

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 29, 2008.

Subcommittee Members in attendance were Attorney Joanne Faulkner, Chairperson, Attorney Maureen Finn, Attorney Adam Olshan, Attorney Joseph Patchen, Attorney Rafie Podolsky, Attorney Michael Ross and Attorney Richard Terry. Judge Clarence Jones attended as well as Attorney Eric Hard, Attorney Russell London and Attorney Stacey Manware.

The first order of business was to review Practice Book proposals that had not been finalized in prior meetings.

- 24-9 - It was unanimously agreed that language would be added that the plaintiff shall state the date of defendant's last payment, the charge off date, or other basis to show that the statute of limitations has not expired.
- 24-16 - It was unanimously agreed that language would be added prohibiting entry of default judgments in matters in which a motion to transfer has been filed.
- 24 -17- Tabled; waiting for a complete list.
- 24-24- Attorney Podolsky's proposal regarding subsection (b) (1) (E) in regard to claims arising out of services provided at a hospital is deferred for consideration by a subgroup of Attorneys Terry, Lahey and Podolsky. There was also discussion regarding the inclusion of language from C.G.S. §52-118, chain of title, a requirement of itemization of the charges, and inclusion of the original charge off date and the original balance. No action taken.
- 24-4 Tabled. Attorney Podolsky to review consumer statutes.
- 24-19 Proposed revision disapproved by all except Rafie Podolsky.
- 24-20 It was unanimously agreed that the period to file a motion to transfer following the granting of a motion to open that claimed lack of actual notice should be lengthened from 5 to 15 days.

- 24-25 It was unanimously agreed that defaults shall be vacated automatically if the defendant files an answer at any time before the entry of judgment, including at the time of a scheduled hearing in damages. If filed at the time of the hearing, the judicial authority shall allow plaintiff a continuance.
- 24-27 It was unanimously agreed that the court will send notices of dismissal under the small claims dormancy program. The timing of the dormancy program will be discretionary.
- 24-29 The proposed revision requires magistrates to state reasons in a written decision after a contested hearing. It was approved by all except Michael Ross.
- 24-31 It was unanimously agreed to clarify that subsection (b) refers to a contested hearing.

The subcommittee began discussion on the default checklist.

The next meeting is scheduled for Wednesday November 12, 2008 at 2:00 p.m.

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

Submitted by Maureen Finn
Chief Clerk
Centralized Small Claims