

Bench-Bar Centralized Small Claims Committee  
Subcommittee on Legal Issues  
Minutes of Meeting on September 12, 2008

All subcommittee members were present except for Joseph Patchen.

Attorney Faulkner asked for a motion to approve the minutes of the August 26<sup>th</sup> meeting. Attorney Ross so moved and Attorney Olshan seconded the motion. The minutes were approved.

Members of the subcommittee began a review of proposed revisions to the rules that were submitted by various members.

Section 24-4 - Proposal tabled pending a review and possible redraft of the last sentence in the section.

Section 24-7 - No change.

Section 24-9 - The changes proposed to avoid the filing of stale claims, i.e., those where the statute of limitations has expired, were discussed. A redraft will change the proposed new language to the date of defendant's last payment or other basis to show that the statute of limitations has not expired. The changes proposed to improve service through address verification were discussed. A redraft will include language to the effect that within either the prior 6 or 12 months (time period to be determined), the plaintiff will provide 2 out of 7 of the following forms of address verification: 1.) Municipal record verification (e.g., from street list or tax records); 2.) DMV verification; 3.) Receipt of correspondence from the defendant with that return address; 4.) Other verification from the defendant that the address is current; 5.) Mailing a letter to the defendant by first class mail that has not been returned by the postal service at least 4 weeks prior to the filing of the small claim; 6.) Verification of the defendant's address from an online database, other than white pages or other unpaid general telephone directories; 7.) Verification of the defendant's address by obtaining independent verification from an additional source described by the plaintiff. The removal of language requiring the filing the military service affidavit at the time of the filing of the writ was approved along with the technical changes in that draft.

Section 24-17 - no action taken in regard to allowable filings; further discussion needed.

Section 24-30 – proposal to require filing of a satisfaction by creditor within 90 days of satisfaction of the judgment is accepted.

It was proposed that at the next meeting the subcommittee focus on service of process and the default checklist.

The next meeting is scheduled for Wednesday, September 24<sup>th</sup> at 2:00 p.m.

Submitted by Maureen P. Finn,  
Chief Clerk, Centralized Small Claims