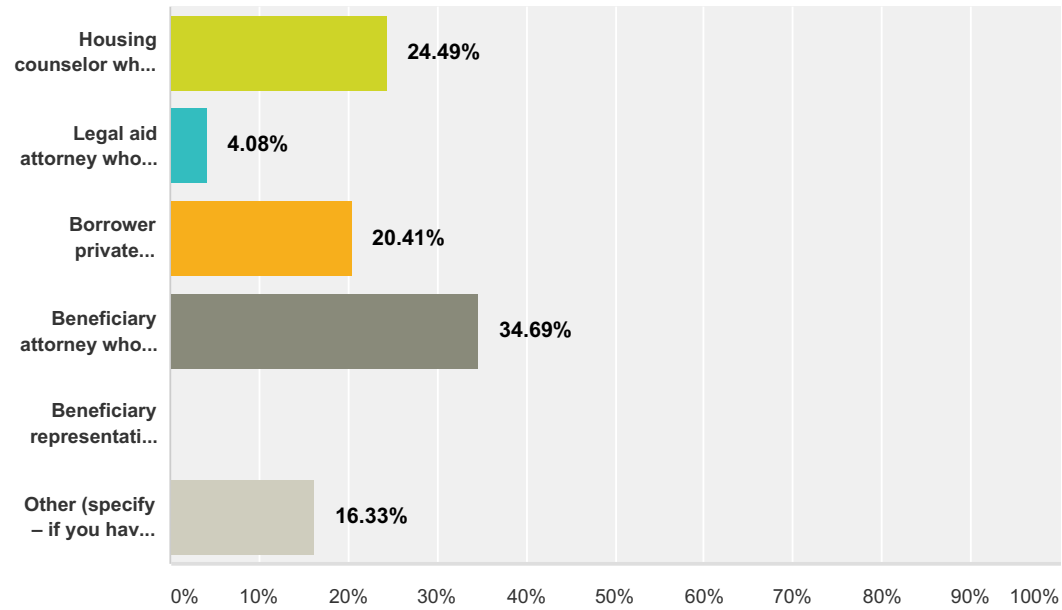


Borrower & Beneficiary Representatives Satisfaction with the FFA

Q1 What is your role in the FFA mediations?

Answered: 49 Skipped: 0



Answer Choices	Responses
Housing counselor who participated in FFA mediations (1)	24.49% 12
Legal aid attorney who participated in FFA mediations (2)	4.08% 2
Borrower private attorneys who participated in FFA mediations (3)	20.41% 10
Beneficiary attorney who participated in FFA mediations (4)	34.69% 17
Beneficiary representative who participated in FFA mediations (typically on the phone during the session) (5)	0.00% 0
Other (specify – if you have NOT participated in FFA mediations representing either the borrower or the beneficiary, please do not complete this survey) (6)	16.33% 8
Total	49

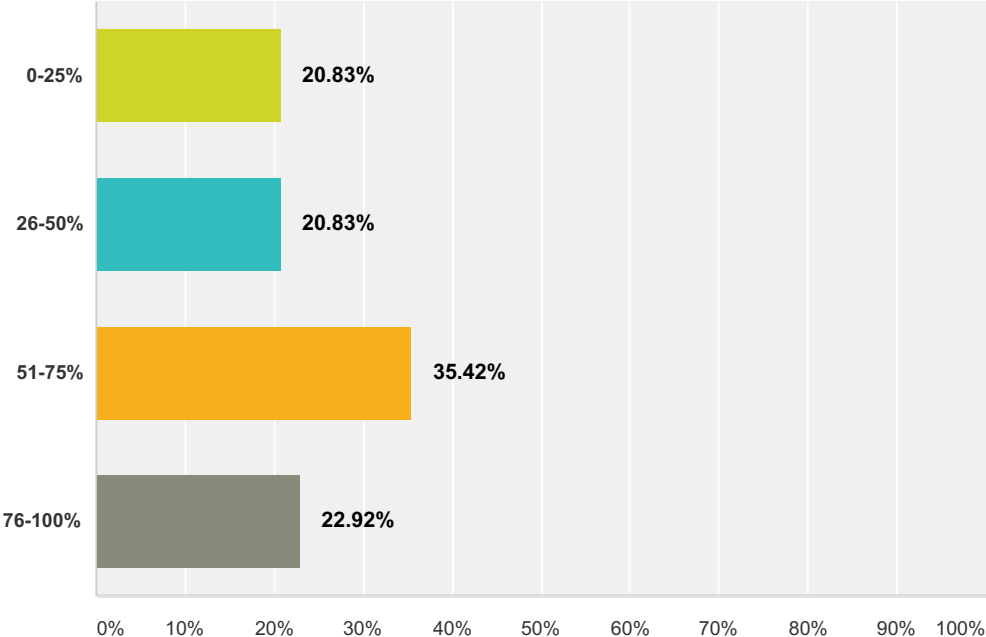
Borrower & Beneficiary Representatives Satisfaction with the FFA

Basic Statistics				
Minimum 1.00	Maximum 6.00	Median 4.00	Mean 3.31	Standard Deviation 1.66

#	Other (specify – if you have NOT participated in FFA mediations representing either the borrower or the beneficiary, please do not complete this survey)	Date
1	Mediation Clerk assisting the Beneficiary Attorney	10/1/2015 2:59 PM
2	friend of borrower	9/30/2015 1:08 PM
3	borrower	9/30/2015 12:14 PM
4	Mediation Supervisor at Beneficiary's Attorney Firm	9/30/2015 11:46 AM
5	I am an attorney that represents both borrowers and beneficiaries in FFA mediations	9/30/2015 11:13 AM
6	paralegal to Borrower private attorneys who participated in FFA Mediations	9/30/2015 7:35 AM
7	homeowner	9/29/2015 2:18 PM
8	real estate broker representing borrower in mediation	9/29/2015 2:02 PM

Q2 How often did the mediations you participated in end with an agreement being reached (before, during, or after session)?

Answered: 48 Skipped: 1



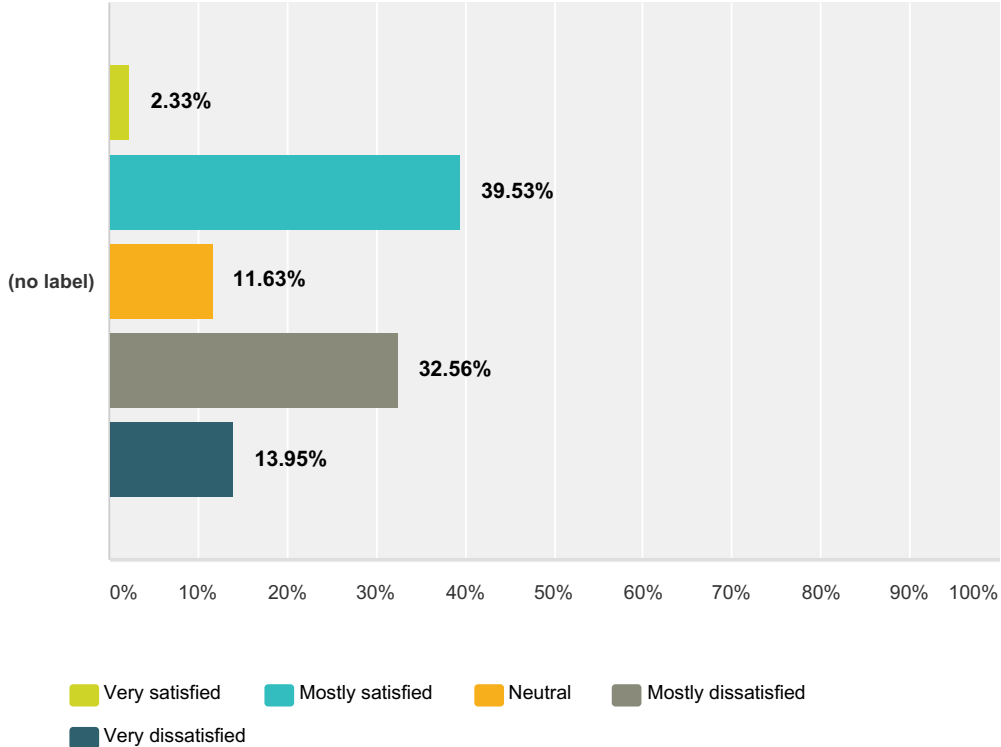
Answer Choices	Responses	
0-25% (1)	20.83%	10
26-50% (2)	20.83%	10
51-75% (3)	35.42%	17
76-100% (4)	22.92%	11
Total		48

Borrower & Beneficiary Representatives Satisfaction with the FFA

Basic Statistics				
Minimum 1.00	Maximum 4.00	Median 3.00	Mean 2.60	Standard Deviation 1.06

Q3 How satisfied are you with the overall foreclosure mediation program?

Answered: 43 Skipped: 6



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	2.33% 1	39.53% 17	11.63% 5	32.56% 14	13.95% 6	43	3.16

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 3.00	Mean 3.16	Standard Deviation 1.16
------------------------	------------------------	-----------------------	---------------------	-----------------------------------

#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

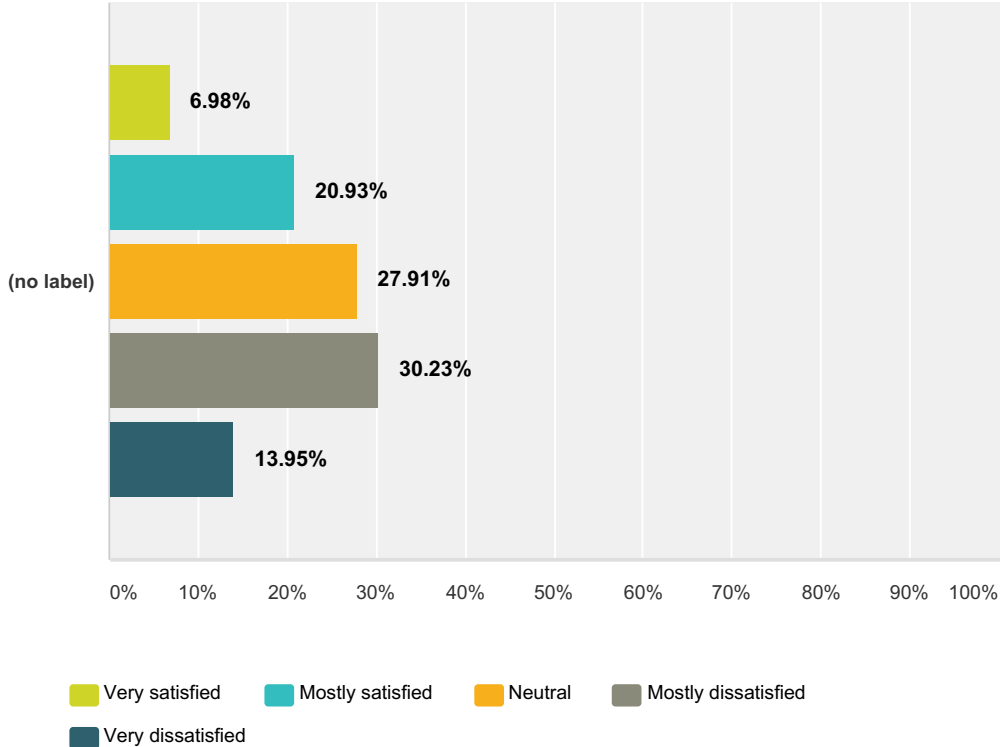
1	There is a distinct lack of uniformity from county to county regarding the defined boundaries of the mediation process and which issues need to be governed within mediation and which issues are outside its scope.	10/7/2015 4:05 PM
2	The foreclosure mediation program is not well run or consistent with the statute. The mediators all have different of ideas of what Commerce "requires" them to do, and what they have the authority to decide themselves, as the assigned mediators.	10/5/2015 11:54 AM
3	I have been really impressed with the DRC, and some great attorneys acting as mediators and some attorneys that I wish were not mediators.	10/5/2015 10:18 AM
4	Some mediations go very smoothly however the majority of them get drug on too long. Not the mediators fault. It is due to delays in getting the beneficiary to review and decision docs.	10/1/2015 9:29 AM
5	The process took too long and the mediators were too formal.	9/30/2015 8:15 PM
6	This process stinks. It is too expensive, cumbersome and takes way too long. The borrower can engage in a similar process for free.	9/30/2015 6:33 PM
7	I would be Very Satisfied if there were any enforcement provisions, other than just a finding of bad faith; or if the mediators actually held beneficiaries in bad faith when clearly they have violated the rules/laws/regulations.	9/30/2015 2:43 PM
8	There was no intention on the lender's part to try and resolve the matter. Their position never moved at towards a resolution, every option we proposed was not even considered. They were only there to fulfill their obligation in the foreclosure process.	9/30/2015 12:20 PM
9	There is too much subjectivity involved in determining good or bad faith, with no recourse from unreasonable mediator decisions.	9/30/2015 11:50 AM
10	Servicers/beneficiaries have too much control over the process	9/30/2015 11:49 AM
11	Uneducated mediators, delay in timelines, unwillingness to enforce or follow the law or guidelines	9/30/2015 10:52 AM
12	The Foreclosure mediation program has no structure and no oversight. Each mediator is EXTREMELY varied, with different rules, fee structure, and requirement. There is additionally no oversight to control the mediators or to look into instances of bias. The only recourse Beneficiaries have is to file a complaint, which is limited in space and then given to the mediator to respond with unlimited space. There is no coordinator to call for results and the only result from a complaint is a very unpleasant mediator at the next mediation.	9/30/2015 10:47 AM
13	Shouldn't have been applicable in this situation of a private loan.	9/30/2015 10:45 AM
14	The beneficiaries don't take it seriously. To them, this is a process where all they have to do is show up and say in person that they will refuse to work with a borrower. It's not mediating in good faith, it's take it or leave it negotiating.	9/30/2015 10:24 AM

Borrower & Beneficiary Representatives Satisfaction with the FFA

15	<p>While I feel there is a great benefit to homeowners from the mediation program because it allows an alternative to homeowners only other option, litigation and seeking of an injunction to stop a pending sale when all the homeowner wants to do is to be able to start paying on the loan again. Litigation is in many cases not the best option for anyone because it is extremely costly and doesn't commonly result in the opportunity for a homeowner to obtain a workout. The mediation program creates a relatively simple and easy way for a homeowner to postpone a sale in order to continue through the state organized process to apply for a mortgage modification or other workout. However, whereas there is not accountability or deterrent to limit bad behavior by the beneficiary. The program has become in most cases simply a state organized process for homeowners to be presented with a take it or leave it offer from the beneficiary. There is no venue within the program to hold the beneficiaries accountable for unfair/deceptive misconduct and/or patently unlawful behavior. The current option available to mediator's of issuing a "bad faith" certification is essentially useless as to holding beneficiaries accountable, because it is not a protection or penalty at all, whereas the beneficiary's alternative is to seek judicial foreclosure where a deficiency judgment can be sought and the homeowner's then have to go to the expense of engaging an attorney to defend against any unfair/deceptive misconduct and/or patently unlawful behavior. Further, the limitation for homeowners only being able to obtain a referral into the program up to 20 days after issuance of the Notice of Trustee Sale is simply absurd, at a minimum the opportunity for homeowners to be referred into the program should be the same as the deadline for filing & service of a Complaint & Motion to Restrain a sale under 61.24.130(2) - (5 days before the sale). It is also absurd that the program is limited to only the original borrower who continues to occupy the property as a primary residence. There are many instances where a workout would be to the best benefit to ALL parties (homeowner, servicer, investor, true beneficiary, surrounding community, municipality, etc.), however the homeowner is s denied because the party seeking referral is not the original borrower or the property is not currently a primary residence.</p>	9/30/2015 8:43 AM
16	Needs to be revamped to include all beneficiary's. No exemptions.	9/29/2015 3:50 PM
17	<p>I have zero faith in this program. All it does is make money for the attorneys and a little bit of cash for these DRC's and barely-there mediators. My favorite part of every mediation is when we all pretend that the "decision making authority" is present on the phone call. Every case should be cited in bad faith because there is NEVER EVER EVER a true decision making authority on the phone. The attorneys representing the beneficiaries lie about paperwork requests. We've caught them in the act many times and have presented proof of such to the mediators but who cares because the mediators don't!!! The fee systems implemented by the DRC's are also a load of bull too.</p>	9/29/2015 3:03 PM
18	<p>"beneficiary" has provided documentation to mediation that clearly shows they are not authorized to claim "beneficiary" status and the mediation process continues "in good faith" even though the trustee has already had to cancel the foreclosure due to the improper notice of sale.</p>	9/29/2015 2:34 PM
19	<p>WA state had the guts and forethought to put the FFA in place, much more than what most other states were open to do. It is, however, a flawed program with mediators that are unsure of their role and unwilling to close cases in "bad faith".</p>	9/29/2015 2:22 PM
20	<p>I believe the foreclosure mediators could do more and that they have more power than they seem to realize. A successful mediation often depends on the abilities of the mediator which is unfortunate. Also many of them give mis-information about the availability of bankruptcy to cure the arrearage if a mediation fails and I find that troubling. Lastly, many mediations fail due to liens on the property that again could be resolved in bankruptcy and mediators are not giving that as alternative information.</p>	9/29/2015 1:47 PM

Q4 How satisfied are you with the mediators' overall performance?

Answered: 43 Skipped: 6



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	6.98% 3	20.93% 9	27.91% 12	30.23% 13	13.95% 6	43	3.23

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 3.00	Mean 3.23	Standard Deviation 1.14
------------------------	------------------------	-----------------------	---------------------	-----------------------------------

#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

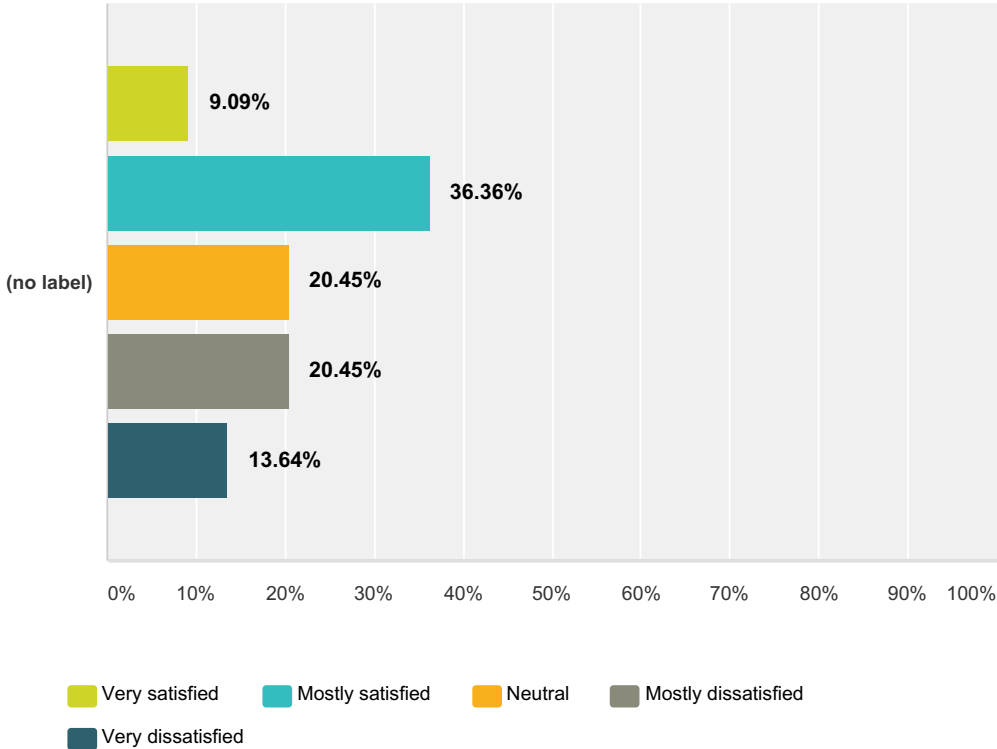
1	Mediators do not Certify within 7 days, hold mediation open without scheduling a session, and continue mediations without the consent of both parties (and without invoking the one-time statutory authority to do so). There is a general lack of uniformity regarding these issues.	10/7/2015 4:05 PM
2	This is difficult to respond to, because there are such a wide-range of abilities with the mediators. Some are very attuned to the program, understand how the modification review process works, and can help the parties get to the point. About 25-30% of mediators demonstrate open bias towards the beneficiary or give the borrower legal advice during the mediation session. Beneficiaries do not use the complaint system set up by Commerce because the complaints do not make any difference, and Commerce only circulates the complaint for response from the mediator. Beneficiaries and borrowers should both be able to provide annual feedback about the approved mediators to Commerce.	10/5/2015 11:54 AM
3	There is one mediator in my area who does not do a very good job, but the rest are fine.	9/30/2015 2:43 PM
4	The mediator's were absolutely useless. They didn't even try to get the negotiations moving. They went along with whatever the lender's attorney said.	9/30/2015 12:20 PM
5	Continuous struggles with the mediators being very biased for the borrowers. Mediators are willing to threaten bad faith in any situation where they deem the beneficiary is not allowing the borrowers to as they please regarding the mediation. If the borrowers take months to provide documents, updates, and participate, mediators are willing to allow this to slide and not understand the per diem costs of the lender. Multiple times mediations are held with the mediators stating the damage and hardship this has caused on the borrowers, without knowledge or accountability for the lender.	9/30/2015 11:55 AM
6	Mediators have no influence over the beneficiaries	9/30/2015 11:49 AM
7	the fee structure is not consistent and there is no timely communication from the mediator	9/30/2015 11:30 AM
8	The Mediators are mostly biased and act as a Borrower representative, even when the Borrowers are represented. The Mediators choose which elements of the statute to follow with no oversight. They frequently do not follow the requirement that ALL Borrowers participate in mediations, especially in cases of divorce which leads to nothing but problems and dissatisfaction on all parts.	9/30/2015 10:47 AM
9	Mediators are too scared to issue bad faith certifications. If a bank isn't ready after 2 scheduled sessions and my client has had to pay me for each of those, that is hardly "good faith" negotiating.	9/30/2015 10:24 AM
10	Most mediators simply appear as an administrator to the loan modification process. Whereas the homeowner's have no method to address or deter the unfair/deceptive misconduct and/or patently unlawful behavior of beneficiary's and the mediator's have no effective method to deter bad faith actions of beneficiaries. Mediator hands are somewhat tied because to issue a certification of bad faith against the beneficiary is not in the best interest of the borrower, because the beneficiary's alternative is to seek judicial foreclosure where a deficiency judgment can be sought and the homeowner's then have to go to the expense of engaging an attorney to defend against any unfair/deceptive misconduct and/or patently unlawful behavior.	9/30/2015 8:43 AM
11	it is about 50% excellent and 50% worthless	9/30/2015 7:46 AM
12	The DRC's are not effective nor do they hold the proper level of accountability.	9/29/2015 3:50 PM
13	The most disappointing thing for me to witness is a homeowner be pushed farther and farther and farther from home retention because a mediator refuses to put the lender's feet to the fire on timelines. I also have the misfortune of dealing with mediators that refuse to certify a case in bad faith despite multiple examples of such. I have represented at least 100 cases over the past few years and HALF of them should have appropriately merited a bad faith cert by part of the lender but the mediators insist on keeping the cases open long enough to re-write their own ending.	9/29/2015 3:03 PM
14	Even though the mediator received clear proof to the contrary and is not required to rely on the beneficiary declaration, they claim it is the only thing they do rely on and use this ignorant excuse to advance mediation with a party that is not the valid beneficiary or their authorized agent.	9/29/2015 2:34 PM
15	The difference in how Mediators handle FFA mediation is a wide range.	9/29/2015 2:27 PM
16	Good mediators, poorly trained mediators, mostly buying time for our clients to save money and prepare for the inevitable.	9/29/2015 2:22 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

17	mediators from volunteers of America in Snohomish almost never continue mediation to help the borrower with short sales. too many exempt banks. the bank rep on the phone almost never has authority. fannie, freddie, fha, va reps are never on the phone. those orgs do not delegate authority to the loan servicer rep on the phone. the loan rep is lying when they state they have authority. mediators fail to hold them accountable.	9/29/2015 2:16 PM
18	I picked neutral because it was in the middle. Some of the mediators are GREAT! Those who take the time to require adherence to the statute and who are rational in their approach are excellent and help the process. The others, who refuse to require adherence to the statute and act like this is a family law type mediation make the mediation useless.	9/29/2015 2:04 PM
19	The mediators have no information about investor guidelines or banking regulations. I have had two mediators who didn't even know that there were different investors backing mortgages. The lender's attorneys often only know loan mod laws and even then, usually only have lender-specific information. The mediators often ask such basic questions that they detract from the session itself because they're so far behind knowledge-wise. There seems to be no training on behalf of the Department of Commerce to get the mediators up to speed on any laws.	9/29/2015 1:51 PM

Q5 How satisfied are you with the mediators' knowledge and application of the FFA statute?

Answered: 44 Skipped: 5



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	9.09% 4	36.36% 16	20.45% 9	20.45% 9	13.64% 6	44	2.93

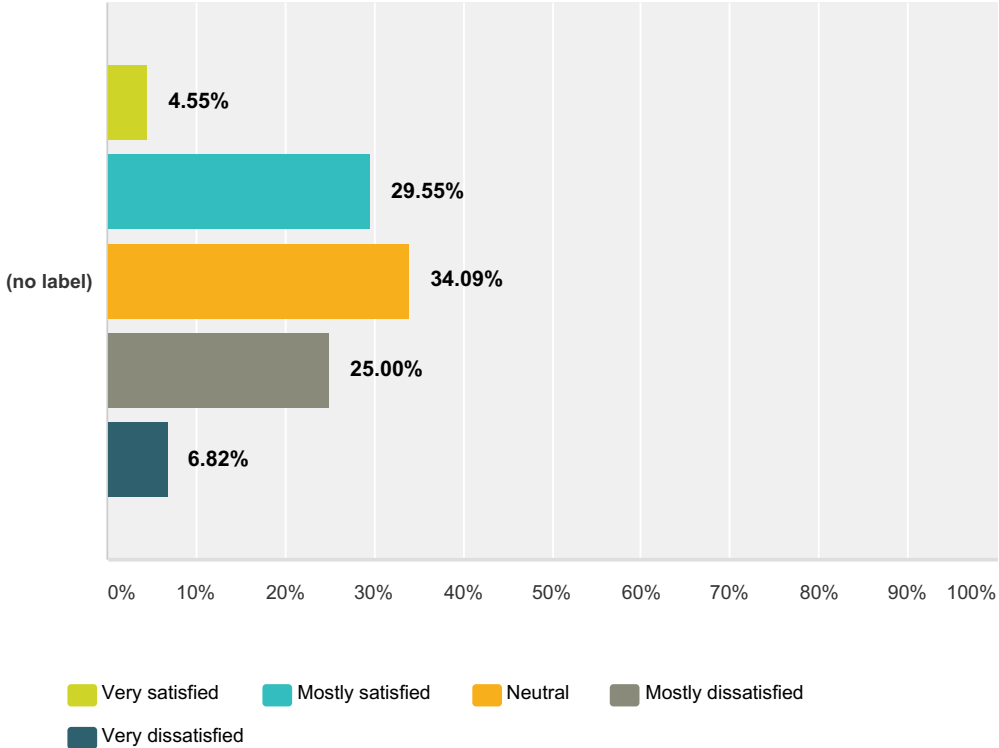
Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	3.00	2.93	1.21

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	There is a lack of uniformity among mediators on how the statute is interpreted and what documents are required	10/7/2015 4:05 PM
2	Mediators often receive conflicting information, or misunderstand either the law or the Rules that Commerce has promulgated. This results inconsistent mediating, especially in counties like Clark or Chelan.	10/5/2015 11:54 AM
3	Mediators are knowledgeable of the statute, however as previously stated typically bend at will for borrowers and not beneficiaries. Mediators are unwilling to accept and understand the frustrations from the lenders when a homeowner has made no payments on a loan for x amount of months or years and the cost and fees per diem it is causing the beneficiary to have constant delay from the borrowers.	9/30/2015 11:55 AM
4	The Mediator's pick and choose which elements to follow and what the different parts of the statute to apply. They clearly especially do not understand the relevance of the NPV and the requirement of INPUTS and not the entire test.	9/30/2015 10:47 AM
5	The mediators' seem to have adequate knowledge of the statute, however from a homeowner's perspective it is a poorly written and extremely bias to the beneficiary.	9/30/2015 8:43 AM
6	same as question 4 they seem to be either educated or not	9/30/2015 7:46 AM
7	Many mediators do not understand or even have a clue about the guidance's or require NPV's.	9/29/2015 3:50 PM
8	By not taking note and acting on the clear evidence supplied by the party claiming to be the beneficiary, that the party is not the beneficiary or authorized agent, the mediator destroys one of the cornerstones of the FFA which provides that homeowners have the right to mediate with the real parties of interest.	9/29/2015 2:34 PM
9	Very few mediators know the FFA and/or are willing to hold parties to it	9/29/2015 2:22 PM
10	Some mediators don't even think its their job to do an NPV.. very frustrating.	9/29/2015 1:47 PM

Q6 How satisfied are you with the mediators' knowledge and application of Commerce's published Program Guidelines?

Answered: 44 Skipped: 5



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	4.55% 2	29.55% 13	34.09% 15	25.00% 11	6.82% 3	44	3.00

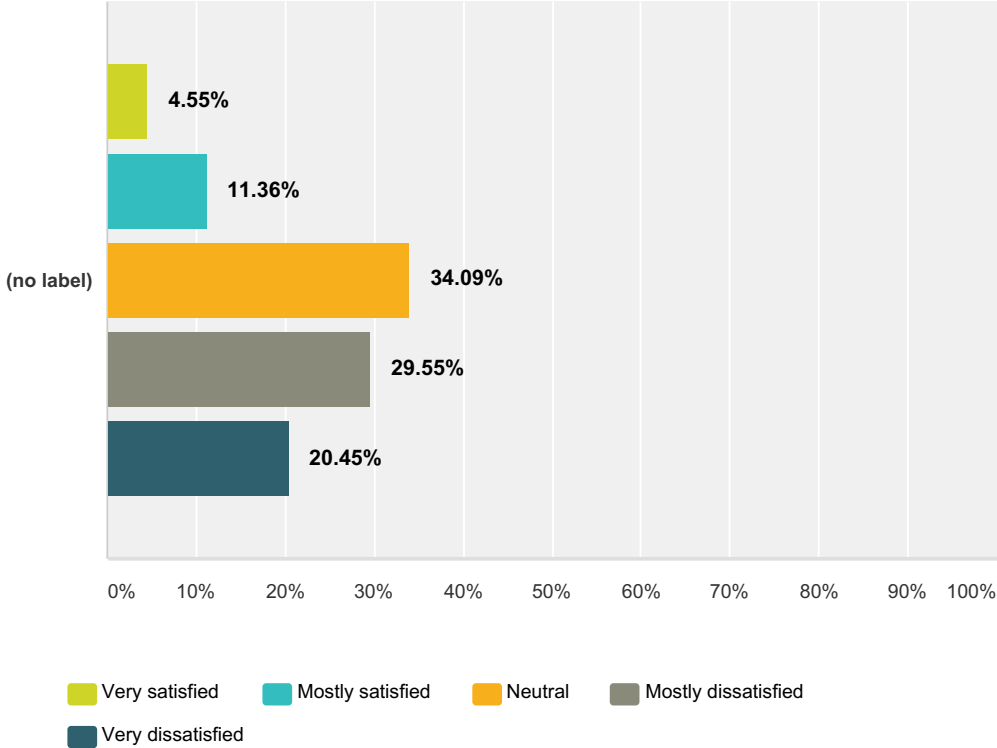
Basic Statistics					
Minimum	Maximum	Median	Mean	Standard Deviation	
1.00	5.00	3.00	3.00	1.00	

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	There is a lack of uniformity among mediators on how and when the guidelines are applied.	10/7/2015 4:05 PM
2	See comments above.	10/5/2015 11:54 AM
3	This has been the biggest aggravation in educating the mediator on changes in the guidelines.	10/5/2015 10:18 AM
4	It is clear that the guidelines are either not read or ignored by most mediators.	9/30/2015 10:47 AM
5	the overall process has been well developed and works as best it can under the current law, however the current law's limitation for homeowners only being able to obtain a referral into the program up to 20 days after issuance of the Notice of Trustee Sale is simply absurd, at a minimum the opportunity for homeowners to be referred into the program should be the same as the deadline for filing & service of a Complaint & Motion to Restrain a sale under 61.24.130(2) - (5 days before the sale). It is also absurd that the program is limited to only the original borrower who continues to occupy the property as a primary residence. There are many instances where a workout would be to the best benefit to ALL parties (homeowner, servicer, investor, true beneficiary, surrounding community, municipality, etc.), however the homeowner is denied because the party seeking referral is not the original borrower or the property is not currently a primary residence.	9/30/2015 8:43 AM
6	again same answer	9/30/2015 7:46 AM
7	commerce has also been weak in enforcement and implementation- when asked for assistance, we receive "not our department" answers, just kick the problem to a different organization.	9/29/2015 2:22 PM
8	This also depends upon the mediators and the good ones get it right. The bad mediators get it wrong almost all of the time, but I am also dissatisfied with the Guidelines because they do not adhere to the requirements of the statute.	9/29/2015 2:04 PM
9	Some know and some don't. If they are not lawyers its usually worse.	9/29/2015 1:47 PM

Q7 How satisfied are you with the mediators' knowledge of federal guidelines and regulations?

Answered: 44 Skipped: 5



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	4.55% 2	11.36% 5	34.09% 15	29.55% 13	20.45% 9	44	3.50

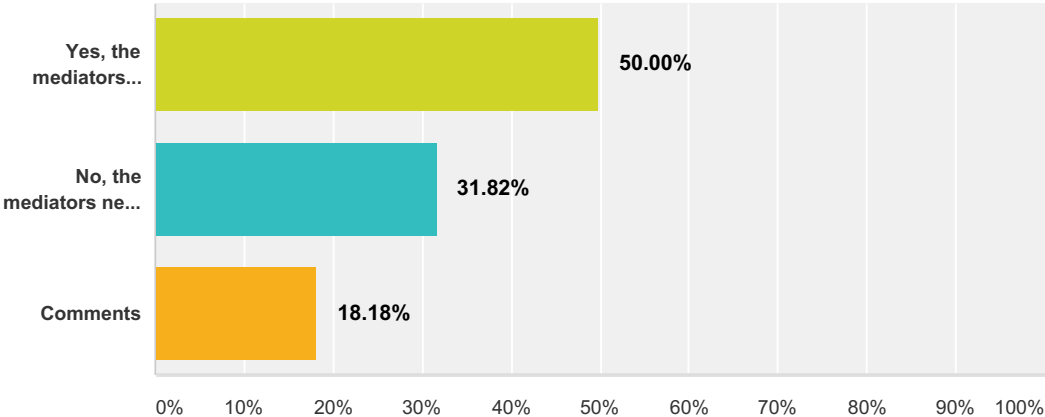
Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	3.50	3.50	1.08

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	Mediators do not need to have a working knowledge of federal guidelines; the mediation program is dictated by Washington law.	10/5/2015 11:54 AM
2	This is always something that has to be brought up on borrower side.	10/5/2015 10:18 AM
3	Not everyone gets a HAMP...It is not their job to evaluate offers anyway.	9/30/2015 6:33 PM
4	Generally speaking they are unaware of the requirements of 12 CFR 1024.41	9/30/2015 2:43 PM
5	It is clear that the guidelines are either not read or ignored by most mediators.	9/30/2015 10:47 AM
6	Federal guidelines and regulations aren't addressed in the FFA statute therefore these issues are usually not addressed during a mediation by the mediator other than to say those issues are appropriately argued in a FFA mediation.	9/30/2015 8:43 AM
7	Not impressed with mediators- except for perhaps ONE mediator in particular.	9/29/2015 2:22 PM
8	they lack knowledge of US Code of Federal Regulations, CFPB rules, fannie mae rules, freddie mac rules, fha, va etc. when I show proof the loan servicer violated any of those the mediators rarely hold the loan servicer accountable. loan servicers routinely violate those rules.	9/29/2015 2:16 PM
9	Again, the bad mediators are overall a very big problem because they don't know the statutes and don't care about them either.	9/29/2015 2:04 PM
10	I have stepped in to multiple mediations that were previously run by HUD counselors where no party ever even asked who the investor on the loan was. They were blind mediating without knowing the guidelines. The mediators never asked.	9/29/2015 1:51 PM
11	I rarely even see them turn to the guidelines since most of them think its the lender's prerogative whether to give the mediation or not and some think its a waste to issue a bad faith ruling. I find this baffling.	9/29/2015 1:47 PM

Q8 Do you believe the mediators need to know the federal guidelines and regulations?

Answered: 44 Skipped: 5



Answer Choices	Responses
Yes, the mediators should know all of the current federal guidelines (1)	50.00% 22
No, the mediators need to know how to access the current federal guidelines (for example, if a dispute arises) but they don't need to know each guideline (2)	31.82% 14
Comments (3)	18.18% 8
Total	44

Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	3.00	1.50	1.68	0.76

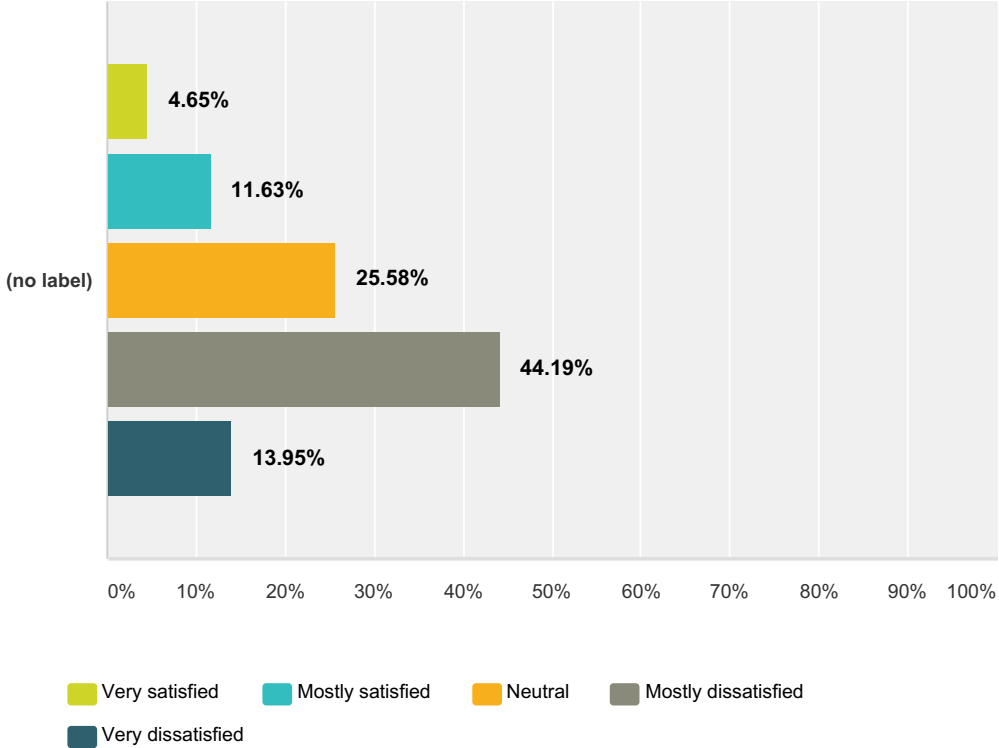
#	Comments	Date
1	No. The mediators have no authority to decide if a federal guideline applies, if it was applied correctly, or settle a dispute about a federal guideline. There are federal agencies, such as CFPB, that have this authority. Mediators should only concern themselves with the state law.	10/5/2015 11:54 AM
2	Mediators should not be bringing in federal regulations or guidelines that are not involved in the FFA.	10/1/2015 3:30 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

3	no, they are not attorneys and this is not a court of law, they can not make a ruling. Even if attorneys they should make it clear they are not there to rule on applicable regulations	9/30/2015 12:25 PM
4	the housing counselors know so much more than the mediators that I am not sure what their role is	9/30/2015 11:30 AM
5	The mediators should be familiar with the guidelines. However, it is important that they do not act as a Representative in these cases, which they frequently do. Their knowledge of the statute should only be applied in determining whether or not the proper procedures were followed in good faith. The mediators frequently take it upon themselves to explain their interpretations of the federal guidelines and regulations to Borrowers, even when they are represented. This clearly shows bias and does not make for an impartial mediator.	9/30/2015 10:47 AM
6	yes, they should no them. Unfortunately there is really anything they can do about violations of those guidelines and regulations.	9/30/2015 8:43 AM
7	Mediators need to know, mediators need to understand that this is not a divorce, it is a situation where one side has not made good on their word.	9/29/2015 2:22 PM
8	Without knowing the law, they are just sitting there. They can't help the conversation.	9/29/2015 1:51 PM

Q9 How satisfied are you with the mediators' knowledge of the NPV inputs and test?

Answered: 43 Skipped: 6



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	4.65% 2	11.63% 5	25.58% 11	44.19% 19	13.95% 6	43	3.51

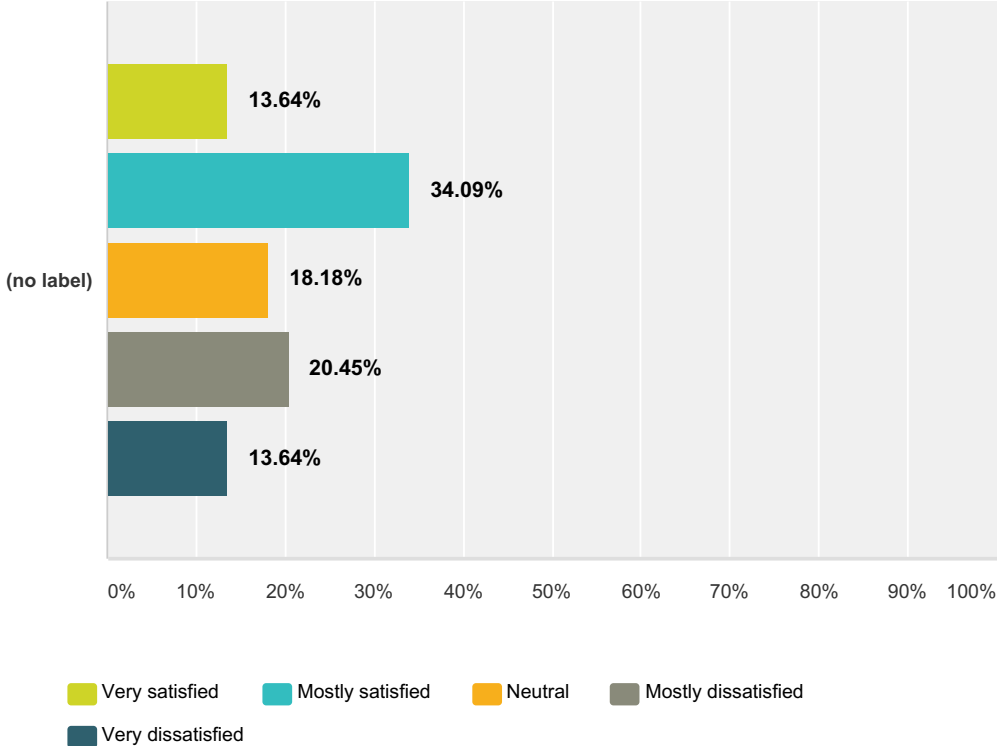
Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	4.00	3.51	1.02

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	There is a lack of uniformity regarding what documents need to be produced in order to satisfy the portion of the statute dealing with NPV inputs.	10/7/2015 4:05 PM
2	It seems difficult for some mediators to understand that a lot of modification programs do not use an NPV, therefore, it is not germane to the discussion. Liquidation options never use an NPV.	10/5/2015 11:54 AM
3	Mediators do not understand that certain loans do not use the NPV.	10/1/2015 3:30 PM
4	It has been my experience that the NPV is hardly discussed during the mediation process.	10/1/2015 9:29 AM
5	They check a box and threaten lack of good faith.	9/30/2015 6:33 PM
6	mediators are unwilling to challenge inputs.	9/30/2015 2:43 PM
7	None of it was even used in the process, other than simply going through the motion to check the boxes to show that it was.	9/30/2015 12:20 PM
8	Often for in house loan modifications NPVs are not ran. In instances where a mediator requires an NPV on these, it causes for a delay and confusion of the lender, which causes for a delay of the certification process.	9/30/2015 11:55 AM
9	This is a constant source of problems. Some mediators think it is required for the lender to run an NPV test and insist on receiving same, even if the lender does not use an NPV test in making a decision. Also, the correct answers for NPV questions 1, 2 and 3 on the certificates are a regular concern. Many mediators think that a "yes" answer to all three questions is needed for a "good" result. The wording of question #3 is awkward and leads to confusion.	9/30/2015 11:50 AM
10	Most mediator do not understand the test.	9/30/2015 10:52 AM
11	The Mediator's rely on the NPV test to the detriment of the mediation frequently. They do not understand the relevance of the test or that the NPV is frequently not a factor in the Beneficiary's decision. Additionally, the statute only requires inputs to be provided but some mediators REQUIRE the tests or threaten bad faith, even when the entire mediation has been conducted and shown to not rely on the NPV at all.	9/30/2015 10:47 AM
12	NPV not relevant in this case yet we were required to submit it anyway	9/30/2015 10:45 AM
13	Mediators don't seem to care that half of the NPV inputs are "???" or missing inputs. I have yet to have a mediator who can understand what the NPV says, so the bank is free to make up whatever it wants to in order to justify its decision to foreclose and not work with the borrower.	9/30/2015 10:24 AM
14	Whereas, the NPV calculation are largely subjective and several variables are set independently by the servicers other than the basic income/expense calculations and home value the mediators don't play a large role in the NPV analysis. Further, and again in the event of any dispute related to the values the mediator's have no effective method to deter bad faith actions of beneficiaries. Mediator hands are somewhat tied because to issue a certification of bad faith against the beneficiary is not in the best interest of the borrower, because the beneficiary's alternative is to seek judicial foreclosure where a deficiency judgment can be sought and the homeowner's then have to go to the expense of engaging an attorney to defend against any unfair/deceptive misconduct and/or patently unlawful behavior.	9/30/2015 8:43 AM
15	in my experience the NPV is rarely a deciding factor so it is not as important as knowing the FFA and Federal guidelines	9/30/2015 7:46 AM
16	NPV is normally a non-starter, used to be a determining factor, not anymore. Mediator must	9/29/2015 2:22 PM
17	I think they should have neutral information about the NPV inputs and/or demand to know why a lender chooses the NPV inputs that deviate from that. Much of the NPV is arbitrary and the mediations should be about documenting why choices are made for those inputs - especially when they hurt the borrowers.	9/29/2015 1:47 PM

Q10 How satisfied are you with the timelines of the mediations you participated in (from referral, to mediator assignment, to document exchange, to session(s), to certification)?

Answered: 44 Skipped: 5



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	13.64% 6	34.09% 15	18.18% 8	20.45% 9	13.64% 6	44	2.86

Borrower & Beneficiary Representatives Satisfaction with the FFA

Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	3.00	2.86	1.27

#	Comments	Date
1	While many mediations are resolved in a reasonable amount of time, there are far too many that fail to reach a resolution within one year or two or more. There is a lack of uniformity regarding an acceptable timeline for a mediation to remain open without a resolution being reached.	10/7/2015 4:05 PM
2	Again, this completely varies depending on the mediator. Some mediators are very communicative, and some completely disappear and we have to get Commerce involved. It actually happens all too often that mediators let cases lag on, with no response to emails, and no help actually facilitating a document exchange.	10/5/2015 11:54 AM
3	The seventy day window seems a little tight for most full packets and full review.	10/5/2015 10:18 AM
4	The problem with the timelines is adherence. Borrowers have a difficult time meeting the demands of documents required. Beneficiaries take a long time to review docs and often they require extra documents and by time they are received and processed it is discovered that initial forms expire and the process has to start over.	10/1/2015 9:29 AM
5	70 days is 70 days people.	9/30/2015 6:33 PM
6	With the exception of one mediator.	9/30/2015 2:43 PM
7	Mediators are very lenient with Borrower document submissions and will sometimes wait MONTHS for a Borrower to submit documents and then wonder why a beneficiary cannot provide a review within a few days.	9/30/2015 10:47 AM
8	Again, this is mostly statute related, however in today's digital world of essential instant communication, the limitation for homeowners only being able to obtain a referral into the program up to 20 days after issuance of the Notice of Trustee Sale is simply absurd, at a minimum the opportunity for homeowners to be referred into the program should be the same as the deadline for filing & service of a Complaint & Motion to Restrain a sale under 61.24.130(2) - (5 days before the sale). It is also absurd that the program is limited to only the original borrower who continues to occupy the property as a primary residence. There are many instances where a workout would be to the best benefit to ALL parties (homeowner, servicer, investor, true beneficiary, surrounding community, municipality, etc.), however the homeowner is denied because the party seeking referral is not the original borrower or the property is not currently a primary residence. Mediator assignment is efficient and seems to work well, the document exchange timelines are rarely adhered to on the part of the beneficiary, however for the mediator to issue a certification of bad faith against the beneficiary is not in the best interest of the borrower, because the beneficiary's alternative is to seek judicial foreclosure where a deficiency judgment can be sought and the homeowner's then have to go to the expense of engaging an attorney to defend against any unfair/deceptive misconduct and/or patently unlawful behavior. There are several instances where the lengthy delays by the beneficiary cause the homeowners arrearages to increase to the point where the financial analysis that may have resulted in a workout no longer work. Due to beneficiary/servicers setting internal timelines/deadlines that in no way take into consideration the FFA program and further not including homeowner representatives in the chain of communications the sessions are commonly ineffective and need to be rescheduled due to additional document requests or the beneficiary being unprepared. The timeline for certification from the mediator seems to be ok.	9/30/2015 8:43 AM
9	Mediators let the process drag on for years, ensuring the client will lose the home in the long run.	9/29/2015 2:22 PM
10	Continuances are necessary most of the time so as not to avoid a session that is largely useless. While I want beneficiaries to be more timely in their evaluations, the mediators won't do anything about the delays most of the time so I agree to continuances because I want my clients to be properly reviewed. I think Commerce's pressure on mediators to get the sessions done is improper and causes unnecessary problems. Let the mediators and the parties work it out and decide what needs to be done without Commerce applying pressure. Strict adherences to timelines for no reason other than adhering helps no one.	9/29/2015 2:04 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

11

Getting mediators assigned and mediations scheduled goes well each time.

9/29/2015 1:51 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

Q11 If you are not satisfied with the timelines of your current/past mediations, please provide suggestions for improvement.

Answered: 17 Skipped: 32

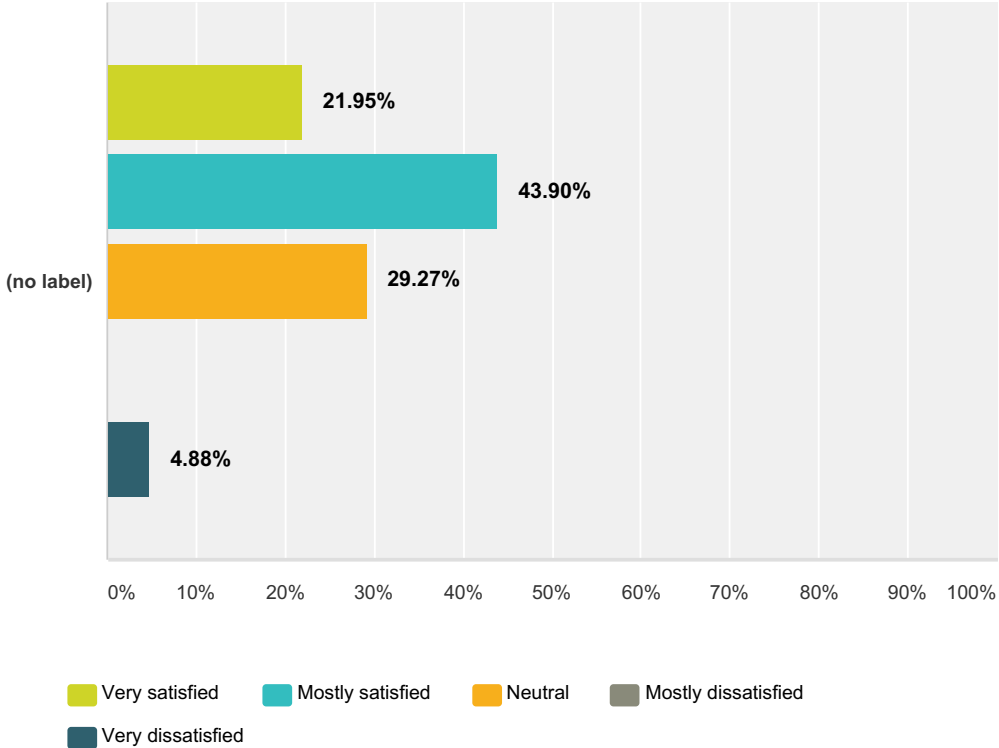
#	Responses	Date
1	If the loan modification review fails to be completed in a reasonable amount of time, the party responsible should be held in bad faith rather than repeatedly agreeing to continuing the mediation.	10/7/2015 4:05 PM
2	I suggest all mediations be scheduled through a DRC, regardless of the mediator.	10/5/2015 11:54 AM
3	I would suggest beneficiary disclosure of when it has a full packet and that if it is missing anything that it be required to notify mediator and counsel at least 45 days before mediation.	10/5/2015 10:18 AM
4	Borrowers documents should be provided sooner. They know they will be participating in a mediation before the case is referred to mediation and should already have the documents ready.	10/1/2015 3:30 PM
5	The mediators allowed the borrowers to unreasonably delay the process.	9/30/2015 8:15 PM
6	Complete the process in the 70 days the statute contemplates	9/30/2015 6:33 PM
7	Sometimes I want to delay the mediation as long as possible but at other times we want the 70 day rule to be enforced.	9/30/2015 2:43 PM
8	use the 3 hours available	9/30/2015 1:09 PM
9	continuations should be limited to another 70 days, not unlimited	9/30/2015 12:25 PM
10	adhere to FFA guidelines would be a good start	9/30/2015 11:30 AM
11	Automatic follow up and triggers from Commerce	9/30/2015 10:52 AM
12	OVERSIGHT! There needs to be an actual department in charge of mediations and making sure that ALL mediators follow the same rules, have the same fees and have the same timelines.	9/30/2015 10:47 AM
13	Faster	9/30/2015 10:45 AM
14	The statutory timelines were ignored by borrower and mediator.	9/30/2015 10:27 AM
15	Revise the referral timelines to be, at a minimum, available up to 5 days before the sale date, but really in today world of digital communication it should be at any time prior to the sale be finalized - the program should further be expanded to include any homeowner not just the original borrower for homes that are that original borrowers primary residence. There should be some way (the easiest is a significant monetary penalty) for the mediators to hold beneficiaries accountable for failing to be prepared- the current bad faith certification is completely ineffective.	9/30/2015 8:43 AM
16	timelines, when not met- close case "in bad faith"	9/29/2015 2:22 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

17	1. Emphasize in mediator training that the requirements of the statute regarding proof of ownership matters. Saying "that sounds like a litigation matters" is completely inappropriate. 2. Commerce needs to promulgate rules that actually adhere to the statutory requirements. 3. Commerce needs to stop pressuring mediators to close out sessions. It's an unnecessary and intrusive involvement that just causes problems.	9/29/2015 2:04 PM
----	---	-------------------

Q12 How satisfied are you with the clarity, completeness, and timeliness of the scheduling notices you receive from the mediators?

Answered: 41 Skipped: 8



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	21.95% 9	43.90% 18	29.27% 12	0.00% 0	4.88% 2	41	2.22

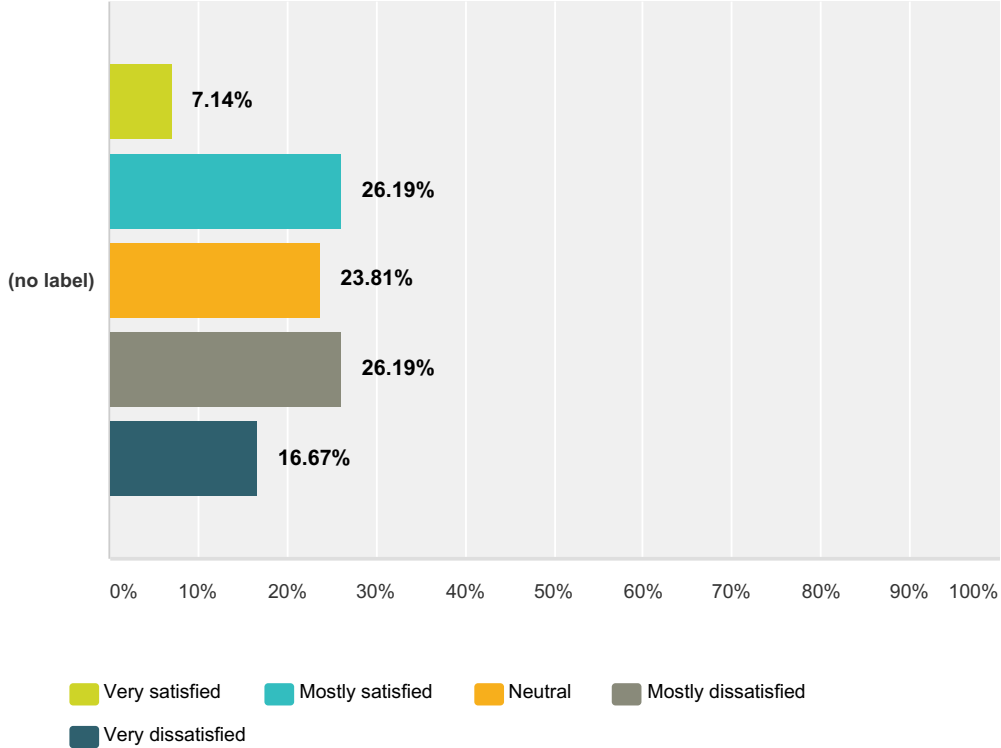
Basic Statistics					
Minimum	Maximum	Median	Mean	Standard Deviation	
1.00	5.00	2.00	2.22	0.95	

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	Some mediators do not clearly state where the mediation will be held or do not decide until very close to the session which makes planning difficult.	9/30/2015 10:58 AM
2	Scheduling is normally completed via email and while complex due to several parties being involved is not any more difficult that scheduling any meeting with 5-6 busy people.	9/30/2015 8:53 AM
3	from the DRC's they are fine, independent mediators generally don't seem to have a professional or formal format for scheduling notices or invoices	9/30/2015 7:59 AM
4	This too varies, depending on Mediator!	9/29/2015 2:30 PM
5	receive very little from mediators directly.	9/29/2015 2:27 PM

Q13 How satisfied are you with the mediators' re-scheduling fees and practices?

Answered: 42 Skipped: 7



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	7.14% 3	26.19% 11	23.81% 10	26.19% 11	16.67% 7	42	3.19

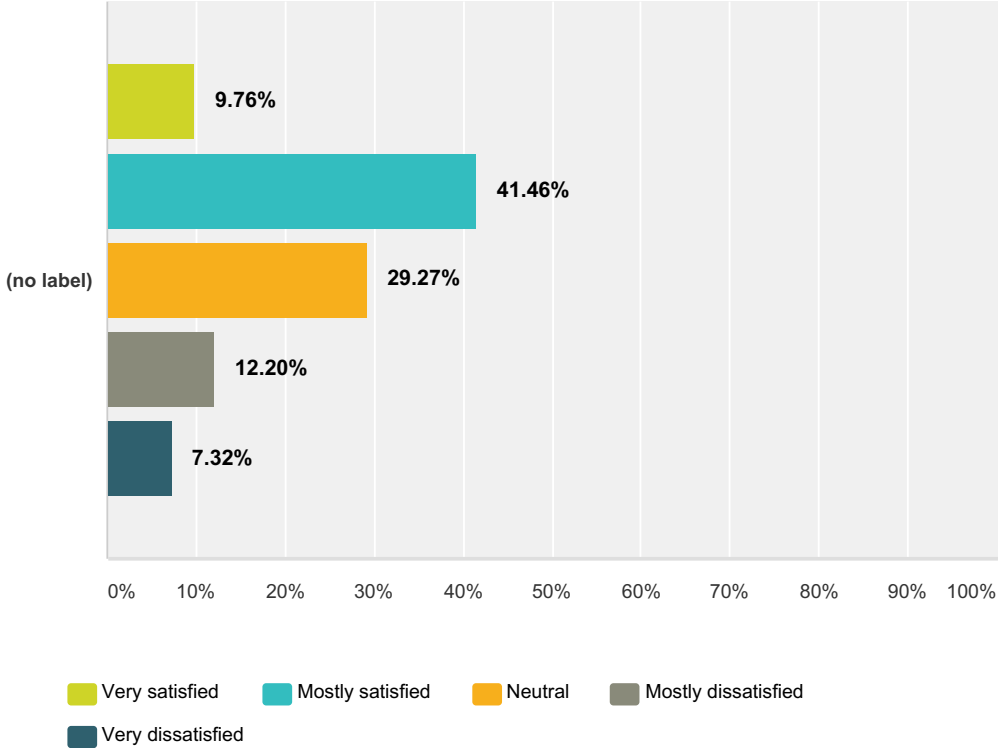
Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	3.00	3.19	1.20

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	There is no consistency. Some mediators charge a full \$200 to reschedule to each party even if the request is made a month in advance. Some mediators force the parties to attend mediation even if the parties agree to reschedule, presumably to charge each party \$200 again.	10/1/2015 3:35 PM
2	The should be universal among ALL mediators. They each have their own fee's and rules for when to charge a full new amount vs. a rescheduling amount.	10/1/2015 10:57 AM
3	Sometimes it seems like there are continuances just so the mediators get more money.	9/30/2015 6:33 PM
4	It is not consistent from one mediator to the next. I find it offensive when there is a 20 minute session at which the beneficiary asks for an update and before a second session will be scheduled the mediator demands another \$400. To me it seems the first \$400 ought to get the client at least 2 or 3 hours of mediation time even if that occurs over more than one session.	9/30/2015 2:49 PM
5	some mediators want to charge \$400 for a rescheduling, the same fee as an initial, moreover they sometimes try to unilaterally reschedule while the statute says any continuation must be agreed to by all parties	9/30/2015 12:26 PM
6	Often the mediators are requiring the lender to pay a full \$400.00 rescheduling fee, covering both the beneficiary costs and the borrowers costs as they feel the hardship should be on the lenders and that all delays are the lenders fault. Often borrowers do not provide their documents in time to allow for a 30-60 day review by the lenders which is required for a complete review. When this occurs and there is no purpose to meet prior to the mediation given the timeline, the mediator then states it is the lenders fault a review is not completed, and that they must pay the entire mediation rescheduling fee. This places the attorneys office in a situation where we must attend a mediation and update that the review isn't completed, as it is more cost efficient to go to an additional mediation verses pay for the entire fee overlay.	9/30/2015 12:01 PM
7	not consistent	9/30/2015 11:31 AM
8	Under the present model Mediators are incentivized to delay and prolong the process	9/30/2015 11:00 AM
9	All mediators have different fees and charges for re-scheduling. Additionally, most mediators abuse their discretion to set additional sessions, especially in cases where a trial loan modification is in place. They require an additional session to be set (or else the beneficiary will face a bad faith ruling) and they require the FULL fee to be paid immediately, even though the plan is to cancel the session because the trial payment plan has been successful.	9/30/2015 10:58 AM
10	Although I understand why mediators have develop practices and several additional fees with the frequency of having to reschedule the sessions due to beneficiary unpreparedness, the homeowner having to pay if they were not the cause is absurd. In many cases the beneficiary's don't object to paying the rescheduling fee, but only if asked. For homeowners who are not represented in the mediation they may not know to ask for the beneficiary to cover the cost and whereas the delay and/or rescheduling is of no fault of the borrower (in many cases) they shouldn't have to pay an additional fee.	9/30/2015 8:53 AM
11	Most stick with Commerce's fee schedule, but others are higher or lower.	9/29/2015 2:30 PM
12	Their fee structure is idiotic- not mediators- mediation organizations.	9/29/2015 2:27 PM

Q14 How satisfied are you with the mediators' decisions whether to allow session re-scheduling?

Answered: 41 Skipped: 8



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	9.76% 4	41.46% 17	29.27% 12	12.20% 5	7.32% 3	41	2.66

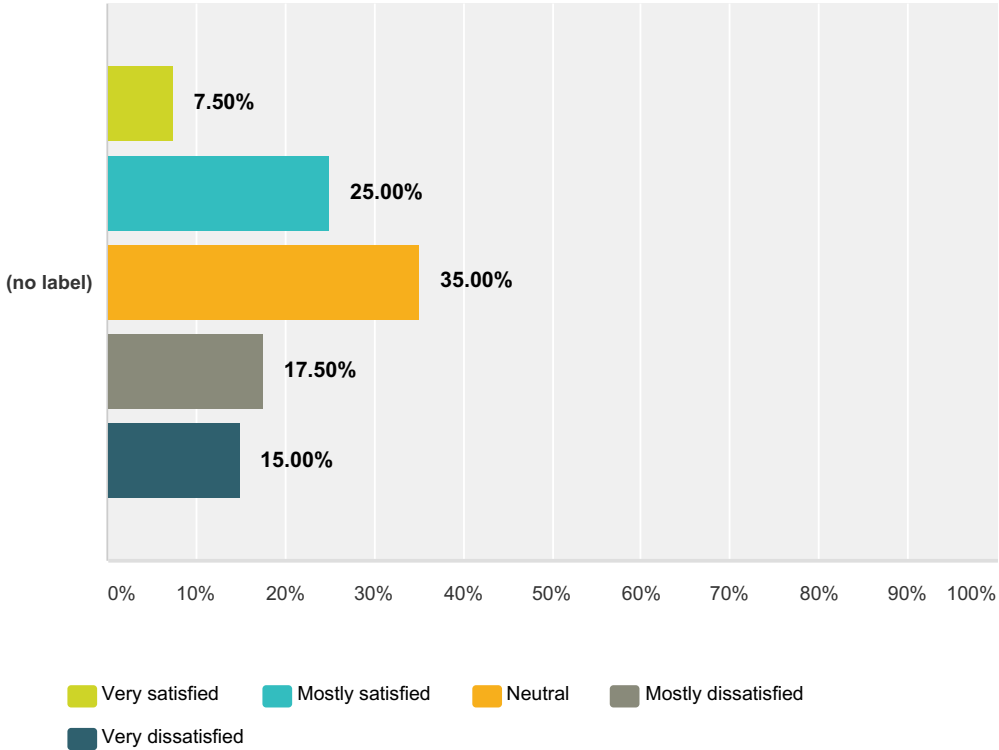
Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	2.00	2.66	1.05

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	Some mediators force the parties to attend mediation even if the parties agree to reschedule, presumably to charge each party \$200 again.	10/1/2015 3:35 PM
2	Multiple continuances and mediations that take over a year are ridiculous.	9/30/2015 6:33 PM
3	Mediators will almost always reschedule the first session. They should have the discretion to reschedule a second session even if all parties do not agree.	9/30/2015 2:49 PM
4	not consistent	9/30/2015 11:31 AM
5	Mediators do not require the Borrowers to stick to the statutory guidelines for document submission. The Mediators then frequently require the mediation to be set in the statutory 70 days but due to late submissions by the borrowers do not allow the Beneficiary 30 days to complete a review. The Mediators then threaten bad faith to the Beneficiary for not having a review complete by the mediation session. The mediators then require very large rescheduling fees and ask that the beneficiary pay the fee for not having a review complete within the mediation deadline, which could not have been followed based on late submissions by the Borrowers.	9/30/2015 10:58 AM
6	The mediator disregarded the statutory time limit and scheduled past the 70 day period over objection.	9/30/2015 10:30 AM
7	I just wish the mediators would exercise their discretion more to schedule another session rather than just blindly follow what the bank wants to do.	9/30/2015 10:26 AM
8	ok	9/29/2015 2:27 PM
9	Once pressured, even the most difficult mediators will agree to continue, but when the parties agree it needs to be done, it is inexcusable for the mediator to be the cause of the problem.	9/29/2015 2:06 PM

Q15 How satisfied are you with the mediators' participation in the document exchange process?

Answered: 40 Skipped: 9



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	7.50% 3	25.00% 10	35.00% 14	17.50% 7	15.00% 6	40	3.08

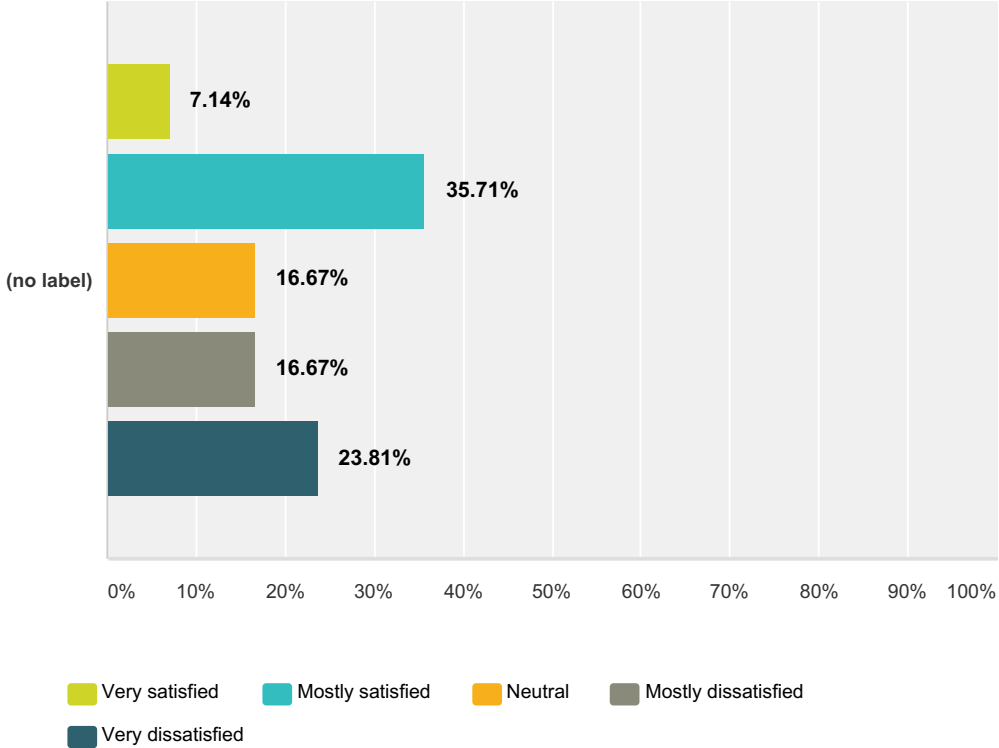
Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	3.00	3.08	1.15

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	There is a lack of uniformity among mediators regarding the interpretation of the statute as to what documents are required to be exchanged.	10/7/2015 4:11 PM
2	Most mediators will not get involved even when one side has been requesting documents for a long time and the other side has not responded. One mediator is great and sets deadlines and is involved.	10/1/2015 3:35 PM
3	Some mediators are very involved and proactive in assuring that flow keeps going. There are others who don't respond except to schedule the session. There should be more communication.	10/1/2015 10:57 AM
4	Mediators aren't actively participating in document exchange or requirement of documents. They seem to just follow the beneficiaries lead. It would be good to have the mediator placing more emphasis to borrowers to support the housing counselors efforts to get docs from the borrowers.	10/1/2015 9:32 AM
5	Mediators will frequently not monitor emails at all until right before the mediation and therefore even when asked will not step in and facilitate document exchange.	9/30/2015 10:58 AM
6	The mediator disregarded the borrower's failure to engage in the document exchange process.	9/30/2015 10:30 AM
7	The lenders just don't act in good faith in exchanging the documents. The mediators don't get involved in this much.	9/30/2015 9:43 AM
8	Completely one sided in favor of the parties claiming to represent the beneficiary.	9/29/2015 2:41 PM
9	nonexistent- mediation organizations get involved when it is time to pay them-	9/29/2015 2:27 PM

Q16 How satisfied are you with the mediators' flexibility in holding both parties equally accountable to the FFA timeline?

Answered: 42 Skipped: 7



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	7.14% 3	35.71% 15	16.67% 7	16.67% 7	23.81% 10	42	3.14

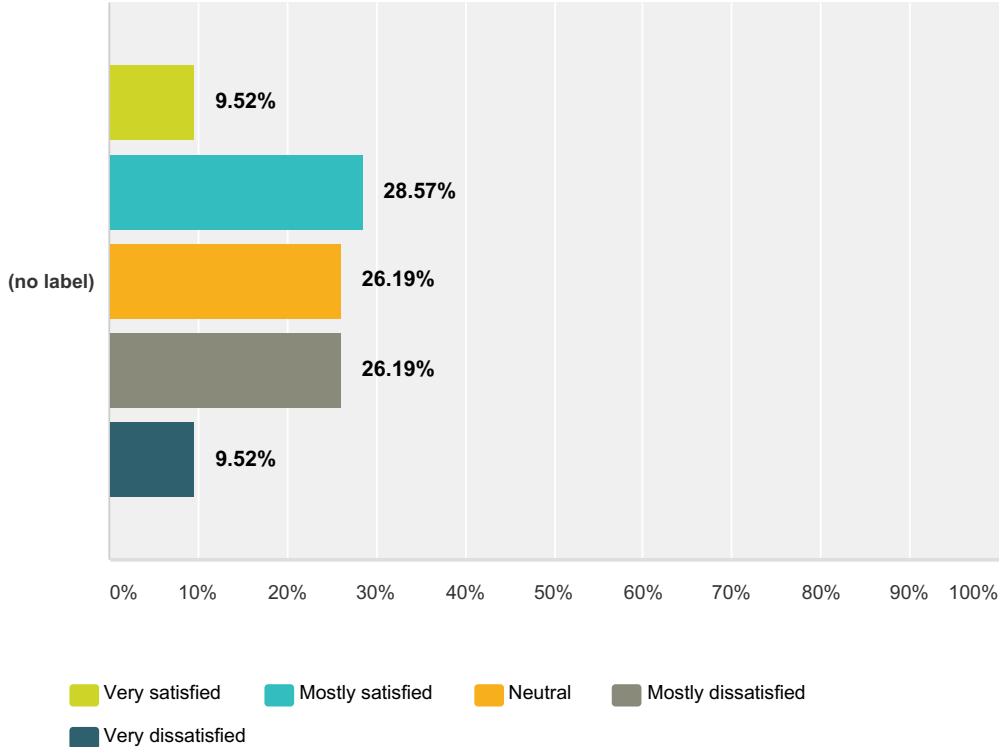
Basic Statistics				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	5.00	3.00	3.14	1.32

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	Borrowers are rarely held accountable.	10/1/2015 3:35 PM
2	Timelines are not generally met due to the beneficiaries not reviewing documents in a timely manner.	10/1/2015 9:32 AM
3	Does not happen. Beneficiaries are threatened with lack of good faith, but borrowers can apply for a loan mod, get denied. Then apply again because they have a renter, get denied. Then apply again because they want a short sale, get denied. Then apply again because they get a new job. What a waste of time!	9/30/2015 6:33 PM
4	It seems like there is a double standard here where time deadlines don't count for much against borrowers but are used as a cudgel against lenders.	9/30/2015 11:52 AM
5	Majority of mediators are borrower biased.	9/30/2015 11:00 AM
6	The Mediators only hold the Beneficiary to timelines which are frequently unreasonable based on late submissions by Borrowers. Mediators allow Borrowers MONTHS to get in documents and do not require the Borrowers submitted any additional documents in a timely fashion, even if the document submission originally was not complete.	9/30/2015 10:58 AM
7	The borrower failed to comply with the FFA timeline without any consequence.	9/30/2015 10:30 AM
8	Homeowners are typically held to a VERY tight timeline standard where there is no accountability for the beneficiaries as I've previously commented.	9/30/2015 8:53 AM
9	enough said	9/29/2015 2:27 PM

Q17 How satisfied are you with the way the mediators conduct the actual sessions?

Answered: 42 Skipped: 7



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	9.52% 4	28.57% 12	26.19% 11	26.19% 11	9.52% 4	42	2.98

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 3.00	Mean 2.98	Standard Deviation 1.14
------------------------	------------------------	-----------------------	---------------------	-----------------------------------

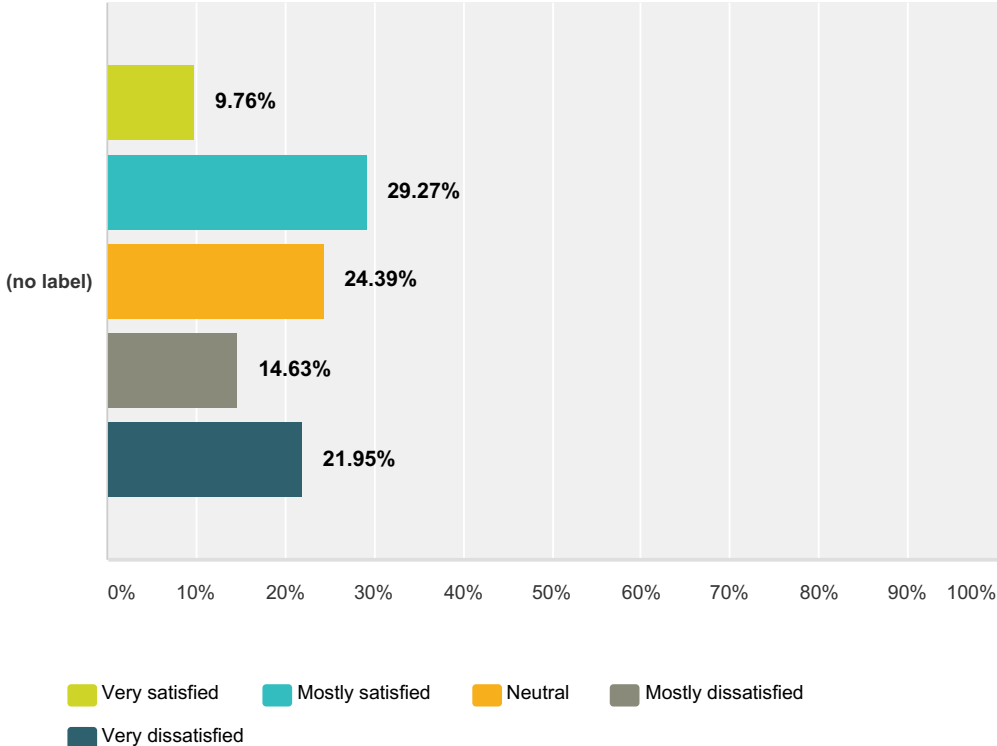
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	Most mediators do not understand the process or the limitations of the programs. Also many mediators, especially in Clark county, think they represent the borrowers when the borrowers do not have representation .	10/1/2015 3:35 PM
2	Most of the time they do nothing but sit and listen. I would appreciate it if they could be more aggressive.	9/30/2015 2:49 PM
3	Again, beneficiaries have too much control	9/30/2015 11:51 AM
4	The Mediators are incredibly biased and act as a Borrower representative.	9/30/2015 10:58 AM
5	Never got to an actual session.	9/30/2015 10:30 AM
6	The FFA in actual practice, favors the parties claiming to be the beneficiaries due to their attorneys going to great time and expense to "capture" the favor of mediation companies.	9/29/2015 2:41 PM
7	This varies greatly between mediators. Some participate with little input and others direct the sessions well.	9/29/2015 2:30 PM
8	ditto	9/29/2015 2:27 PM
9	The good mediators are great but the bad ones are just awful and can be rude and condescending to participants.	9/29/2015 2:06 PM
10	They conduct the sessions fine in that they provide a space and refreshments for the parties, but they don't contribute meaningfully in any way. Opposing counsels and I often have conversations after about how much time was wasted listening to the mediator say things that don't matter at the beginning. The parties don't need 15+ minutes of conduct expectations and asking if everyone has water. We need trained mediators who know the law or at least the very basics.	9/29/2015 1:54 PM

Q18 How satisfied are you with the way mediators certify their cases?

Answered: 41 Skipped: 8



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	9.76% 4	29.27% 12	24.39% 10	14.63% 6	21.95% 9	41	3.10

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 3.00	Mean 3.10	Standard Deviation 1.30
------------------------	------------------------	-----------------------	---------------------	-----------------------------------

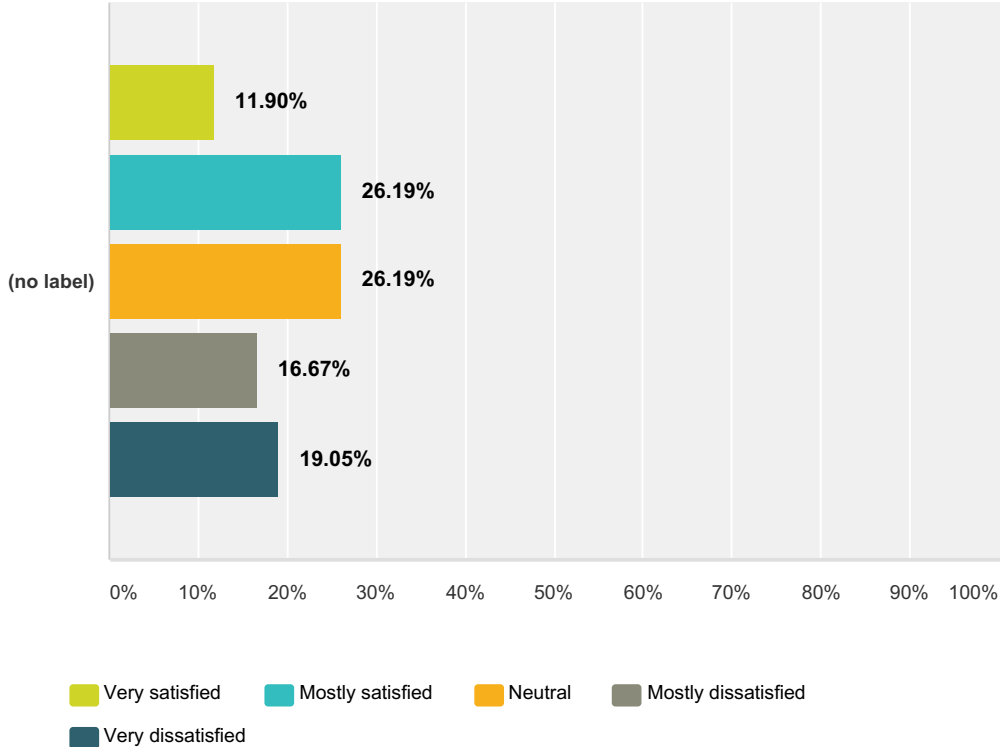
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	Mediators refuse to find borrowers lacking good faith even when it is clear, they failed to pay the fee, provide documents or even appear. However, they will find the beneficiary lacking good faith at the drop of the hat and for no statutory reason.	10/1/2015 3:35 PM
2	Sometimes it takes 2 or 3 months but most of the time I am happy for the delay.	9/30/2015 2:49 PM
3	They just repeated what the lender's attorney advised them	9/30/2015 12:22 PM
4	I would be happier if the mediators paid more attention to factually correct responses for NPV questions 1, 2 and 3.	9/30/2015 11:52 AM
5	not timely	9/30/2015 11:31 AM
6	Many times CERT are held for an unexplained period of time post session closing.	9/30/2015 11:00 AM
7	Many Mediators feel that the only way good faith can be issued is if a loan modification is offered.	9/30/2015 10:58 AM
8	The mediator ignored the file and all correspondence. It was handled by his secretary, who quite properly did not engage in the certifications, but the mediator did not pay attention to the file either.	9/30/2015 10:30 AM
9	Mediators seem to be terrified to certify in bad faith. If a bank is telling a homeowner that they are going to get foreclosed on and they refuse to review them for any possible alternative, that's bad faith. It's one thing if the foreclosure alternatives are exhausted, but too often beneficiaries will just claim there's nothing they can do without ever explaining what they actually did.	9/30/2015 10:26 AM
10	Mediators will extremely rarely issue a bad faith certification no matter the conduct that occurs by beneficiary, because forcing the beneficiary into a judicial foreclosure where a deficiency judgment can be sought is rarely a benefit to the homeowners.	9/30/2015 8:53 AM
11	Blind reliance of the beneficiary declaration and lack of accurate monies owed, cuts the whole program off at it's knees. The FFA is largely considered just a "speed bump" for homeowners being improperly foreclosed on.	9/29/2015 2:41 PM
12	more of the same	9/29/2015 2:27 PM
13	Snohomish mediators seem more interested in collecting fees than holding the loan servicers accountable for bad behavior.	9/29/2015 2:18 PM

Q19 How satisfied are you with the mediators' impartiality?

Answered: 42 Skipped: 7



	Very satisfied (1)	Mostly satisfied (2)	Neutral (3)	Mostly dissatisfied (4)	Very dissatisfied (5)	Total	Weighted Average
(no label)	11.90% 5	26.19% 11	26.19% 11	16.67% 7	19.05% 8	42	3.05

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 3.00	Mean 3.05	Standard Deviation 1.29
-----------------	-----------------	----------------	--------------	----------------------------

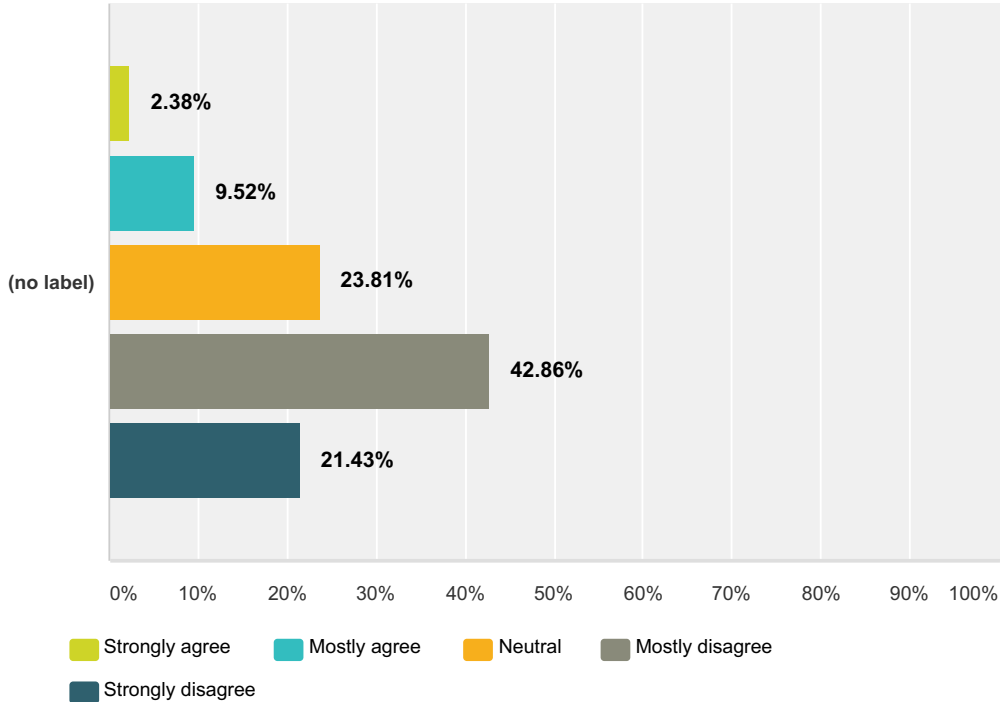
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	Most mediators are too borrower friendly.	10/1/2015 3:35 PM
2	The beneficiary is not required to give the borrower a loan mod that they do not qualify for financially.	9/30/2015 6:33 PM
3	They are not impartial. They favor the home owner, but I am OK with that.	9/30/2015 2:49 PM
4	seemed to be on the banks side	9/30/2015 1:10 PM
5	most appeared biased in favor of the borrower	9/30/2015 12:26 PM
6	Mediators are NOT impartial. This becomes a major issue when a complaint is made and sent to commerce regarding the impartiality as well as that complaint is just forwarded to the mediator which makes for a hostile environment and lack of ability to continue proceeding on a case where the mediator remains neutral.	9/30/2015 12:01 PM
7	Majority of mediators are borrower biased.	9/30/2015 11:00 AM
8	Mediators are very biased with no oversight whatsoever.	9/30/2015 10:58 AM
9	This is subjective and varies from mediator to mediator as with any profession there are good apples and bad apples.	9/30/2015 8:53 AM
10	They clearly rely on "beneficiary" legal council to provide guidance and are now "captured" by the "beneficiary" side.	9/29/2015 2:41 PM
11	That is part of the problem- why does mediation exist? Because one side was not doing their part, fulfilling what they were asked to do through the federal government and the HAMP/other programs.	9/29/2015 2:27 PM

Q20 Mediators should relax document and other deadlines and let the process go at its natural pace.

Answered: 42 Skipped: 7



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	2.38% 1	9.52% 4	23.81% 10	42.86% 18	21.43% 9	42	3.71

Basic Statistics					
Minimum 1.00	Maximum 5.00	Median 4.00	Mean 3.71	Standard Deviation 0.98	

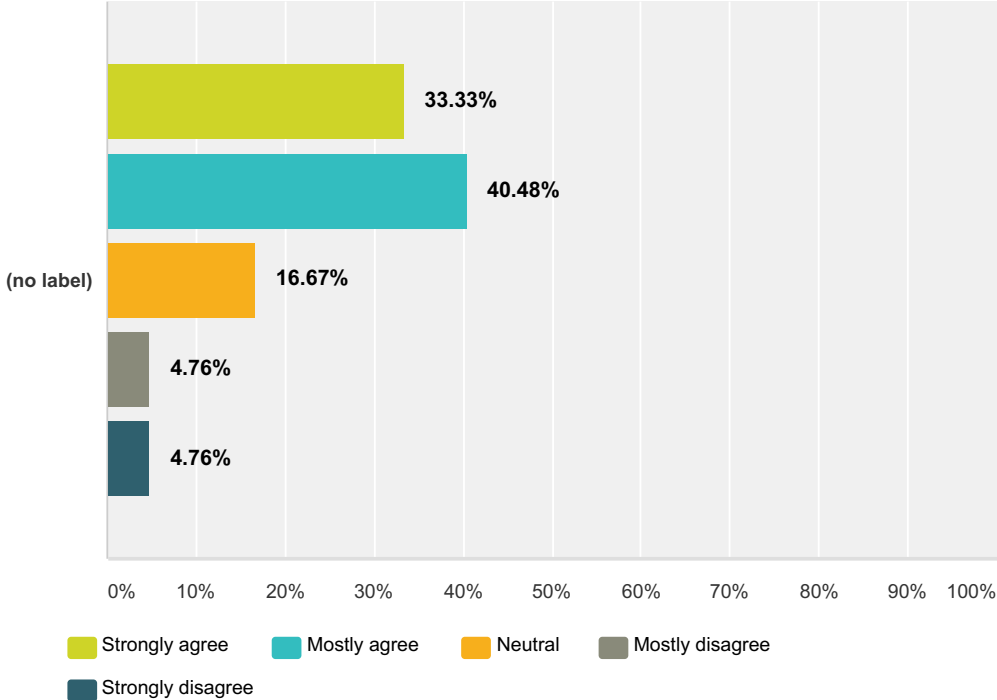
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	I think this is a hard part for the borrower side. Even though I set deadlines with my clients, they sometimes do not get busy unless there is a threat of losing the mediation. I think the mediators handle this really well and it backs up what borrower counsel are urging their clients to do. If you relax this, then it will become unmanageable.	10/5/2015 10:26 AM
2	Relaxing deadlines hurts the homeowner's chances at home retention.	10/2/2015 1:58 PM
3	Then the loan remains in mediation for years with no progress towards a resolution.	10/1/2015 3:37 PM
4	No. Get it done in 70 days.	9/30/2015 6:33 PM
5	Mediator need to strictly enforce the rules for document exchanges.	9/30/2015 2:59 PM
6	Deadlines should be met, however, if a mediator allows a late submission by one party then it should be allowed for both parties and there should be a limit to how many deadlines can be missed. Additionally, if there is something different about a case and all parties are in agreement to postpone or continue a deadline then the mediator should not be the only one to disagree.	9/30/2015 11:11 AM
7	Only if there are legitimate extenuating circumstances!	9/29/2015 2:36 PM
8	So long as the actions of the parties are reasonable in light of the particular circumstances and the parties agree to relaxed deadlines, it serves no purpose to have the mediators be the cause of problems.	9/29/2015 2:14 PM
9	I think the mediators do a good job of being sensitive to borrower's needs.	9/29/2015 1:58 PM

Q21 Mediators should contact both parties prior to session to ensure that they are ready for a productive session.

Answered: 42 Skipped: 7



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	33.33% 14	40.48% 17	16.67% 7	4.76% 2	4.76% 2	42	2.07

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 2.00	Mean 2.07	Standard Deviation 1.06
------------------------	------------------------	-----------------------	---------------------	-----------------------------------

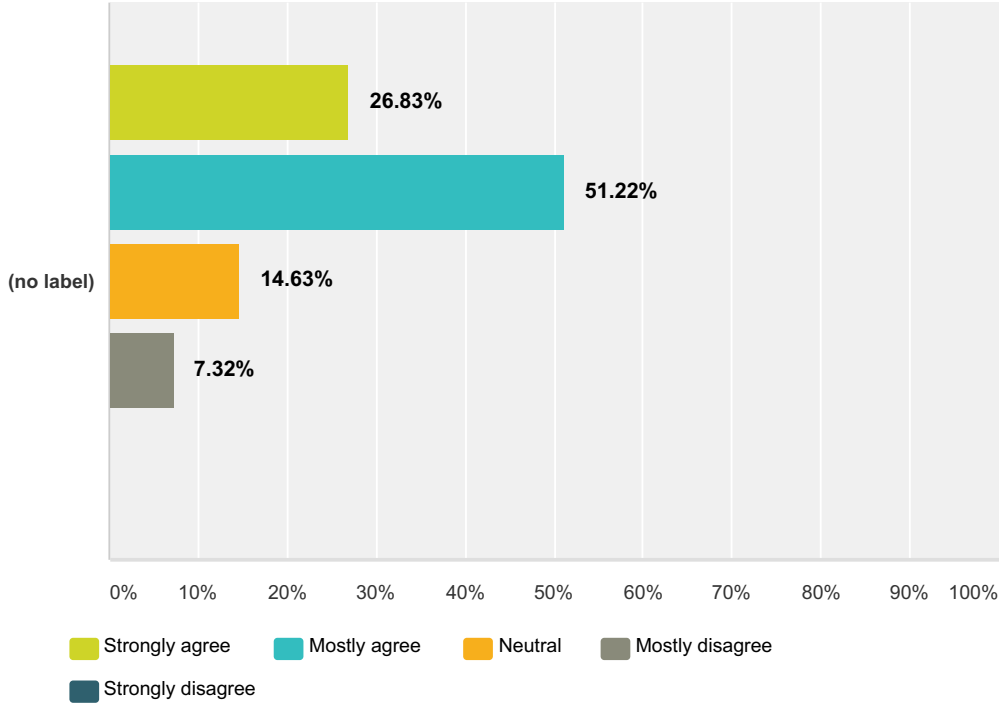
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	DRC does this already.	10/5/2015 10:26 AM
2	Some mediators send an email 1 to 2 weeks prior to the session as a "check-in."	10/1/2015 11:04 AM
3	And no continuances when a borrower has not submitted a single document.	9/30/2015 6:33 PM
4	This would avoid the 20 minute session but as a non-profit housing counseling agency I can bill for a 20 minute session the same amount as for a two hour session.	9/30/2015 2:59 PM
5	they are not babysitters, if parties are not ready it should still go forward	9/30/2015 12:28 PM
6	There should be contact with both sides to ensure they are ready to proceed. However, the contact should be limited and not biased, if there is a reason a side is not prepared it should be investigated and see if deadlines were followed.	9/30/2015 11:11 AM
7	Homeowners have the rights to know that they are negotiating with persons of authority and have accurate numbers to use in the NPV calculations.	9/29/2015 2:45 PM
8	useless	9/29/2015 2:30 PM
9	However, mediators should NOT be contacting represented borrowers directly.	9/29/2015 2:14 PM

Q22 Mediators should set and enforce deadlines for documents exchange.

Answered: 41 Skipped: 8



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	26.83% 11	51.22% 21	14.63% 6	7.32% 3	0.00% 0	41	2.02

Basic Statistics						
Minimum	Maximum	Median	Mean	Standard Deviation		
1.00	4.00	2.00	2.02	0.84		

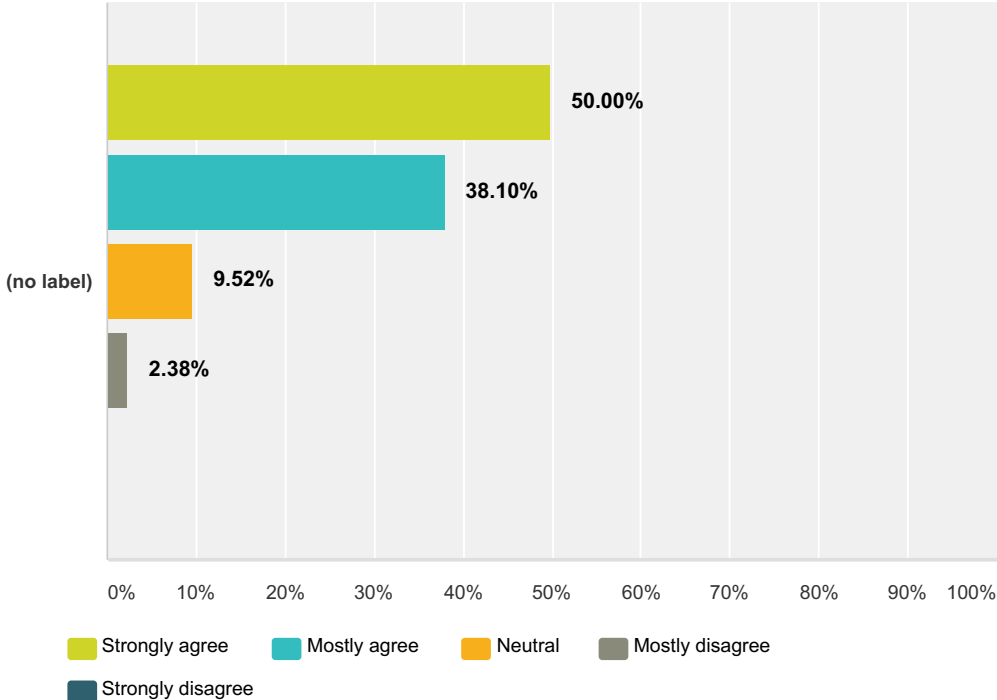
#	Comments	Date
1	The parties should agree to the deadlines and the mediator should hold the parties accountable to agreements reached during mediation.	10/7/2015 4:17 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

2	I think there should be some leeway, but I definitely think the threat should be there.	10/5/2015 10:26 AM
3	emphasis here is on enforce the deadlines.	10/1/2015 9:34 AM
4	Borrowers often delay the process.	9/30/2015 8:22 PM
5	Yes.	9/30/2015 6:33 PM
6	Most of the time it would be the homeowners who are penalized; however they should be required to comply, although I do not know what the enforcement procedure would look like.	9/30/2015 2:59 PM
7	As discussed mediators hand are mostly tied when it comes to holding the beneficiaries accountable.	9/30/2015 9:07 AM
8	of course	9/29/2015 2:30 PM
9	Unless there is egregious bad faith, both parties are usually doing the best they can.	9/29/2015 1:58 PM

Q23 Mediators should clarify consequences if deadlines are missed.

Answered: 42 Skipped: 7



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	50.00% 21	38.10% 16	9.52% 4	2.38% 1	0.00% 0	42	1.64

Basic Statistics						
Minimum	Maximum	Median	Mean	Standard Deviation		
1.00	4.00	1.50	1.64	0.75		

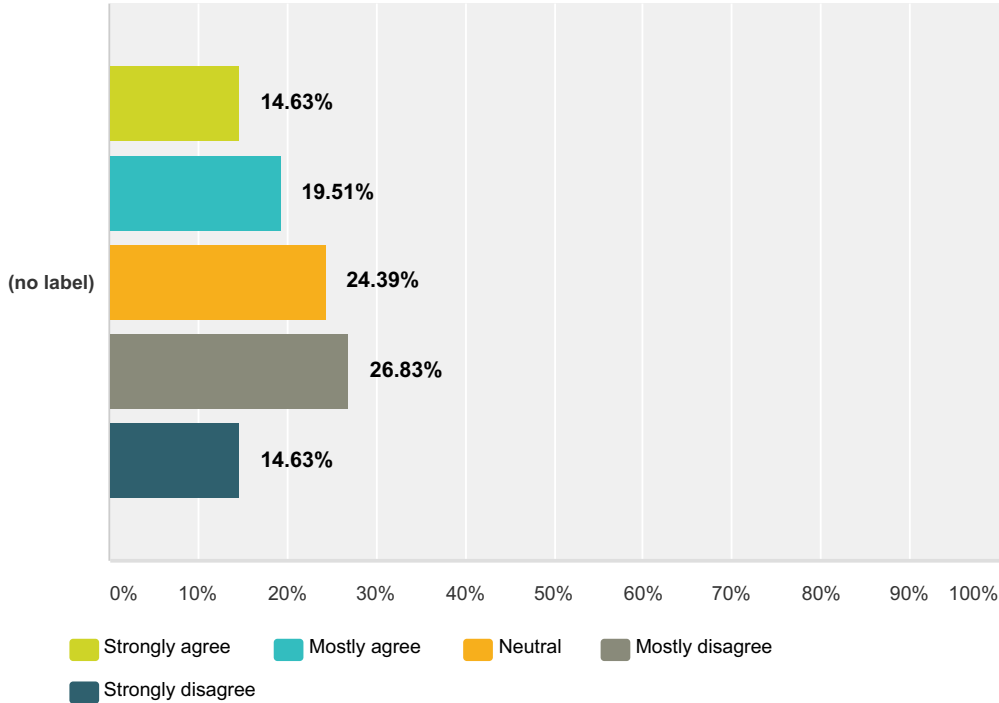
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	Yes! If this was done, then mediations would not drag on forever. When mediations do drag on, it hurts borrowers - they are more delinquent and it is harder to modify their loan.	10/1/2015 3:37 PM
2	to both beneficiary and borrower	10/1/2015 9:34 AM
3	Borrowers have no incentive to meet deadlines. That needs to change.	9/30/2015 8:22 PM
4	Yes. A continuance should not be granted for missing docs (especially if passed the deadline).	9/30/2015 6:33 PM
5	Clarity is always nice	9/30/2015 2:59 PM
6	As discussed mediators hand are mostly tied when it comes to holding the beneficiaries accountable.	9/30/2015 9:07 AM
7	Ditto	9/29/2015 2:30 PM
8	Once agreement is reached on a deadline, there should be a consequence.	9/29/2015 2:14 PM

Q24 Mediators should allow incomplete document exchanges and hold the session to keep the process moving forward.

Answered: 41 Skipped: 8



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	14.63% 6	19.51% 8	24.39% 10	26.83% 11	14.63% 6	41	3.07

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 3.00	Mean 3.07	Standard Deviation 1.28
------------------------	------------------------	-----------------------	---------------------	-----------------------------------

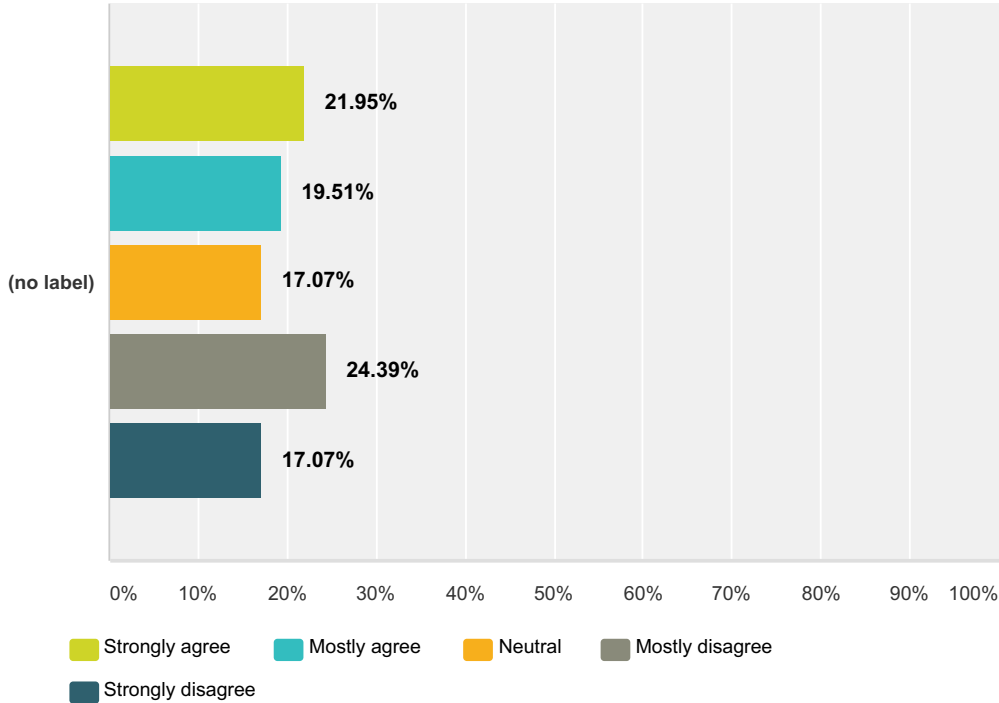
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	If document exchanges are incomplete and one side has been trying and the other side has not, the mediation should be held and certified.	10/1/2015 3:37 PM
2	This depends on whether the missing documents are important.	9/30/2015 8:22 PM
3	No..why...just to discuss the continuance?	9/30/2015 6:33 PM
4	Sometimes.	9/30/2015 2:59 PM
5	This should not happen unless all parties agree. Sometimes some documents are more delayed then others for a valid reason and all parties will agree to allow a delayed and incomplete exchange, but if both parties do not agree it should not be allowed.	9/30/2015 11:11 AM
6	In most cases, this would be of no benefit to anyone.	9/30/2015 9:07 AM
7	Just hold the session	9/29/2015 2:30 PM
8	If the document exchange is incomplete and the parties agree to move the session, then it should be moved. Again, there should be some reasonableness to the process.	9/29/2015 2:14 PM
9	Lenders can't issue decisions without everything they need. Meeting without a full package is a waste of time.	9/29/2015 1:58 PM

Q25 Mediators should only facilitate the discussion, not intervene and change its course.

Answered: 41 Skipped: 8



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	21.95% 9	19.51% 8	17.07% 7	24.39% 10	17.07% 7	41	2.95

Basic Statistics					
Minimum 1.00	Maximum 5.00	Median 3.00	Mean 2.95	Standard Deviation 1.41	

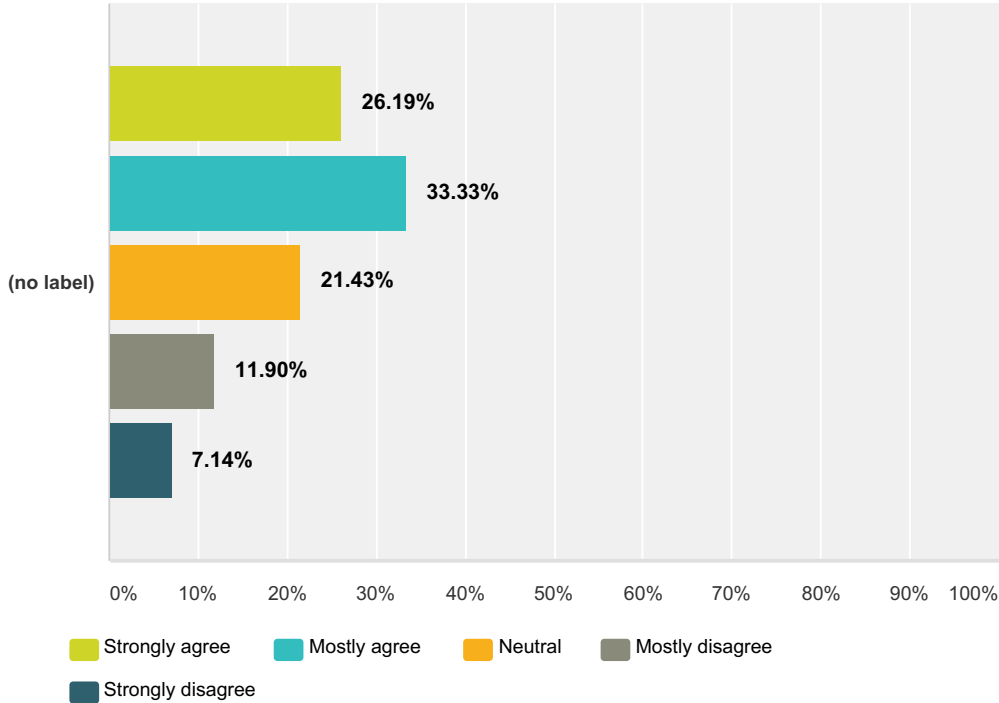
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	I think the mediators know how good mediations go and the borrower, especially if not represented, should have some assistance in making sure the bases are covered even if borrower is unaware procedurally or substantively about its rights.	10/5/2015 10:26 AM
2	Mediators should mostly be quiet if the parties are moving forward with discussions. mediators do not need to understand the numbers.	10/1/2015 3:37 PM
3	Mediators need to actively be participating during the entire session.	10/1/2015 11:04 AM
4	This depends on the skill level of the mediator.	9/30/2015 8:22 PM
5	Mediate..Don't adjudicate.	9/30/2015 6:33 PM
6	I often wish someone could intervene, but mostly what is offered as a modification is set by rules and procedures.	9/30/2015 2:59 PM
7	Mediators are not an advocate for either side. I have been in many mediations where the mediator brings something up that is not relevant to the conversation at hand or has already been dealt with to the satisfaction of both parties but the mediator wants to discuss it further which seems to be completely outside the scope of an impartial mediator.	9/30/2015 11:11 AM
8	The mediators should mediate. The lackluster effort put forth by many mediators in FFA mediations as opposed to a mediation that would normally occur during the course of a lawsuit is appalling. However, I strongly believe this is because there is no effective tool to hold the beneficiaries accountable for unfair/deceptive/bad/unlawful/unethical behavior.	9/30/2015 9:07 AM
9	If a change of course is necessary to uphold the actual FFA law and it's spirit, then they should have the authority to correct the course.	9/29/2015 2:45 PM
10	Sometimes, intervening is necessary!	9/29/2015 2:36 PM
11	This is not your normal mediation	9/29/2015 2:30 PM
12	Snohomish county mediators routinely fail to hold loan servicers accountable for bad behavior.	9/29/2015 2:22 PM
13	The mediators have to make a judgment call about participation in good faith and that means intervening in the process to let everyone know when a "bad faith" finding may be triggered.	9/29/2015 2:14 PM
14	Mediators should take a more active role in being able to hold lenders actually accountable for bad faith.	9/29/2015 1:58 PM

Q26 Mediators should certify “lack of good faith” for any party that doesn’t comply with document deadlines.

Answered: 42 Skipped: 7



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	26.19% 11	33.33% 14	21.43% 9	11.90% 5	7.14% 3	42	2.40

Basic Statistics					
Minimum 1.00	Maximum 5.00	Median 2.00	Mean 2.40	Standard Deviation 1.20	

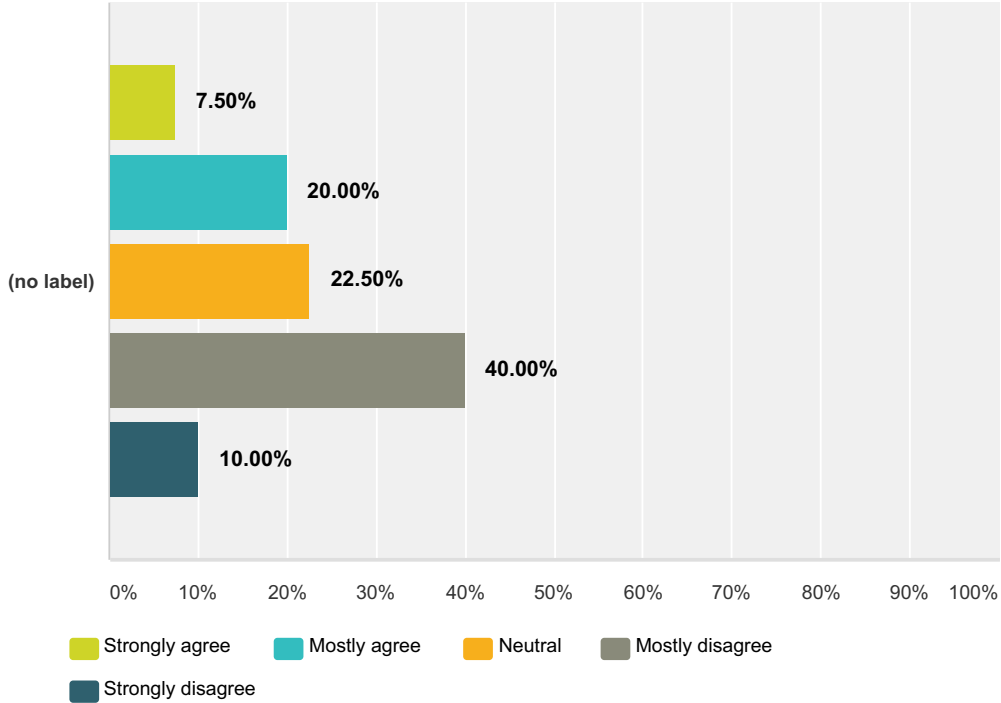
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	I personally only think this should apply to lender side.	10/5/2015 10:26 AM
2	If the missing documents are not overly relevant or helpful, such a certification is too harsh.	9/30/2015 8:22 PM
3	Yes. Keep the process moving.	9/30/2015 6:33 PM
4	In Spokane all the mediator are afraid to certify a beneficiary for lack of good faith. I have seen some very intransigent behavior from beneficiaries and their counsel and I have requested a finding of bad faith a dozen or more times but never has that been granted.	9/30/2015 2:59 PM
5	Bank did not get their documents in but mediator said it was ok....house was foreclosed	9/30/2015 1:12 PM
6	In most cases this should happen unless there is an agreement of the parties.	9/30/2015 11:11 AM
7	Mediators should certify lack of good faith when a party does not participate in good faith.	9/30/2015 11:05 AM
8	Again the failure to act in good faith, even in the event of extreme beneficiary misconduct is likely not in the best interest of the homeowner and is therefore not an effective tool to hold beneficiaries accountable.	9/30/2015 9:07 AM
9	It depends upon the circumstances. It shouldn't be a bright line for either side.	9/29/2015 2:14 PM
10	Sometimes borrowers file with every intention of participating and something unforeseen happens.	9/29/2015 1:58 PM

Q27 Mediators should avoid re-schedules of a first session.

Answered: 40 Skipped: 9



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	7.50% 3	20.00% 8	22.50% 9	40.00% 16	10.00% 4	40	3.25

Basic Statistics						
Minimum	Maximum	Median	Mean	Standard Deviation		
1.00	5.00	3.50	3.25	1.11		

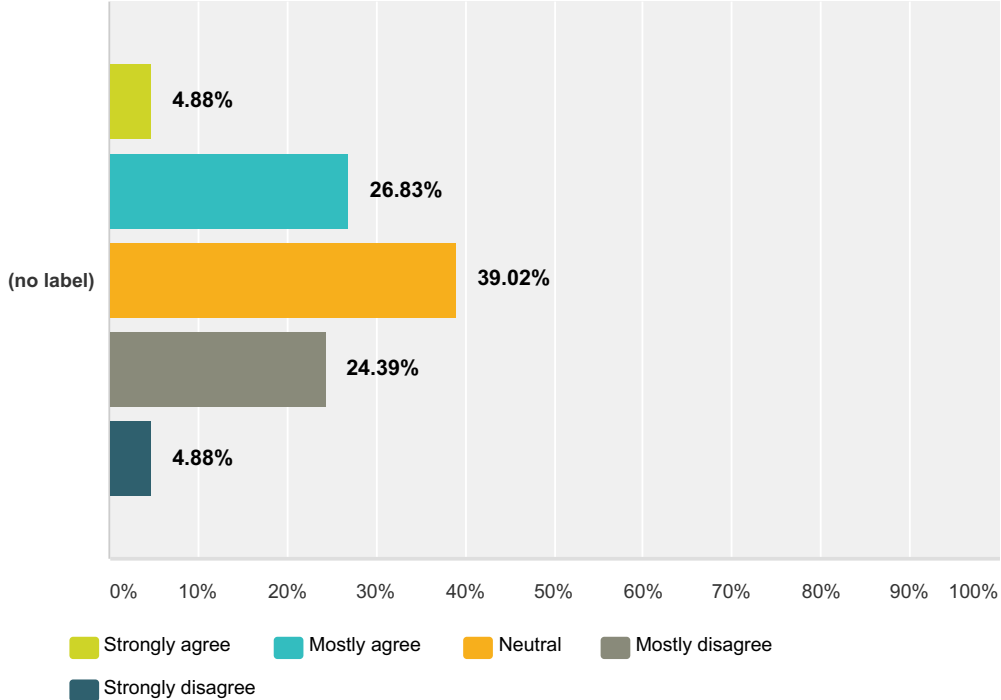
#	Comments	Date
1	If a full packet hasn't been obtained, or more likely, beneficiary hasn't been able to do a review with a full packet, re-schedule should be liberal.	10/5/2015 10:26 AM

Borrower & Beneficiary Representatives Satisfaction with the FFA

2	Scheduling the first mediation is 100% useless and ALWAYS gets re-scheduled. I've seen the first session get postponed up to four times and the DRC gets to collect all those luscious fees!!	10/2/2015 1:58 PM
3	It should be the exception, not the rule.	9/30/2015 6:33 PM
4	First session should be continued anytime it would facilitate the process	9/30/2015 2:59 PM
5	There are many reasons to reschedule a first mediation and if all parties agree it should be done, it should not be just the mediator who wants to meet. For instance, if the borrower has been presented a loan modification offer and has no questions there is no reason to meet at that time.	9/30/2015 11:11 AM
6	There are many moving parts and conducting a session where the parties are not prepared is of no benefit to anyone, however if a session is missed or a party is unprepared without a reasonable cause that party should be penalized and held accountable.	9/30/2015 9:07 AM
7	Most of the time the Servicer does not have a completed review/decision by the time the first session is set.	9/29/2015 2:36 PM
8	depends	9/29/2015 2:30 PM
9	Again, if the parties agree it should be continued, then there is no purpose to requiring a session that will be a waste of time, incurring costs for both sides in attorneys fees.	9/29/2015 2:14 PM

Q28 Mediators should do more teleconferences with the parties, before and after session(s).

Answered: 41 Skipped: 8



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	4.88% 2	26.83% 11	39.02% 16	24.39% 10	4.88% 2	41	2.98

Basic Statistics					
Minimum 1.00	Maximum 5.00	Median 3.00	Mean 2.98	Standard Deviation 0.95	

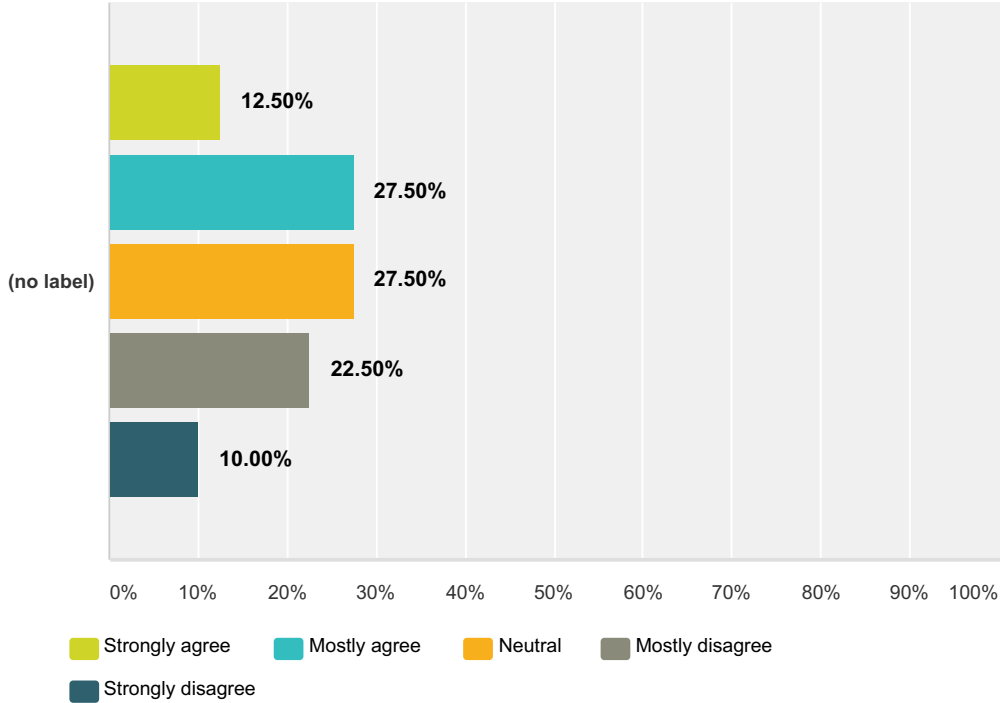
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	Check-in's are good prior to the session to clear any questions that would not require an in-person meeting.	10/1/2015 11:04 AM
2	One live session, then everything else should be by the phone.	9/30/2015 6:33 PM
3	To determine if a matter is ready to be mediated.	9/30/2015 2:59 PM
4	not enough time for any party to do this	9/30/2015 12:28 PM
5	This would sometimes be very helpful, especially when there are delays in document submission and should be done if the mediator chooses to change their decision on good faith.	9/30/2015 11:11 AM
6	why?	9/30/2015 9:07 AM
7	unnecessary	9/29/2015 2:30 PM

Q29 Mediators should evaluate the nature of loan modification offers.

Answered: 40 Skipped: 9



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	12.50% 5	27.50% 11	27.50% 11	22.50% 9	10.00% 4	40	2.90

Basic Statistics						
Minimum	Maximum	Median	Mean	Standard Deviation		
1.00	5.00	3.00	2.90	1.18		

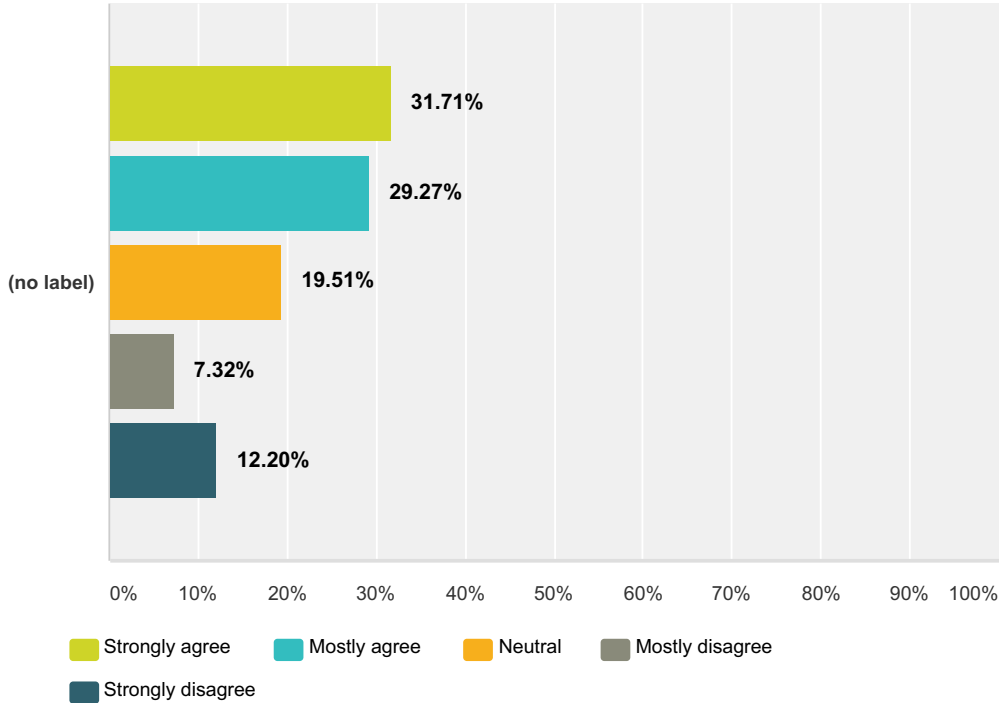
#	Comments	Date
1	I think that is the reason borrowers have counsel.	10/5/2015 10:26 AM

Borrower & Beneficiary Representatives Satisfaction with the FFA

2	It would be nice to know that the mediator actually knew what they talking about, yes.	10/2/2015 1:58 PM
3	Mediators should not be making any decision regarding offers.	10/1/2015 3:37 PM
4	It is not their place. They are there to move the process along, not make a decision.	9/30/2015 6:33 PM
5	That is what the housing counselor/attorneys are for. However if a person is not represented, then the mediator's role could be expanded.	9/30/2015 2:59 PM
6	The Mediator is supposed to be an impartial party there to facilitate a discussion and not to evaluate the quality of an offer given, especially since they are not a party to the offer.	9/30/2015 11:11 AM
7	need more detail to answer modifications can be complex and vary widely what would the mediator "evaluate"?	9/30/2015 9:07 AM
8	Sure	9/29/2015 2:30 PM
9	and short sales. mediation has been a great tool to hold loan servicer accountable in short sales.	9/29/2015 2:22 PM
10	Mediators should care and know about the actual deals on the table.	9/29/2015 1:58 PM

Q30 Mediators should ask for an NPV test in any mediation where home retention is desired.

Answered: 41 Skipped: 8



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	31.71% 13	29.27% 12	19.51% 8	7.32% 3	12.20% 5	41	2.39

Basic Statistics						
Minimum	Maximum	Median	Mean	Standard Deviation		
1.00	5.00	2.00	2.39	1.32		

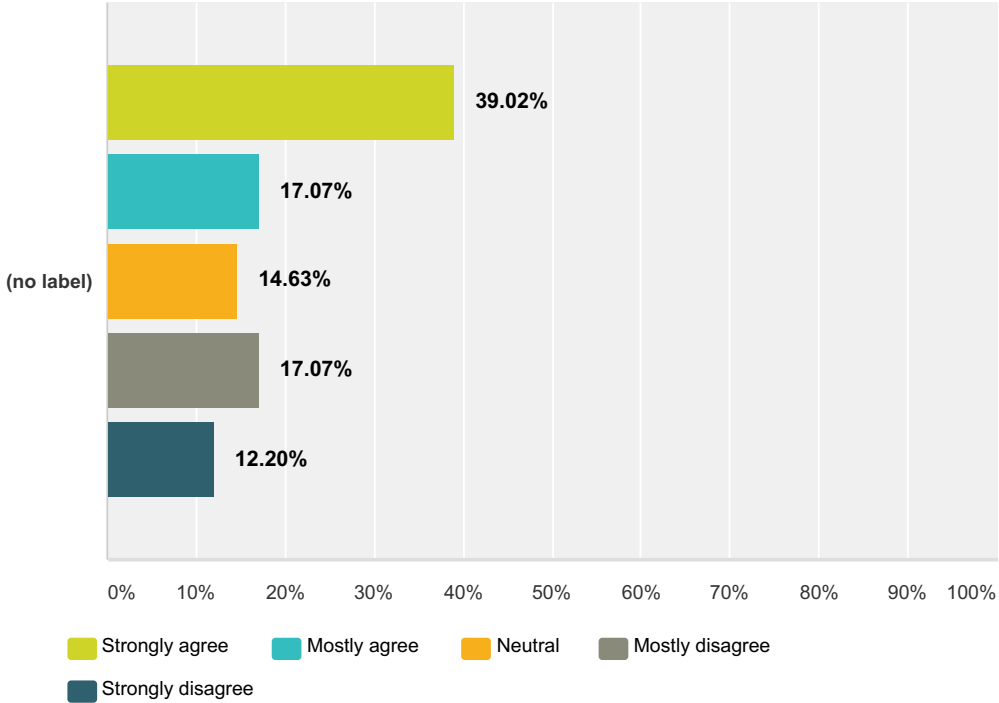
#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	Depends on whether it is necessary to resolution.	9/30/2015 8:22 PM
2	No, sometimes the NPV is not used	9/30/2015 6:33 PM
3	That is what the rules say, except for FHA loans	9/30/2015 2:59 PM
4	even if NPV is negative a mod still does not need to be offered so focus on this is misplaced and they can run their own	9/30/2015 12:28 PM
5	The inputs are statutorily required, but not always applicable to the mediation. A Test is not required by the statute, which mediators frequently do not understand. Additionally, the statute does not require the beneficiary to use a NPV test nor does the mediator getting a different result control what the Beneficiary does regarding potential loan modifications.	9/30/2015 11:11 AM
6	Not all loans require an NPV test to be completed as a basis of retention review	9/30/2015 11:05 AM
7	There are commonly obvious errors or inaccurate values on the NPV spreadsheets.	9/30/2015 9:07 AM
8	If there is not an offer on the table.	9/29/2015 3:52 PM
9	Still depends	9/29/2015 2:30 PM

Q31 Mediators should ask for proof of waiver requests to PSA or investor restrictions in any mediation where home retention is desired.

Answered: 41 Skipped: 8



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	39.02% 16	17.07% 7	14.63% 6	17.07% 7	12.20% 5	41	2.46

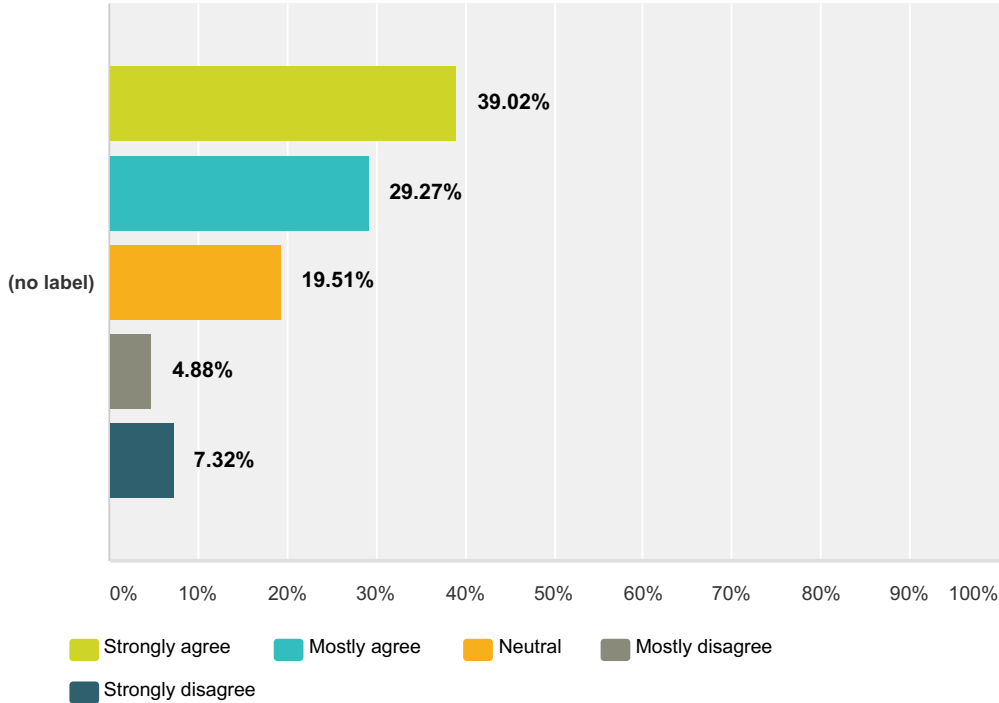
Basic Statistics				
Minimum 1.00	Maximum 5.00	Median 2.00	Mean 2.46	Standard Deviation 1.45

Borrower & Beneficiary Representatives Satisfaction with the FFA

#	Comments	Date
1	Why is such an obvious question even being asked?	10/2/2015 1:58 PM
2	Yes, this is key. We need to have proof that the servicer indeed asked for a waiver of any guidelines that may hinder a borrower from being evaluated.	10/1/2015 11:04 AM
3	This can be cumbersome and time consuming. The lender (or investor) has no obligation to modify the loan contract.	9/30/2015 8:22 PM
4	No, only if it is relied upon as an exception by the beneficiary.	9/30/2015 6:33 PM
5	not an issue for me.	9/30/2015 2:59 PM
6	again, not binding in court	9/30/2015 12:28 PM
7	This requirement is overly broad and turns into a big "gotcha" game. Any aspect of the lenders information processing and decision making can be subject to a "waiver" request.	9/30/2015 11:56 AM
8	That is only required when the PSA or investor restriction is the reason for a denial. To require it in every case where home retention is require is unnecessary and irrelevant.	9/30/2015 11:11 AM
9	No. Only required if necessary to be obtained due to investor limitation as basis for denial.	9/30/2015 11:05 AM
10	THIS IS WHAT THE LAW REQUIRES!	9/30/2015 10:27 AM
11	This just makes sense to ensure that all actions are being taken to achieve the goal of a workout.	9/30/2015 9:07 AM
12	When necessary	9/29/2015 2:30 PM
13	This shouldn't even be a question. It is a requirement of the statute and the fact that Commerce is asking this question demonstrates the fact that Commerce is not requiring adherence to the statute.	9/29/2015 2:14 PM

Q32 Mediators should cancel the mediation and certify “lack of good faith” all non-responsive borrowers.

Answered: 41 Skipped: 8



	Strongly agree (1)	Mostly agree (2)	Neutral (3)	Mostly disagree (4)	Strongly disagree (5)	Total	Weighted Average
(no label)	39.02% 16	29.27% 12	19.51% 8	4.88% 2	7.32% 3	41	2.12

Basic Statistics

Minimum 1.00	Maximum 5.00	Median 2.00	Mean 2.12	Standard Deviation 1.19
------------------------	------------------------	-----------------------	---------------------	-----------------------------------

#	Comments	Date
---	----------	------

Borrower & Beneficiary Representatives Satisfaction with the FFA

1	They should try all means, phone, email, and letter mailing before issuance.	10/1/2015 11:04 AM
2	ABSOLUTELY. Miss the deadline and they are out.	9/30/2015 6:33 PM
3	I think the mediators handle this problem well. Often a second chance is given and that is appropriate.	9/30/2015 2:59 PM
4	If a Borrower does not participate in the mediation or follow the guideline the Beneficiary should be able to proceed.	9/30/2015 11:11 AM
5	Agreed if borrower is non communicative and not participating in the process.	9/30/2015 11:05 AM
6	Implementing this one procedure would help this program more than any other action the program designers could take!	9/30/2015 9:45 AM
7	See answer to ? #27. Cancellation is extreme, however at some point that would seem to be the only prudent action.	9/30/2015 9:07 AM
8	Of course	9/29/2015 2:30 PM
9	It depends upon the circumstances, but generally, if after several tries the borrowers or their representative does not respond, that is appropriate.	9/29/2015 2:14 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

Q33 What are your top three expectations of a mediator during a mediation session?

Answered: 28 Skipped: 21

#	Responses	Date
1	impartiality, professionalism, competence	10/7/2015 4:20 PM
2	Set dates, send follow-up reminders of documents, and facilitate the mediation.	10/5/2015 10:27 AM
3	1. only get involved if there is a disagreement or communication breakdown; 2. hold each side to timelines; 3. set timelines	10/1/2015 3:42 PM
4	Impartiality, active communication, knowledgeable of foreclosure process and guidelines	10/1/2015 11:07 AM
5	1. Facilitate the meeting. 2. Actively participate in document exchange.	10/1/2015 9:35 AM
6	prompt/timely completion; impartial; knowledgeable	9/30/2015 8:23 PM
7	Move process along, mediate-don't adjudicate, and act impartially-not goal driven to meet a statistic	9/30/2015 6:33 PM
8	stay neutral, bring the conversation back if it derails, enforce the rules equally	9/30/2015 4:41 PM
9	neutrality; enforcement of rules; knowledge of regulations/rules	9/30/2015 3:23 PM
10	solutions	9/30/2015 1:13 PM
11	neutral, progress forward	9/30/2015 12:29 PM
12	Give each side a chance to present its position, be nonjudgmental and prompt in follow up	9/30/2015 12:00 PM
13	knowledge of case, timeliness and follow up	9/30/2015 11:33 AM
14	Neutrality, Facilitation, unbiased	9/30/2015 11:23 AM
15	Neutral, expedient & competent	9/30/2015 10:49 AM
16	They are prepared.	9/30/2015 10:32 AM
17	Neutrality, knowledge of the FFA, and fairness	9/30/2015 10:28 AM
18	Give a finding of failing to act in good faith if the lender is not dealing in good faith.	9/30/2015 9:47 AM
19	hold parties accountable for document production; even-handed mediation; firm hand to bring the mediation to closure, whether or not successful	9/30/2015 9:47 AM
20	Knowledgeable; reasonable; accountable	9/29/2015 4:03 PM
21	Requiring meaningful adherence to the statute, rational and reasonable approach and a willingness to certify "not in good faith" if the beneficiary is not adhering to the statutory requirements.	9/29/2015 2:56 PM
22	To support and uphold the FFA law and the spirit of the law.	9/29/2015 2:52 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

23	Ensure all parties understand the FFA Mediation process, hold parties accountable within program guidelines, utilize forced second session when necessary.	9/29/2015 2:41 PM
24	hold the loan servicer accountable for bad behavior. issue bad faith instead of tip toeing around the loan servicer	9/29/2015 2:24 PM
25	impartiality, clarity, familiarity with legal requirements	9/29/2015 2:04 PM
26	1. To not waste our time by talking just to talk - if they don't know the laws, just sit back and let the parties discuss 2. To know the servicing guidelines related to the loans at issue 3. To understand	9/29/2015 2:02 PM
27	competency, neutrality and fairness	9/29/2015 2:02 PM
28	to facilitate honest negotiations, compliance with the law and lender guidelines. If a modification is denied the mediator should have clear information from the lender as to why.	9/29/2015 1:51 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

Q34 Can you share a time when a mediator demonstrated impartiality as a facilitator?

Answered: 18 Skipped: 31

#	Responses	Date
1	Never had a bad mediator in an actual mediation.	10/5/2015 10:27 AM
2	finding a beneficiary in bad faith because a borrower was not offered a loan modifcaiton and had children	10/1/2015 3:42 PM
3	No	9/30/2015 8:23 PM
4	The mediators threaten lack of good faith when the beneficiaries do not provide a favorable result to the borrower	9/30/2015 6:33 PM
5	mediators do not get involved in the conversation, they simply reflect back on what the conversation between borrower and lender has been.	9/30/2015 4:41 PM
6	In Spokane we have basically 5-6 mediators, with the same counsel representing the bank on 80% of the cases and a SNAP housing counselor representing the borrower on about 80% of the cases; so we have all become very familiar with one another. Many times the mediator has engaged in ex parte conversations or e-mail communications with only one party.	9/30/2015 3:23 PM
7	yes...bank was not told to get in NPV	9/30/2015 1:13 PM
8	They are impartial most of the time.	9/30/2015 12:00 PM
9	In most cases the mediators have been impartial	9/30/2015 11:57 AM
10	when they began talking about vacations with the attorney in front of the client	9/30/2015 11:33 AM
11	I cannot remember the last time a mediator was completely unbiased in a mediation.	9/30/2015 11:23 AM
12	No	9/30/2015 10:49 AM
13	Anthony Arrington is an excellent mediator who was extremely impartial and professional.	9/30/2015 10:28 AM
14	no	9/30/2015 9:47 AM
15	When they asked the Borrower you are 49 months behind do you really think any lender hould give you a modification?	9/29/2015 4:03 PM
16	Yes - the good mediators do this all of the time and focus on adherence to statutory requirements while using a rational approach to things.	9/29/2015 2:56 PM
17	too many times to count in snohomish.	9/29/2015 2:24 PM
18	I have never had an issue with a mediator struggling with impartiality. They always do a good job of that.	9/29/2015 2:02 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

Q35 Describe what you consider inappropriate mediator behavior.

Answered: 23 Skipped: 26

#	Responses	Date
1	holding mediation open without authority or consent	10/7/2015 4:20 PM
2	Giving a borrower advice, advocating for a borrower	10/1/2015 3:42 PM
3	Lack of impartiality	9/30/2015 8:23 PM
4	Failure to hold both parties responsible for deadlines, multiple continuances so the borrower can try and try and try, openly threatening lack of good faith to force the hand of the beneficiary	9/30/2015 6:33 PM
5	someone who is constantly trying to interpret the conversation and making its own decisions of what should happen.	9/30/2015 4:41 PM
6	Once a mediator talked about a time when he and the beneficiary counsel played golf. I was not bothered by this as the next weekend it might have been me playing golf with the mediator, but when the conversation occurs in front of the home owner they get the wrong idea about the impartiality of the mediator.	9/30/2015 3:23 PM
7	was on banks side	9/30/2015 1:13 PM
8	making legal conclusions and rulings, need to state not their job	9/30/2015 12:29 PM
9	I don't like it when the mediator uses inappropriate body language and makes similar comments when a borrower is complaining about something the lender did or did not do. Most of the time, these complaints are made without the facts being known and it sets a bad tone for the rest of the session.	9/30/2015 12:00 PM
10	When they are too influenced by beneficiary counsel	9/30/2015 11:57 AM
11	oversharing, too friendly with the beneficiary attorney	9/30/2015 11:33 AM
12	Any time the mediator advocates for the Borrower. Including making statements such as "This poor Borrower has been through so much."	9/30/2015 11:23 AM
13	losing neutrality	9/30/2015 10:49 AM
14	Disregard of the file and deadlines	9/30/2015 10:32 AM
15	Not issuing a finding of failing to act in good faith when the lender has not acted in good faith.	9/30/2015 9:47 AM
16	did not experience any	9/30/2015 9:47 AM
17	Telling a borrower before the mediation session even starts "I will not be allowing a second session"	9/29/2015 4:03 PM
18	Refusing to require adherence to the statute. Providing false information on a Certificate. Ignoring a beneficiary representative who absolutely refused to even review a borrower for a modification and for refusing to identify the loan owner.	9/29/2015 2:56 PM
19	Ignoring facts the call into question amounts claimed owed or authority improperly claimed by "beneficiaries"	9/29/2015 2:52 PM
20	Complaining to parties about how their fees do not cover their costs and requiring parties to secure a location to meet.	9/29/2015 2:41 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

21	not enough room here.	9/29/2015 2:24 PM
22	Posting rules on the walls for how parties should behave and making everyone listen to a lecture about them	9/29/2015 2:02 PM
23	A mediator who does not hold a lender to the their obligations and does not help a borrower understand the process.	9/29/2015 1:51 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

Q36 Share a scenario where you wish the mediator would have acted or performed differently.

Answered: 16 Skipped: 33

#	Responses	Date
1	Stepping in when communication breaks down over email or one side has not provided documentation - when the mediator stays silent it only exacerbates the situation.	10/1/2015 3:42 PM
2	Allowing borrowers to dictate timing of the mediation because of their claimed inavailability.	9/30/2015 8:23 PM
3	We have had mediators grant multiple continuances for a borrower to "apply" for a job. We have mediations open for over a year. We have had mediators demand modifications that the borrower does not qualify for. We have had mediators REFUSE to set hearings to get the process moving along.	9/30/2015 6:33 PM
4	My biggest complaint is when a mediator does not schedule a session within the 70 days as required. I have had the first session 6 months or longer after the mediation request.	9/30/2015 3:23 PM
5	The mediator was nodding her head and expressing verbal approval for a borrower making unsubstantiated claims about the lender.	9/30/2015 12:00 PM
6	Where beneficiary refused to make any offer and reinstatement or foreclosure were only options	9/30/2015 11:57 AM
7	In a recent mediation, it was a second session. All parties came to discuss the denial that had been sent a couple weeks prior to the session. The Beneficiary was explaining the denial and the reasons for the denial, the mediator kept interrupting and arguing with the beneficiary about what numbers meant. The denial was not related to the NPV. All documents had been provided. After the Beneficiary explained the reasons for the denial the Borrowers got up and walked out without saying anything to anyone. The Mediator then asked several more questions and then let me client hang up the phone. The mediator then turned on me and started yelling about how the NPV test was not provided, only the inputs and the mediation could not be certified in good faith until I provided a test. Even the co-mediator was uncomfortable with this behavior.	9/30/2015 11:23 AM
8	No	9/30/2015 10:49 AM
9	Certify bad faith when borrower failed to comply with deadlines, and comply with statute regarding scheduling.	9/30/2015 10:32 AM
10	none	9/30/2015 9:47 AM
11	A mediator refused to require the Beneficiary to run the NPV and had they done so there would have been a modification sooner and would have costs the borrower thousands of dollars for less.	9/29/2015 4:03 PM
12	Beneficiary only provided summary of INTERNAL NPV analysis prior to session. At session borrower was told that the INTERNAL NPV was done again and was positive, but still only a summary was provided. Bank nevertheless refused to even review borrower for a loan mod, contending that it was precluded from doing so because borrower filed bankruptcy. When borrower pointed out US Treasury rules that contradicted that assertion, bank still refused to even consider and then indicated for the first time that there was an "investor" that owned the loan. Bank's representative and lawyer both refused to ID the "investor" or to produce the documents that allegedly precluded borrower from being reviewed for loan mod. Mediator did absolutely nothing about it and never required bank to ID "investor" or turnover guidelines. Mediator ran FDIC NPV and it was positive, but didn't print out. Session was a complete waste of time and money and when mediator completed the certificate, refused to make a "not in good faith" finding and falsely stated on the Certificate that the NPV was negative and that "discrepancies had been discussed". It was shameful and an embarrassment to the FFA.	9/29/2015 2:56 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

13	Mediator should have issued a "lack of good faith" cert when the beneficiary failed to complete an approved short sale transaction at closing because they failed to provide the note to escrow so they could close (a note they claimed they possessed in the beneficiary declaration)	9/29/2015 2:52 PM
14	Snomohish DRC Mediators are quick to close mediations and rarely uses their option to force a second session.	9/29/2015 2:41 PM
15	not enough room here.	9/29/2015 2:24 PM
16	See number 35.	9/29/2015 2:02 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

Q37 Share a scenario where the mediator acted in an exemplary way.

Answered: 10 Skipped: 39

#	Responses	Date
1	They are rare, but often times, borrower's counsel will attempt to bully the mediator. Some mediators fall for this and feel bad for borrowers. A select few understand what the borrower's counsel is trying to do and keep things to the FFA.	10/1/2015 3:42 PM
2	I much prefer when attorneys conduct the mediations. They get the point to move the process along. The dispute resolution centers just want a group hug. Attorneys are much better at case management, controlling the "tone" of the hearing, and remaining neutral.	9/30/2015 6:33 PM
3	During a heated conversation between borrower and attorney, mediators were well prepared to intervene and	9/30/2015 4:41 PM
4	most of the time	9/30/2015 3:23 PM
5	N/A	9/30/2015 11:23 AM
6	No	9/30/2015 10:49 AM
7	holding a mediation upon for a very long time while the borrower and loan administrator worked through a process that took way too long but was ultimately successful.	9/30/2015 9:47 AM
8	A specific mediator required the beneficiary to adhere to a deadline and issued a not in good faith when they did not.	9/29/2015 4:03 PM
9	Mediators who require adherence to the statute and who approach often difficult situations with a reasoned and rational response to problem solving. They help get things done - for both sides.	9/29/2015 2:56 PM
10	Jacquie Miller at Puget Sound Mediation is always productive and efficient.	9/29/2015 2:02 PM

Borrower & Beneficiary Representatives Satisfaction with the FFA

Q38 Any other comments?

Answered: 7 Skipped: 42

#	Responses	Date
1	I honestly and truly believe that this process is a delay tactic and a waste of time. The success rate (a loan mod) is abysmal. Why would a borrower pay for this process when it is free if they just call. I encourage borrowers to use the meet and confer to avoid the mess that a mediation becomes and it is also free. I also do not understand why physical presence is a requirement multiple times-once, okay, but for the fourth hearing?	9/30/2015 6:33 PM
2	Oversight of the mediation process and standardization would be VERY helpful for all parties. It would also be helpful if there was a way for a Beneficiary to file a complaint against a mediator that would not be just turned over to the mediator to lead to retaliation later. My office stopped filing complaints because even with email proof of bias the only thing that happened was the complaint was sent to the mediator and then a finding was that there was no evidence to support the bias of the mediator.	9/30/2015 11:23 AM
3	No	9/30/2015 10:49 AM
4	none	9/30/2015 9:47 AM
5	I'm out of time to answer more questions and whereas there is no option to save and comeback to this survey I have to get back to work. Feel free to contact me directly for more information josh@pdnparalegal.com. The program is needed and better than nothing, however there are improvements that could be made.	9/30/2015 9:09 AM
6	Commerce needs to employ people who understand the statute and desire to have adherence, and who understand that the purpose of the statute is to facilitate efforts at homeownership. And if mediators don't want to require adherence to the statutes by the beneficiaries, then they need to resign or be removed.	9/29/2015 2:56 PM
7	The FFA is becoming weaker and weaker over time due the "capturing" that is occurring within the Department of Commerce, the Washington Attorneys General office, and the mediation companies statewide. The beneficiary declarations are proving to be false quite often and should not be relied upon.	9/29/2015 2:52 PM