

RULEL-1143.1 CONCILIATION CONFERENCE IN CONSUMER CREDIT OR RESIDENTIAL MORTGAGE FORECLOSURE ACTIONS

(a) 1. To be eligible to participate in the program, a self-represented/borrower must call the Butler County Consumer Credit/Residential Mortgage Foreclosure Diversion Program information line to obtain instructions to schedule and attend either the mortgage or credit assistance class. In addition, if eligible, Defendants must meet with a credit counselor and complete the financial information necessary for the plaintiff/lender. The self-represented borrower must also file a Request for Conciliation Conference on the form set forth in Butler County L.R.C.P. L-1143(b).

2. If the defendant/borrower is represented by counsel, the defendant/borrower need not attend the mortgage or credit assistance class or meet with any counselors as a condition precedent to filing a Request for Conciliation Conference. Counsel for the defendant must complete the Request for Conciliation Conference form, Butler County L.R.C.P. L-1143(b).

(b) Once a Request for Conciliation Conference is filed, a Case Management Order shall issue, scheduling the case for the next available conciliation conference.

(c) Immediately following the filing of Request for Conciliation Conference, the defendant/borrower must communicate with the plaintiff/lender by contacting the contact person listed in the Notice of Consumer Credit Residential Mortgage Foreclosure Diversion Program form. Upon receipt of communication on behalf of the defendant, the plaintiff/lender shall immediately advise the defendant or credit counselor of all information needed to consider work out resolutions for the pending litigation. The defendant shall respond to the request for information in advance of the scheduled conciliation conference date. A failure by plaintiff or defendant to communicate as set forth herein, may result in the case being removed from the conciliation program or dismissal of the complaint.

(d) At the conciliation conference, the parties and their counsel shall be prepared to discuss all available resolution options.

(e) The parties and legal counsel, if any, must attend the conciliation conference. An authorized representative of the plaintiff/lender must either attend the conciliation conference in person or be readily available by telephone during the course of the conciliation conference. The representative of the plaintiff/lender, who participates in the conciliation conference, must possess the actual authority to reach a mutually acceptable resolution. The court, in its discretion, may, by special order, require the personal attendance of the authorized representative of the plaintiff/lender at any conciliation conference.

(f) If the defendant/borrower has previously participated in, and been removed from, the

Consumer Credit or Residential Mortgage Foreclosure Diversion Program, the plaintiff/lender or the defendant/borrower may request the court to readmit the case to the program for good cause shown by presenting an appropriate Motion before the Court. Readmission to the program following removal is not automatic and not subject to Butler County L.R.C.P. L-1143(a)(b).