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Date: 10/24/2022

ADM File Number: 2020-08

Comment:

While some of the changes to summary proceedings were necessary during the pandemic, making them permanent is both unnecessary post-pandemic and very inefficient, especially for busier courts. CERA funding is depleted and while courts can certainly provide a list of resources for tenants, unnecessary hearings (such as pretrials) and mandatory adjournments do not actually provide assistance to a tenant facing eviction. Judges should retain their discretion in adjourning matters and would likely do so if a tenant has applied for assistance. But mandating adjournments and stays on cases where assistance is not even sought, only serves to create a backlog of cases that are clogging the courts.

While my hope is that initial pretrials are not mandated, if the court decides to keep them in place, I would request that magistrates and CDRP mediators be allowed to conduct the pretrial and not require a record to be made (4.201 E). In addition, a tenant who fails to appear at the initial pretrial should have a default entered, regardless of the manner of service (4.201G5ii), similar to other types of matters where action is taken for failure to report as directed.

As courts start to see increasing caseloads, we need efficient processes to keep the cases moving and fairly administer justice, a key purpose of our state courts.