

Draft Minutes
CIVIL COMMISSION
Discovery Subcommittee
225 Spring Street
Wethersfield, CT

Tuesday, January 19, 2016
10:00 a.m.

Those attending: Atty. David Cooney; Atty. Rosemarie Paine; Atty. Richard Roberts and Atty. William Yelenak (chair)

1. Welcome and Approval of Minutes – Tabled for the next meeting.
2. Need for revisions to Sec. 13-3(c) in relation to proposed standard discovery of videos – This question had been referred to the subcommittee by the Rules Committee. Language was proposed to differentiate between the “you tube” kinds of videos, which would not be covered under this section regarding materials prepared in anticipation of litigation. The proposal will be presented to the Civil Commission at its next meeting.
3. Standard discovery regarding cell phone use and records – This proposal had been returned to the subcommittee with a request that the inquiry be more targeted. After discussion, the subcommittee decided to limit the standard discovery to an interrogatory on the use of a cell phone at or immediately prior to the time of the incident, and eliminate any standard production. This proposal will be presented to the Civil Commission at its next meeting.
4. Standard discovery regarding loss of consortium – This proposal had been returned to the subcommittee with concerns about the length of time covered, confidentiality of certain records and the overall breadth of the inquiry. After lengthy discussion, the subcommittee decided to limit the inquiry to a period two years prior to the incident alleged in the complaint; limit the inquiry to “marriage counseling”; and eliminate any standard production. This proposal will be presented to the Civil Commission at its next meeting.
5. Uninsured/Underinsure Motorist Interrogatories/Production Requests – The subcommittee reviewed the proposed interrogatories and production requests for both the plaintiff and the defendant in uninsured motorist actions. After discussion, the subcommittee will revise the proposed standard discovery to combine the new proposed language regarding videos and existing interrogatories on photographs. This combination question will be in lieu of the currently proposed language that had been sent to the Rules Committee on videos of incidents. Atty. Roberts also suggested that language be added to the rules to make it clear that the standard discovery did not preclude a party from asking for supplemental discovery. Apparently, this can be a problem.
6. Standard discovery for medical malpractice cases – The subcommittee is proposing that a new work group be convened to work on standard discovery in medical malpractice cases in order to ensure that both plaintiffs and defendants viewpoints were adequately represented. The subcommittee will recommend some names for member of the work group to the Civil Commission.

7. Standard discovery for employment cases - The subcommittee is proposing that a new workgroup be convened to work on standard discovery in employment cases to ensure that those who practice in this field will be included in the discussion and development. The subcommittee will recommend some names for member of the work group to the Civil Commission.

The subcommittee also discussed the development of automatic disclosures, which was a recommendation from the Committee on Discovery and Expedited Litigation. The subcommittee will seek input from the Civil Commission at the next meeting before starting to work on these disclosures.

8. Next Meeting – The revisions to the proposals will be circulated and another meeting will be set up if needed, prior to the Civil Commission meeting in March.

The meeting adjourned at 11:35 a.m.