

Minutes of Meeting
Civil Commission Workgroup on Civil Rules and Statutes
January 17, 2014
12:00 noon

Those attending: Hon. Barbara Bellis, Hon. Marshall Berger, Atty. Catherine Nietzel, Atty. Jonathan Orleans, and Atty. Alinor Sterling.

1. Welcome and call to order – The group began with a brief discussion about the process for prejudgment remedies and replevin matters, but moved on to the next agenda item.
2. Discussion of recognizance requirement – Statute (52-185, 52-186, 52-187, 52-188, 52-189, and 52-190) and Practice Book rule (§§ 8-3, 8-5, 8-6, 8-8, 8-9, 8-10 and 8-11)– The group, having reviewed the information from Judge Lager, Atty. Del Ciampo and the Rules Committee began to discuss the existing requirement that a recognizance or bond for prosecution be filed in conjunction with civil actions. After extensive discussion, the group is recommending the following:
 - Eliminate the existing requirement for a bond for prosecution or a recognizance. The amount involved is negligible and the requirement no longer makes any sense. (PB Sec. 8-3)
 - Eliminate the requirement that in actions where costs may be taxed, a recognizance must be taken. (PB Sec. 8-4)
 - Sec. 8-5 is no longer necessary once the requirements above are eliminated.
 - Sec. 8-6 should be revised to permit either party to move the judicial authority for an order requiring the posting of a bond for prosecution.
 - Sec. 8-7 should be combined with Sec. 8-6.
 - Eliminate Sec. 8-8 and Sec. 8-9.
 - Revise Sec. 8-10 to eliminate the reference to recognizance.
 - Revise Sec. 14-7A to eliminate the recognizance requirement. (This will also require a change to the new summons form – JD CV -137.)
 - Revise Sec. 23-46 (mandamus) to eliminate the recognizance requirement.
3. Discussion of rules on special defenses: 10-57 and Sec. 10-63 – This discussion was tabled.
4. The group discussed the concept of changing the statutes to permit the electronic service of process on all government agencies at an email address specifically designated for that purpose by the state agency. This service could be accomplished by the party of by the party's attorney.

The group also discussed making a change to the PJR (prejudgment remedy) application process, which, as it currently exists, is cumbersome and unnecessary. One proposal was to change the process to require the filing of a simple motion together with the signed summons and complaint to ask for a prejudgment attachment. Both the PJR and the action would be served at the same time. This proposal will be discussed further at the next meeting.

The next meeting will be February 14, 2014 at 9:30 a.m.