

Minutes of the Bench-Bar Foreclosure Committee Meeting
Meeting held September 26, 2023, from 3:30 p.m. -4:15 p.m., via Microsoft Teams

Members in attendance: Hon. Claudia A. Baio, Chair, Hon. James W. Abrams, Hon. Lisa K. Morgan, 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. Walter M. Spader, Jr.

1. Call to order

Judge Baio called the meeting to order.

2. Approval of Minutes

Upon motion by Attorney Pocklington, seconded by Attorney Salatto-Gilhuly, and carried unanimously, the draft minutes of the August 29, 2023 meeting were approved.

3. Old business

a. Discussion of first topics to undertake (Foreclosure standing orders, notices)

Agreement to await Judge Bellis' update of the foreclosure calendar notice and the foreclosure standing orders, prior to undertaking a review. Attorney Schmitt will provide the updated calendar notices to Judge Baio, once they are live, for circulation to the group.

b. Consideration of possible subcommittees? Now or wait?

Suggestion that subcommittees should occur organically, and the committee should wait for a need to arise was consensus. Per Judge Baio, the constitution of the committee is small enough that it can address matters as they arise. Some topics of interest for the committee to address mentioned were motions to open, short calendar, and standing orders. With remote matters, many things are different and should be addressed.

4. New Business

Attorney Pocklington suggested that Judicial add something on the screen for remote foreclosure dockets, so people know they are in the right place as they wait. The committee discussed and agreed to suggest an immediate, low-tech solution, with the clerk sharing a screen to display a message to advise parties that they are in the foreclosure short calendar for the particular J.D. Currently, non-Judicial participants are automatically placed into a waiting room until a Judicial participant joins the meeting. Some clerks already arrive early to address this issue, but it is not uniform. The recommendation is that the clerks be advised to appear at least fifteen minutes prior to the docket to let people into the remote courtroom space and answer questions. The committee agreed that this suggestion should be submitted to Judicial for review.

The committee discussed possible issues for future agendas. Judge Roraback suggested for a future agenda having an informal discussion where practitioners can make suggestions to judges and judges can make suggestions to practitioners. Quality of life improvement suggestions to be sent to Attorney Schmitt to compile and circulate to the committee for consideration in advance of the meeting. The list will be reviewed in advance of our next meeting and added as an agenda item. E.G., Attorney Pocklington mentioned the possibility of auto withdrawing appearances for committees. Judge Roraback would like to know if someone is occupying the premises.

Attorney Pocklington raised bankruptcy as an issue. Due to CARES Act Forbearances, there is a possibility that files may be in bankruptcy for longer than people may think. Consider whether the current model that we use to notify the court and parties that a file is impacted by bankruptcy stay is sufficient. The Practice Book provision is an older one and differs from jurisdiction to jurisdiction, depending upon how an individual court monitors it. Judge Morgan motioned that the committee investigate whether it is possible to flag in Edison if there is a pending bankruptcy proceeding, seconded by Judge Abrams, and carried unanimously.

5. Set Meeting Schedule

The next meeting of the Committee will be scheduled for a date in mid-November and then proceed quarterly.

6. Adjourn

Upon motion to adjourn from Judge Roraback, seconded by Attorney Generas, and carried unanimously, the meeting was adjourned at 4:15 p.m.