

Minutes of the Bench-Bar Foreclosure Committee Meeting
Meeting held January 31, 2024, from 3:00 p.m. - 4:24 p.m., via Microsoft Teams

Members in Attendance: Hon. Claudia A. Baio, Chair, Hon. Walter M. Spader, Jr., Hon. Andrew W. Roraback, Attorney George P. Generas, III, Attorney Jeffrey S. Gentes, Attorney James A.R. Pocklington, Attorney Maria Salatto-Gilhuly, Attorney Rebecca R. Schmitt, and Attorney Jenna M. Sternberg

Excused: Hon. James W. Abrams

- Call to order
Attorney Schmitt called the meeting to order.
- Approval of Minutes of November 30, 2023, Meeting
Upon motion by Judge Roraback, seconded by Attorney Gentes, and carried unanimously, the draft minutes of the November 30, 2023, meeting were approved.
- Old business
 - a. Property calendar notice
Any suggestions should be sent to Attorney Schmitt for consideration at the next meeting.
 - b. Foreclosure standing order
Attorney Gentes circulated his concerns.

The committee discussed the procedure for the nonmoving party to mark a motion ready in the standing order. This is a practice book rule, P.B. § 11-13 allows for this. The committee suggests changing the language to “properly” marked in the standing order.

Attorney Pocklington raised whether there is an opportunity to modernize what the original is, given the availability of online town records. Judge Spader and Judge Roraback felt that the original was still required. Judge Baio agreed. The difference is that the town clerk is stamping the original

The committee discussed the exhibit procedure of submitting documents in support of foreclosure. Attorney Generas said it was difficult when the clerk seals the document prior to the hearing because the parties cannot see what the judge is referring to. Attorney Schmitt explained the clerk’s procedure and who can view exhibits, when, and from where. Consensus is to remove the exhibit question from Attorney Gentes’ proposed edits and submit them for review to Judicial. Motion to submit the edits for review to Judicial was made by Attorney Pocklington, seconded by Attorney Gentes, and unanimously passed.

c. Status of proposals to the Branch

Judge Roraback motioned to take this item out of order, Attorney Pocklington seconded, with no further discussion, and the motion unanimously passed. Under review flagging of BK for the court

i. Under review flagging of bankruptcy status for the court

1. Judge Bellis had follow up questions.

ii. Having the clerk be present prior to docket.

There is confusion in the remote foreclosure docket because participants are placed into a waiting room until a Judicial employee joins the remote event, which doesn't usually happen until the docket starts. This is true for self-represented parties, but also for some attorneys other than the regulars. The practitioner committee members report that there is regular dialogue before the clerk arrives, and even after but before court starts, with people expressing confusion. The Committee recommends that the clerk join the remote event 15 minutes early and announce what the docket is, so that people know they are in the correct place. The committee also suggests that when the clerk joins, he or she put a background message with that information that will inform video users that they are in the correct place. The suggestion is for a simple message that identifies the docket, e.g., DATE, this is the Foreclosure short calendar docket for the JD Of XXX.

1. J. Bellis had follow up questions, including whether there will be staffing issues. Waiting for guidance back. Judge Bozzuto asked that the committee get Judge Bellis' input first, before sending recommendations to the Chief Court Administrator.

d. Quality of life improvement suggestions

The committee reviewed each suggestion.

- Be mindful of self-represented parties' possible difficulties with using remote technology.
 - a. Be mindful to treat people where they are at.
 - b. Hartford calendar issues where self-represented parties will call in, but they can appear by video. Need to be present by video but no one to assist them with that. Cannot troubleshoot during the hearing with the clerk. Concern is that they get off the phone and then don't return.
- Need for plain language notices.
 - a. Addressing this with some of the work we are doing. Any specific suggestions? Attorney Genaras said the biggest area of confusion is the notice that your hearing is marked ready, but it will be heard at a later date.
- Discrepancy between adequacy of property inspection information and the charges associated with those inspections.

- a. This relates to the charges on the affidavit of debt, the court wants to know the status of the property. Atty Gentes' observation is that the reports themselves conclude whether the property is vacant or abandoned, occupied, etc. The court finds this information helpful, and an inspection report sheds light on the questions.
- Appearance of impropriety or over familiarity with plaintiff's bar at short calendar.
 - a. People catching up with each other and then asking the court for a foreclosure. Can forget how it appears when everyone seems to know each other. Reminder to be mindful of speaking to one party of the record and not the other. Mindful of the appearance of how that looks when you are speaking to the lawyer.
- Lack of consistency in processing and data entry on Motions to Substitute.
 - a. Attorney Pocklington raised the issue that courts handle this differently. Area of very little consistency. There seems to be three primary ways, substituted replaces the P01 as if they were plaintiff the entire time, added as P02 with the first plaintiff removed, or added as P02 and the P01 entity/counsel remains in the case.
 - b. Some courts require a substituted complaint, and the order doesn't always state the requirement which delays the judgment.
 - c. Suggestion is to draft a proposal. Would suggest removing the original plaintiff and leaving the name in to preserve the history of the case. Attorney Pocklington will draft and circulate a proposal to discuss as new business at the next meeting.
 - d. Judge Spader reminded the committee that the discussion is being broadcast and the discussion may assist others, even though it may seem like it may be a more localized issue.

The committee will continue the quality-of-life discussion under old business at the next meeting.

- New Business
None
- Adjourn
Upon motion to adjourn by Judge Spader, seconded by Judge Roraback, and carried unanimously, the meeting was adjourned at 4:24 p.m.