Minutes
Commission on Civil Court Alternative Dispute Resolution (ADR)
January 20, 2011
2:00 PM
231 Capitol Avenue
Hartford

The first meeting of the Commission on Civil Court Alternative Dispute Resolution (ADR) was held at 231 Capitol Avenue, Hartford, CT, in the attorney conference room at 2:00 p.m.

Members present: Hon. Linda K. Lager (chair), Hon. James W. Abrams, Hon. Jon M. Alander, Hon. Kari A. Dooley, Hon. Frederick A. Freedman, Hon. Robert L. Holzberg, Hon. Aaron Ment, Hon. Elliot N. Solomon, Hon. Dawne G. Westbrook, Attorney Christopher Bernard, Attorney Daniel S. Blinn, Attorney Joseph Burns, Attorney David W. Cooney, Attorney Sarah F. DePanfilis, Attorney Timothy S. Fisher, Attorney Irene Jacobs, Attorney Patricia Kaplan, Professor Carolyn Wilkes Kaas (by phone), Attorney Duncan MacKay, Attorney Arthur A. Palmunen, Attorney David A. Reif, Attorney Robert Simpson, Professor James H. Stark.

Also present: Hon. Barbara M. Quinn, Attorney Joseph D. D'Alesio

At 2:00 p.m. Judge Lager called the meeting to order.

Agenda Items:

1. Welcome by the Chief Justice:

   Chief Justice Chase T. Rogers welcomed the commission members and stated that the Branch's goal is to increase utilization and effectiveness of its ADR programs. The commission must focus on what is working and why, and what is not working. The Chief Justice cited the foreclosure mediation program as a successful program. The focus should be on meaningful access and the commission should think about self-represented individuals. The Chief Justice suggested reviewing programs in other jurisdictions. The commission should submit its full report with recommendations by December 2011.

2. Introductory Remarks by Judge Lager (chair):

   Commission members were asked to introduce themselves. Judge Lager stated that the commission is focused on civil, not family. The meetings are subject to Freedom of Information Act requirements. Staff members were introduced: Attorney Tais Ericson, Roberta Palmer and Attorney Rose Ann Rush.

3. Review of Commission Charge:

   Judge Lager reviewed the charge with the members.

4. Overview of Civil ADR Programs in Connecticut Courts:

   Roberta Palmer, Program Manager, used a PowerPoint presentation to provide an overview of current court sponsored civil ADR programs.

5. Exercise on Commission Process:

   Attorney Joseph D. D'Alesio led the members in an exercise to identify stakeholders and what stakeholders are looking for in terms of court sponsored civil ADR. Commission members were tasked to meet with stakeholders, either groups or individuals, within each commission members' area of practice or interest and to ask the same questions. Commission members should ask stakeholders to explain why they think an existing program works or doesn't work.

   The Branch's court sponsored civil ADR programs were reviewed. Commission members indicated whether they had any experience with individual programs and if so, what worked and what did not work in their view. The commission members were asked to the same program review with stakeholders during the information gathering stage.

   Members identified areas to for the commission to consider including how the Branch publishes and promotes its programs, accuracy of the information about ADR on the Branch's website, whether there are too many programs, whether there are pro bono opportunities, whether community mediator programs can be used in the civil division, ways to enhance participation by self-represented individuals, and identifying performance measures.

   Judge Lager asked the members to think about a definition of ADR. It was noted that the literature suggests that ADR happens outside the litigation process, that ADR success should not be measured only by settlement, that ADR is criticized in some literature because it is not an open process, that extensive use of ADR could result in a lack of a body of controlling law in some subject areas and that there is no body of standards to measure outcomes.

6. Discussion of Information Gathering Process:

The commission members were tasked to gather information by meeting formally and informally with stakeholders and they were asked to create opportunities for information gathering. To facilitate uniform information gathering, Roberta Palmer, Program Manager will send a template for commission members to complete during the information gathering process. The templates should be returned to Roberta Palmer by 3/21/11. The staff will gather data on the nature and extent of the use of the current court sponsored civil ADR programs in each Judicial District.

7. Future Meetings:

   The next meeting will be on 3/31/11at 225 Spring Street, 4th floor, Wethersfield, CT

8. Closing Remarks:

   Judge Lager asked the members to think about ways to group the issues in order to create sub-committees at the next meeting.

The meeting was adjourned at 4:45 p.m.