

Bench-Bar Centralized Small Claims Committee
Subcommittee on Operational Process
Minutes of Meeting on September 19, 2008

All subcommittee members were present except Kevin Hennessey.

The minutes of the meeting of August 26, 2008 were reviewed. Revisions were proposed to language regarding how improvement in small claims processing should be characterized, adding language about inquiries about e-filing, and the views regarding the treatment of housing cases. The minutes have been revised accordingly.

Attorney Reveley advised the committee that he looked into bulk e-filing and believed law firms could participate fairly easily. There was a discussion of how to achieve participation and how that participation would assist the Judicial Branch. It was noted that currently pro se parties cannot e-file.

The subcommittee drafted the following recommendation:

Automated bulk e-filing will be permissible as soon as possible and mandatory for parties represented by counsel at a date to be determined. This applies to volume filers, meaning those who file 50 or more small claims matters per year. A system will be developed so that non-attorney filers can e-file.

It is further recommended that affidavits be retained until judgment is satisfied, an action is withdrawn or the judgment expires by operation of law.

Law firms are encouraged to file claims by means of bulk e-filing within six months and mandated to do so within twelve months.

No further action will be taken in regard to the proposal for service by plaintiff in view of the recommendations regarding e-filing.

Attorney Olshan described the Rhode Island small claims process. Plaintiff is served by certified mail; an answer date is assigned eight weeks out and a trial date is assigned ten weeks out. If certified mail is not accepted, then marshal service is needed. If no answer is filed by the answer date, then judgment will enter.

There was further discussion of how a separate fast track of housing cases could be achieved and, in the alternative, returning housing cases to the housing sessions. Attorney Podolsky will inquire with clerks at Housing Sessions in that regard.

The subcommittee will meet again on Monday, September 29, 2008 at 2:00 P.M. rather than Wednesday, October 1, 2008.

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