

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 20, 2008.

Subcommittee Members in attendance were Attorney Natalie Erickson, Attorney Joanne Faulkner, Chairperson, Attorney Maureen Finn, Attorney Adam Olshan, Attorney Joseph Patchen, Attorney Rafie Podolsky, Attorney Michael Ross, Attorney Richard Terry. Attorney Stacey Manware also attended.

There was a proposal to charge the defendants \$35.00 to file a counterclaim. After discussion the proposal was withdrawn.

There was a discussion about imposing \$100.00 in costs for filing a frivolous counterclaim. It was determined that this issue was already addressed in Connecticut P.B. § 24-33.

There was a proposal to raise the filing fee for frequent filers. After discussion the proposal was withdrawn.

There was a discussion about providing more information to pro se parties regarding military affidavits. It was mentioned that adding information to the Small Claims Handbook and to the Judicial Branch website would be helpful. There was consensus that more information is needed.

There was discussion about changing the answer form. Attorney Podolsky wanted to leave the issue open as another committee was discussing changes to forms.

Attorney Terry's proposed revisions to the practice book were discussed and it was determined that the issues would be better addressed by the Access group. No action taken.

Attorney Terry's proposals for a uniform stipulation to judgment were discussed. No action taken as the members of the committee want to review a form some court locations are using for stipulations.

There was continued discussion on practice book revisions proposed by the Branch. The following sections were unanimously approved:

§ 24-12 – revision to increase the maximum parameter to assign a hearing date from 30 days to 45 days

§ 24-20A – revision to clarify procedure to obtain documents from opposing party who will not comply

§ 24-25 – revision to provide notice to both parties for a matter scheduled for a hearing in damages

§ 24-30 – require prevailing party to submit a satisfaction with the court within ninety days

The following sections will be revisited by the committee: § 24-4, § 24-9, § 24-16, § 24-17, § 24-24

It was agreed that a revision encompassing all of the practice book changes will be sent to all committee members prior to the next meeting.

Attorney Faulkner stated that the agenda for the next meeting would include a continued discussion of the checklist, review of proposed changes to the practice book and all remaining issues on the small claims proposal.

The next meeting is scheduled for Wednesday October 29, 2008 at 2:00 p.m.

The meeting was adjourned at 4:15 p.m.

Submitted by Natalie Erickson
Deputy Chief Clerk
Centralized Small Claims