

**Minutes
Civil Commission
Subcommittee on Discovery
October 26, 2009
6:00pm**

The Discovery Subcommittee met on Monday, October 26, 2009 at Pullman & Comley, LLC in Bridgeport, CT.

Those in attendance: Attorney Charles Deluca, (Chair), Attorney Robert Hirtle, Attorney Jonathan Orleans and Attorney Edward Sheehy.

The meeting was called to order at 6:00 p.m.

1. Attorney Deluca reviewed the Subcommittee's recommendation on Special Masters. The Subcommittee proposed the appointment of a Special Master to supervise the discovery process in any civil matter the Judicial authority deems necessary. The Special Master will make recommendations to the court regarding disputed discovery issues. Objections to the recommendations may be filed and after a hearing, the court may accept, reject or modify any of the recommended rulings.
2. The Subcommittee briefly discussed the proposed electronic discovery rules of practice. The proposed rules have been voted on by the Civil Commission and were subsequently presented to the Rules Committee for consideration.
3. A discussion was held regarding the cost of paying for copies of transcripts at depositions. The Subcommittee agreed that providing copies can become costly and that it may be more feasible for parties seeking transcripts of depositions to pay for the copies themselves.

In addition, the Subcommittee discussed P.B. Sec. 13-27 which states that parties shall provide notice of a deposition by registered or certified mail. The Subcommittee recommends that this rule be eliminated and further recommends that the rule be changed to permit a notice of deposition sent via email, regular mail or both.

4. The Subcommittee discussed the increasing difficulty attorneys have in getting discovery motions and objections scheduled and ruled on by the court. The process is often protracted and valuable time in the discovery process is frequently lost awaiting the court's decision.

The Subcommittee discussed the order previously issued by Judges Hiller and Lavery which stated that parties with cases within six (6) months of trial are to contact the caseflow coordinator in the Judicial District where the case is

pending to schedule a hearing on the outstanding motions. These motions shall not be placed on the short calendar. The Subcommittee recommends that this order be amended and expanded to include cases that are not within six (6) months of trial. In such cases parties will be required to articulate the special circumstances in the case that warrant such scheduling. The Subcommittee recommends that this order with the proposed amendment be adopted and uniformly implemented in all Judicial District locations.

5. The Subcommittee discussed P.B. Sec. 13-7(b) and 13-10(b) which require the party answering interrogatories to attach a cover sheet to their answers. In addition, parties are required to articulate the interrogatories which are being objected to, as well as the reasons for objection. The Subcommittee agreed this requirement was duplicative as the interrogatories and objections are stated in the answers to which the cover sheet is attached. The Subcommittee recommends that the cover sheet requirement be eliminated.
6. The Subcommittee suggests that the Rules Committee consider whether standard interrogatories should include questions regarding Medicare, Medicaid, and the SCHIP Extension Act of 2007.
7. A discussion was held regarding other proposed changes to the discovery process including the designation of a discovery judge and a proposal for telephonic conferences to resolve discovery disputes. The later proposal provides a practical and efficient resolution to discovery disputes that might otherwise cause delay and expend resources. The Subcommittee recommends that judges have the option of conducting discovery conferences by telephone.

The Subcommittee further recommends that more Judicial Branch staff be dedicated to the discovery process in resolving discovery disputes in a timely and efficient manner.

8. The Subcommittee discussed the current limitations on the amount of discovery allowed (e.g. number of interrogatories, requests for production and hours of actual deposition time). The Subcommittee agreed that limitations on the number of deposition hours might be met with some resistance, however, such restrictions might also create more focused and substantive depositions. The Subcommittee recommends no more than seven (7) hours of actual deposition time be allowed. This limitation may be waived by stipulation or court order.
9. Attorney Deluca will write up his notes and circulate a draft to the Subcommittee for comment. A formal report will be submitted by the Discovery Subcommittee to the Civil Commission for consideration.
10. The meeting was adjourned at 6:55 p.m.