

## Minutes Bench-Bar Centralized Claims Committee Subcommittee on Legal Issues

The Subcommittee on Legal Issues met in the Superior Court Operations Conference Room 204 located at 225 Spring Street, Wethersfield, Connecticut at 2:00 p.m. on October 8, 2008.

Subcommittee Members in attendance were Attorney Natalie Erickson, Attorney Joanne Faulkner, Chairperson, Attorney Adam Olshan, Attorney Joseph Patchen, Attorney Rafie Podolsky, Attorney Michael Ross, Attorney Richard Terry. Judge Clarence Jones, Attorney Nancy Kierstead, Attorney Stacey Manware and Attorney Russell London also attended.

Attorney Faulkner asked for a motion to approve the minutes of the September 24<sup>th</sup> meeting. Attorney Terry so moved and Attorney Olshan seconded the motion. The minutes were approved.

It was proposed that the use of delivery verification from the United States Postal Service will be required in addition to the use of the two out of seven address verification selections for service of a small claims writ by the plaintiff. A vote to adopt the proposal was taken: six were in favor, one opposed and one was not present for the vote.

Attorney Podolsky moved to add a provision to the aforementioned proposal requiring the practice book to include a prohibition of service where the plaintiff has actual knowledge that the defendant does not reside at that address notwithstanding the fact that two out of the seven address verification selections are marked. A vote to adopt the provision was taken; six were opposed, one in favor and one was not present for the vote.

There was a discussion of a checklist for entry of default judgments. Attorney Podolsky is to draft specifics for "recent basis for knowledge of defendant's address" language on Attorney Faulkner's proposed judgment checklist.

There was a discussion of the use of the charge off balance as the basis for plaintiff's claim. No action taken.

There was a discussion of the appropriate amount of interest claimed by plaintiffs. No action taken.

Judge Jones reported back that Justice Zarella is looking for proposed rule changes to be submitted by November/December, January at the latest.

Attorney Kierstead advised the committee that there would be a meeting of the full Bench-Bar Centralized Small Claims Committee on November 18, 2008 at 10:00 a.m. at Superior Court Operations located at 225 Spring Street, Wethersfield, Connecticut. No room assignment was given at this time.

Attorney Erickson is to prepare a report after consulting with Attorney Faulkner regarding the progress the committee has made in addressing the various issues the committee has raised and explored.

Attorney Faulkner stated that the agenda for the next meeting would include the continuation of the checklist discussion, any suggested changes to the practice book and a discussion on filing fees.

The next meeting is scheduled for Monday October 20, 2008 at 2:00 p.m.

The meeting was adjourned at 4:20 p.m.

Submitted by Natalie Erickson  
Deputy Chief Clerk  
Centralized Small Claims