

**Minutes  
Commission on Civil Court Alternative Dispute Resolution (ADR)  
Utilization Subcommittee**

**July 28, 2011  
2:00 PM  
123 Hoyt Street  
Conference Room 405B  
Stamford, CT**

A meeting of the Utilization Subcommittee was held by teleconference at 123 Hoyt St., Stamford, in conference room 405B at 2:00 p.m.

Members present: Professor James Stark (chair), Hon. Linda K. Lager, Hon. Jon M. Alander, Hon. Elliot N. Solomon, Attorney Joseph Burns and Attorney Agnes Cahill.

At 2:06 p.m. Professor Stark called the meeting to order.

1. The minutes of the 6/22/11 meeting were unanimously approved.
2. The subcommittee continued its review of existing civil ADR programs, beginning with the Court Annexed Mediation (CAM) program. Issues discussed included expanding the pool of CAM judges. One benefit of expanding the pool would be to decrease the time it takes to get a CAM session scheduled. Another idea raised is to have CAM judges provide an outline of their qualifications and approach in advance, including any special substantive expertise and whether they allow/encourage parties to speak; this would facilitate a better matching of a CAM judge to a case.

A discussion was held regarding the idea of expanding CAM providers to include private attorneys. A viewpoint expressed in support of this idea is that it would save judge time so that judges remain available for more complex cases. It was suggested that the private attorneys could be vetted and supervised, for example, by use of invitation to become a provider and through evaluation forms. An opposing viewpoint expressed was that if parties wish to have a private attorney conduct mediation, private mediation is available. The court is not in a position to vet and supervise private attorneys and a very strong mechanism would have to be put in place to do so. There was no consensus for this idea.

A brief discussion was held regarding the use of CAM versus private mediation. Examples of cases were given where there were barriers to settlement, e.g., insurance issues, and where a separate mediation was necessary to settle such issues before there could be a mediation between plaintiff(s) and defendant(s). An idea was raised to consider a

subset of CAM for cases where there are barriers to resolution and break down those issues first.

A brief discussion was held regarding the method of getting cases into the CAM program. It was agreed that CAM should be voluntary. A suggestion was made that there could be another option where the plaintiff, defendant or court chooses and nobody knows who made the referral. Because timing of the referral is very important, it was noted that this would be an issue in that presiding judges have different approaches and therefore the timing may not always be optimal.

A discussion was held regarding the early intervention and early neutral evaluation programs. It was noted that both programs are rarely used and originated when the inventory of civil cases was much higher. It was agreed that there is not enough demand for a formal early intervention/evaluation type program, and other ADR options, including CAM, are available. It was agreed that both programs should be eliminated.

A discussion was held regarding the expedited track process. It was noted that this program is not used and also originated when the inventory of cases was much higher. It was agreed that there is not a need for this program and that it should be eliminated.

A discussion was held regarding the fact-finding program. It was noted that some judicial districts do not use this program and find it easier to just schedule a court trial instead of fact-finding. It is used mostly in Hartford; Bridgeport; Middletown and Windham. Staff will speak to the caseload coordinators in the four districts where it is used the most and Judge Lager will speak to the presiding judges in those districts to determine the reasons that they use it. It was agreed that further discussion would be deferred until after this information is obtained.

3. The next meeting will be by teleconference on August 31, 2011 at 2:00 p.m.
4. The meeting was adjourned at 3:55 p.m.