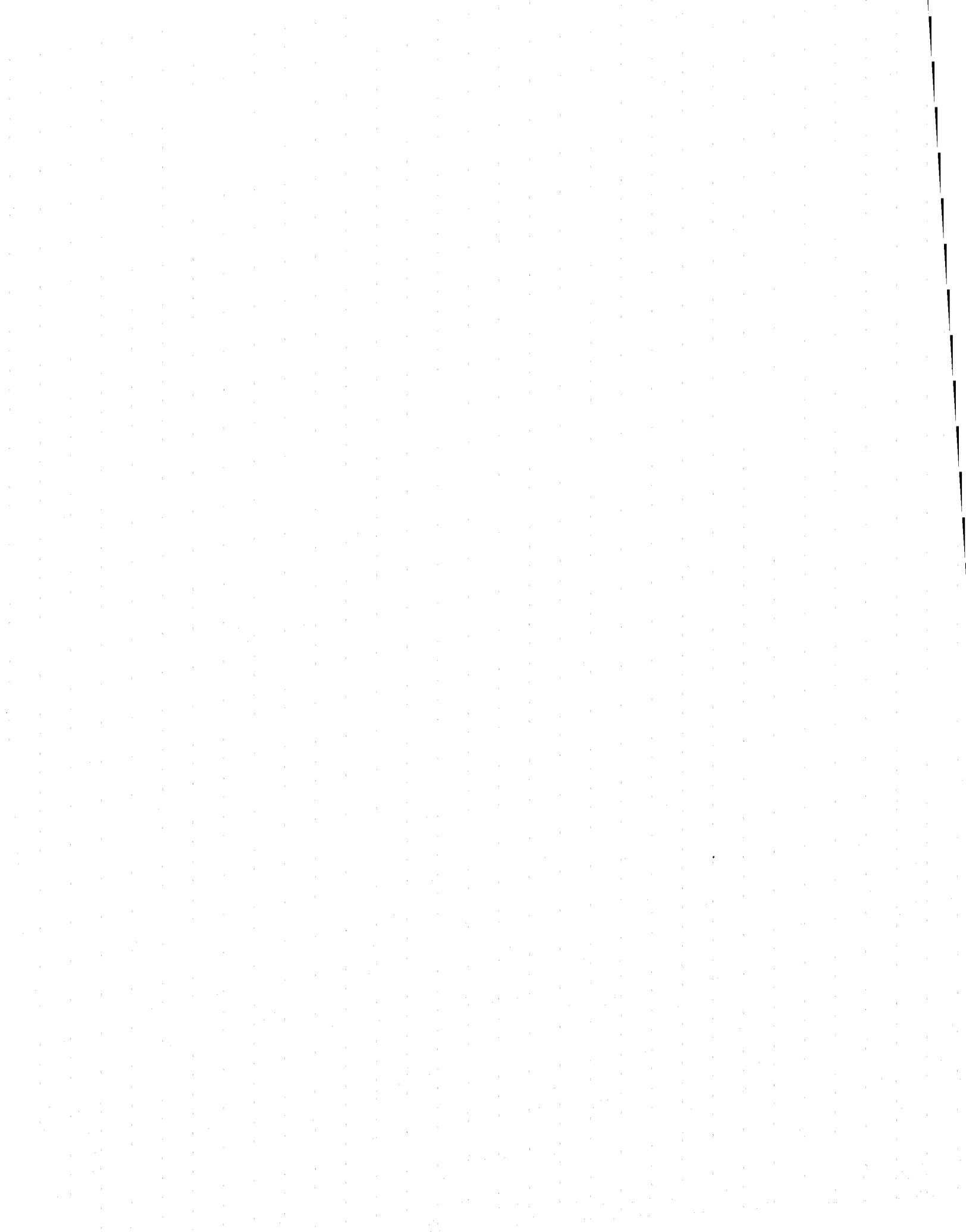


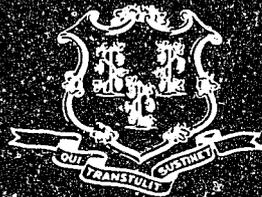
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HOW TO SUE IN SMALL CLAIMS COURT IN CONNECTICUT

A Guide for the Consumer

If you feel you have been denied what is rightfully yours by a person or a business, you can sue in small claims court and you do not need a lawyer. The procedure is simple and this book tells you how to do it.



ELLA T. GRASSO

Governor of Connecticut

DEPARTMENT OF CONSUMER PROTECTION

Mary M. Heslin, Commissioner



ELLA T. GRASSO
GOVERNOR

MARY M. HESLIN
COMMISSIONER

State of Connecticut
DEPARTMENT OF CONSUMER PROTECTION
STATE OFFICE BUILDING
HARTFORD, CONNECTICUT 06115

NCJRS

MAR 20 1979

Dear Consumer:

ACQUISITIONS

The small claims courts in the State of Connecticut were created to assist you, the citizen, to seek redress when you believe you have been defrauded and have a legitimate claim. In this "people's court" you are not required to hire a lawyer to represent you in any action you may decide to take. However, in order to best utilize your time in court and avoid frustration, it is essential to understand the procedures which the courts require so that you may enforce your rights.

This guide was written to assist you in understanding the small claims court procedures. It is our hope that you will utilize this guide and use these courts whenever you have a legitimate reason to do so.

Please read this guide carefully. The information contained within should be of help to you in your effort to resolve a dispute.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary M. Heslin".

Mary M. Heslin
Commissioner

*PLEASE NOTE: Due to the reorganization of the state court system, where the Court of Comm. Pleas is referred to in this booklet please substitute Superior Court. It is recommended that prior to initiating a claim, you verify the G.A. area with the court clerk. In most instances the G.A. area will be as listed on page 14-15 in this booklet.

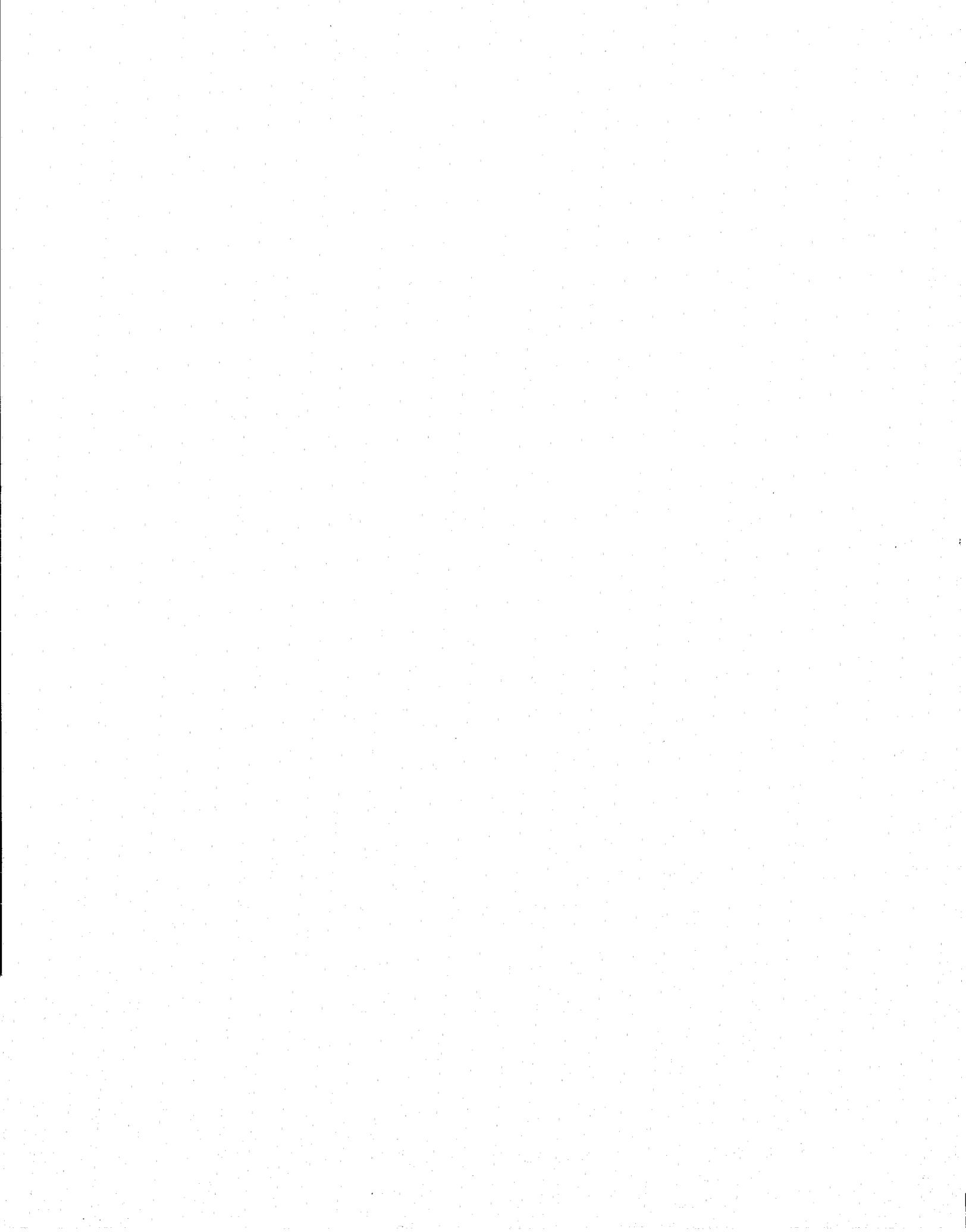




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HOW TO SUE SOMEONE IN CONNECTICUT SMALL CLAIMS COURT

WHAT IS SMALL CLAIMS COURT?

Perhaps next week you will find that a laundry or dry cleaner has misplaced your clothes. You give the store owner a few days to find them, but when you return, he is apologetic but emptyhanded. A week or two passes, but still the laundry cannot be found. You feel the laundry was worth fifty dollars, but the owner won't offer you more than five dollars. What can you do? You can sue the owner of the laundry for fifty dollars -- the amount of money you feel he has caused you to lose. And you can do this yourself, without having to hire a lawyer, by going to the small claims court. IN SMALL CLAIMS COURT THE RULES ARE SO SIMPLE THAT YOU DON'T NEED A LAWYER. THIS BOOK EXPLAINS THE RULES.

Small Claims court is a people's court -- a place where you can sue someone without paying money for a lawyer. Here are a few other examples of cases commonly taken to small claims court:

- If you buy a dishwasher, a television, or other appliance and it breaks down right away but the store refuses to refund your money.
- If you buy something in a store but the merchandise delivered to you is not exactly what you ordered, and the store refuses to give you what you agreed to buy.
- If someone damages your property and refused to pay you for repairs.
- If your landlord refuses to return your security deposit when you vacate your apartment.

SPECIAL NOTE: Remember that the court is not designed to take your place, or do all your work for you. It is a tool for you to use. Often you will be asked to find out additional information or do additional tasks for the court in order to give your case the best chance. You will need to take an active interest in your case if you expect it to be successful. Above all, the small claims court is an impartial forum.

WHO MAY USE A SMALL CLAIMS COURT?

Any person 18 and over, with a just complaint, may use the court; a minor may use it by having his parent or legal guardian go with him to file the claim and then to the trial. You can sue an individual, a corporation, a partnership, or an association. A business may also bring action against individuals.

WHO MAY YOU SUE?

You may now use the small claims court to sue any person you think owes you money for a sum of \$750 or less. If the person owes you more than \$750, you can still sue in small claims court, but by suing for the \$750, you forfeit any claim you had on the rest of the money he owes you. If you want to sue for more than \$750, you must do it in the regular civil court where you may need a lawyer. Although you are allowed to press your claim in person in civil court, it is often advisable to be represented by an attorney. YOU CAN RECEIVE ONLY ONE JUDGMENT FOR A SINGLE CLAIM EVEN IF THAT JUDGMENT DID NOT COVER THE ENTIRE AMOUNT OF THE DAMAGE.

By suing in small claims, you will be able to take advantage of the simple, quick procedure of the court, and the fact that you do not need a lawyer.

The person or company you are suing must either (1) live in Connecticut, (2) work in Connecticut, or (3) have an office in Connecticut. The small claims court has no power outside of the state boundaries.

WHERE TO SUE

There are 19 small claims geographical areas of the Court of Common Pleas in the State of Connecticut, each serving a definite geographical area. A list of their locations can be found in the back of this booklet.

When you sue someone, the party you are suing must be a resident of or doing business in the geographical area where the case is entered; or the transaction must have taken place in the geographical area.

SUMMARY:

Small claims court is the place to go when you feel you are owed money for:

- a) rent or security deposits
- b) damage to property (must get estimate or paid bill for repair)
- c) loans - personal or commercial
- d) merchandise purchased
- e) also merchandise purchased which was
 - 1. not delivered
 - 2. misrepresented
- f) service rendered
- g) also services rendered not completed or not properly performed
- h) any other claim for money damages of \$750 or less except libel or slander actions.

HOW TO START THE SUIT

To start the suit, just follow these steps:

1. If the claim is against a company, you should find out whether it is a corporation or not. To get this information, call the Secretary of the State's office - Corporation Division, 566-3216 or write a letter to the Secretary of the State, Corporate Information, 30 Trinity Street, Hartford, Connecticut. If it is not a corporation, call the Town Clerk's office in the town where the company is located and get the name(s) of the owner(s).
2. You should write a letter to the party being sued requesting payment of your claim, at least 3 days but not more than 30 days prior to entering your claim. If this is not done, you will not be entitled to recover any court costs which are to be collected out of wages. A sample of a letter of demand on the defendant is included on Page 8 of this booklet.

3. When your claim is against an individual, you must have recent personal knowledge that the defendant is not in the military service. Such knowledge may be obtained by talking with the defendant, observing the defendant, or any other way you can be sure he is not in the military service.
4. To begin the action, you must pay the clerk a \$6.00 entry fee (which will be added to the amount of your judgment if you win).
5. Choose the proper court from the list in the back of this pamphlet. Remember, you may only use the small claims court in the geographical area where the party you are suing (the defendant) resides, conducts his business, or where the transaction took place. Collect any and all documents that relate to your claim, for example, invoices, letters, statements of account, estimates of damage, paid bills, cancelled checks, etc. and bring them with you.
6. The clerk will fill out the entry form for you. You must give the full names and addresses of all the parties, dates, items, and the amount you are suing for. You can sue more than one person at the same time, if you think two or more people may have been responsible, or if you do not know which one was responsible. You will need the full name and address of each person you sue. Regardless of the number of defendants, you still may not sue for more than \$750 in one case.
7. The clerk will give or mail to you a copy of the completed claim form. This form will indicate to you the date by which the defendant must answer (Answer Date) and will contain the docket number of your case. KEEP THIS PAPER. You will be asked to call the clerk's office on the day after the answer date to find out if the defendant has received your notice and has filed an answer.
 - a) If the defendant has filed an answer the clerk will inform you of the nature of the answer and will mail to you a notice of the date and time of the hearing.
 - b) If the defendant has not answered (this is called a "default") you will be entitled to receive judgment in your favor and the clerk will advise you whether or not you will be required to come to court.
 - c) Sometimes it is not possible for the court to give notice of the suit to the defendant by registered mail. If this happens the clerk will advise you that you will have to hire a sheriff to serve the notice of your claim on the defendant.

If the person you are suing pays you before the hearing date, you are asked to mail the clerk a letter, giving docket number and names of the parties and withdraw the action.

SPECIAL NOTE: The name of the person or store you are suing must be its exact, correct, legal name. If you make a mistake and list the wrong name, you may not get your money. You may not use abbreviations, initials, or nicknames of any person you are suing. Richard Jones cannot be sued as R. Jones or Dick Jones. Abbreviations and nicknames also may not be used for any business you are suing. Sometimes the name on a store will not be its real, legal name; a store may be called Fizzle Appliance or Fizzle's, when its legal name is "Fizzle Appliance Stores, Incorporated." If you leave out any part of the name, you may not get your money.

WHAT TO DO WHILE YOU ARE WAITING FOR THE TRIAL DATE

The most important thing you must do before the trial date is to gather all relevant documents and papers (be sure to bring them to court), and obtain any witnesses who might help you by coming to the trial with you.

There are two kinds of witnesses. Sometimes a friend, relative or neighbor will have observed what happened. He may have seen you buy your non-working television, or he may have tried to look at the television in your home and seen that it does not work. With such a friendly witness, who will voluntarily come to court to help you, all you have to do is to tell him the trial date and make sure he comes.

But there might be another kind of witness, who would not bother to come to court to help you unless you make him come. For example, you may be suing a man who scratched your car while it was parked in a garage and an attendant may have seen him do it. The attendant is a witness, but he might not want to or might not be able to get off duty to come to court. Or a neighbor might have been watching your television when it broke down; he could testify that you didn't break it, but he might not want to "get involved".

You can make such people go to the trial if you want to. Just ask the clerk of the small claims court to "issue a subpoena" to such a witness. The clerk will fill one out and give it to you. You have to have the subpoena given personally to your witness; subpoenas must be served by a sheriff, constable or some other person having no personal involvement in the case.

ON THE DATE OF THE TRIAL

Get to court a little early so that you have a chance to look around and feel comfortable. The trials are usually held in the same place that you went to start your case.

Check again to make sure you have brought all of your proof with you. The court is of little use to you unless you can prove you were indeed in the right.

When you get to the court, you will see many people in the courtroom and the hallways. Do not be upset by the number of people you see.

The clerk will read all the names on the calendar. He reads the list to find out if everyone who is supposed to be in court that day is there. Before he reads the list, he will probably give you instructions on how to answer when he reads your name. Follow his instructions! If he gave none, just say, "here" or "ready"; he will ask you further questions if he needs to.

Please Note: Because of the volume of cases in the small claim court, a number of attorneys have volunteered to act as hearing officers to assist the court in hearing small claims cases. These lawyers have been approved by the court and, if both you and the other party agree, you can have the case heard by one of these hearing officers instead of a judge. The clerk will give you further details.

Arrive on time. If you are not there when your case is called, it will be dismissed.

If the defendant does not appear and if your claim is justified, you probably will be given judgment by default. The defendant will be ordered to pay your claim. If the claim is against an individual, a nominal order for weekly payments may be entered to begin three weeks from the date of judgment.

Sometimes you or the other party will not be able to appear on the day for which your trial is set. Then you must ask the court for a continuance. Make this request to the clerk of the court in time so that it is received before the day on which your trial is set to be heard; and preferably in time to enable the Court to notify all parties of the continuance, if it is granted. Make sure it's a good excuse, because the court won't be sympathetic to stalling tactics by anyone. The clerk will mail you a postcard with a new hearing date after the original hearing date has passed.

A sample letter which might be adequate for requesting a continuance by mail is included below.

23 Ridge Road
Hartford, Connecticut 06115

Clerk
Small Claims Court
155 Morgan Street
Hartford, Connecticut 06103

Dear Sir:

I am the plaintiff in Case #1111 scheduled for trial on the day of June 15, 1975. I am requesting a continuance with the court's permission because I have just had an operation and am still in Metropolitan Hospital.

Any date after June 23, 1975 is convenient.

Thank you for your cooperation.

Very truly yours,

Joseph L. Smith

If you arrive at court, but your attorney (if any) or witnesses were unable to appear that day, you may ask the court for a continuance when the calendar is called. Just say, "I need a continuance because my witness (or my lawyer) didn't come." (Which the court may or may not grant)

THE TRIAL

Now you are waiting for the judge. When it is your turn, you will be called to give your testimony. With you will be seated (1) your witnesses, if you have brought any, (2) your lawyer, if you have brought one (but remember, you don't need one), (3) the person you are suing, (4) his witnesses, if any, (5) his lawyer, if he brought one.

One thing to keep in mind is that any party, other than you the plaintiff, may request to have the case transferred to the regular docket of the Court of Common Pleas. If this happens, you may need a lawyer to continue your case. However, General Statutes, Section 52-251a authorizes the court to allow to the plaintiff his costs, including reasonable attorney's fees, when the defendant transfers the case to the regular docket and the plaintiff wins. If the case is transferred to the regular civil docket either party may claim the case for trial by jury, if the claim is over \$250.00.

The judge will explain the procedure to you. If you are confused about anything, ask him to explain it to you. He will ask you to swear to tell the truth and nothing but the truth. Then it is your turn to tell what happened to you. Take as much time as you need to tell your story. Show the judge those bills, receipts, and letters which you have brought along as proof of your story. It is very difficult to win a case if you do not have witnesses or written material to back up your case.

If the judge doesn't understand you, or wants something made clearer, he will ask you some questions. He will also let the person you are suing ask you some questions. Then your witnesses can tell what they know about the case. Then the person you are suing will explain why he thinks he shouldn't have to pay you any money. He may say that the events didn't occur the way you say they did. Or he may say they did occur, but you are demanding too much money. The judge will ask him questions, and you can ask questions, too. For example, you may be suing someone who charged you too much for fixing your television. He may say that he replaced the picture tube, but you think he just did some minor work and did not replace the picture tube. You can ask him to explain what he did with the picture tube he says he removed, and why he didn't show it to you.

After the judge has heard the facts from both sides and from all the witnesses, and everyone has asked all the questions he wants to ask, the judge will send you home. Sometimes he will tell you who won the case, but usually, he does not decide until he can think more about the case. When the judge renders his decision, the clerk will mail notice to all parties in the action.

The judgments and decisions of the court are final, and may not be appealed.

COLLECTING YOUR MONEY

As previously stated when a judgment is entered with a nominal order of weekly payments and the defendant fails to make just one of those payments, you can go back to the clerk's office and make a written application for a wage execution. Such execution is later issued and mailed to you. Upon receiving it, you will have to give it to a sheriff or constable within the town or county in which the defendant is employed. The sheriff or constable will then place this execution with the defendant's employer who must deduct the amount required by law as stated in the execution. There are three formulas that the employer must compute to determine the amount to be applied to your judgment. Usually it is all sums of the defendant's wages over and above (\$65.00 per week) forty times the federal minimum hourly wage then in effect.

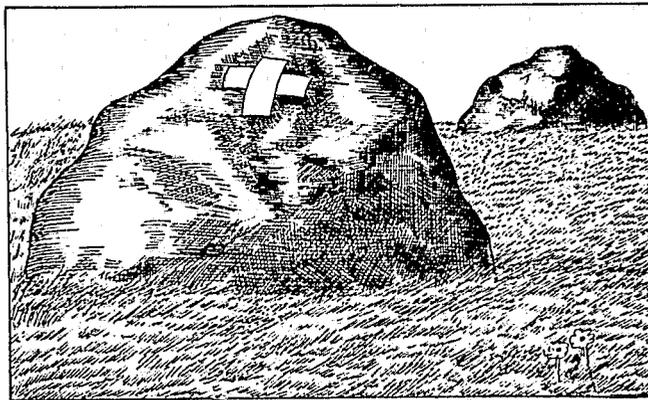
If the judgment does not have an order for weekly payments, the defendant has 14 days from the judgment date to pay you. If you have not received it within that time, you can make written application for property attachment. When received by you and given to the sheriff or constable, he can attach savings or checking accounts, automobile or business property.

The fees for these attachments and executions differ and are paid to the sheriff or constable. The court cannot and does not compute such fees.

Any fees paid to a sheriff are considered part of your court cost and may be recovered along with the amount of your judgment.

There are limits to the powers of the sheriff. If you cannot find any of the information the sheriff needs, he is helpless. You should recognize that the person you sued may have nothing of value that you can take and your judgment would therefore be unenforceable.

When you have collected your money, you will have finished your suit in small claims court.



"You can't get blood out of a stone."

A SAMPLE OF A WRITTEN DEMAND ON THE DEFENDANT IS INCLUDED BELOW:

(CERTIFIED MAIL)
(RETURN RECEIPT REQUESTED)

23 Ridge Road
Hartford, Connecticut 06115
January 5, 1975

ABC Laundry Cleaning Service
1402 Doe Street
Hartford, Connecticut 06118

Gentlemen:

On December 1, 1974, I left a suit at your establishment for cleaning and pressing. When I went to pick up the suit a week later, the clerk was unable to find it for me. The manager, Mr. Watson, told me that he would check on the missing suit and that I should return on December 15. When I returned on that date, Mr. Watson explained that the suit had been misplaced and offered to pay me \$15 for the lost suit.

The suit in question was purchased in April of this year for \$65. I feel that the suit was worth at least \$50 at the time it was misplaced by your employees. Unless I receive a check for \$50 within 14 days from the date of this letter, I will bring an action in small claims court to recover the value of my suit.

Very truly yours,

Joseph L. Smith

SMALL CLAIMS COURT CHECKLIST

1. Letter of demand
2. Fill out claim form
 - a. correct name of defendant
 - b. your name and address
 - c. statement of the case
 - d. fill out military affidavit
3. Preparing for trial
 - a. witnesses
 - b. documents (cancelled checks, receipts, bills, etc.)
 - c. date of trial
4. Judgment ordered
amount per week/month _____
5. Payments received

DATE	AMOUNT
DATE	AMOUNT
6. Papers stored for future reference

WHERE TO GET LEGAL ASSISTANCE

Fairfield County Legal Services, Inc.

Bridgeport Office
285 Park Avenue
Bridgeport, CT 06604
336-3851

Stamford Office
20 Summer Street
Stamford, CT 06901
348-9216

Norwalk - Stamford - Danbury

Norwalk
Regional Legal Services, Inc.
33 South Main Street
South Norwalk, CT 06854
853-3070

Branch Office Norwalk - Stamford - Danbury

177 Main Street
Danbury, CT 06810
744-6250

New London
Legal Aid and Lawyer Reference
Service
190 Broad Street
New London, CT 06320
442-3934

Legacy, Inc.

New London Office
P.O. Box 1208
35 Huntington Street
New London, CT 06360
447-0323

Norwich
Legal Aid and Lawyer Reference
Service
287 Main Street
Norwich, CT. 06360
889-9384

Legacy, Inc.

Norwich Office
P.O. Box 1156
87 Main Street
Norwich, CT 06360
889-1365

New Britain
Legal Aid Bureau of New Britain, Inc.
111 Franklin Square
New Britain, CT 06051
225-8678

Middlesex County Legal Assistance Association, Inc.

Middletown
Middlesex County Legal Assistance
Association, Inc.
6 Silver Street
Middletown, CT 06457
347-7237

Neighborhood Legal Services
130 East Main Street
Meriden, CT 06450
235-2571

Legal Aid Society of Hartford County

Hartford
Legal Aid Society
525 Main Street
Hartford, CT 06103
566-6360

Neighborhood Legal Services, Inc.

North Office
524 Albany Avenue
Hartford, CT 06112
278-6850

South Office
161 Washington Street
Hartford, CT 06106
278-6020

Lawyer Referral Service
266 Pearl Street
Hartford, CT 06103
525-6052

WHERE TO GET LEGAL ASSISTANCE - CONT'D.

New Haven

Legal Aid Bureau
399 Temple Street
New Haven, CT 06510
436-3402

New Haven Legal Assistance
399 Temple Street
New Haven, CT
436-3644

Dixwell Avenue Office
184 Dixwell Avenue
New Haven, CT 06511
772-1873

Howard Avenue Office
413 Howard Avenue
P.O.Box 7266 06519
787-2153

Criminal Law Unit
399 Temple Street
New Haven, CT 06510
436-4986

Family Law Unit
399 Temple Street
New Haven, CT 06511
436-8230

Elderly Law Unit
399 Temple Street
New Haven, CT
436-4980

Technical Assistance Project
495 Orange Street
New Haven, CT 06511
777-2531

Tolland - Windham Legal Assistance
Program, Inc.

Willimantic Office
P.O.Box 258
902 Main Street
Willimantic, CT 06226
456-1761

Danielson Office
P.O.Box 322
112 Main Street
Danielson, CT 06239
774-0455

Rockville Office
P.O.Box 358
35 Village Street
Rockville, CT 06066
872-8386

Waterbury Legal Aid and Reference
Service
61 Field Street
Waterbury, CT 06702
756-8074

COURT DIRECTORY

FAIRFIELD COUNTY

Geographical Area No. 1
Court of Common Pleas
115 Hoyt Street
Stamford - 06905
Telephone: 359-1600

Geographical Area No. 2
177 Golden Hill Street
Bridgeport - 06604
Telephone: 366-1861

Geographical Area No. 3
County Court House
71 Main Street
Danbury - 06810
Telephone: 743-2702

NEW HAVEN COUNTY

Geographical Area No. 4
7 Kendrick Avenue
Waterbury - 06720
Telephone: 874-1683
or
253 Main Street
Ansonia - 06401

Geographical Area No. 6
Court of Common Pleas
121 Elm Street
New Haven - 06507
Telephone: 789-1980

Geographical Area No. 7
Stoddard Municipal Building
165 Miller Street
Meriden - 06450
Telephone: 238-6130

Geographical Area No. 8
355 Main Street
West Haven - 06516
Telephone: 934-9277

MIDDLESEX COUNTY

Geographical Area No. 9
90 Court Street
Middletown - 06457
Telephone: 346-7745

NEW LONDON COUNTY

Geographical Area No. 10
112 Broad Street
New London - 06320
Telephone: 443-8343
or
100 Broadway
Norwich - 06360

WINDHAM COUNTY

Geographical Area No. 11
Municipal Building
127 Main Street
Danielson - 06239
Telephone: 774-8516

HARTFORD COUNTY

Geographical Area No. 12
Court of Common Pleas
497 Tolland Street
East Hartford - 06118
Telephone: 289-8338

Geographical Area No. 13
275 Broad Street
Windsor - 06095
Telephone: 688-6241

Geographical Area No. 14
Court Building
155 Morgan Street
Hartford - 06103
Telephone: 522-8181

Geographical Area No. 15
125 Columbus Boulevard
New Britain - 06051
Telephone: 229-0394

Geographical Area No. 16
Town Hall
28 S. Main Street
West Hartford - 06107
Telephone: 236-4551

Geographical Area No. 17
Municipal Building
111 N. Main Street
Bristol - 06010
Telephone: 582-8111

LITCHFIELD COUNTY

Geographical Area No. 18
Town Hall
338 Main Street
Winsted - 06098
Telephone: 379-8537

TOLLAND COUNTY

Geographical Area No. 19
55 West Main Street
Rockville - 06066
Telephone: 875-2527
or
Town Hall
Main Street
Stafford Springs - 06076
Telephone: 684-2026

GEOGRAPHICAL AREAS

G.A. 1

Darien
Greenwich
New Canaan
Norwalk
*Stamford
Weston
Westport
Wilton

G.A. 2

*Bridgeport
Easton
Fairfield
Monroe
*Stratford
Trumbull

G.A. 3

Bethel
Brookfield
*Danbury
New Fairfield
Newtown
Redding
Ridgefield
Sherman

G.A. 4

Bethlehem
Middlebury
Naugatuck
Prospect
*Waterbury
Watertown
Wolcott
Woodbury

G.A. 5

*Ansonia
Beacon Falls
Derby
*Milford
Orange
Oxford
Seymour
Shelton
Southbury

G.A. 6

Bethany
*New Haven
Woodbridge

G.A. 7

Cheshire
Hamden
*Meriden
North Haven
Wallingford

G.A. 8

Branford
East Haven
Guilford
Madison
*Milford
North Branford
Orange
*West Haven

G.A. 9

Chester
Clinton
Cromwell
Deep River
Durham
East Haddam
East Hampton
Essex
Haddam
Killingworth
Middlefield
*Middletown
Old Saybrook
Portland
Westbrook

G.A. 10

Bozrah
Colchester
East Lyme
Franklin
Griswold
*Groton
Ledyard
Lebanon
Lisbon
Lyme
Montville
*New London
No. Stonington
*Norwich
Old Lyme
Preston
Salem
Sprague
Stonington
Voluntown
Waterford

G.A. 11

Ashford
Brooklyn
Canterbury
Chaplin
Eastford
Hampton
*Killingly
Plainfield
Pomfret
Putnam
Scotland
Sterling
Thompson
*Windham
Woodstock

G.A. 12

*East Hartford
Glastonbury
*Manchester
Marlborough
South Windsor

G.A. 13

East Granby
East Windsor
Enfield
Granby
Hartland
Simsbury
Suffield
*Windsor
Windsor Locks

G.A. 14

*Hartford

G.A. 15

Berlin
*New Britain
Newington
Rocky Hill
Wethersfield

G.A. 16

Avon
Bloomfield
Canton
Farmington
*West Hartford

G.A. 17

*Bristol
Burlington
Plainville
Plymouth
Southington

G.A. 18

Barkhamsted
Bridgewater
Canaan
Colebrook
Cornwall
Goshen
Harwinton
Kent
Litchfield
Morris
New Hartford
*New Milford
North Canaan
Norfolk
Roxbury
*Salisbury
Sharon
Thomaston
*Torrington
Warren
Washington
*Winchester

G.A. 19

Andover
Bolton
Columbia
Coventry
Ellington
Hebron
Mansfield
Somers
*Stafford
Tolland
Union
*Vernon
Willington

*Denotes court location. For address of clerk's office, see Court Directory.

END