Minutes
Commission on Civil Court Alternative Dispute Resolution (ADR)
Delivery Subcommittee
September 13, 2011
2:00 PM

Law Offices of Shipman & Goodwin
One Constitution Plaza
Hartford, CT

A meeting of the Delivery Subcommittee of the Commission on Civil Court Alternative Dispute Resolution (ADR) was held at The Law Offices of Shipman & Goodwin, One Constitution Plaza, Hartford, CT at 2:00 p.m.

Members present: Attorney Sarah F. DePanfilis (co-chair), Attorney Robert Simpson (co-chair), Hon. James W. Abrams, and Attorney David A. Reif.

Staff present: Roberta Palmer

At 2:05 p.m. the meeting was called to order.

Agenda Items:

A. Welcome:

Attorney Simpson welcomed the subcommittee members to the meeting.

B. Approval of Minutes:

The draft minutes of the July 25, 2011 meeting were unanimously approved.

C. Discussion on Proposed Case-Assessment Process:

The subcommittee agreed to adopt the criteria of procedural fairness, cost-effectiveness, timeliness and ethical process as set forth in the document prepared by Attorney DePanfilis as recommendations for the delivery of any court sponsored ADR process.

The subcommittee discussed and agreed to recommend that the Judicial Branch continue to make available mediation programs as they

presently exist in the areas of housing and foreclosure as well as recommending that a third, new mediation program be created for collection cases which mirrors the housing and foreclosure programs. It was agreed that Roberta Palmer would draft a proposal for this new program to be presented at the next full ADR Commission meeting on September 19, 2011

D. Discussion of Proposed Multi-Option Programs:

There was discussion and agreement on recommending that all civil cases, with the exception of housing, foreclosure, medical malpractice and collection, be evaluated for referral to ADR through a multi-option approach with the need for uniformity in each Judicial District. This process would begin with an intake form completed by all parties to the action. The subcommittee agreed that this form should be completed within 30 days from the appearance of the first defendant.

Discussion continued on the types of questions that would be included in the intake form and what information they were intended to illicit in order to be a useful tool in the evaluation for ADR.

The subcommittee agreed that the evaluation of the intake form be the task of an ADR Coordinator which would work with the presiding judge in each judicial district to make recommendations for referral to the most appropriate ADR process. The discussion centered on the belief that there would exist a “menu” of ADR processes which were clearly defined and uniform and that referral to an ADR process would take into account which process, if any, would best work to satisfy the needs of the parties and the court.

The subcommittee discussed and agreed that the delivery of ADR should include the creation of a process where the parties could negotiate discovery and its scope.

E. Preparations for Final Report and Recommendations:

The subcommittee agreed that the co-chairs would create a Power Point presentation which outlines the multi-option approach to ADR as the method for delivering services. Roberta Palmer was asked to prepare slides outlining the new collection mediation program which would be included in the presentation.

F. Schedule Next Meeting:

There was discussion as to whether an additional meeting was necessary and the subcommittee agreed to wait until after the full ADR Commission meeting to set a possible date and time.

The meeting was adjourned at 4:47 pm.