

JUDICIAL DISTRICT OF DANBURY – LEGAL EXCHANGE

CIVIL DISCUSSION - TOPIC OUTLINE

Housing (Landlord/Tenant)

Venue

Entry Fee

- Summary Process
- Housing Civil

Motions for Default and Judgment (Summary Process-Eviction)

- Nature of review
- Timeframe for review
- Format/Timing of notices

Motions for Default (Civil Housing)

- Nature of review
- Timeframe for review
- Format/Timing of notices

Hearing Dates – What to Expect

- Role of the Housing Specialist
- Call of the Calendar
- Reporting back to the Court
- Trials (Closed pleadings/Scheduling)
- Motions – Scheduling

Civil Housing

- Definition
- Practice rules
- Trial/Motion Scheduling

Executions

- Stay periods
- How filed?
- Timeframe for review
- Special issues (i.e., Applications for Stay of Execution)

Writ of Audita Querela

- What is it?
- When used?
- Court review issues
- Result of a granted writ

E-Filing

- What is the effect of e-filing?
- Benefits of e-filing housing cases

Civil Caseflow

Individual Calendaring

- Overview, case types, prefixes, judges
- Changes to scheduling
- Short Calendar 11 & 12

New Scheduling Order Forms (JD-CV-141 – See Sample C3)

- Case types
- Additional requirements
- New time standards
- JD-CV-71 (See Sample C4)

Motions for Continuance (See Sample C5)

- Timely filing of continuance requests (3 days prior)
- If unavailable, must list conflict, docket number of conflicting case, location of conflicting case
- Use of separate exhibit in e-filing for longer explanations

Caseflow Requests (See Sample C6)

- Requesting pretrials and status conferences
- Requesting telephonic conferences
- Requesting to have client available by telephone

Dormancy

- C40 time standard: 12 months
- P00 time standard: 24 months
- Requirements to avoid dismissal
- Claims for Exemption: Form JD-CL-71 (See Sample C7)

Withdrawals: Form JD-CV-41 (See Sample C8)

- E-filing issues – Title you pick is box checked on the form
- Judgments cannot be withdrawn without being reopened first
- Motions filed in error must be withdrawn using withdrawal of motion title

Civil

Foreclosure Committee Issues

- Committee rate: \$200 hr
- Standard Court appointed appraiser rate for residential appraisal: \$350
- E-file draft Committee Deed w/Committee Report, invoices, etc., for review; once reviewed will be contacted by Clerk's Office (Assistant Clerk Vanessa Fertaly) to advise whether submission is approved or requires revision; if approved, can submit original for judge's approval and signature
- Motions for Approval of Sale/Report/Fees/Expenses: Must be e-filed and marked "Take Papers" when calendared; court appearance usually not required, but Committee can file request for argument together with the Motion for Approval if something unusual makes argument necessary or helpful to the Court's review – court will determine whether argument is necessary and will likely reschedule the motion for argument on a future date if argument is deemed necessary
- To be added to the Foreclosure Committee List: Contact Assistant Clerk Vanessa Fertaly for details
- Motion for Advice: Used when Committee seeking advice, instruction or further orders from the Court - contact Vanessa Fertaly after motion e-filed; motion then brought to judge for ruling/instructions

Motions for Supplemental Judgment

- Proposed Judgment file must be attached to the e-filed motion and also emailed to Attorney Vanessa Fertaly (Vanessa.Fertaly@jud.ct.gov)

- Bills of Cost Issues: Items awarded by the Court at the time of the entry of a judgment of foreclosure (such as appraisal fee and title search fee) are to be listed as part of the debt in the Judgment File, rather than listed as costs in the Bill of Costs
- Judgment File Issue: Judgment File should indicate “State of Connecticut” at the top and list all parties with addresses of all parties in the case caption

Short Calendar Write-ons/Mark-offs

- Caseflow Request must be e-filed
- No verbal requests
- Caseflow Request must be timely filed; if not timely filed, Judge may not be in a position to entertain the request prior to the Short Calendar
- Self-Represented parties must telephone in a verbal marking on the Short Calendar Marking line (203-207-8603) by the deadline indicated on the Short Calendar notice received (usually 4:00 p.m. on the Thursday prior to the Short Calendar date)

Special Proceedings (Applications for Injunction, Discharge of Mechanic’s Liens, Writs of Mandamus, etc.)

- All MUST be e-filed, except Applications for Pre-Judgment Remedies which may not be e-filed
- Judicial Branch website contains a list of e-filing exemptions (See Sample C-2)
- Even Ex Parte Applications for Temporary Injunction must be e-filed; if the filer is concerned that the matter is time sensitive, they can follow up with a phone call to notify the Clerk’s Office that the application has been filed and that it needs immediate attention

Motions to Withdraw Appearance

- Must be e-filed together with a blank order for hearing and notice page for the Clerk to fill in with the hearing date and time; once scheduled, the Clerk’s Office will mail back the completed notice of hearing in order for the requesting attorney to send the required notice to the client; the judges typically require proof of certified mailing or service by a marshal in order for the matter to proceed on the assigned hearing date

JUDICIAL DISTRICT OF DANBURY – LEGAL EXCHANGE

FAMILY DISCUSSION - TOPIC OUTLINE

Family Caseflow

E-Filing

- Overview and Impact on Caseflow
 - Mandatory on all Dissolution, Civil Union, L. Separation, and Annulment cases
 - All motion and pleadings on these cases must be E-Filed including continuances, and CMA's.
 - Emphasize this applies to documents filed during uncontested hearings in court.
 - Non-Compliant documents will be returned
 - Special Masters File Prep:
 - CF will print Complaint, Answers, Cross/Counter Complaints and Financial Affidavits only.

Short Calendar

- Complete forms, especially when using judicial forms
 - Filling in name and address of party to be served would be helpful
- Goal is to assign dates within 3-4 weeks of filing
- Danbury JD mail delays
- Notify CF in advance of requests for specific Short Calendar date
- Continuances:
 - Supplemental List/Write On-require motion for continuance
 - Printed List:
 - Moving party can mark off their motion by written request and must be reclaimed.
 - File Continuance if you want a new specific S. Cal. Date
- Non-S. Cal hearing date requests can be addressed on your S. Calendar hearing date or by continuance/off marking and status conference request.

Interpreter Requests

- Submit requests to CF as soon as possible

Conciliation v. Reconciliation

- Conciliation:
 - Motion filed pursuant to 46b-10
 - Goes on S. Calendar
 - Granting postpones proceedings 30-60 days
- Reconciliation:
 - Request, filed pursuant to 46b-53
 - Granted by clerk
 - Does not postpone proceedings

Trial Management Documents and Pretrial Documents

- Refer to Standing Orders
- File two copies, indicating one as bench copy

Family

Immediate Income Withholding for Support

- Required Forms: JD-FM-1 (Sample F1), JD-FM-150 (Sample F2) and Instructions (Sample F3)
- Completing the forms
- Procedures for having withholding approved and implemented

Family Judgment Files

- Forms: Dissolution of Marriage JD-FM-177 (Sample F4), Custody JD-FM-184 (Sample F5)
- Preparing a Judgment File
- Signature Requirements
- Ordering certified copies of judgment files

New Child Support Guidelines

- Assessment of impact

Applications for Relief from Abuse

- Forms required: JD-FM-137 (Sample F6), JD-FM-138 (Sample F7), JD-FM-164, if seeking custody of children (Sample F8), SMC-1 (Sample F9), SMC-2 (Sample F10)
- Optional form: JD-FM-233 (Sample F11)
- Review of statutory requirements of C.G.S. 46-15, et seq.
- Application process
- Ex Parte Relief and/or scheduling a hearing date on the application
- Marshal service
- Duration of restraining orders
- Restraining order registry

Filing and Enforcement of Foreign Matrimonial Judgments

- Forms required: Affidavit/certification of Foreign Matrimonial Judgment (Sample F12), Appearance form JD-CL-12 (Sample F13), Certified copy of the foreign judgment
- Statutory requirements for filing – C.G.S. 46b-70, et seq.
- Procedure for filing and providing notice
- Providing proof of service

Application for Waiver of Fees

- Form Required: Application for Waiver of Fees/Appointment of Counsel – Family, JD-FM-75 (Sample F14)
- Completing the form and application process
- Uses for the Application for Waiver
- Court ruling on the Application for Waiver
- Marshal service