

Bench-Bar Centralized Small Claims Committee
Subcommittee on Legal Issues
Minutes of Meeting on August 20, 2008

All subcommittee members were present. Judge Clarence Jones was also present.

Attorney Faulkner addressed the group and reviewed the agenda.

Members of the subcommittee suggested goals such as a fair debt collection process for a credit based economy that is user friendly and efficient, fairness to unrepresented litigants, returning to the concept of a “people’s court”, and a fair and balanced system that is streamlined and provides access to all.

The issue of notice to defendants was raised at this time and the need to advise litigants on what they should bring to court.

There was a brief discussion on what components are required for a sufficient affidavit of debt, including how chain of title should be set forth. It was suggested that a standing order could address the issue.

There was a discussion in regard to P.B. § 17-23 and P.B. § 24-24.

The subcommittee discussed the development of a checklist for filing.

Members are to draft suggested changes to C.G.S. § 51-15 and the practice book and e-mail them to each other.

A proposal was made to adopt a confession of judgment statute, which would be added to C.G.S. § 52-356d. It was subsequently withdrawn as disfavored by case law.

Suggestions were made to amend the answer form to include the response option “I don’t know” in addition to the current “I disagree” and “I admit” checkboxes. A suggestion was also made to add a provision for the defendant to indicate the source of their income if from an exempt source such as social security, disability, etc.

Post judgment interest and C.G.S. § 37-3a were discussed.

Two more meetings are scheduled for Friday, September 12th at 10:00 a.m. and Wednesday, September 24th at 2:00 p.m.