

**Draft Minutes
Civil Commission
Subcommittee on Discovery
September 4, 2012
5:30 PM**

The Discovery Subcommittee met on Tuesday, September 4, 2012 at the offices of Pullman & Comley, LLC in Bridgeport, CT.

Those in attendance: Attorney Charles A. Deluca; Attorney Jonathan Orleans, and Attorney Rick Roberts,

The meeting was called to order at 5:35 PM.

The subcommittee discussed three questions:

- Do we need definitions?
- If yes, to what extent do we need them?
- Where should the definitions be located in the rules?

The subcommittee agreed that definitions would be helpful, and discussed the substance of various definitions: document, electronically stored information, identify (with respect to communications), etc.. The subcommittee agreed on adopting portions of the definitions in Local Rule 34 and Federal Rule 26. Attorney Orleans will draft a set of definitions based upon the federal rules and circulate it to the subcommittee.

The group then discussed the need for some standard instructions to eliminate the need for filing objections to instructions that seek to impose an obligation on the respondent beyond that imposed by the Practice Book. It could streamline the process and avoid some discovery disputes if there were some basic instructions. Whether to have a rule change that would require the use of only the proposed instructions was also discussed, but the sense of the group was that providing "form approved instructions" would be better. Attorney DeLuca suggested that the instructions include some definition of "in your possession and control" in order to make clear that the language would include those "from whom the respondent has the right to obtain the document or information." Attorney Roberts offered to draft a proposal on instructions and circulate it to the subcommittee.

The group then discussed whether the Practice Book should include a rule on privilege logs and agreed that it would be helpful to have such a rule. Currently case law says there is no requirement for a privilege log. Attorney Deluca offered to draft the privilege log proposal and circulate it to the subcommittee.

The group then briefly discussed the proposed worker's compensation intervening carrier standard interrogatories and production. Attorney Deluca expressed some concern that the proposal might be too limiting in some instances, for example, in a product liability case. The proposal might need to be tweaked to permit the filing of additional discovery as appropriate or necessary. This question will be discussed further at the upcoming Civil Commission meeting on Monday, September 10th.

The meeting adjourned at 6:35 PM.