

## CONNECTICUT

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### 1. Structure of Civil Courts

Negotiating your way through the Connecticut court structure and procedures requires a review of the Connecticut General Statutes (especially Title 51), the Connecticut Rules of Court (commonly referred to as “the Practice Book”), the Connecticut Constitution, the Standing Rules of several judicial districts, and the Judicial Branch website ([www.jud.ct.gov](http://www.jud.ct.gov)). Since 1982, the Connecticut Constitution has provided that, “The judicial power of the state shall be vested in a Supreme Court, an Appellate Court, a Superior Court, and such lower courts as the general assembly shall, from time to time, ordain and establish.” Conn. Const., Art. 20, § 1.

The main trial court in both law and equity (as well as criminal matters) is the Superior Court, and cases are returnable to one of the 15 Judicial Districts or 19 Geographic Areas (depending on type of case) located throughout the state, with the venue based upon specific criteria set forth in Conn. Gen. Stat. § 51-345. As a general matter, with the exception of matters within the jurisdiction of the probate court,<sup>1</sup> and certain types of cases set forth by statute,<sup>2</sup> all civil and criminal matters are returnable to the Superior Court. There are four Divisions – family, civil, criminal, and housing (Practice Book § 1-3), with the Civil Division further divided into five parts – summary process and other landlord and tenant matters; small claims;<sup>3</sup> administrative appeals, jury matters; and court matters (Practice Book § 1-5).

In addition, the Superior Court has established dockets in several Judicial Districts (presently, Hartford, Stamford, and Waterbury) to hear “Complex Litigation” matters, where there are “multiple litigants and/or legally challenging issues or multi-million dollar claims for damages...”. Conn. Practice Book § 23-13, *et seq.*; Conn. Judicial Branch Website, [https://www.jud.ct.gov/external/super/FACTS\\_092020.pdf](https://www.jud.ct.gov/external/super/FACTS_092020.pdf). Assignment to that docket is discretionary, instituted upon a request by “an attorney, judge, or self-represented party” (to which objection may be lodged), and if granted, results in an individual calendar method of case management. A decision as to whether to seek such assignment is best made after due consideration of all relevant factors involving such assignment.

The Supreme Court (which until 1965 was called “the Supreme Court of Errors”) has direct appellate jurisdiction over a limited group of enumerated cases,

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<sup>1</sup> See Conn. Gen. Stat. § 51-164s.

<sup>2</sup> See Conn. Gen. Stat. §§ 51-345, -348, and -352.

<sup>3</sup> Small claims matters are processed with their own rules for civil actions (other than libel and slander) where the damages claimed are less than \$5000 and the defendant is a Connecticut resident. Conn. Practice Book §§ 1-5, 24-2; Conn. Gen. Stat. § 51-15(d).

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including where a Superior Court declares a state statute or provision of the state constitution invalid; and a broader group of criminal matters. It also hears appeals from the Appellate Court, and it may transfer to itself appeals which have been taken to the Appellate Court. The Appellate Court has jurisdiction over all final judgments or actions of the Superior Court, except for small claims, which are not appealable. Conn. Gen. Stat. § 51-197a(a).

### 2. Basis of Jurisdiction

The Superior Court is the state's main trial court, and there is no minimum jurisdiction for cases to be filed within the Superior Court. While they are within the Superior Court, small claims matters (where damages claimed are less than \$5000) are processed in a separate part, under their own rules. In addition to its appellate jurisdiction, the Supreme Court has original jurisdiction over a limited set of matters, predominantly relating to election or primary disputes, and judicial removal or suspension.

Critically, all challenges to jurisdiction (other than subject matter jurisdiction) must be filed within 30 days of the movant's entry of an appearance,<sup>4</sup> or they are waived. Conn. Practice Book §§ 10-30, 10-32.

Venue of cases within the Superior Courts can be somewhat tricky. Venue in "transitory" actions where one party is a resident is within the judicial district in which either party resides,<sup>5</sup> with certain specific additional options granted by statute to enumerated locales.<sup>6</sup> Actions involving land are typically returnable where the real property is located,<sup>7</sup> with special venue options again allowed for residents in certain areas.<sup>8</sup> Consumer transaction proceedings are venued where the defendant resides or where the transaction occurred.<sup>9</sup>

Where no party resides within the state, the case is to be returned to the judicial district where the injury or transaction occurred, or where the property is located or can be lawfully attached.<sup>10</sup> Foreign corporations may only sue residents in the judicial district where the defendant resides;<sup>11</sup> if the defendant is a corporation, venue is limited to where the injury or transaction occurred, or the property is located.<sup>12</sup> Domestic corporations may sue residents where they have an office or place of business or where a resident defendant resides; if the defendant is a corporation, it may sue where its office or place of business is located; or where the injury or transaction occurred, or where property is located.<sup>13</sup>

### 3. Commercial Courts

There are no courts denominated "commercial courts" within the State of Connecticut. To the extent that a commercial matter has numerous parties and/or involves complex issues of law or fact, a party may seek to have it referred to the Complex Litigation Docket.

### 4. Mediation

There is no express mandatory mediation program for most civil matters; a main exception being "Housing Matters" (defined in Conn. Gen. Stat. § 47a-68 to include summary process and most landlord-tenant matters), which are subject to mandatory mediation requirements before trial.

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<sup>4</sup> Note that the triggering event is the filing of the Appearance, not of a responsive pleading.

<sup>5</sup> Conn. Gen. Stat. § 51-345.

<sup>6</sup> *Id.*

<sup>7</sup> Conn. Gen. Stat. §51-345(b).

<sup>8</sup> *Id.*

<sup>9</sup> Conn. Gen. Stat. §51-345(d).

<sup>10</sup> Conn. Gen. Stat. § 51-345(a)(1).

<sup>11</sup> Conn. Gen. Stat. § 51-345(c)(3).

<sup>12</sup> Conn. Gen. Stat. § 51-345(c)(4).

<sup>13</sup> Conn. Gen. Stat. §51-345(c)(2).

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The Judicial Branch does, however, offer (and in some cases, require) a number of alternate dispute resolution programs. The court may, on its own motion, refer contract actions (other than uninsured and underinsured motorist coverage cases) to a fact finder where the amount in controversy is less than \$50,000; the decision is subject to court review (Practice Book § 23-53). The court may also, on its own motion (or upon a party's petition), refer cases to arbitration where the reasonable expectation of judgment is less than \$50,000 (Practice Book § 23-61); the award is capped at \$50,000 (*id.*), and while the parties may reject the award by filing a claim for a trial de novo, the trial de novo proceeds on a fast track, is held before a judge trial referee (typically, a retired judge), and the cap is removed. (Practice Book § 23-66). The Judicial Branch also offers Judicial-ADR, an alternate dispute resolution programs upon stipulation of the parties; participation in that program stays all proceedings while the process is being completed. Practice Book § 23-67.