



# Fidelity Attorney Roundtable

## Meeting Notes

The Fidelity Attorney Roundtable held a teleconference on **Monday, October 15, 2007 at 1:00 PM EST**. The attorney members of the Roundtable include the following firms:

**Barrett Burke Wilson Castle Daffin & Frappier [TX]  
Bierman, Geesing & Ward [DC,MD,VA] – AFN Designated  
Castle Meinhold & Stawiarski [CO] – USFN Designated  
Fein Such Law Group [NJ]  
Hughes Watters & Askanase [TX]  
McCabe Weisberg & Conway [NY,NJ,PA]  
McCarthy & Holthus [CA]  
Shapiro & Sutherland [OR]**

**The next meeting will be held via teleconference on Monday, November 19, 2007 at 1:00 PM EST.** If you have any comments or items of concern you would like added to the agenda for discussion, please contact any member of the Attorney Roundtable who you are comfortable reaching out to, or contact FIS Attorney Relations at [AttyFeedback@FNFS.net](mailto:AttyFeedback@FNFS.net).



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**Attorney Roundtable Meeting**  
**Monday, September 17, 2007**  
**12:00 PM PT / 3:00 PM ET**  
**1-800-748-5637 Part. Code 8638018#**

### **TOPICS OF DISCUSSION**

#### **APR Project List – Top 5 Priority**

- FIS will not put the Top 5 APR Changes into production until we have ensured the accuracy of the test reports and provided the Attorney Roundtable with updated guides for approval.
- FIS will take the reports offline for a day or two to make sure everything is correct. When the reports are taken offline, a message will be added to the Web Reporting home page indicating that the reports will be unavailable.
- The APR Guide will be updated to include the new changes and will be sent to the Roundtable members for review, so they can make sure all changes are clearly outlined. The updated guide will contain snapshots of the different reporting sections, to make sure the changes are explained.
- The Roundtable was ok with FIS taking the reports down for a few days.
- Chris Hymer advised for firms to save some of their APR reports before the changes are made so they can compare the two afterwards.
- All the listed APR changes will be going into affect in the next couple of weeks, except the Upstate/Downstate NY change. A network announcement will be distributed prior to the go-live for these changes.

<b>Priority Item</b>	<b>Description</b>	<b>Projected ETA *</b>
BK APR – MFR Received to Results	As a result of the MFR stage changes the weighting will be modified on the BK scorecard	(additional changes requested)
Change Initial Stage Measurement to “File Referred”	Change all stages that currently hinge off of “File Received” to start with “File Referred” in both FC/BK	In testing
Illustration of Ch7 and Ch13 distribution in State Attorney Section	Illustrate distribution of Chapter 7 and Chapter 13 volume in State Attorney Section	In testing
Upstate/Downstate New York	Separate Upstate and Downstate counties in NY for APR purposes (by zip codes)	Testing Phase
Inherited Files Stage Update	Stage completions and activities in the APR when the activity of both the starting/ending events of the stage occurs after the date of transfer	In testing

\*The projected ETA is subject to be changed at anytime.



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### Top 10 Opportunities for Improvement

Members of the Roundtable submitted their votes for the Top 10 items they would like to see addressed by FIS. The following topics received the most votes and were discussed at the Roundtable meeting (total of 9).

CATEGORY	DESCRIPTION
1) MISSING DOCUMENTS/ INFORMATION	<p>"Fidelity should consider requiring lenders to provide the following before a foreclosure referral is forwarded to the law firm. It is not possible to move forward with foreclosure without this information: 1. foreclosure entity; 2. a copy of the recorded mortgage; 3. payoff quote."</p> <p><b>FIS RESPONSE:</b></p> <ol style="list-style-type: none"><li>1) Foreclosure entity - FIS will consider centralizing investor matrix control and follow up at FIS and perform regular follow-up with clients to update the investor matrices as much as possible.</li><li>2) Copy of Recorded mortgage is a required document. FIS may consider allowable document holds for specific documents in states where these documents are required to proceed with first action. This would only apply to files where the documents were not available in the referral package. This would require identifying documents which are required by state so we can provide feedback to the clients on specifics.</li><li>3) Payoff quote - no action - FIS will work to identify clients where p/o quotes are delayed to assist with automation or takeover. Payoff quotes should be included with all referrals. If information seems incorrect, those should be brought to FIS' attention immediately.</li></ol>
	<p>"Complete referrals: Often referrals contain incomplete or incorrect information (for example wrong investor information, no debt figures, etc.). There should be a basic amount of information/documents necessary for the referral to start the time period running. There should be a state specific matrix developed for this process"</p>
	<p>"Do not refer loans with incomplete or incorrect information -- e.g., wrong investor information; no debt figures, etc. It seems unfair to start the grading timeclock for attorneys before providing them with all the required information."</p>
	<p>"Referral Department to get them to gather all required information to send a complete referral (PO, RI, Mortgage w/Legal, Note) when they initially refer the file. That is for foreclosure referrals. If that was done at the get-go it would save tons of time for both them and us, stop us from having to open issues for each item we need; stop them from having to address each issue we open for items needed; stop us from having to print each item as it trails in at different times/days. More importantly, it will also allow us to move the file forward much quicker. "</p>
	<p>"Referral department for BK referral; when sending referrals if they could send a current BPO with all referrals as we need them to file the MFR."</p> <p><b>FIS RESPONSE:</b> Certain states and districts require a BPO when filing the MFR. Need to identify which jurisdictions and which clients are not providing and work with each on to ensure an updated BPO value is available. Which clients are not providing? For BK BPO's, just need to know which states from John Cody to ensure the clients are providing the BPO's per procedure.</p>

#### Roundtable Discussion:

- Carrie Ward will reach out to AFN members to get a state by state matrix of documents that are required for a 1<sup>st</sup> action for the AFN. Carrie will send this list to FIS by Friday, October 19<sup>th</sup>.
- Caren Castle said that she may have the same list already done for the USFN.
- The Roundtable agreed that there are differences between documents that are absolutely needed to proceed and documents that they can get from other sources. However, everyone was very adamant that firms should receive everything they need to proceed with a foreclosure with the initial referral.
- Bill Newland stated that FIS is working diligently on getting the needed documents for the firms and understands the importance of the matter.
- Once FIS receives the state-by-state list of necessary documents, upper management will review with clients for the possible creations of state-specific allowable holds for these documents.



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2) ISSUES	<p>“When we place multiple issues, sometimes one issue will be closed with a resolution stating that the issue will be addressed through the other issue, even if they are not related or duplicate. It would be helpful if each issue that was placed was addressed through the issue that it was sent through. When an issue is closed with a resolution that it will be addressed through a different issue placed, we never receive a response to what we asked for.”</p> <p><b>FIS RESPONSE:</b> Procedural item - agree with firm.</p>
	<p>“Issue Resolution - Incomplete description of resolution: ‘Resolved. forwarding the issue to the servicer for response.’ Per Fidelity’s internal policies, the Fidelity rep is to i) provide a complete answer, or (ii) open a new process to track issue resolution (if a process exists for that issue) or (iii) if no process/template exists for the issue, close out the issue as to the attorney with a comment such as ‘forwarded to servicer for response’ and track resolution internally. Suggested language for resolution based upon (ii) and (iii) ‘Forwarding issue to servicer for response. A new process (name) has been opened to track issue resolution. A new referral will be sent, if appropriate, upon resolution.’ ‘Resolved. As no process/template currently exists to track this issue, Fidelity is closing out the issue as to the law firm and opening a process internally to track resolution. A new referral will be sent, if appropriate, upon resolution.’”</p> <p><b>FIS RESPONSE:</b> Procedural item – We will reiterate to staff that more info than "Resolved" should be provided to attorney if closing Issue. Issues are not to be closed until the problem is solved. Need examples where Issues are closed and problem not resolved. What specific Issues are you describing that are getting closed down without true resolution or transfer to another process?</p> <p>We do have "resolution processes" in place instead of Issues, and in that case we use that process instead to resolve the problem. Moving to processes versus issues has helped resolve the issue maintenance. Closing the issue and opening a process is an acceptable response to us.</p>
	<p>“If we open an issue - Fidelity should be required to provide resolution before closing our issue.-- This issue was raised by multiple people.”</p>
	<p>“In NewTrak we have been seeing the fidelity staff close out issues that are opened by our firm before they are completely addressed, and when they are followed up on by us we receive a response from Fidelity advising that the issue has been closed. However, there are no notes in the system that client is handling the issue or resolving same. We suggest that Fidelity only mark the issue closed/resolved if there is answer to the issue provided to the firms. “</p>

**Roundtable Discussion:**

- Chris Hymer said that an Issue should not be closed without resolution and asked for examples of specific issue types that are being closed without actual resolution.
- Matt Rogina suggested that FIS audit closed Issues to see how Issues are being closed and send specific guidelines to staff with a list of acceptable close reasons.
- Roundtable members agreed that they would like to receive a copy of the acceptable close reasons once created.



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3)STOP/HOLD REASONS	"In order to avoid extreme prejudice to the client, we need the client to specify why they are closing a file (e.g. reinstatement/ forbearance or charge off) so that we can properly prepare the dismissal or Motion to Vacate Judgment. "
	<b>FIS RESPONSE:</b> This one is being fast-tracked and is already rolled out for one client in the Fees/Costs/Stop/Hold module. Have to ensure that other methods of stopping the processes (issue closings and launching stop processes will have a select group of stop/hold reasons be provided through DDF /automatically/manually.
	"Stop and hold requests to provide more details as to why a file is being closed or placed on hold"
	"Reason for stop/holds within the process so that reviewing notes is not needed to determine why."

### Roundtable Discussion:

- The roundtable members agreed that the dropdown for Stop/Hold reasons would be a good improvement.
- In addition to the dropdown for Stop/Hold reason, Kelly Sutherland suggested that the module also include a space for the clients to provide instructions for the Sale.
- Michael Cloin advised that he will check with FIS clients on the addition of Sale instructions.

4) APR	"MFR Filed to Hearing Date - 26% weight should be lowered or category discontinued." <b>FIS RESPONSE:</b> We are in the process of updating the MFR weighting to 10% as of 10/15.
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### Roundtable Discussion:

- Roundtable members were pleased with this weighting change, but requested a listing of all the new proposed weighting changes.
- Lindsey Lesch provided the list of proposed changes to the roundtable members after the call.



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<b>5) APR</b>	<p>“During the Fidelity Summit (6/14) it was announced that the bankruptcy performance report cards would now be tiering from motion referral rec'd to final order entered. The entering of the order is not within the law firms control. Fidelity used to let us update per local rules - motion granted for instance if the last date to file opposition passes and we don't receive opposition, we can put results in to the system. At that point another process would then be opened up to track the order. Sometimes the court orders a Conditional order but we have to wait for debtor's attorney's consent and THEN submit to court for signature, so we will be penalized now possibly for weeks when we obtained results days before.”</p> <p><b>RESPONSE:</b> The programming is in for this. We were considering a delay in cases where there is a delay in obtaining an order or executed agreed order if proof was provided. Fidelity will consider allowable delay for conditional orders only - with adequate proof.</p>
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### Roundtable Discussion:

- Many roundtable members expressed concern with the heavy weighting that will be applied to the “MFR Referred to Order Entered” stage (35%).
- Carrie Ward agreed that firms should be graded on results, but not on the time when the court documents the result. Carrie suggested this stage be scored, but not weighted.
- FIS agreed to hold a separate meeting with the Roundtable members to discuss the new weighting for the MFR scorecard in order to come to a consensus before changes are finalized. This side call was held on **Wednesday, October 24<sup>th</sup>**.

### Side Call Discussion:

- FIS management proposed new weightings and one new stage for the MFR scorecard based on the feedback from the roundtable discussion.
- The new proposed weighting contains one new event, “Agreed Order Submitted to Court.” This stage can be the mailing date (if documented by the firm), the e-filed date, the last date visible on the document indicating that it was signed by all parties other than the court, or the Order Entered Date (whichever date comes first).
- The roundtable members agreed that the new proposed weightings and stages are fair.
- Additional changes to the APR may include a change to the APR period, currently 90 days. The proposed change would extend this period to 6 months. The thought behind this change is that there would be an increase in the volume of events completed for MFR files in this period, which would allow more firms to be scored – reducing the number NR (not ranked) firms.
- The new proposed weightings are:

CORE STAGES	WEIGHT	Notes
Referred to MFR Filed	35%	
MFR Filed to Hearing/Obj Date	5%	If Relief is denied, the timeline measurement for the file stops here.
Hearing/Obj Date to Hearing/Obj Results	5%	
Referred to Results	25%	This measurement refers to a) objection deadline date if passed without objection, b) date objection was filed, or c) hearing date (if objection deadline not observed) with results of relief granted, denied or agreed order entered into.
Agreed Order Results to Agreed Order Submitted	10%	If “Agreed order entered into” is the selection result in the DDF, this stage measures the time from Results to the completion of the new event: Agreed Order Submitted to Court.
Referred to Order Entered	5%	Measures overall timeline from referral of MFR to Relief Order Entered or Agreed Order Entered.
SERVICE STAGES		
Referred to Received	3%	
Event Completion %	4%	
Approved reprojection %	4%	
Reprojection Completion %	4%	
	100%	



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<b>6) FINANCIAL BREAKDOWNS / BIDDING</b>	<p>“With respect to reinstatement/ payoff breakdowns. Any amounts given for ‘other fees/costs’ or ‘expenses’ given on RI/PO quotes, need to automatically come over with a breakdown in order to allow us to send the quote the day we receive it. There is a lot of time spent on following up on breakdowns from the loss mit dept.”</p> <p><b>RESPONSE:</b> Michael Cloin will review a way to do this programming.</p>
<b>7) DOCUMENT EXECUTIONS</b>	<p>“Ability for the ‘Document Revision Process’ to come up in the corresponding workload that the document was uploaded as. For example when Bankruptcy certification document is uploaded in a signature required process and if the document revision process is launched by Fidelity, the document revision process pops up in the foreclosure workload. So if Fidelity could add a question to the signature required template as to whether it pertains to Foreclosure or Bankruptcy and if we select Bankruptcy then all corresponding processes will appear on the Bankruptcy workload.”</p> <p><b>RESPONSE:</b> Revision processes are RAIL-specific. Firms should see these fall into the appropriate workload if the workgroups are set up properly. Jeanelle Gray (Manager, Document Execution) is reviewing these with the firm who raised this issue to see if there is anything else that needs to be modified.</p>
<b>8) FINANCIAL PAYOFF/ REINSTATEMENT FIGURES</b>	<p>“We are unable to request payoff and/or reinstatement figures for more that 7 days out. By the time that we receive them the figures have all but expired and they don't include a per diem. Also, they close out the issue raised stating that the figures have been requested. They shouldn't close out the issue until the figures have been uploaded because most of the time we never get them and have to raise another issue and re-request. This also doesn't give the borrower enough time to try and reinstate or payoff.”</p> <p><b>RESPONSE:</b> This is a client-specific directive. This client is working to be able to provide both quotes. These two votes came from firms who have files with this client.</p>



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<b>9) REFERRALS</b>	<p>We increasingly get referrals later and later in the day-- it appears that often these referrals are received by Fidelity from the client in the morning but not forwarded to us until late afternoon.</p> <p><b>RESPONSE:</b> FIS can't control all variables with respect to time of referrals. There is no intentional time lag on referral transmission. Actually, in most cases we are not sure how a firm would be able to reliably tell what time the referral was triggered by the client anyway as the info is most often transmitted through a data file and all of the automation to gather referral docs, financial info, extract client system info relevant to the referral, and assemble cover letters and such is "behind the scenes" and performed through automation. Fidelity Referrals Associates primarily manage exceptions that fall out from automation. Fidelity Referrals production for the last 12 months has averaged 83.33% within a 240-minute standard from referral triggering by client to issuance to attorney. Over the last 3 months, the average compliance with that standard has slipped roughly 10% points to the mid-70% range as a result of increased volume and the amount of information necessary to transmit. Fidelity has added 11 additional servers to the referrals processing banks over the last 30-days in order to improve the number of referrals that are transmitted within our 240-minute standard. For referrals that fall outside of our 240-minute standard, the vast majority of those are transmitted to the firms within another 120 minutes. Fewer than 2% of all overall referrals fall outside of "same day" status.</p> <p>With respect to Referrals sent after 5 pm CT: these will be considered as "next-day" referrals with respect to "Referred to Received" measurements, and Referrals issued after 2pm on Fridays (local time to the attorney office) will be considered Monday referrals for the purposes of other core stages such as Referred to First Action.</p>
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### Roundtable Discussion:

- The roundtable members were pleased with new treatment of referral times with regard to the APR. No additional action is needed on this item once the new APR logic goes into place that will consider referrals sent after 5pm in the firm's time zone, Monday through Thursday, as next-day referrals and those sent after 2pm on Fridays in the firm's time zone as Monday referrals for APR purposes.





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**OPEN DISCUSSION**

- Alan Such expressed concern that more servicers are using other outsourcers (like title companies) and are making their firms use these as well. These outsourcers don't care about the APR.
- Alan said that a client of FNFS directed all their firms to use a certain title company and that title company had 7-10 days to provide a title search... his firm normally has a 48 hour turnaround time.
- Chris Hymer explained that FNFS always discusses specific client variances on calls with clients and remind them that a firm's score may be slipping because of issues with another client the firm handles work of a client (doc issues)
- Carrie Ward said that some clients only rely on color, nothing else.
- Chris Hymer said we actively consult the clients before any changes are made. However, not all clients want consulting.

**DELIVERABLES**

Item Description	Active Tasks	Tasks Assigned to
<b>APR Project List – Top 5 Priority</b>	FNFS will provide updated guides and explanations for APR changes to the roundtable to review and create a network announcement prior to the go-live for these changes.	Chris Hymer Lindsey Lesch
<b>Missing Documents/ Information</b>	Carrie Ward will reach out to AFN members to get a state by state matrix of documents that are required for a 1 <sup>st</sup> action for the AFN.	Carrie Ward
<b>Issues</b>	FIS will audit closed Issues and compile a list of appropriate close responses. This list will be sent to the roundtable once completed.	Lindsey Lesch Bill Newland
<b>Stop/Hold Reasons</b>	Michael Cloin will check with FIS clients to see what they think about the addition of Sale instructions into the Stop/Hold module he is working on.	Michael Cloin
<b>Financial Breakdowns/bidding</b>	Michael Cloin will review whether or not amounts given for 'other fees/costs' or 'expenses' given on RI/PO quotes could automatically come over with a breakdown.	Michael Cloin