

Minutes
Public Service and Trust Commission
Committee on Self-represented Parties
January 23, 2009

The Public Service and Trust Commission Committee on Self-represented Parties met at 225 Spring Street, Wethersfield, CT in Room 4B on January 23, 2009.

Those in attendance: Hon. Elizabeth A. Bozzuto (co-chair), Hon. Raymond R. Norko (co-chair), Ms. Priscilla Arroyo, Chief Family Support Magistrate Sandra Sosnoff Baird, Ms. Desiree Biggs, Hon. Henry S. Cohn, Mr. Jeffrey Dowd, Atty. Steven D. Eppler-Einstein, Atty. Timothy S. Fisher, Ms. Krista Hess, Atty. Daniel B. Horwitch, Mr. David M. Iaccarino, Atty. Norman K. Janes, Dean Hugh C. Macgill, Hon. John J. Nazzaro, Family Support Magistrate Christopher F. Oliveira, Hon. Barry C. Pinkus, Atty. Susan Reeve, Atty. Mark D. Shea, Hon. Jonathan E. Silbert, Hon. Mary E. Sommer, and Hon. Cynthia K. Swinton.

The meeting was called to order at 2:07 p.m.

1. The committee reviewed and unanimously approved the minutes from the December 5, 2008 meeting.
2. Judge Norko introduced Ms. Desiree Biggs, one of the managers of the Court Service Center at 90 Washington Street in Hartford, who will join the Committee on Self-represented Parties to lend her expertise working with self-represented litigants in the Court Service Centers. Judge Norko then asked each subcommittee chair to update the full committee on their subcommittee work, including any preliminary recommendations, items that need to be researched further, and an anticipated completion date.

Judge Bozzuto, chair of the Subcommittee on Forms, reported that the subcommittee will recommend converting most commonly used Judicial Branch forms, and eventually all Judicial Branch forms, using plain language principles- forms that are easy to read, understand, and use. Access to these forms is also important. The subcommittee will recommend various ways to increase access to Judicial Branch forms and publications that include improving access via the web and in non-judicial locations such as libraries, senior centers and community centers. The subcommittee will also investigate the feasibility of grouping or bundling the forms required to file an action, such as dissolution of marriage, so a self-represented party can easily find all of the required forms in one location to accomplish their objective.

It was noted that individual Court Service Centers are informally bundling forms to assist self-represented litigants. However, it would be difficult to apply bundling of forms on a statewide level because the courthouses lack uniformity in the forms litigants are required to file for certain actions. The committee understands there is another committee under the Public Service and Trust Commission called Uniformity of Court Procedures that has been charged with alleviating this issue.

Judge Silbert, chair of the Subcommittee on Training, reported that the subcommittee administered a survey to accurately identify areas of the court system that are most problematic for self-represented parties, and whether written or video instructional material would be effective in teaching a self-represented party. The survey was answered by judges, family support magistrates, small claims magistrates, chief clerks, foreclosure mediators, housing specialists, and court service center and public information desk staff. The Subcommittee on Training will analyze the survey results and make recommendations for training. The subcommittee also drafted a “self-represented party letter,” which they will recommend be given to any person who files a pro se appearance. The letter explains where the self-represented party may be able to obtain assistance or resources on their own, such as legal aid and the law libraries. The letter also outlines the differences between what court staff may and may not do to provide such assistance in their case.

It was noted that the Judicial Branch recently issued a new video to help families minimize conflicts in custody cases. The committee felt these short videos, much like the video about jury duty, are very effective. Videos are inexpensive to produce; the message is consistent; they can be equipped with closed-captioning; and they can be translated into many different languages. The Judicial Branch must be careful, however, to avoid any ethical considerations about training. Reviewing too much information can appear to be legal advice. It can also appear biased if only one side of the party is a self-represented litigant. It was recommended that the Ethics Committee review any instructional material to avoid these issues. Also, training is equally important for Judicial Branch staff and judges so they understand how to appropriately handle matters with self-represented litigants.

Attorney Macgill, chair of the Subcommittee on Support Services, reported that the subcommittee is investigating the practicability of “advice days” and a dedicated docket for self-represented parties. Concerning advice days, the subcommittee must explore the problem of insurance or immunity for volunteer attorneys, and discuss ways to attract volunteer attorneys to participate in the program. The subcommittee toured the Court Service Center at the New Britain Judicial District to learn about the services and resources they provide. They will recommend that the Judicial Branch make it a high priority to expand the court service centers so there is one in every courthouse, and perhaps augment them with courthouse greeters or volunteer interns. The subcommittee fully supports the Judicial Branch’s current mediation efforts and will recommend that the Judicial Branch continue to promote existing programs, so that self-represented parties are aware of all available mediation options at the earliest possible stage through marketing of the mediation programs on the Branch’s website and by court staff.

It was noted that courthouses, such as Hartford’s Community Court, and particularly, Family Matters in New Haven, Bridgeport and Norwalk, are doing exceptionally well using mediation services with parties. The committee resolved that the Judicial Branch should focus on these courthouses and emulate them statewide. Judge Norko requested the committee members with expertise in Family Matters to submit their observations of reoccurring issues in family court and forward recommendations to Judge Norko and Judge Bozzuto.

Judge Cohn, chair of the Subcommittee on Legal Services, reported that the subcommittee found that Connecticut currently has a practice book provision based on the ABA model rule that covers unbundling of legal services. This provision, however, only applies to non-profit groups such as legal services programs. Judge Cohn distributed several reports that describe states that currently have rules, either across the board or with a limited scope, for unbundling in place. The subcommittee will research the possibility of extending this rule to attorneys in private practice. The subcommittee is also investigating sources of funds for legal aid given that the Connecticut Bar Foundation's IOLTA/IOTA grants to legal services agencies will decrease from twenty million in 2007 to a projected four million in the upcoming year.

Judge Norko, chair of the Subcommittee on Technology, reported that the subcommittee divided their work into two areas of focus: 1) the Court Service Centers and Public Information Desks, and 2) the legal services website project. Following a visit to the Court Service Centers at the New Britain and Hartford courthouses, the subcommittee will recommend that every courthouse has a Court Service Center equipped with the latest technology for self-represented parties to conduct their court business (i.e., download forms, look-up court cases, read on-line self-help and other information). It was noted that the public libraries may require Judicial Branch publications, forms and other information to assist self-represented litigants when Branch law libraries are closed at night and on the weekends. Mr. Dowd will contact some public libraries to determine what resources, if any, are needed.

The next meeting of the Committee on Self-represented Parties will be February 27, 2009 at 2:00 p.m. at 225 Spring Street in Wethersfield, CT.

Prior to adjourning the meeting, Judge Norko recognized the committee's support staff (Priscilla Arroyo, Michelle Burroughs, Krista Hess and Shawna Johnson) for their role in the committee's work.

3. The meeting was adjourned at 3:35 p.m.