



STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

HELEN B. BENNET
Attorney

186 NEWINGTON ROAD
WEST HARTFORD, CT 06110

TEL (860) 231-2442
FAX (860) 231-1055

To: Senate Co-Chair Eric Coleman
House Co-Chair William Tong
Senate Ranking Member John Kissel
House Ranking Member Rosa Rebimbas
Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: HB 7031 An Act Concerning the Establishment of a Pilot Program
for the Mediation of Condominium-Related Disputes

Date: March 25, 2015

The Office of the Probate Court Administrator supports HB 7031 An Act Concerning the Establishment of a Pilot Program for the Mediation of Condominium-Related Disputes. The bill would use a three year pilot program to test the efficacy of using mediation to resolve disputes between condominium associations and unit owners. The pilot program would operate in two of the seven administrative regions within the Probate Court system.

To be eligible for the program, all parties must agree to mediation in writing. Mediation would be conducted by a Special Assignment Probate Judge appointed by the Chief Justice under section 45a-77b. If the parties are able to achieve a settlement, the judge would assist in the preparation of a document to memorialize the agreement. Parties retain the right to terminate mediation at any time and likewise retain the right to initiate an action in Superior Court if the mediation is not successful.

Although condominium disputes involve a different area of the law than other matters currently within the jurisdiction of the Probate Courts, we believe that the Probate Courts are well-suited to this form of dispute resolution. Probate judges are skilled in assisting parties in resolving highly contested matters. The Probate Courts would provide a convenient and economical forum in which the parties involved in condominium disputes can work towards mutually acceptable agreements rather than engaging in protracted litigation.

We note that the bill as drafted limits the pilot program to available appropriations. Given the challenges of the budget process and the difficulty in predicting the volume of cases that might be filed under the program, we urge the committee to retain this language.

We appreciate the committee's consideration and would be pleased to assist in drafting any refinements to the proposal.