

Minutes
Family Commission
September 23, 2009

The Family Commission met in room 607L at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on September 23, 2009.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Holly Aberly-Wetstone, Hon. Sandra Sosnoff Baird, Hon. John Boland, Hon. Anne C. Dranginis, Hon. Stephen Frazzini, Attorney Constance Frontis, Hon. Elaine Gordon, Johanna Greenfield, David Iaccarino, Attorney Maureen Murphy, Attorney Thomas Parrino.

Also in attendance were Attorney Joseph Del Ciampo and Attorney Nancy Porter from the Judicial Branch's Legal Services Unit.

Guest attendees were Attorneys Roberta Friedman and Steven Ecker.

The meeting was called to order at 2:04 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on August 12, 2009 were approved by the members of the Commission who were in attendance.

II. Status of proposed Family Support Magistrate Rules

The Commission was informed that the proposed rules are going to be submitted on Thursday and that the Commission will be sent a copy of the final drafts.

III. Nomenclature in dissolution cases

Attorney Roberta Friedman addressed the Commission with regard to two concerns in cases that have chosen ADR options, in particular, mediation. She presented the concerns as follows:

1. People are offended that they have to file a lawsuit and that they have to call themselves a plaintiff or defendant when they have chosen this ADR avenue.

The "first choice" alternative would be petitioner/co-petitioner. However, the option of petitioner/respondent was also raised as "good enough." Perhaps the case

caption could be “In Re Marriage of...” or “In the Matter of...”

Other states have adopted alternative nomenclature and more research would be needed to determine what, if any, issues those states have encountered. The question was also raised as to whether those states made any similar changes to their civil cases.

In the initial correspondence regarding adopting an alternative caption, it was with regard to mediated cases, however, the feeling among the mediators with whom Attorney Friedman has discussed this is that it should be “across the board.”

Were such changes to be pursued, they would require rule and/or statutory change. Attorney Friedman indicated that she and Attorney Michael Becker may already have some information regarding what statutes might be affected.

Numerous questions were raised and issues discussed.

2. Having to be served by a Marshal troubles people. It is preferred that these parties be able to waive service. Issues and questions regarding waiver of service were also raised.

The matters brought to the Commission by Attorney Friedman will remain on the list of topics for the Commission to consider.

IV. Continue discussion of rule 13-4

Attorney Steven Ecker addressed the Commission with regard to rule 13-4. He indicated that family matters were not considered in the discussions. Various elements of the rule were discussed. Attorney Ecker answered some questions from members of the Commission and suggested that any drafting effort should take into consideration *Wexler vs. DeMaio*.

Judge Boland volunteered to draft a proposal with the help of Attorney Parrino.

V. Such other matters that may come before the Commission

Judge Munro indicated that she hopes to have the Commission's draft rule proposals that are close to being finalized submitted to the Rules Committee within the next couple of weeks. The three that were identified are the proposals regarding premarital agreements, the re-ordering of the automatic orders, and making discovery motions on the family short calendar non-arguable.

Judge Munro also confirmed that the members of the Commission did not see a need for rule change in order to make amendments to the Case Management Agreement form.

Judge Munro made inquiry regarding the status of the group looking at administrative divorce. The group was unable to identify which attorney from the Commission was going to participate, and Attorney Murphy indicated that she will join the group. Judge Abery-Wetstone indicated that the group would be ready to report out at the December Commission meeting.

VI. Next Meeting

The next meeting is scheduled for Wednesday, November 4, 2009. The members of the Commission were asked to bring their calendars to schedule the meetings for 2010.

Judge Munro adjourned the meeting at 4:15 p.m.