

Minutes  
Uniformity Subcommittee on Family

Meriden Training Facility, Training Room A  
Town-Line Square Plaza  
533 South Broad St.  
Meriden, CT

February 24, 2009  
2:30 PM

Members in attendance: Atty. David P. Atkins, Hon. Bernadette Conway, Atty. Thomas Anthony Esposito, Atty. Norman A. Roberts, Atty. Lisa A. Faccadio, Atty Michael Fasano, Mr. David M. Iaccarino, Hon. Lynda B. Munro, and Hon. Marylouise Schofield (chair).

The meeting was called to order at 2:35 PM.

1. Welcome and Introduction of committee members – Judge Schofield welcomed the members of the subcommittee invited the members to introduced themselves.
2. Topics for discussion – As a result of the focus groups with family attorneys and with the full committee, a number of topics for discussion were identified, but they may be discussed in any order. Members of the subcommittee are also welcome to suggest other topics at any time.

Judge Munro provided the subcommittee with the following information:

- Changes to the short calendar process go into effect on February 28th, standardizing markings of family short calendar matters.
- A rule has been recommended that will make all family discovery matters nonarguable, with argument only if the Judge allows it.
- Existing trial management orders are being reviewed to develop a standardized order. Judges are constitutional officers and can make personal judgments about trial management orders, but the presiding Judges thought a standardized order would be easier for the bench and the bar.

The subcommittee then addressed the topics listed in the agenda. Access to family relations officers is an issue, and it was suggested that a representative from family relations should be a part of the discussion. Procedures for accessing family relations vary from district to district: access before the call of the calendar; sign-up to meet with family relations permitted only after everyone is present in the courtroom; separate access for cases in which both parties are represented by counsel; first-come, first served access which causes people race to get to the sign up list after the call; and family services makes a list of all those in line to see the officer and provides that information to the Court at the call so the cases are marked “ready.” All districts have the family relations “report” sheet, which indicates

agreement, no agreement and the anticipated length of any argument. Statewide, attorneys can make an appointment to see a family relations officer prior to the calendar date.

A related issue is whether the call of the calendar is necessary. Some districts have a call of the calendar; others do not. The members discussed the advantages of a call: everyone is in the courtroom at the same time, allowing everyone to see who is there; the Judge can manage the docket more efficiently; short matters can be disposed of at the call; longer matters can be scheduled for a later date at the call; and critical matters (custody and restraining orders) are identified and addressed. Disadvantages include the difficulty a single call causes for one person trying to cover several calendars and delays in accessing family relations. Several suggestions were made about the call, including having the call later in the day, to provide time for parties to make agreements prior to the call; having a single call before assigning columns to different Judges; providing a mechanism, such as pre-marking with the clerk prior to the call, to protect lawyers not present at the call because they are in with family relations; and requiring parties to report back to the clerk by noon as to whether they have an issue requiring the Judge's time. Discussion also included markings accepted at the call in various districts, including ready, ready with an agreement, ready as a short matter, ready as a legal matter, and ready going to family relations.

The subcommittee then discussed ways to make the short calendar process easier for all: bench, bar and self-represented parties, including opening courtrooms earlier to permit pre-marking and space for negotiating; separate access to family relations for cases with or without attorneys; making family relations officers accessible before 9:00 AM on short calendar days; increasing the number of family relations officers; and having marshals or clerks available so that courtrooms can be open earlier.

It was noted that post-judgment filings are up by 7% across the state, and anecdotally, more self represented parties are coming to family court. The subcommittee discussed encouraging arbitration as an option in family matters by highlighting the availability of it, perhaps on the web site.

A discussion about the statewide variations in handling of citations ensued. For example, when the person cited in appears on the date required, in some courts, the party is then ordered to appear at a subsequent date. When an attorney representing the party cited in appears without the client, requesting a continuance, a Judge may order the party to appear at a subsequent date or in some courts, a Judge may order that a *capias* be issued. Some courts require a citation matter to be marked "Ready;" others do not require a marking. After discussion, the members suggested revising the short calendar notice to make clear that if a party was served and ordered to appear by a Judge, no marking is needed and the matter will go forward. Attys. Roberts and Calvi will work on language to be added to the notice.

Discussion ensued as to matters set down for a specific date that do not go forward, but must be reclaimed. Can the party seeking a modification, for example, ask for retroactive reductions or payments? Does a Judge have to specifically order retroactive reduction or payment? The consensus was that this should continue to be left to the Judge's discretion.

The subcommittee discussed additional issues, including the variation in the amount of time it takes to have a motion or reclaim coded, whether attorneys would be able to tell when a reclaimed motion will appear on a calendar (two weeks from the day the reclaim is coded, the matter will appear on the calendar), and the uneven enforcement of discovery rules and deadlines. Further discussion on the enforcement of discovery will be taken up once the rule making discovery motions nonarguable is in place. The possibility of having a discussion on this issue of enforcing discovery orders with members of the Family Law Section of the Connecticut Bar Association and Family Judges was suggested.

The subcommittee then discussed the current trial management and case management orders and associated issues, including the uneven enforcement of the trial management orders; scheduling and running of status conferences and pretrials; availability and scheduling of special masters pretrials; having the Judge who conducts the status conference also hear the trial; having status conferences on the record rather than in chambers; and the need for multiple pretrials/conferences. The possibility of creating two forms, a motion to extend the case management orders to be filed in lieu of having a status conference and a motion for a status conference was suggested.

3. Formation of work groups with specific assignment – Work groups were not formed at this meeting, but issues connected with the morning of short calendar/family relations access, issues in connection with status conferences, and issues with pretrials/trials will be discussed further at the next meeting.
4. Future meetings – The next meeting of the Uniformity Subcommittee on Family will be April 7, 2009 at 8:30 a.m. at Attorney Esposito's office at 385 Orange Street, New Haven, CT.