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**ILLINOIS SUPREME COURT FORMS SPECIAL COMMITTEE TO ENSURE FAIRNESS AND HELP FAMILIES COPE WITH FINANCIAL AND EMOTIONAL BURDENS IN FORECLOSURE PROCEEDINGS**

The Illinois Supreme Court announced on Monday a special committee to study and formulate proposals to help those facing the loss of their homes and improve the judicial process in mortgage foreclosures throughout Illinois.

The proposal was brought to Chief Justice Thomas L. Kilbride and the Supreme Court by Supreme Court Justice Mary Jane Theis, who noted the problem isn't easing. At the end of 2010, there were approximately 70,000 mortgage foreclosure actions pending in Cook County alone.

Chief Justice Kilbride was instrumental in bringing a foreclosure mediation program to Will County and is looking at instituting additional programs in his Third Judicial District across north central Illinois. Cook County has a mediation program that was specifically recognized by the White House at a Washington D.C. conference sponsored by Vice President Joseph Biden's Middle Class Task Force.

"These have been important steps forward for those who are faced with the loss of their homes due to declining home values and our nation's economic crisis, but the problem isn't going away," said Chief Justice Kilbride. "The Supreme Court has a keen interest in programs with the strong promise of achieving timely and lasting resolution to tough problems, and we believe this select Committee can come up with specific solutions to help families cope with the emotional and financial burdens of those facing such a devastating loss."

The Committee consists of 14 persons who have been on the front lines in dealing with the housing crisis, how it affects home-owning families as well as the lenders. They are judges, bankers, lawyers, a law professor and an official from the Illinois Attorney General's office which has joined the nation's other attorneys general in probing alleged abuses by lenders in their foreclosure filings.

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## **Supreme Court Forms Special Committee**

### **Add One**

“While the economy appears to be making some progress the foreclosure crisis remains a serious societal problem,” said Justice Theis. “It is important that the Court try to do what it can to lend some stability and certitude to what is a financially and emotionally chaotic process. Mortgage foreclosure proceedings in Illinois need to be fair, efficient and final—not subject to later legal challenges.

“Many homeowners in foreclosure cases cannot afford to hire a lawyer to represent them. They may not understand the proceedings against them and they don’t know if lenders have taken shortcuts by false documentation. We need to provide protocols that are uniform and exist throughout the state to deal with the explosion of foreclosures that drive down property values and destabilize neighborhoods.”

The Supreme Court’s broad charge to the Committee is to come up with a structure to ensure fair and efficient foreclosure proceedings. To do that, the Court asked the Committee to investigate specific areas:

--Inventory procedures currently in use in Illinois jurisdictions, including Supreme Court rules and local court rules that affect foreclosure proceedings;

--Analyze procedures adopted in other states in response to the unprecedented number of foreclosure filings nationwide;

--Review legislative proposals pending in the Illinois General Assembly that may impact the mortgage foreclosure scheme.

Finally, the Supreme Court asked the Committee to recommend to the Court mortgage foreclosure rules to be implemented statewide.

Circuit Court Judge Lewis M. Nixon, supervising judge of the Mortgage Foreclosure section of the Cook County Circuit Court, will chair the Committee. Other members are:

Associate Judge Mathias W. Delort, Cook County Circuit Court, currently hearing mortgage foreclosure cases;

Circuit Judge Robert G. Gibson, 18<sup>th</sup> Judicial Circuit DuPage County, Wheaton;

John J. Glowinski, senior vice president, First Midwest Bank, Itasca, senior officer responsible for remediation of troubled accounts;

Richard M. Guerard, attorney and partner, Guerard, Kalina & Butkus, Wheaton, a firm concentrating its practice in commercial, banking and real estate law;

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### **Add Two**

Deborah Hagen, Chief, Consumer Protection Division, Illinois Attorney General's office, Springfield, publisher of "Illinois Consumer Protection Law" for the Illinois Institute of Continuing Legal Education;

Richard L. Heavner, attorney, Heavner, Scott, Beyers & Mihlar, a firm concentrating in providing legal services to mortgage lending institutions, and owner of Central Illinois Title Company, Decatur;

Circuit Court Judge Douglas L. Jarman, 4<sup>th</sup> Judicial Circuit, Montgomery County Courthouse, Hillsboro;

Prof. Robert M. Lawless, University of Illinois College of Law, Champaign, teacher of courses including bailouts, bankruptcy, business bankruptcy and consumer law;

Daniel P. Lindsey, supervisory attorney, Home Ownership Preservation Project, Legal Assistance Foundation of Metropolitan Chicago, Chicago;

Retired Cook County Circuit Court Judge Clifford L. Meacham, Chicago;

Associate Judge Darryl B. Simko, Cook County Circuit Court, Mortgage Foreclosure Section;

William F. Smith, attorney, general counsel Home Star Bank, Manteno;

Kevin J. Stine, attorney, Mathis, Marifian & Richter, concentrating in banking law and creditor rights, Belleville.

"This is a committee loaded with expertise and experience," said Chief Justice Kilbride. "It is uniquely qualified to consider all interests in the mortgage foreclosure process – from the homeowner and the lender to the lawyer and judge who must move the vast amount of paperwork to obtain resolution in the court system.

"I am thankful to Justice Theis for her attention to this continuing, seemingly intractable problem; and am confident that the Committee will bring meaningful proposals that can be implemented in the near future."