

Bench-Bar Centralized Small Claims Committee
Subcommittee on Operational Process
Minutes of Meeting on August 26, 2008

All subcommittee members were present except Sydney Elkin.

The group discussed the delays in processing cases and the impact that it has had on various small claims filers. Attorney Podolsky expressed particular concern over housing matters which he believes have a different profile than other small claims matters. Attorney Collins would like housing small claims matters moved back to the housing sessions. There was a discussion of the viability of breaking out special interests and tracking them separately. There was agreement that there has been improvement since a year ago but the processing still needs to accelerate. It was suggested that clerks process executions without pulling files; concerns about accuracy and reliability were raised. It was noted that e-filing and scanning of small claims files would likely not occur in the near future. There were renewed expressions of interest in the bulk e-filing program developed by Judicial some time ago for law firms that file small claims matters.

The issue of service by plaintiff was raised. The response was divided and issues were raised as to shifting the costs to the plaintiff, the impact this would have, and how to compensate for the extra costs.

This question of when copies of answers are sent to plaintiffs was discussed. The court now sends copies of all answers to plaintiffs as soon as possible after receipt. Previously only answers that are admissions were sent right away; answers denying the claims were sent when the case was scheduled for a hearing. Again, the response was divided. It was suggested that defendants should send copies to the other side as is required in other forums, rather than have the court do so. There was concern over whether pro se defendants would comply.

An inquiry as to the ability of pro se parties to participate in e-filing was made.

Concern was expressed that many counterclaims are not valid. It was noted that the clerk's office is not authorized to consider the merits of the filings.

The creation of a settled but not withdrawn list for small claims was proposed.

Docket scheduling was discussed with a proposal for bigger dockets and for grouping cases filed by attorneys more conveniently for them, i.e., morning or afternoon, not both and particular days of the week. It was suggested that attorney only dockets with multiple firms might be feasible.

Evaluation of magistrates was proposed and an avenue to air grievances.

The subcommittee revisited the issues raised as to housing matters and the idea that housing cases be treated separately on an accelerated track was viewed favorably.

It was noted that the jurisdictional limit is set by statute. The next meeting will focus on the issue of service of process by the plaintiff.

The subcommittee will meet again on Friday, September 19, 2008 at 10:00 a.m. and Wednesday, October 1, 2008 at 2:00 p.m.

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