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Supreme Court of Nevada
C/O Elizabeth Brown,
Office of the Court Clerk
201 S. Court Street, Suite 201
Carson City, Nevada 89701

October 14, 2020

FILED

OCT 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

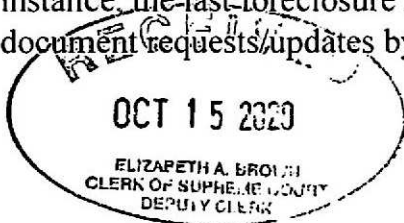
Re: Comments on Proposed Foreclosure Mediation Rule 13

Dear Supreme Court;

I write to express my opinion about the proposed amendment to NFMR 13, which would require all documents to pass through an electronic "portal". I think this is a bad idea for a number of reasons, not the least of which is the fact that this methodology has already been implemented by the Bankruptcy Court, and the participants forced to use it dislike it intensely. Perhaps worse is that some bankruptcy lawyers refuse to take cases which might entail foreclosure mediation. All of the attorneys that I have spoken with, foist the duties of dealing with that portal off on staff members.

Things that lawyers take for granted; like the understanding for government forms, having computer access and the ability to prepare PDF type documents, are generally unavailable to laymen. Most people who appear In Pro Per do not have the kind of internet access and equipment needed to submit everything thru an electronic portal. I frequently ask clients to send me documents electronically and I wind up with pictures of hand written documents taken with Iphones in the 'PNG' file format. Putting unrepresented homeowners through the rigor of an electronic portal will certainly have a negative impact on mediators and the District Courts, which inevitably will try and level the playing fields for unrepresented homeowners who have failed to use it properly.

In Washoe County a significant percentage of Petitions for Foreclosure Mediation Assistance are filed without the benefit of lawyers. The document exchange process is somewhat unworkable already and a portal will just make it worse. For instance, the last foreclosure mediation case which I completed involved multiple document requests/updates by bank counsel.



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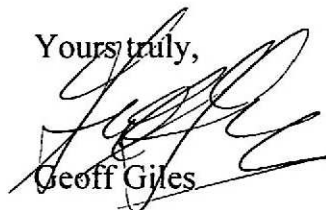
My clients were desperate to keep a roof over their children's heads, so they did not object to all the paperwork. The initial document requests from the lender came in to us on January 8, 2020, were filled out by the homeowners and returned on January 23, 2020. We followed up with additional materials that had been subsequently requested; 2/8/20, 3/6/20, 5/2/20, 7/6/20, 8/3/20 and finally on September 14, 2020, [the day of the actual mediation].

It was hard enough to comply with such a string of demands, much less upload them through some sort of electronic portal. I would estimate that something on the order of 20-30 emails, more or less, went back and forth between my office and that of bank counsel during the course of this case in an attempt to settle the matter.

In another case I handled, I submitted a phone bill on behalf of a client and wrote on the margin that it was for "proof of budget"- the entire package was rejected by the bank because the phone bill was supposed to be submitted as "proof of residence". The bank wanted originals and copies just would not do. That meant starting the whole process over with a new RMA, IRS form 4506T, paystubs, bank statements, contribution letters, etc., because under Fannie/Freddie guidelines documents which are more than a certain age can not be considered. Requiring anyone, including lawyers, to submit all these materials and all communications regarding settlement with the other side and the mediator, via an 'on again, off again' government portal will spell the failure of this program, in my opinion.

I can say without fear of contradiction, that no pro per homeowner would ever go through all that, even if they had the computer, scanner, printer and the software required. They would simply throw up their hands and lose their home. The idea of doing all things electronically, is facially appealing but the reality is that it will be more trouble than it is worth. Especially for those who don't have an IT department with technicians at the ready when computer problems crop up, as they inevitably do. Please do not make this portal mandatory. Thank you, I remain....

Yours truly,



Geoff Giles