

COMPLEX LITIGATION COMMITTEE

REPORT OF SUBCOMMITTEE RECOMMENDATIONS

Administrative Subcommittee:

Chair, Attorney Richard A. Silver
Honorable Alfred J. Jennings, Jr.
Honorable Linda K. Lager

Attorney Jonathan Orleans
Attorney John Rose

Procedures Subcommittee:

Chair, Attorney Richard Weinstein
Honorable Robert E. Beach, Jr.

Honorable Marshall K. Berger, Jr.
Attorney Catherine Smith Nietzel

Standards Subcommittee:

Chair, Attorney William Prout
Attorney Joseph Burns

Honorable Arthur A. Hiller
Honorable Joseph M. Shortall

Proposals and Changes to Administrative Practices

Recommended by the Administrative Subcommittee

CLD Coordination:

- A Presiding Judge should be appointed in order to provide better coordination of resources between the CLDs and the regular dockets and among the CLD judges, particularly regarding the transfer of cases between CLD areas if the assigned judge is not available for trial or hearing.

Evaluations - Superior Court / CLD:

- The evaluation form for all Superior Court Judges should contain a

check-box inquiring of counsel whether that judge should be considered for assignment to the CLD.

- It is recommended that the evaluation form should not contain a case caption or docket number and should be distributed with an internal and external envelope. The wording of the form should give the Bar assurance that the information is not attributable to a specific lawyer.
- A practice should be established which provides the Bar with input on the selection of CLD Judges; it was suggested that a representative group of the Bar meet with the Chief Court Administrator to give candid appraisals of potential for service on the CLD.

Criteria for CLD:

- Criteria used to determine whether a case should be referred to the CLD should be elucidated more clearly.

Length of Assignment:

- A judge's assignment to the CLD may be extended beyond three years to permit the judge to manage cases through trial in accordance with the principles of an individual calendar method of case management. However, an interim review should be conducted after two years to evaluate each CLD judge's performance.

Additional CLD Locations:

- Additional CLD locations would provide synergy and flexibility to assist in the reassignment of a CLD trial that could not proceed as scheduled.
- The creation of additional CLDs in New Haven, Bridgeport and the eastern part of the State is recommended if possible, given the constraints of the available Judicial Branch courthouses in those locations. The Committee supports an expedited schedule for addressing the completion of new facilities in these locations, particularly New Haven and Bridgeport.
- Identify those Judicial Districts that may have available courtrooms and space for support staff for locating additional CLDs.

Speeding Jury Selection:

- The juror administrative processes should be reviewed in order to identify areas that are contributing to the lack of a sufficient number of jurors for a full day of jury selection, and to provide solutions. Stamford appears to be a particular problem.

Potential Use of Trial Referees:

- Examine the potential for utilization of Judge Trial Referees in cases where no CLD judge is available.
- If Judge Trial Referees were to be utilized, due to the statutory

requirement that they cannot preside over civil jury trials without the written consent of all parties, a mechanism would have to be developed to provide for parties' agreement.

Proposals and Changes to Procedures

Recommended by the Procedures Subcommittee

Referral Process:

- The application process should be streamlined. The application for case referral should be filed early in the case and the form should be redrafted in order to provide a box which clearly identifies whether all parties consent to the referral.
- Any objection to the referral of a case to the CLD must be filed after a specified time period following the filing of the application, rather than after the decision is rendered on the application. The present application form which allows an objection to come in after the decision of the judge shall be amended to reflect this change.
- An alternative to the referral of cases to the CLD based upon the length of trial would be the transfer of the case to another judicial district by the Chief Court Administrator.

Request for Adjudication:

- In order to prevent delay, the Request for Adjudication form should be modified to address the difficulties in reaching opposing counsel and obtaining the necessary information to complete the form.
- Procedures should be developed for the processing of this form based upon the differentiation of the types of motions in order to provide for prompt adjudication of discovery motions.
- To expedite the processing of these motions, different methods such as telephonic scheduling conferences should be explored.

Identifying the Filer of a Motion:

- System changes should be considered in order to provide the capability of readily identifying the filer of a motion/objection on the Case Detail page of the Branch's website.
- Procedural requirements for filings should be adopted, such as the inclusion of the party number on all CLD filings to facilitate the process.

Wireless Fidelity (Wi-Fi) Access:

- Efforts should be made to provide for the availability of Wi-Fi access in the courthouses.

Display of CLD Events on the Judicial Branch Website:

- The scheduling of CLD events should be entered into the Edison system

so that this information may be available for viewing on the Branch's website.

Proposals and Changes to the Standards for Determining Eligibility Recommended by the Standards Subcommittee

Information Sheet:

- Language contained in the document entitled *Facts About the Connecticut Judicial Branch Complex Litigation Docket* (Information Sheet) should be rewritten to more clearly reflect that cases are considered for placement on the CLD on the basis of their individual merit, in the exercise of sound discretion, on a non-formulaic basis.
- In the section of the Information Sheet entitled "How Does a Case Get Referred to the Complex Litigation Docket?", the following language should be inserted immediately following the reference to the Judicial Branch website:

"The Chief Administrative Judge of the Civil Division has discretion to schedule a hearing to consider whether referral to the Complex Litigation Docket is appropriate."

- In the section of the Information Sheet entitled "What Factors Will Be Considered in Determining Eligibility?", the language should be as follows:
 - The number of parties
 - The number of counsel

- The amount of the claim and the nature of the relief requested
 - The anticipated length of trial
 - The complexity of the issues presented for resolution
 - The extent and complexity of pretrial proceedings, including discovery matters, motion practice, and special proceedings
 - The overall need for the special oversight and management that the Complex Litigation Docket may provide
 - Whether alternative case management approaches are available in the judicial district where the case has been brought
- In the section of the Information Sheet entitled "What Types of Cases Will Be Considered as Complex Litigation?", the following introductory sentence should be inserted:

"While each case proposed for the Complex Litigation Docket will be evaluated on its individual merits, the following types of cases often have been found to be appropriate for assignment to the Complex Litigation Docket."