external modification review process that causes duplicative or wasteful expenses to the homeowner already making good-faith trial mod payments outside of the mediation deadlines. The 20 day deadline adds expense for the homeowner and the mediators with whom we have worked have not offered a productive or valuable service other than to request scheduling (for a session that ultimately does not take place). One mediator was borderline hostile in stating that this "pressure" on the loan servicer/beneficiary was sufficient to earn their fee without providing any direct service or conducting any actual mediation session in exchange for this fee.	5/20/2015 1:15 PM
40	Have the mediator take a bigger role in document exchange when it is obvious that the lender is not properly reviewing the documents that have already been provided.	5/20/2015 1:02 PM
41	When the borrowers default on the trial payment plan in the first or second month and the mediation is scheduled out really far.	5/20/2015 12:53 PM
42	Consistency in application of the scope of the FFA mediation. What topics are the parties required or expected to address?	5/20/2015 12:51 PM
43	How to schedule timely (70 days out) and still assure review of submittals and decision by lender.	5/20/2015 12:19 PM
44	How to determine best practices	5/20/2015 11:56 AM
45	none	5/20/2015 11:55 AM
46	Issue of person with actual authority on behalf of beneficiary, as opposed to some phone representative stating he/she has authority.	5/20/2015 11:31 AM
47	Good faith discretion. Allowing multiple applications to be submitted by borrowers, multiple bites at the "apple." Also, it is REQUIRED to leave a session open during the TPP, mediators treat this differently, saying commerce requires it.	5/19/2015 3:31 PM
48	Issue bad faith against the loan servicer 1.) When the loan is owned or insured by fannie, freddie, fha, va, usda for short sales. A rep from one of those GSEs is never on the phone. Those GSEs do not delegate authority to the loan servicer. The loan servicer is lying when they say they have authority to made decisions. 2.) when the loan servicer/investor/insurer fails to follow short sales guidelines published by CFPB, fannie, freddie, fha, va, usda, mha.	5/19/2015 10:25 AM
49	How to handle short sales in mediation as an option to avoid an unnecessary foreclosure	5/19/2015 10:25 AM
50	Make sure Proper decision made prior to the mediation.	5/19/2015 9:13 AM
51	Completing the certification, especially if finding beneficiary not in good faith. Please include details, issues, what occurred from mediator's perspective. If more than one servicer or beneficiary, please be sure certification identities which was not in good faith.	5/18/2015 1:05 PM
52	document management best practices	5/18/2015 10:03 AM
53	Mediators holding beneficiary accountable for review timeline.	5/18/2015 9:20 AM
54	Share Opening Statements; How to conduct a 2nd session opening	5/15/2015 5:58 PM
55	How to best close a case when the parties don't agree to meet for a third time but there is still no final decision.	5/15/2015 3:09 PM
56	Requirement for an actual agreement between borrowers and beneficiaries. TPPs are NOT an agreement!	5/15/2015 11:40 AM
57	Dealing with mediation session in which clients are working on a divorce, not both parties should be allowed at mediation.	5/15/2015 11:09 AM
58	Unusual problems mediators have run into. Although unusual I still find them instructive and appreciate hearing from others.	5/15/2015 10:18 AM

2015 FFA Mediator Event

59	It would be useful if the mediators understood the process of requesting a loan modification under federal law and the ancillary matters relating to correcting servicing errors. Currently, servicing errors which may lead to de facto beneficiary non-participation are not given much credence in the process.	5/15/2015 10:15 AM
60	None	5/15/2015 9:44 AM
61	I mediate through the DRC's and am satisfied with their process	5/15/2015 9:36 AM
62	My experience with the mediators in Spokane has been that they do not understand the underlying law, regulations or requirements and let banks run the show.	5/15/2015 8:21 AM
63	Whether FFA mediator should consider that the Trustee serving as attorney for both the beneficiary and estate evidences bad faith (Trustee must represents all interests but also has A/C relationship to the lenders?!) under the FFA and Deed of Trust Act (RCW 61.24.010).	5/14/2015 7:38 PM
64	Continue to find ways to "balance the table."	5/14/2015 3:38 PM
65	Collecting fees for mediations scheduled to keep process open, but not needed.	5/14/2015 1:51 PM
66	Mediators must be able to hold the servicer accountable at the first session. If there is no decision maker present under FFA that should be a bad faith finding and the mediation should be closed. If a 2nd session is necessary, and the beneficiary did not do what was promised in the first session, that should be a bad faith finding as well. the mediator is not just there to smile and look pretty, they need to have some teeth in holding all parties to prior agreed upon conditions.	5/14/2015 1:41 PM
67	Above you ask me to rate both the FFA and Commerce's Guidelines together. The FFA is #1 important - the Guidelines are way lower on the list. I'd like to see Commerce work with mediators to improve the Guidelines. They don't seem to be based on what we actually do, they're often not helpful, put extra requirements on us and sometimes wrong about the statute or are just poor mediation practices. I'd like to see Commerce streamline the referral and certification process. There's a lot of make-work in it not required by statute. There's a lot of simple things they could do that wouldn't take any of their time but that would save us lots of time.	5/14/2015 1:39 PM
68	Role of attorneys. Both in terms of at the table with or in the situations without the borrower present. Does the mediator still have authority to include borrower in email communications if felt necessary.	5/14/2015 1:28 PM
69	Understanding their role as neutral third party facilitators not advocates for borrowers or judges who make decisions. Understanding what really constitutes a lack of good faith. Holding the borrowers to deadlines.	5/14/2015 1:14 PM
70	Focusing on a result, there is more that just loan modification , other alternatives.	5/14/2015 1:06 PM
71	Allowing mediation to be held open when a borrower is denied for all options. When the session is closed the servicer will usually file a NOTS immediately. This does not give the homeowner any time to try to do a short sale or DIL. This seems unfair. By holding mediation open for another 90 days to allow the homeowner time to accomplish this it prevents foreclosure.	5/14/2015 12:45 PM
72	There is confusion/ambiguity between RCW 61.24.163(14)(c) and how NPV question no. 3 is worded on the certificate form. I see mediators go down and answer "yes" to all three questions all the time, when question no. 3 should often be answered "no" or "n/a." Question no. 3 is awkwardly worded, at the very least.	5/14/2015 12:37 PM
73	There is a difference between how DRC mediators and private mediators handle fees. Private mediators tend to be "all about the money" while DRC mediators are more liberal and will often schedule second and third sessions with no additional fees.	5/14/2015 12:33 PM
74	OR mediations uses electronic board for submission of documents, WA should study OR doc process and adopt	5/14/2015 12:17 PM
75	More intestinal fortitude to not certify the mediaiton when lendor does not mediate in good faith.	5/14/2015 12:15 PM
76	I believe the mediators have more power than they assume they have to facilitate a mediation and to demand that all parties turn over documents on time and that lenders meet have reviewed documents by the time of mediation.	5/14/2015 11:42 AM
77	continuances without scheduling a session	5/14/2015 11:41 AM
78	DRC's last minute cancelling session without consulting the mediator.	5/14/2015 10:46 AM
79	When borrowers are getting poor/less than helpful legal assistance. Finding the borrowers in bad faith for the failings of their counsel is not fair.	5/14/2015 10:14 AM
80	Non-represented borrowers with issues	5/14/2015 8:37 AM
81	Mediators are responsible for finding the location where Mediation must take place. Mediators cannot expect Housing Counselor to assume this responsibility.	5/14/2015 8:19 AM
82	Exploring all options including future income of borrower as referred to in the FFA	5/14/2015 8:13 AM
83	direct access to mediators between sessions	5/14/2015 8:10 AM
84	How to get banks to answer direct question. Person of authority does not seem to have authority.	5/14/2015 7:14 AM
85	Identification of effective practices throughout the mediation process, including when to certify the mediation and mediator one-time continuance.	5/14/2015 5:05 AM
86	Managing the significant length of time it takes to resolve a file.	5/13/2015 8:57 PM
87	None	5/13/2015 8:41 PM
88	Bank representatives claiming authority but having none.	5/13/2015 8:27 PM
89	A central document repository rather than all the documents just in the email threads.	5/13/2015 6:56 PM
90	Streamlining the process	5/13/2015 6:23 PM

2015 FFA Mediator Event

91	Truthfully, after four years and 150+ mediations, I feel like the process is very clear to me. It works. I see little need for a training session, although conversation with other mediators is always valuable. (However, another discussion of the ill-fated NPV is not my desire.) But I will aver to the staff that does our DRC intake. They may have a need to discuss certain issues.	5/13/2015 5:19 PM
92	any new responses to "...well, I didn't know..."	5/13/2015 5:06 PM
93	opening statements, mediation notes, certification	5/13/2015 5:05 PM
94	Acknowledging and accommodating different needs and approaches between DRCs /volunteer mediators and independent/ professional mediators	5/13/2015 5:02 PM
95	Beneficiary declarations-valid vs invalid	5/13/2015 4:43 PM
96	Negotiating trustee/beneficiary follow-through!	5/13/2015 4:42 PM
97	non lawyer mediators being able to be more than facilitators, but being evaluators as well	5/13/2015 4:39 PM
98	certification, when to close	5/13/2015 4:37 PM

2015 FFA Mediator Event

Q4 Optional: What other mediator SKILL(S) would you like mediators to explore or improve on? Please keep your response short.

Answered: 80 Skipped: 118

#	Responses	Date
1	Getting disclosure of actual authority from beneficiary representatives.	5/26/2015 3:23 PM
2	Role under the FFA. Remaining impartial throughout the process.	5/26/2015 2:59 PM
3	i've been pleased to date	5/26/2015 11:31 AM
4	HAMP. Lender accountability.	5/26/2015 9:13 AM
5	explicit communication	5/25/2015 12:19 PM
6	Communication, knowledge of lien priorities (esp. re: Condo and Homeowners' Associations).	5/22/2015 9:27 PM
7	Continuances of mediation	5/22/2015 3:05 PM
8	Identifying requests by beneficiaries to borrowers which do not complying FFA Requirements or which have no bearing on the borrowers' consideration for modifications.	5/22/2015 2:28 PM
9	Techniques to get institutions away from relying on "policies".	5/22/2015 2:18 PM
10	Organization of case files	5/22/2015 1:41 PM
11	Increased participation in the process prior to the in-person mediation. Much the negotiation can and should take place prior to the in-person meeting to make the in-person meeting more productive and to avoid the need for continuance and further expense to all parties.	5/22/2015 11:48 AM
12	More education on FFA Statute and Guidelines.	5/22/2015 11:33 AM
13	cultural compantacy	5/22/2015 11:13 AM
14	NPV	5/21/2015 6:43 PM
15	Determining real authority of representatives from beneficiaries	5/21/2015 3:35 PM
16	Any skills that would be helpful in handling attorneys for the beneficiary. Every attorney handles things differently when it comes to what they will and will not do.	5/21/2015 1:40 PM
17	Significant improvements needs to be made by mediators to understand and demand compliance with the requirements of the statute. Saying that a portion of RCW 61.24.163 isn't appropriate for discussion during mediation is not acceptable.	5/21/2015 1:03 PM
18	see above :)	5/21/2015 10:51 AM
19	Balancing the power differential between the parties during mediation. Maintaining mediator neutrality. Mediator techniques to use when parties are at an impasse. Determining Lack of Good Faith. Issues surrounding a Lack of Good Faith finding. Better mediator understanding of the FFA "hybrid" mediation model. When to use mediator discretion/influence during the mediation process and when conducting the session.	5/21/2015 10:47 AM
20	leveraging the banks own tactics to motivate them/their representatives to be prepared	5/21/2015 8:55 AM
21	none	5/21/2015 8:13 AM
22	Professionalism.	5/20/2015 8:05 PM
23	power balancing, engage the bank on the phone, actually develop creative resolutions.	5/20/2015 8:00 PM
24	Mediators skill in keeping the mediation moving toward a modification/workout by using the best practices of other mediation techniques that have a proven record.	5/20/2015 6:05 PM
25	More willingness to pressure banks.	5/20/2015 5:06 PM
26	None: Lynne Yialis of Chelan County rocks!!!	5/20/2015 4:42 PM
27	Diffusing tense communication that is a result of previous experience between the borrower and an agent of the lending institution.	5/20/2015 4:34 PM
28	better understanding of the foreclosure and mod. rules	5/20/2015 4:20 PM
29	knowledge of the foreclosure process	5/20/2015 3:44 PM
30	Would be great if Mediators/borrowers could give feedback to decisionmakers regarding broken processes that beneficiaries and servicers use to process applications for loan modification. For example, one of our clients have had their signatures on their permanent modification documents rejected by Bank of America's quality control team 5 times now, currently going on the 6th. I can't imagine how this same issue would affect Borrowers who are in foreclosure but not in mediation.	5/20/2015 2:55 PM
31	Be reasonable and efficient. if lender has no options, say so.	5/20/2015 2:36 PM
32	Evaluating special circumstances, such as foreclosures on second or junior mortgages	5/20/2015 1:39 PM

2015 FFA Mediator Event

33	Don't bore us with why we are "here" - yea we know about the bad economy, we know many people lost jobs, etc. We know this is a valuable service and YOU don't have to sell us on it.	5/20/2015 1:27 PM
34	The mediation session I observed was unproductive and the mediator seemed unconcerned about facilitating a productive session, potentially because the mediator would earn additional fees for followup sessions (even though wasteful or duplicative). The compensation structure for mediators appears to be counterproductive to the process, based upon "showing up" and being paid for quantity rather than quality of services offered. It is problematic that mediators appear to use the requirement that they be paid fees for not actually holding a mediation session as an implied threat that they will not certify the homeowners' good faith if the mediator is not paid the fee even for mediation services not performed. It seems to present an opportunity for the mediators to potentially abuse the process or go against the spirit of the FFA legislation. Good mediators deserve to be paid more; mediators not providing actual productive services should not be in a position of power to be allowed to intimidate the homeowners into paying for mediation services not actually used when a loan servicer approves a pre-existing modification request prior to the mediation session actually taking place.	5/20/2015 1:15 PM
35	I think a *REQUIRED* training is a really bad idea and a colossal waste of time.	5/20/2015 1:11 PM
36	Holding the borrowers to the same standards as the beneficiary.	5/20/2015 12:53 PM
37	I would like to see more emphasis on moving the process forward, rather than focusing on whatever issue the borrower raises -- which often occurred prior to the mediation referral.	5/20/2015 12:51 PM
38	More knowledge of the various loan programs, depending upon who holds or has guaranteed the loan (Freddie, Fannie, Vets, FHA, etc.)	5/20/2015 12:19 PM
39	none	5/20/2015 11:55 AM
40	Continued improved knowledge of loan servicing guidelines.	5/20/2015 11:31 AM
41	Most mediators do a good job. However, I find that many of the mediators at the DRC's tend to be "borrower friendly" and it comes across biased.	5/19/2015 3:31 PM
42	Using their authority, Being more assertive	5/19/2015 10:25 AM
43	Communication skills and know what's their role as mediator. Not just facilitating the session but understanding files well prior to mediation	5/19/2015 9:13 AM
44	Completing the certification properly and with sufficient detail. Understanding of prerequisites to beneficiary having to participate in good faith. (e.g., proper party, timing, notice)	5/18/2015 1:05 PM
45	working with borrowers who have unresponsive advocates.	5/18/2015 10:03 AM
46	Mediators should be knowledgeable in the various modification programs the borrower may be eligible for. It makes no sense for them to bring up HAMP guidelines if the homeowner is not eligible to be reviewed for HAMP	5/18/2015 9:20 AM
47	Mediators are too indifferent and don't seem to care about the case since they don't have anything at stake. They just show up and collect a fee. Very disappointing.	5/16/2015 3:28 AM
48	Neutrality, rather than being a shill for the banks.	5/15/2015 11:40 AM
49	getting an agreement together, computer skills.	5/15/2015 11:09 AM
50	Attention to the file to ensure that the beneficiary is not acting in actual bad faith; seems like the mediator needs to take a more active role in the exchange process to make sure that the mediation is productive, meaningful, and timely.	5/15/2015 10:15 AM
51	None	5/15/2015 9:44 AM
52	none	5/15/2015 9:36 AM
53	They need to be able to push the banks to meet the requirements and if not, make a finding of not in good faith!!	5/15/2015 8:21 AM
54	Remaining facilitative within the hybrid model	5/14/2015 2:06 PM
55	First, reading and understanding the FFA statute is most important. There are things that are required, things that are not, and things left to the mediator's discretion and many mediators don't know them, or which is which. Second, mediators should be skilled in using those requirements and their discretion to create a productive mediation - not just to slam parties with bad faith certifications. Third, mediators need to learn how to mediate so these mediations get done. There are too many mediations with too many sessions, 3 or 4 or more.	5/14/2015 1:39 PM
56	Handling zealous or bullish representatives.	5/14/2015 1:28 PM
57	Just as the borrower needs to update documents that are stale, the beneficiary should be required to update their packets.	5/14/2015 1:06 PM
58	Neutrality.	5/14/2015 12:51 PM
59	Mediators need to understand HAMP and MHA guidelines, the waterfall process and what an NPV and the inputs can mean to a successful mediation. Servicers MUST provide the inputs!	5/14/2015 12:45 PM
60	The NPV rules are not followed and mediators do not enforce them; There is no true mediation that goes on - the mediators facilitate the gathering but do not facilitate the obtaining of an agreement. What is offered by loan servicers is considered the final word with no negotiation allowed.	5/14/2015 12:33 PM
61	statute says beneficiary NPV inputs are enough so stop asking for pass fail and/or dollar amount in cert., not useful and not used by beneficiary under FD loan guidelines	5/14/2015 12:17 PM
62	Samen	5/14/2015 12:15 PM

2015 FFA Mediator Event

63	Understanding their role as a mediator - they are not a judge or underwriter. Understanding that Commerce has published "guidelines" but has not invoked rule-making authority, therefore the mediator has the discretion for mediation, not Commerce. Being transparent during the mediation process.	5/14/2015 11:43 AM
64	they need to understand bankruptcy and how it can help. i had a mediator tell the borrower that they had no options when a mediation failed and that a bankruptcy would complicated and perhaps tank the process.	5/14/2015 11:42 AM
65	Mediator discretion to schedule a second session	5/14/2015 11:41 AM
66	Better understanding of the certification form.	5/14/2015 10:46 AM
67	Dealing with bank "decider" on phone who says they have full authority; but has to run everything by "the underwriter" Dealing with lenders who never run an NPV, or use fictitious input to run NPV, causing a false fail result Dealing with lenders, who ignore pre-mediation checkin to ensure they have everything they need, then show up at mediation demanding additional documents before they can make a decision how does bankruptcy impact mediation? what are tax consequences of short sale, foreclosure & modification how to handle post divorce mediations, where non-owner spouse won't participate how to deal with lender, who can't show chain of ownership of note how to deal with married borrowers when only 1 spouse attends mediations How to deal with 2nd mortgages & requests to modify 1st & 2nd mortgages	5/14/2015 9:40 AM
68	Mediators must have good organizational skills to make sure the mediation parties are all on the same page. Mediators must be responsive and impartial.	5/14/2015 8:19 AM
69	Ability not to be intimidated by "attorney is all knowing" image	5/14/2015 8:13 AM
70	evaluative methods -	5/14/2015 8:10 AM
71	Strategies for breaking impasse.	5/13/2015 9:32 PM
72	Unknown	5/13/2015 8:41 PM
73	Remaining unbiased and treating each side equally.	5/13/2015 6:56 PM
74	making the report a bit more user friendly	5/13/2015 6:23 PM
75	I hope this doesn't become a pissing match between DRCs and private mediators. That would be very unmediator-like. I see Commerce's job as finding mediators who do the best (however defined) work, private or DRC. Conjoined is the critical professional assistance/advice you receive from private and DRC mediators. (I argue that this law would not have been possible without the assistance of my Center in Pierce County.) Caution suggest I leave it at that.	5/13/2015 5:19 PM
76	encouraging recalcitrant party who says "what authority do you have to MAKE me do that?" other than pointing at the certification	5/13/2015 5:06 PM
77	collaboration, sharing issues with other mediators	5/13/2015 5:05 PM
78	Increased understanding of the judicial and non-judicial foreclosure process.	5/13/2015 4:48 PM
79	Understanding impact of other legal matters on mediation-divorce, bankruptcy etc	5/13/2015 4:43 PM
80	facilitating discussion of nonretention outcomes when borrower only wants to keep house	5/13/2015 4:37 PM