



The Jerome N. Frank Legal  
Services Organization  
YALE LAW SCHOOL  
Housing Clinic

April 21, 2020

The Honorable Patrick L. Carroll III  
Chief Court Administrator  
Connecticut Judicial Branch  
231 Capitol Avenue  
Hartford, CT 06106

Dear Judge Carroll:

As the only nonprofits in the state who represent homeowners in foreclosure, we appreciate that the Judicial Branch has taken so many measures to protect litigants and to prioritize public health during this crisis, while still meeting its constitutional obligations. Because of the Branch's limitations on court business to only Priority 1 business functions, self-represented litigants, like homeowners in foreclosure, tenants at risk of eviction, and defendants in collection lawsuits, have been able to focus on their and their family's health rather than preparing pleadings without the resources ordinarily available to them. We write now to request that the Branch exempt civil cases involving self-represented parties and non-appearing individuals from its plans to resume non-arguable short calendars for non-priority 1 cases so as to ensure equal access to justice for litigants without counsel and to protect the public health.

Resuming civil short calendars for non-priority 1 cases would require self-represented litigants to prepare and file responsive pleadings to protect their legal rights. For example, if a foreclosing plaintiff or creditor files a motion for default, or if a foreclosure committee files a motion to approve a sale (that took place on or before March 14), a self-represented party will need to determine whether they have grounds to object, prepare a response, and file it with the court in time. The COVID-19 pandemic creates barriers for self-represented parties at each step, to wit:

- Avenues for obtaining critical information and advice, like law libraries, the Volunteer Attorney Program, and Court Service Centers are all closed.
- Clerk's offices may lack the staff to answer self-represented parties' questions.
- Documents that have been fax-filed or mailed may not be timely uploaded to the dockets. For instance, in a case where one of us has a limited appearance, a motion we fax-filed on March 27 still has not been uploaded to the docket.
- Access to the internet is not universal, and many common places to access the internet – schools, libraries, and small shops – are closed.
- Many people lack access to personal printers, fax machines, scanners, and copiers and many places with such services are closed.

- There are only six places where self-represented parties may file “non-urgent” documents in-person – a circumstance particularly difficult for people who rely on public transportation but whose local courthouse is closed – and those parties have not been notified of their case’s “new” courthouse nor of the days it is open.

Individuals who are ill or susceptible to COVID-19 because of age, disability, or underlying medical conditions face a more difficult time. Further, requiring self-represented parties to go to the courthouses that are still open may risk their health and the health of Branch employees. For litigants with disabilities of any sort – and whose needs must be considered – their barriers to equal participation in the court process may be even more extreme. They may not be able to respond at all, or at least timely respond, and most will not know of their right to request a reasonable accommodation because their access to the court is now curtailed.

There is also significant public confusion as to the status of court activities and the perception that non-priority cases like foreclosures and collection cases have been indefinitely put on hold. Self-represented parties may not understand the nuances of the Branch’s latest plans and continue to believe that nothing will happen in these cases until the emergency recedes. Indeed, we spend considerable time answering questions from attorneys in the private sector about the announcements (despite their aptitude and access to the Branch’s COVID-19 page) and are confident that many self-represented parties have questions that they cannot get answered right now and are operating under misimpressions.

Exempting non-priority 1 civil cases involving self-represented parties and non-appearing individuals from short calendars until the public health crisis recedes would promote equal access to justice, maintain the public health, and ensure equal access for people with disabilities. Notwithstanding such an exemption, the Branch could process motions in which (1) the self-represented party has consented to the motion or (2) the only self-represented party is the one filing the motion. The exemption could be in place till thirty days after the end of the civil preparedness and public health emergency, *i.e.*, the timeline in Governor’s Executive Order 7S regarding nonjudicial municipal tax foreclosures.

We sincerely acknowledge the need to resume some court activities. Nevertheless, on behalf of the self-represented parties we regularly advise, and all those who do not know where to turn, we respectfully request that the exemptions described above be adopted.

Sincerely,

Erin Kemple, Executive Director  
Connecticut Fair Housing Center

J.L. Pottenger, Jr.  
Nathan Baker Clinical Professor of Law at Yale Law School  
Supervising Attorney, Housing Clinic, Jerome N. Frank Legal Services Organization<sup>1</sup>

Cc: Hon. Richard Robinson, Chief Justice, Connecticut Supreme Court  
Hon. James Abrams, Chief Administrative Judge for Civil Matters  
Governor Ned Lamont  
Senator Gary Winfield, Co-Chair, Judiciary Committee  
Representative Steven Stafstrom, Co-Chair, Judiciary Committee

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<sup>1</sup> This letter does not necessarily reflect the institutional views of Jerome N. Frank Legal Services Organization, Yale Law School, or Yale University.