

**Minutes of the Annual Meeting  
Judges of the Superior Court  
June 30, 2008**

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A meeting of the Judges of the Superior Court was held, pursuant to notice, on Monday, June 30, 2008 commencing at 10:00 a.m. in the Jury Assembly Room of the Middlesex Judicial District Courthouse, Middletown, CT.

Present: Chief Justice Rogers; Justices Norcott, Katz, Palmer, Vertefeuille, Zarella and Schaller; Appellate Court Judges Beach, Bishop, DiPentima, Gruendel, Harper, Lavine, McLachlan, R. Robinson; Superior Court Judges Abery-Wetstone, Abrams, Agati, Alander, Alvord, Aurigemma, Baldwin, Bear, Bellis, Bentivegna, Berger, Black, Blawie, Blue, Boland, Bozzuto, Brazzel-Massaró, Bright, Brown, Burke, Calmar, Carroll, Clifford, Corradino, Cosgrove, Crawford, Cremins, Cronan, D'Addabbo, Dannehy, Dennis, Devine, Devlin, Dewey, Doherty, Dolan, Domnarski, Dooley, Driscoll, Dubay, Elgo, Epstein, Eschuk, Eveleigh, Fasano, B. Fischer, J. Fischer, Frankel, Frazzini, Frechette, Gallagher, Gilardi, Gilligan, Ginocchio, Gleeson, Gold, Gould, Graziani, Handy, Hartmere, Hauser, Hiller, Holden, Holzberg, Iannotti, Jennings, Jones, Jongbloed, Kahn, B. Kaplan, J. Kaplan, Kavanewsky, Keller, Lager, Licari, Madin, Malone, Marano, Markle, Maronich, Martin, Miano, Miller, Mintz, Moore, Munro, Nazzaro, O'Keefe, Olear, Pavia, Peck, Pickard, Pinkus, Pittman, Prescott, Prestley, Quinn, Radcliffe, Randolph, Resha, Riley, Robaina, A. Robinson, Roche, Rodriguez, Rubinow, A. Santos, Scarpellino, Schimelman, Scholl, Schuman, Shaban, Shapiro, Shay, Sheedy, Sheldon, Shluger, Shortall, Silbert, Solomon, Sommer, Stevens, Strackbein, Swienton, M. Taylor, Thim, Thompson, Tierney, Tobin, Turner, Tyma, Upson, Vacchelli, Vitale, White, Wiese, Wilson, Winslow, Wolven, Young and Zemetis; Senior Judges Foley, Karazin and Sequino.

Judge Quinn, Chief Court Administrator, called the meeting to order and welcomed the judges to the annual meeting. The first item on the agenda was the approval of the minutes of the last annual meeting held on June 29, 2007. Judge Quinn asked for a motion to approve these minutes with the correction of an error on page 19 of Appendix B. The minutes should reflect that the appointment of the Bar Counsels which were approved at the meeting were effective on July 1, 2007, rather than on July 1, 2008 as noted in the draft which had been sent to the judges. Upon motion made by Judges Mintz and seconded by Judge Miano, the minutes were approved unanimously.

Judge Quinn then introduced Chief Justice Rogers. The essence of the Chief Justice's remarks are as follows:

Good morning and welcome to our 2008 Annual Meeting. In a few moments, Justice Zarella will review, with you, those changes to the Practice Book, and I'd like to take this opportunity to thank him and the members of the Rules Committee for their hard work in the past year. As you've read, there are significant changes that will enhance the practice of law in Connecticut, and I urge you to support these revisions.

Today, I want to focus, briefly, on two areas, namely, this past legislative session, and the work of the Public Service and Trust Commission. Turning to the past legislative session, it was a session that ended with a lack of action regarding the Judicial Branch. This inactivity was due, in large part, to the declining state of the economy, a session that began with a projected surplus, and as you know, ended with a projected deficit.

By now, all of you know that the Legislature did not enact a pay raise this past year for judges and referees. And I want to tell you, though, that this initiative received a great deal of support, not only from the Compensation Commission, but also from the Governor and many key legislators, as well. In fact, several bills were raised that would have increased our salary, whether by a particular percentage, 2% in the Governor's recommended budget, and 3% in the budget approved by the Appropriations Committee, or by establishing a linkage with state managers, which, as you know, the Judges Association has also been working with us trying to get that idea through to the Legislature as a positive development. I have very little doubt that had the economic climate been different, a pay raise would have been passed. And I believe that we did convince many legislators of the need to adopt a newer, fairer system of judges' pay increases, and I can assure that we will continue to aggressively pursue this issue next year.

Turning to action undertaken by the Judiciary Committee, of paramount importance to us, of course, was An Act Concerning Judicial Branch Openness. This bill ultimately died because a legislator filed an amendment regarding the death penalty, and the leadership did not want to take up hours of debate in the waning hours of the session. While a few bills affecting the Branch did pass, I wanted to take a moment to single out a few of the more notable ones.

In the area of criminal justice, the Legislature passed An Act Concerning Persistent Dangerous Felony Offenders. This Public Act sets minimum penalties for persistent dangerous felony offenders, and in some instances, increases the maximum penalty for these offender. They also provided funding for 15 court staff, 8 clerks and 7 data entry personnel, 5 court reporting monitors, and 49 probation officers. And I want to thank both Judge Carroll and Judge Clifford for all their assistance with these issues in helping to persuade the Legislature that if they were going to pass this legislation, we needed additional resources.

On the civil side, the Legislature passed An Act Concerning Responsible Lending in an effort to address the impending foreclosure problem. This act, in part, created a court based foreclosure mediation program designed to assist homeowners against whom a foreclosure action has been commenced. And again, I want to assure you that we pushed very hard for funding for this initiative, and I'm pleased to report that the Legislature provided us with funding for 30 positions to implement this act. They include 12 mediators, 6 case flow

coordinators, and 12 office clerks. At this point in time, we are in the process of filling these positions. We've already advertised for them and we're doing interviews. And I want to thank Judge Mintz for all of his hard work with this initiative.

I now want to turn to the Commission on Public Service and Trust, and to prepare for my comments this morning, since I couldn't remember specifically, I reviewed the remarks I made last year at the Judges' Annual Meeting. As you may recall, my remarks centered, largely, on the formation of the Public Service and Trust Commission, and my expectation for the strategic plan that it would produce. I talked about the need to call on our committees, both inside and outside the Branch, to contribute to this project. And I'm pleased to be able to say to you today that this work has been completed in a year's time. The Commission took a hard look at how the courts are operating, what the current trends are in the system. They sought input from judges, branch staff, lawyers, advocacy groups, and members of the public for recommendations to improve the public service that the Judicial Branch provides to Connecticut citizens. They did so with absolutely no restrictions on where this effort might lead.

The Commission produced a thoughtful and informative plan that will guide the Judicial Branch for the next three to five years. I'm truly appreciative to all of you who took time to participate in one of the focus groups. Your input was an integral part of the plan, and it could not have been completed without your valuable thoughts and ideas. Your plan will begin to be rolled out this summer. While change is often unsettling, I'm asking you to support these changes because they will result in a better system, not only for you and everyone else who works in the Judicial Branch, but also, more importantly, for the public who utilize our system.

Judge DiPentima and the other judges who served on the Commission will provide a detailed report of their work, and I really don't want to steal their thunder, but I would like to take a moment to thank her, publicly, for taking on this tremendous responsibility, and for meeting this challenge head on. She has devoted countless hours to this initiative, and it is reflected in the strategic plan. So, thank you.

So, in conclusion, thank you again for the work that you do each and every day. You already know how much I do enjoy coming to visit in the courts, and I have every intention of continuing to do so as long as I am Chief Justice. I hope you enjoy the remainder of the annual meeting, and I look forward to working with you during the next year.

Chief Justice Rogers introduced Judge DiPentima who reported on the work of the Public Service and Trust Commission. The following is the essence of her remarks.

When last I spoke to you about the Public Service and Trust Commission, I said I hoped to present the strategic plan to you on this date. I'm able to do that only because of the work of a remarkable group of people who worked almost a year to gather information from a wide array of those interested in our court system, to then organize and analyze that information, and finally, to put it into readable and useable form, the vision, goals, the strategies arising out of that information.

This plan is a roadmap to guide the Branch now and in the future. The Chief Justice made it clear that the only agenda for the Commission was to prepare such a roadmap. There

was no hidden agenda telling us where we should end up, or how we should get there. We ended up with five outcome goals to be attained in three to five years, strategies and activities to reach those goals, strategies that are measurable, and should be accomplished in one to three years.

If you look at the membership listed in the first few pages of this report, you will see a group representative of a myriad of individuals particularly concerned with enhancing and improving our judicial system, Judges, including Judge Trial Referees; Family Support Magistrates; the five executive directors of our Branch divisions; representatives of the public and the media; advocates; and various types of attorneys. It was our good fortune that these representative individuals were also hard working, insightful, and committed.

So, why do we need a strategic plan? Well, think of Alice in the looking glass. When the Red Queen has her running faster and faster while the scenery around her never changes. When they finally stop, Alice observes that they, in fact, have gone nowhere, and she says, in our country you generally get to somewhere else if you run very fast for a very long time, as we've been doing. The Red Queen retorts, a slow sort of country. Now, here, you see, it takes all the running you can do to keep in the same place. A strategic plan is designed to avoid both maladies, that of accomplishing something only by arduous exertion, as in Alice's country, and that of running ourselves ragged just to maintain the status quo, as in the Red Queen's kingdom.

A plan shows us where we're going and the steps to get there. Obviously, without implementation of the plan, it is simply, well in my view, a massive piece of collaborative writing. But here is where you all come in. It can only work if you all are part of it. The plan provides for the work of our existing committees to be used effectively and efficiently, and makes every judge, whether in committee work or by judicial district or area of law assignment, an integral part of achieving some of these goals to improve our system. Some of the strategies and activities you'll hear about are being addressed by existing committees or commissions like Judicial Media, the Commission on Racial and Ethnic Disparity, the Education Committee, Identify Theft, Judicial Ethics, just to name a few.

The Chief Court Administrator, who will be in charge of the implementation, will be forming new committees where necessary, but will also be calling on the administrative judges, the presiding judges, and all of us to work in specific areas. That office is already considering the steps towards achieving some of the strategies. For example, making our courthouses uniformly accessible physically and logistically; addressing the myriad of issues that arise with the growing number of self-representative litigants, like the need for more pro bono work; for increased funding for legal services. And speaking of working with existing committees, the Education Committee, just last week, as you know, put on an excellent program regarding self-represented litigants. Also, revamping of the Judicial Evaluation Program, improving our case docket management, especially for small claims and habeas, to name a few that will be addressed immediately, or in the near future. We will be asking the Bar to collaborate with us on many of these strategies. Our judicial staff, too, will be an integral part of the implementation. Through the Office of the Chief Court Administrator, our implementation plan will keep track of the progress of the activities and strategies, and I have told the Commission to conduct a meeting at the end of this year for a progress report.

In thinking about this past year with the Commission, I thought of a novel written by

Robertson Davies. It's titled, "Fifth Business". It illuminates the role of the Public Service and Trust Commission and how its work fits into what lies ahead for our Judicial Branch. One of the novel's characters tells the main character that his is fifth business, which, she explains, is the baritone in the European Opera. Not a hero who would, of course, be a tenor, nor a heroine, a soprano, nor the villain, a base, or the heroine's rival, the contralto. But his role, fifth business, is to manage the plot. He knows the secret of the hero's birth or assists the heroine when all appears lost. He makes the plot work. He doesn't have the best music or the most amazing things to do, but, and I quote, "It is not spectacular, but it is a good line of work and those who play it sometimes have a career that outlasts the golden voices." I look at the work of the Commission, that is, this strategic plan, this way. Much of our considerable work is not spectacular, dramatic, or even surprising, but the plan will last and the story of justice delivered in Connecticut, that is, the way the Branch fulfills its mission, depends on the role this plan plays in that story.

The brief summaries of the strategies we will be working on, you're about to hear from six of the judge commission members who co-chaired with a non-judge. Each of the committees are just that, brief summaries. There was much work and thought and difficult, but necessary, prioritizing that you won't hear about this morning. You may recall that from the focus groups, over 800 trends were identified, then sorted into five major areas of concern, represented by each committee, access, accountability, collaboration, changing demographics, and delivery of services. Finally, with the input from the surveys, the public hearings, as well as the focus groups, the Vision, Mission, and Values Committee met to form a vision statement, to revise the mission statement, and to set forth a statement of values for the Branch.

I'm going to now turn to Judge Shortall to give us a brief summary of the strategies and rationale in the Access Committee, and I just note, he co-chaired this committee with Attorney Toni Smith-Rosario. The essence of Judge Shortall's remarks are as follows:

Madam Chief Justice, Judge DiPentima, may it please the Court, a pretty daunting assembly to stand in front of. The committee that I chaired was composed of six members. The only judicial member was Judge Pat Carroll, and Toni Smith-Rosario, from the Chief State's Attorney Office was my co-chair.

Over the course of three months, we held several meetings to formulate a goal for the Judicial Branch in the area of access. And that goal is as follows: The Judicial Branch will provide equal access to all of its facilities, processes and information through the identification and elimination of barriers. Now, you may ask, what do we mean when we talk about barriers? The best way to answer that question, I think, is by referring to the principle which we tried to pursue in developing the goal and the strategy. Trust and confidence in the judicial system stems from an individual's belief that he or she is being treated fairly and with respect, regardless of age, physical or intellectual ability, mental health, or proficiency in English. That confidence can be undermined when there are or appear to be barriers that result in a denial of physical access to the court facility, meaningful participation in court processes, and reasonable access to court information.

We developed five strategies that will move the Judicial Branch toward accomplishment of this goal. The first is to improve physical access to Judicial Branch

facilities. A concrete example of the steps that could lead to the accomplishment of this strategy is increasing the information provided online and at the courthouse about accommodations for people with disabilities.

The second strategy was to improve access to Judicial Branch facilities, processes, and information for individuals with limited English proficiency. And among the steps of the accomplishment of this strategy includes the hiring and training of an adequate pool of certified court interpreters.

The third strategy is to improve access to court processes and information for people with intellectual and psychiatric disabilities. Another concrete example of steps that will lead to this goal are developing and providing training programs for judges, family support magistrates, and other Judicial Branch personnel to help them recognize and deal with people who have psychiatric and intellectual disabilities.

The fourth strategy was to improve the utilization of Judicial Branch facilities. Steps that will lead to the accomplishment of this strategy include consideration of court users in the design and renovation of the court facilities. And the final strategy was to increase public access to court processes and information while protecting personal privacy and other legitimate confidentiality concerns. Among the steps that will lead to the accomplishment of this strategy are reviewing current rules regarding disclosure of information for consistency of access and consistency of protection of confidentiality and legitimate concerns. These strategies, ladies and gentlemen, will assist the Judicial Branch's goal from removing barriers to equal access to its facilities, processes, and information.

At the conclusion of Judge Shortall's remarks, Judge DiPentima introduced Judge Robaina who was co-chair of the Changing Demographics Committee. The essence of his remarks are as follows:

We had an interesting group. We had four judges, a family support magistrate, and a lawyer. And pursued the only logical course of action, we made the lawyer do all the work. Our goal is that the Judicial Branch will provide a diverse and culturally competent environment that is sensitive to the values and responsive to the needs of all those who interact with it. The goal is in response to what the name suggests, changing demographics. It recognizes that there is an increasingly diverse population in the State of Connecticut. There is a significant increase in foreign-born persons in the State. As you know, the Branch undertakes to do tens of thousands of occurrences of the use of interpreter services throughout the course of any given year, and we note that we still do not provide services in family or civil matters. We wanted to address and continue to address the issue of actual and perceived racial disparity in treatment and in sentencing. We wanted an awareness of the consequences of poverty. Twenty-one percent of single mothers in the State of Connecticut live in poverty, 11% of the children in the State of Connecticut live in poverty, which is amazing, given the contrast of the wealth, otherwise in the State.

We note also, with some degree of pride, that the Judicial Branch has been successful in increasing the diversity of its own workforce, and we indicated the desire to continue to do

that. The way to accomplish those things, we feel, is one, to ensure the workforce of the Judicial Branch will reflect the ethnic and cultural diversity of those who interact with the Branch. And again, that's a continuation of the process that's already in place.

We want to ensure that all programs and services by the Judicial Branch are responsive to the ethnic and cultural differences of its participants. An example of that would be to ensure that court ordered programs are appropriate, both intellectually and culturally, to people that it attempts to serve. We want to ensure that judges, family support magistrates, non-judicial officers, and staff act in a manner that shows awareness of the cultural values of the people whom they serve, while providing consistent treatment in cases regardless of one's ethnicity and cultural background. While that's a little bit long, it should be kind of self-explanatory, and I think that it is. And the last of our plans is to ensure that judges and staff carry out their duties in a manner that shows an appropriate understanding of development stages of children and adolescents, which is a goal that's meant to be responsive, in part, to the new laws with respect to the juveniles and youthful offenders, and it's meant to recognize the fact that adolescents and the adolescent mind should be different than ours. So, those are the things that we have set out. I commend Judge DiPentima and I thank you for your attention.

Judge DiPentima thanked Judge Robaina for his report and noted that Attorney Carolyn Signorelli was the co-chair of the committee. She then introduced Judge Shaban, who co-chaired the Delivery of Services Committee with Attorney Norman James. He gave a brief summary of that committee's report. The essence of Judge Shaban's remarks are as follows:

My thanks to Judge DiPentima for her confidence in me and asking me to co-chair this committee. I want to thank, publicly, Attorney Norman James of the Connecticut Legal Services, who was my co-chair, and I owe him a great debt for his leadership on the committee during my extended absence. Now, our task was with the Delivery of Services. Our goal is that the Judicial Branch provide effective, uniform, and consistent delivery of services by enhancing management of our court practices. What does that mean? It means that unless court rules, policies, and practices are uniform, predictable, and efficient, people who come into the courts might experience some level of confusion or frustration. I do want to note, that in the materials, you may well have seen that a survey conducted by the Judicial Branch shows that 80% of the people who come into the courthouse, whether they be litigants, jurors or counsel are satisfied with their experiences, but obviously, we can do better. So then the question becomes, how can we achieve this goal? Well, first of all we can do by increasing the consistency of court practices. We can increase the clarity of those practices. We can also decrease the time from filing to a disposition of the case, and decrease the cost of delivery of services. The question then becomes, how do we go about doing this? Well, there are four strategies that the committee worked on or developed.

First is to increase the utilization and effectiveness of alternative dispute resolution. To attempt to accomplish that, there are three things we're going to try to do. One is to improve the ADR scheduling process through the use of technology. Two, is provide training in ADR for judges, personnel, and volunteers. And three is to provide, here's the key word, consistent ADR programs in each judicial district.

The second strategy that we're going to attempt to do is to improve jurors' participation and experience with jury service. Now, unless people are educated on the importance of jury service, and they're provided with clear information on the process involved, and given the resources they need to enable them to serve, they're going to be reluctant to participate. Sometimes it may be just simple things. For example, anecdotally, when I speak to jurors, one of the questions I always get asked is, do you have Internet access up here? We could be doing some work, either personal or business, if we had Internet access in the courthouse. Another concern always is practical things like parking. Will we have a tough time finding a parking spot and getting there on time? Now, in order to try and achieve this strategy or accomplish it, number one, we're going to conduct surveys to determine juror comfort and satisfaction, and to also have user friendly technology to educate jurors on their role.

The third strategy we hope to implement is to improve the clarity of court procedures and information so that those who are without legal representation can and may, more effectively, participate in the court process. A significant number of self-represented parties find the court process complicated and confusing. That should come as no surprise to any of you at this point. In fact, at the CJI while all of you were in attendance reviewing materials there, I'm sure you noted that, for example, one of the handouts indicated that 27 to 45 percent of the people involved in family matters were self-represented. And that's from district-to-district in terms of percentages. This self-representation has been a problem. One of the problems is it causes delays, as you're all well aware. Also, it creates a perception of bias in their favor on the part of those who are represented by counsel. How are we going to accomplish this strategy? Well, we hope to increase the number of plain language forms and instructions that are available, try to create educational tools for self-representation, and to increase the number of court service centers in districts, the number of districts that we have. Anecdotally again, in Danbury we opened a court service center within the last two years, and I can tell you from experience, both on the civil side and particularly in the GA, that has helped move things along much more quickly. As parties come to court, they have their forms filled out rather than having to canvass everybody on every single application that comes in. It really helps in many, many respects to have these centers available for self-represented parties.

Now, the last strategy we hope to implement is to increase the efficiency of case management court practices. It should be noted, court practices in case management procedures vary from court-to-court and that results in confusion and misunderstandings for both the litigants and the attorneys, as well. Each district has their own rules or customs regarding pretrial dockets or docket markings or the use of ADR programs. In order to try and accomplish the strategy of increasing the efficiency of case management, number one, we're going to have to study whether or not specialty dockets and specialty courts, for example, foreclosure court, an administrative appeal court should be created to handle certain types of cases. Number two, to improve technology to provide cost effective litigation management practices. And three, to expand the use of telephonic and video technology for court appearances. However, on the use of technology for court appearances, you'll note that in criminal proceedings, we've already implemented certain strategies where the defendant is incarcerated. We end up doing the hearing by video, alleviating the need to have that individual brought to court, transported, alleviating both security issues and reduce in cost. So, with these strategies, we hope to increase the uniformity and consistency of the delivery of our services to the public, to counsel, jurors, and all others who come through our doors.

Following Judge Shaban's remarks, Judge DiPentima introduced Judge Beach who



spoke about the Committee on Collaboration. The essence of his remarks is as follows:

Chief Justice Rogers, Judge DiPentima, and the rest of us, I am pinch-hitting for Judge Graham. So, if any of you are really angry and upset with any of this, just wait until he gets back. He'll be happy to talk with you. I was on the Committee of Collaboration. I want to note, with some pleasure, that this is not collaboration in the sense of the Vichy government with Nazis. This is collaboration in the sense of positive communication and cooperation.

The goal that we identified was that the Judicial Branch will improve its communication and collaboration with the Executive and Legislative Branches of government and their agencies, with the Bar, with other partners, and the public, as well as within the Branch to better serve the needs of all who interact with it. Current areas of cooperation with other entities include the Sentencing Task Force, the Criminal Justice Information System, the Commission on Racial and Ethnic Diversity, the Commission on Child Protection, the State Child Support Program, and Juvenile Jurisdiction Policy and Operations Coordinating Council. There are also joint efforts between the Judicial Branch and the public, including the Judicial Media Committee, and the Identity Theft Committee. The Branch also partners with members of the Bar. Ventures include the Civil Commission, and the recent Criminal Practice Commission.

Further cooperative efforts and expanded communication by the Branch are necessary, though, to ensure that those who interact with it continue to be served effectively and efficiently.

The first strategy that we developed to try to accomplish the goal was to convey more effectively information between the Branch and the other entities. Steps that we hope will lead to the accomplishment of that strategy include our supporting efforts to develop integrated information systems between the Branch and other state agencies and developing partnerships designed to encourage information sharing. The second strategy is to expand and to strengthen joint efforts between the Branch and other entities. The steps that we hope would lead to the accomplishment of that strategy include cooperating with other state entities, as well as researchers and academic institutions to improve the quality of services and programs. And secondly, to develop more effective ways of working with the Bar. The third strategy is to improve cooperation and information sharing within the Branch, and steps that we hope to use to accomplish that strategy are to improve communication and information sharing between the Branch's various divisions, and to develop internal procedures to evaluate service delivery. And we intend to measure the success of each strategy by standards which are as objective as possible.

Following the remarks of Judge Beach, Judge DiPentima introduced Justice Katz who gave a report on the work of the Committee on Accountability. The essence of her remarks are as follows:

I had a wonderful experience, and as you can see from your brochure, I had the pleasure of working with a number of judges and some lawyers. I'd like to publicly thank my co-chair, Caren Kittredge, without whom none of this would have been possible. She's remarkable. I also want to thank the Honorable Thomas Corradino, the Honorable Nina Elgo,

Attorney William Prout, the Honorable Kevin Randolph, Attorney Susan Storey, Attorney Jennifer Zito, and the Honorable Roland Fazzano. So, thank you again for all of your work and contributions.

I actually had the distinct pleasure of being a part of this project from its early stages, not birth, but infancy and participated and, in fact, led a number of focus groups, at which I heard several recurring themes. Everyone, to a person, expressed grave concerns about judges feeling free to exercise their discretion and maintain their independence. Everyone also understood that the ultimate responsibility for preserving our independence lies with us. What that meant and how best to provide those guarantees varied among the various groups, but everyone expressed concerns that while judges need to exercise their discretion without fear, and to have greater autonomy, they also need to be accountable, and to that end, judges require better and more meaningful feedback.

Accordingly, I began with our last strategy, which I have essentially just paraphrased for you. To accomplish this strategy, which is our third one in the book, we must reassess support resources and workloads across the Branch to ensure that judges are getting the resources and education necessary to accomplish their assigned tasks. We also must assess the current evaluation process to ensure that we get meaningful and periodic evaluation and feedback that will assist us in identifying our strengths, as well as our weaknesses to be able to ascertain what additional training and support we need.

But it's not all about the judges. So, turning to our first strategy, indeed, we need to make sure that all constituents, litigants, lawyers, staff, victims, the media, support services, as well as the other branches of government, ensures everyone, who interacts with the Branch, will experience a sense of fairness and predictability. Identifying what our users can expect, and what is expected from them is essential to promoting a sense of fairness and predictability, both critical components of accountability. By setting forth clear expectations and processes for court staff, and court users, we hope to further advance not just the notion, but more importantly, the reality of accountability. To that end, we will be working on steps to improve the delivery of information on court process to our users so that they will know what to expect when they interact with the Branch. Similarly, we hope to improve the delivery of information on what we expect of them, including, but not limited to courtroom-to-courtroom. Additionally, we will display our expectations of court staff in a prominent place.

Finally, I want to touch on our third strategy, which actually is the second strategy listed in your book. And that strategy is essentially a communications loop. Establishing clear and consistent expectations and processes is only a part of the effort. We need to figure out the best way to educate the public on what we do. A part of that strategy requires first, that we assess what the public currently knows or thinks, and to that end, we will evaluate and use court exit surveys, telephone and web surveys, all of which will play a role. We also need to develop a course of action to improve outreach through a media campaign. This very enterprise, which demonstrates a commitment to openness and transparency, must be complimented by the process of obtaining feedback which will allow us to monitor the effectiveness of our efforts. I want to stress, this is only the beginning and I look forward to the next three to five years of working with Randy and our Chief and all of you to implement what I think we have established here as amazing and laudable goals.

At Judge DiPentima's invitation, Judge Mintz then gave a report on the Committee on

Vision, Mission and Values. The essence of his remarks are as follows:

The Vision, Mission and Values Committee was established at the end of this strategic planning process. It was last, but in the plan itself, it turns out to be first because the whole idea of the Vision, Mission, and Values Committee was to bring the whole plan together. So, the first thing I'd like to do is thank the Committee members who worked hard on this committee. Judge DiPentima asked all the chairs of the other committees to come up with people to be appointed to this committee, and those people included Judge Jones, Judge Shortall, Tom Siconolfi, Attorney Robert Stillman, Attorney Dawne Westbrook and Attorney Jennifer Zito. I want to also thank them publicly for their hard work on this effort and I think our statements really show their hard work.

If you want to read along with me, you can turn to page 9 in your strategic plan, and the first item that we took up was to come up with a mission statement. The mission statement is something that we should carve in stone over the entryway of every courthouse. So, it's something that we wanted to be able to live in perpetuity. We looked at the existing mission statement and it looked pretty good except it was missing something, and what it was missing was the why. So, what we came up with was the why for the mission statement and added to the existing one, and came up with the following: "The mission of the State of Connecticut Judicial Branch is to serve the interests of justice and the public by resolving matters brought before it in a fair, timely, efficient, and open manner." And hopefully you'll see that on the doorways of all the courthouses in the State of Connecticut.

The next item that we needed to take up was to come up with a vision for the State of Connecticut Judicial Branch, and what the charge for that was to come up with something that brought together all the outcome goals for the strategic plan. The vision statement is something that can change over time, but should be consistent with our strategic plan. Our vision statement is, "An independent, accountable, and responsive Judicial Branch that will administer justice, ensure access to the courts, and deliver effective, uniform, and consistent services to a diverse public. In doing so, the Judicial Branch will collaborate with the Executive and Legislative branches of government and others with an interest in administration of justice."

Our final task was to come up with values for the Judicial Branch. The values are something that we will have on our bench, have in the clerks' office, have in other people's offices. It's something we aspire to, something that we can work hard to achieve in delivering all of our services. The focus groups that were held outside the branch, the public focus groups, the focus group with attorneys, one of the questions that they were asked was, what do you value in the Judicial Branch? What are the core values that you would like to see? And we came up with around 39, 40 words. And we whittled those down to four words that I think really embody what the Branch is all about. And these core values represent what is important to the people we serve, guide the actions of the members of the Branch as we carry out our mission, and enhance the public's trust and confidence in their judicial system.

The first word is fairness. The Judicial Branch embodies fairness through the equal and impartial treatment of all people. It is the core value of the Judicial Branch that all of its members treat every person equally without bias or favoritism.

The next value was integrity. The integrity of the Judicial Branch is dependent upon the principle and ethical actions of all of its members. It is the core value of the Judicial Branch that all of its members serve the interest of the public, uninfluenced by considerations of personal gain or favor. You'll notice that a lot of these values sort of overlap, as a lot of your outcome goals overlap with each other. So, it's a plan that needs to be read in its entirety.

The next word was professionalism. The professionalism of the members of the Judicial Branch is reflected in their commitment to the administration of justice. It is a core value of the Judicial Branch that all of its members serve the public in the interest of justice efficiently, consistently, and effectively.

And the final value was respect. The Judicial Branch demonstrates respect for the people it serves by the manner in which its members interact with the public. It is the core value of the Judicial Branch that its members acknowledge the dignity of each person who comes into the court, responding to his or her particular concerns with courtesy, understanding, and compassion. Thank you.

Since I'm the last person to speak, I think it only appropriate that at this point I thank Judge DiPentima for her leadership in this whole strategic plan process. It really would not be the quality work, the terrific plan that it is, without her leadership and I just want to say thank you.

Judge DiPentima ended the presentation on the Strategic Plan by thanking all of the judges who participated in the work of the Public Service and Trust Commission as well as all the judges and attorneys who contributed to the work of the Steering Committee. Judge Quinn rose to thank Judge DiPentima for her hard work on the Strategic Plan and to deliver some remarks. The essence of those remarks are as follows:

I think all of you would agree me that the work of the Public Service and Trust Commission is significant and awe inspiring. And I think implementation of the vision for the courts, in the years ahead, will take all of our joint efforts, and I look forward to working with all of you in trying to accomplish at least a piece of what is a monumental task.

I would like to turn now to some more mundane and hopefully fun matters, at least in the beginning part. I hope that all of you found the nameless Judges' Newsletter interesting and informative. I have enjoyed your many suggestions for the name, as well as the articles, both past and future. So, please continue to send your suggestions in to us, since there will be a new edition soon, and we'll give you some hint of the various kinds of names that have been suggested for our newsletter: Full Disclosure; Connecticut Bench Briefs; Under Advisement; A Newsletter for Weighty, Not So Weighty Matters; The Judicial Review; Judicial Branching Out; Speaking Out; Judicial Speak; The Nutmeg Jurist; Juris Dictions; and so on. So, you'll have to wait until the next edition to know. Oh, I forgot one, and that is Under the Robes. I also received a request from one of our colleagues to schedule next year's annual meeting a week earlier so that it doesn't fall within the same week as the Fourth of July holiday. So, we're going to try to do that next year. I think that's an excellent suggestion.

Let me talk a little bit about the budget, as so much of what we can and cannot do hinges on the resources that we receive. Attaining adequate resources to sustain the Connecticut's judiciary is a challenge even under the best of times, and as you're well aware, the current economy does not reflect the best of circumstances. Amid this economic backdrop, Chief Justice Rogers, Judge Carroll, and I have advocated, in every form available to us, for our most critical needs, including additional judicial marshals, courtroom clerks' office staff, and increased pay for temporary employees. On the matter of courthouse security, which is of paramount concern to all of us, you know that we have a well trained workforce of judicial marshals, and this year we were able to have three classes of marshals instead of the two that's been the norm in the past. But we have a current compliment of 750 marshals and we have a recognized need of 920. So, we have a long way to go and unfortunately, even though we delivered this message loud and clear at every opportunity to our Executive and Legislature Branch partners, we were not successful in securing that funding.

We were successful, a little bit, for the temporary assistant clerks, and we were able to secure a \$5.00 an hour pay raise for them. They have not had a pay raise in over eight years. And we've also structurally improved their ability to move into permanent positions because, as you know, we have some that stay with us for seven, eight, and ten years hoping that will happen. And those changes will make it easier for them. Some of them have recently been hired in those positions after years of dedicated service to us.

We continue, as you also all know, to have a serious shortage in our clerks' offices, but some progress was made. The Chief Justice talked earlier about the initiatives that were passed in the Legislature and these were the first signals, I think, that we've had for some time, of the recognition of the importance of funding for our core needs in the court. And certainly, the upcoming fiscal year appears to be a very challenging one, both for the State, the citizens, and the Branch because the budget situation has deteriorated dramatically. The budget, which was adopted last year, provided some funding to us for the opening of a new Juvenile Matters Court facility and detention center in Bridgeport, and some of the funding for the changeover to bring the 16 and 17 year olds into the juvenile court. It does not provide any funding for the approximately 100 court staff needed to operate those court locations effective January 1, 2010, but we continue to be very concerned about our ability to be able to do that when the time comes.

Recently, we learned of the extent of the Branch's share of upcoming budget rescissions, because, as you know, in a downturn we are obligated to share with the other agencies reductions in what has been awarded to us. We heard from the Governor's budget office and these rescissions will be significant in both our personal services budget and in the contracts that we have for programs that we administer. Some of the initiatives that the Chief Justice discussed today that were passed will need to be delayed as the funding reductions to the Branch are implemented.

The Chief Justice, Judge Carroll and I agreed that to best weather these reductions we must order a branch-wide hiring freeze. I think each of you received a copy of that. A limited number of positions, including the judicial marshal's classes and certain key courtroom positions were exempted from the freeze. We have decided to act now because it's clear that we can save the most money if we start at the beginning of our fiscal year. And while this freeze will impose hardships in many areas, money saved with its help, will avoid more drastic spending reductions later in the year.

Let me turn now to court facilities. No new court facilities came online during the past year, but there's been a great deal of activity and progress on some important projects. We have been working to implement the transfer of 16 and 17 year olds to Juvenile Court starting in 2010. We need to have a fair number of leased facilities to do that. And while we may have an adequate number of existing courtrooms, although that's questionable, we certainly do not

have sufficient space to accommodate the staff needed, particularly all of the juvenile probation officers as it's so labor intensive for them. And even before that legislation passed, we were moving forward to replace small and outmoded juvenile court facilities in several communities, Meriden, Middletown, Rockville, and Norwalk, and we are continuing to look into those. A few court locations, such as Stamford, New Britain, Bridgeport and the new Torrington courthouse, should largely be able to handle the new business within the existing facilities. And in some locations, we must significantly expand the space available. The single largest challenge that remains is in one of our busiest locations, New Haven, where there's literally no expansion space, and none has been identified for us.

Obtaining space in a short period of time is a really monumental task, and we have a team between ourselves, OPM and DPW that meets weekly to make sure that it will move forward within the timeframe required. We are developing some contingency plans in the event that not all of it is ready on time, and given what the outcome economically looks like, we're going to have some significant challenges.

The Torrington Courthouse is moving forward and it's expected that the site will be purchased by the State this fall. The completion date for that courthouse is 2012. The Juvenile Matters and Detention Center in Bridgeport will be opened with occupancy on October 6<sup>th</sup>. So, we're excited about that, since that will give us some additional space. It will not, however, because it was not designed with this in mind, provide space for the 16 and 17 year olds. It's been in the works for a very long time, over a decade, and no one foresaw the more recent changes.

More long term needs are for our courthouses at 121 Elm Street in New Haven and Golden Hill Street in Bridgeport. They're not only some of our busiest courthouses, but they're two of our most out-moded criminal matters courthouses, and they must be replaced as soon as possible. Both projects will be extremely expensive with a combined price tag that may approach \$20 million. The high cost, most definitely complicates that process, and we're continuing to work with the DPW, Commissioner Curtis and OPM Secretary Genuario to move these projects forward. The Milford courthouse annex is also moving along, with the feasibility work having been done, and I think DPW is working with the Department of Transportation to construct a garage there that will accommodate both the needs of the courthouse and the commuter rail station. So that, hopefully, would be a win/win opportunity when it goes into place.

I now want to discuss, briefly, some other important projects that aren't physical in nature. The first is a collection of civil and criminal jury instructions that were recently expanded, revised, and updated under the leadership of Judge Mullarkey, Judge Pittman, and now, Judge Scholl. The two collections have been posted on our website. I hope that you have found them helpful as you constructed your jury charges.

All of our laptops have had the new encryption data software installed. Some of them, also, over 100, have been upgraded, and a new family law software is available to assist our family judges.

Turning now to transcription services, an additional 12 courtrooms have been equipped this year with the FTR gold digital audio recording systems, and to date, apparently over 100 courtrooms have that equipment. And as you know, the criminal justice act passed at the beginning of this year. There was a huge increase in the demand for transcripts for criminal sentencing proceedings. Our monitors and reporters, despite all the other work they had to do, have managed to deliver more than 7,000 sentencing transcripts in the months since August of last year.

We've managed to provide considerable assistance to the Board of Pardons and Parole, the Division of Criminal Justice, and The Department of Correction through the creation of a data base with copies of all sentencing transcripts produced since last year so that they can access it as they need it. Court Support Services and our Information Technology divisions have assisted the Board of Pardons and Parole and the Department of Correction in redesigning the pre-sentence investigation system. And this system now allows them to scan existing PSI reports that are in the system electronically so that they can have all the information they need. Now, of course, not all of them are in the system electronically, and some that they need date back a period of time and need to be found, but we are making significant progress there. Our staff has also developed, in short order, a judicial electronic bridge for Probation and other information that the Board of Pardons and Parole needs, and it is accessible to the authorized individuals, as well as also now, to police officers in municipalities. So, they've been very grateful for this additional access.

These tools greatly enhance reliable and timely information for other criminal justice agencies. And in the criminal justice arena we have worked on our system, our paperless re-arrest warrants network, and included in it violations of probation. And as you can imagine, having all this information available to the other agencies that are authorized to use it, assists greatly in moving forward the steps they need to take. And these are, really, a significant number of criminal data sharing improvements that enhance public safety system-wide. I'm very proud of what we've been able to accomplish in a short period of time. As you know, we couldn't do our work these days without technology and although we're not cutting edge in the Judicial Branch, we try to keep pace. And we have been able to expand the use of video conferencing. The Chief Justice mentioned that briefly, about parents filing motions for modification for their child support orders, hearings with inmates appearing by way of audio/visual devices in the new Bridgeport courthouse facility and the Family Support Magistrate Session in Hartford Superior Court. In Hartford alone, we've had 130 video conferencing hearings since the program began, and we hope to expand this to New Haven and the Stamford Superior Court in the fall and roll it out further around the State so that hearings can take place in this manner.

These, of course, are not the only cameras in the courtroom. From January 1 to June 13, 2008 we have had approximately 131 requests from the media to videotape or photograph arraignments, and you, who preside over these proceedings, have granted 80 of those requests. And we hope that you will take the time to fill out the evaluations because your input is essential. The pilot program will be reviewing the evaluations, and I would like to especially

thank Judge Clifford for spearheading this committee and all the work that he has done to make it move forward.

We heard a little bit about the importance of access in the Public Service and Trust Commission. We've been doing a lot of work on the website, and I think it provides certain levels of access to people, much more easily, to information within the court. Recent enhancements to the site included, appending criminal case inquiry, daily criminal docket inquiry, a multi-jurisdictional practice website, a Judiciary Committee section on the website posts minutes, agendas, and notices. And here is one that I think is very important too, a new jury website where jurors can find answers to questions they have, directions to courthouses, and so on, to assist them in coming to jury duty. A Spanish section of the website rolled out just the other day. That includes various publications in Spanish and links to information that Spanish speakers might find helpful.

And although we have no data about the docket information currently available on the website, we really do believe that it has reduced calls to the clerk's office because of the number of website hits that we can measure. We can't actually measure, in detail, where they are, but as you know, we have a great number of reduced staff, or I should say, a great number of vacancies in our clerks' offices that we are unable to fill. And so, when we think about ways to provide access, just by way of access to information, our electronic tools are very helpful.

E-filing is also continuing. Eighty-five percent of all cases filed in the clerk's office are now eligible to be filed in that fashion. There are over 32,000 attorneys enrolled in the program and 1,800 firms. In May of this year, approximately 435 documents were e-filed every day as compared to 271 every day the year earlier. So, it's continuing to move up in number. And we're also working to enhance the clerk's office civil and family case management system.

As I reflect on the past year, especially with respect to our legislative initiatives, until around April 1<sup>st</sup>, I thought we were doing quite well. We had a pay raise in the works that the Chief Justice mentioned, as well, and a proposed budget that really would have funded some of our priorities. All that came to a halt as it became clear that the economy was much worse than anticipated. And in that respect, I think it took the wind out of our sails, and though we're not exactly becalmed, the rate of change is slower and the opportunities, I think, narrowed.

Having said that, I think we did manage to realize some small gains in the form of additional staffing, and I remain optimistic, therefore, that despite the economic downturn and with your support, the Branch will meet the challenges ahead. And also, with the work done by the Public Service and Trust Commission, many of the steps we can take to make this system function better and to provide better access to our citizens, we can do without the expenditure of money. And I know that we will achieve the implementation of the Strategic Plan in the years ahead, and jointly create through our efforts a better system of justice for all of our citizens.

At the conclusion of her remarks, Judge Quinn began a review of the changes that have taken place in the judiciary since the last annual meeting. She noted the loss of Judges



Daniel Spallone, Mary Hennessey, D. Michael Hurley, Simon Cohen, Edward Hamill, Francis O'Brien, Allen Smith and Sidney Landau. A moment of silence was observed in their memory.

Judge Quinn noted that Judges Nadeau, Lavery, Dunnell, Foley, Leheny, Levine and Karazin elected senior status during the last year and that Justice Borden and Judges Terence Sullivan, Koletsky, Lavery, Levine and Langenbach became referees. She also announced that Judge Beach and Judge Richard Robinson had been appointed to the Appellate Court and that Justice Schaller had been appointed to the Supreme Court.

The judges who were appointed since the last annual meeting were introduced. They are Judges Frechette, Nazzaro, Bright, Young, Eschuk, Malone, Brazzel-Massaro, Sommer, Gould and Zemetis. In recognition of their service as administrative judges, plaques of appreciation were awarded to: Judges Aurigemma, J. Kaplan, Kavanewsky and Mintz. Following these presentations, Judge Quinn introduced Justice Zarella who gave the report of the Rules Committee. The essence of his report is as follows:

I'd like to begin by thanking the members of the Rules Committee. I don't think people understand the amount of time and effort that they've put into this role that they play, and this year we're losing a number of members, and are going to welcome new members. The members of the Rules Committee, over the past year, have been Judge Corradino, Judge Dyer, Judge McLachlan, Judge Pinkus, Judge Robinson, Judge Sheldon, Judge Fasano, and Judge Pittman. I'd like to thank all of them for their help during the year.

The revisions to the Practice Book and to the Code of Evidence under consideration today were mailed to you earlier this month with a memorandum from me dated June 10, 2008. The proposed revisions were the subject of a public hearing held by the Rules Committee on June 2, 2008. Among the proposals that were forwarded to you are revisions to the Rules of Professional Conduct, which include the following:

Revisions to Rule 1.14: to make the rule more clearly consistent with recent changes in conservatorship law and to reduce situations in which people with impaired capacity are placed in conservatorships when less restrictive alternatives are available. I've asked Judge Sheldon to give you a brief overview of this proposal after my remarks.

Revisions to Rule 1.15: to clarify the circumstances under which lawyers and law firms are obligated to deposit funds of clients and third parties in IOLTA accounts. These

changes were submitted by the Connecticut Bar Foundation which administers the IOLTA program. Should you adopt these changes, I will be asking you to make them effective as of August 1, 2008 to eliminate the confusion that currently exists amongst lawyers with regard to this rule.

Revision to Rule 5.5: to enable lawyers who are admitted to practice law in a foreign country, but in no United States jurisdiction, to register as authorized house counsel.

Revisions to Rule 7.4: to clarify the manner in which a lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. These changes, which were proposed by the Statewide Grievance Committee, would allow lawyers to state that they "concentrate in" or "focus on" or that practice is "limited to" particular fields of practice. This is similar to the ABA model rule on this topic.

Revisions to Rule 7.4A: to require that upon certifying a lawyer as a specialist, a certifying board or other entity, shall notify the Statewide Grievance Committee.

Revision to Rule 8.3: to relieve a lawyer who receives information while serving on a Bar Association ethics committee or the Judicial Branch Committee on Judicial Ethics from the affirmative duty to report misconduct.

Also included in the packet, consistent with the revision to Section 8.3, is a revision to Canon 3 of the Code of Judicial Conduct to relieve a judge who receives information while serving on the Judicial Branch Committee on Judicial Ethics from the affirmative duty to report misconduct. Should you adopt these changes, I'll be asking you to make them effective on August 1, 2008 so that the Committee on Judicial Ethics can begin its work as soon as possible.

Also included in these proposals to you are revisions to the Superior Court Rules. These include a proposed new Section 1-9A concerning the rule making process. This was taken from a resolution adopted by you at the 2007 annual meeting that contained the following provision: "That the Superior Court Rules Committee shall consider submitting to the Superior Court Judges for adoption a Practice Book Rule incorporating appropriate provisions of this resolution."

As you may recall, last year there was a bill pending before the Legislature that would, in effect, create, in the Legislature, an ability to veto any changes to the Practice Book. The bill failed and the legislative session ended. Nevertheless, in an effort to promote cooperation between the branches, and to provide an additional vehicle for the Legislature to express any concerns they or their constituents may have, the judges, at last year's annual meeting, passed a resolution establishing a procedure requiring the Rules Committee to invite the members of the Judiciary Committee to meet in the fall of each year and again, as soon as practical after the commencement of the legislative session. The Rules Committee converted the resolution into a new Practice Book Section 1-9A. The Rules Committee has voted to recommend it to you for adoption.

In the spirit of the Resolution, the Rules Committee met with the Judiciary Committee, this past fall, and again in February or March, I'm not sure which, pursuant to this new Resolution. The exchanges were open, free-flowing, and productive. I will note that the

Committee did receive a letter from Senator Andrew McDonald, speaking solely for himself, and not on behalf of the Judiciary Committee, requesting that we withdraw this proposal based upon the ongoing negotiations between the branches. I am unaware of any ongoing negotiations at this point and I feel that this resolution provides another avenue to discuss issues between the branches. That furthers the understanding between the branches and therefore, is in the public interest to continue the process. The Rules Committee, therefore, recommends the adoption of this rule.

Revisions to Section 1-10, which includes replacing current subsection (b), which provides that only attorneys in good standing, possessing a picture identification card authorized by the Chief Court Administrator, may bring a camera phone and other electronic devices into court facilities, with the provision recognizing that the possession and use of electronic devices in court facilities are subject to policies promulgated by the Chief Court Administrator. Subsection (a) of this Rule includes changes related to that revision.

The Rules Committee has been advised that the Chief Court Administrator plans to adopt the policy that would allow the public to bring camera phones and other electronic devices into court facilities because screening the public for camera phones and taking the phones from them as they enter courthouses is extremely costly and time consuming. For this reason, should you adopt the changes to this rule, I will be asking that you make them effective on August 1st of 2008.

Revisions to Section 2-9 and to 2-11: to make the setting of conditions of admission to the Bar, the applicant's acceptance of the conditions, and the removal or modification of conditions, be an administrative process rather than a court process. In connection with this proposed new Section 2-11A, it would allow the Bar applicant or attorney to file a record of appeal to the Superior Court from a decision by the Bar Examining Committee prescribing conditions of admission to the Bar under the proposed revision to Section 2-9, or on an application to remove or modify conditions of admission under the proposed revision to Section 2-11. These changes were suggested by the Chief Court Administrator who forwarded them to the Bar Examining Committee for review and reported that it was the sense of that committee that the proposals are a good idea.

Revision to Section 2-15A: to enable lawyers who are admitted to practice law in a foreign country, but in no United States jurisdiction, to register as authorized house counsel. That's consistent with the rule that I gave you earlier that is in the Code of Professional Conduct.

Revision to Section 2-27: concerning random audits of attorneys' clients' funds accounts to provide a procedure that allows a client, or a third person, whose identity may be publicly disclosed through the disclosure of records resulting from disciplinary action taken against an attorney in connection with an audit under the section, to take steps to prevent such disclosure without delaying the disciplinary proceeding.

Revision to Section 2-38: to clarify that an attorney may file an appeal to the Superior Court from any sanction imposed on an attorney by the Statewide Grievance Committee under Section 2-37.

Revision to Section 2-50 and other related sections made public the entire record of the

grievance complaint once probable cause has been found that the attorney is guilty of misconduct regardless of whether the complaint is subsequently dismissed. These changes were proposed by the Statewide Grievance Committee to promote openness.

Revision to Section 4-4: clarifying that the Office of the Chief Court Administrator, in addition to establishing procedures for filing of papers electronically, may also establish procedures concerning the manner in which the Court may keep papers that have been filed electronically.

Revision to Section 7-20: that would allow the clerks' short calendar records to be kept in an electronic format.

Revisions to Section 13-4: that are intended to facilitate meaningful depositions of experts and discovery of the reports and records of such experts. These changes set forth the affirmative duty of a party to disclose each person who may be called by that party to testify as an expert witness at trial, and all documents that may be offered in evidence in lieu of such expert testimony; identify, specifically, the content of the disclosure and allow the party to contemporaneously produce a written report of the expert witness; require a party to file, with the court, a list of all documents or records that the party expects to submit in evidence in lieu of live testimony of an expert witness; and set forth the procedures for taking the deposition of any expert whose records are disclosed. This revision is the product of a proposal that dates back to 2002. Attorney Groher submitted a proposal to the Rules Committee regarding discovery that was forwarded to the Civil Commission, that was headed by Judge Langenbach at that time. Judge Langenbach formed a subcommittee consisting of representatives from CTLA and CDLA, that was chaired by Judge Sheldon. After many meetings and much discussion, as well as concessions by both plaintiff and defense counsel, the proposed changes for the Practice Book Rules were forwarded on to the Civil Commission, which adopted them unanimously. Those proposals were then forwarded to the Rules Committee. The Rules Committee then invited Attorney Eckert to a meeting to review the proposals with the Committee. The Rules Committee adopted the changes with no substantive changes.

Revisions to Section 13-6, 13-10, 13-22, and 13-23: to bring them up to date in light of the computer era by including provisions that accommodate the electronic service of discovery documents by one party on the other.

Revisions to Section 13-30: to clarify procedures to be followed in making objections during depositions under Subsection (b), and to clarify that the purpose of the provision in Subsection (d) that allows the deponent to make changes in form or substance to the deposition is to allow the deponent to correct errors in the transcription rather than to allow the deponent to correct his or her testimony.

Revisions to Section 17-14 and 17-18: concerning offers of compromise. To adopt the provisions of General Statutes 52-192a as amended by Section 16 of Public Act 07-141, An Act Revising the Process for Taking of Real Property by Municipalities.

Revisions to Section 25-2 and 25-36 of the family rules: to clarify the applicability of those sections to civil unions.

A major revision to the juvenile rules proposed by the Juvenile Task Force. Judge

Keller, who chairs the Task Force, will outline these changes following my remarks.

Revision to Section 37-2: regarding the criminal discovery rules. I'm going to ask, when we get to the motions, that we explicitly exclude that provision or that change for this year. After the Rules Committee voted on 37-2 and voted to pass it, we had discussions with both prosecutors and defense counsel who committed to meeting with the newly established Criminal Commission which will begin its operations, I guess, on July 16<sup>th</sup>, to review not only the discovery rules in 37-2, but all of the discovery rules in Section 40. So, when I get to the motion, I'm going to ask that we not do anything with respect to that proposal.

Revision to Section 42-34: concerning trials without jury in criminal matters to make the rule consistent with Section 6-1.

Revision to Section 43-9: concerning pre-sentence investigation reports to reflect that the Board of Pardons and the Board of Parole were combined into a single board pursuant to Public Act 04-234.

Finally, the proposals forwarded to you include a "tender years" exception to the Code of Evidence. Justice Katz, who chairs the Code of Evidence Oversight Committee, will discuss the proposal following my remarks.

At the conclusion of these remarks, Justice Zarella made the following motion, "I move the adoption of the amendments to the Practice Book, except the proposed revision to Section 37-2, which were mailed to you for use at this meeting." This motion was seconded by Judge Pinkus. Justice Zarella then asked Judge Sheldon to comment on the proposed revisions to Rule 1.14. The essence of his remarks are as follows:

One topic that occupied our attention throughout the year, starting in the summer, actually, of last year, was an effort made by several lawyers, most of whom are associated with Legal Aid organizations to correct a problem that had emerged with our new Rule 1.14, a rule that was designed, really, to enhance the loyalty that a lawyer would have to a client by requiring the lawyer or enabling the lawyer to take appropriate action to get a representative appointed for an individual who is suffering from some kind of diminished capacity.

The concern that these folks had was born in an experience largely in probate court, but not exclusively in probate court, where a form was used routinely that simply had a box to check, do you or do you not wish to pursue the appointment of a conservator. Check. And conservators were being appointed under circumstances which were inconsistent with, I would say, the purposes of what has become the new public act passed effective October 1 of 2007, Public Act 07-116, that limited the scope of conservatorship appointments to that which was truly necessary to deal with an imminent risk of loss, of serious loss by an individual, to limit the scope and the duration of conservatorship to the functional inability of a person to do something as opposed to kind of [general authorization to act for him in all matters.] tape malfunction – some testimony not recorded....treating the client with attention and respect. That language was taken out because the theory was, of course, there are ethical obligations

that would apply to a client who is not impaired in some fashion, still applied to a client who was impaired. Therefore, the key was not to diminish, in any respect, any of the obligations under these rules, not just the rule of requiring that someone be treated with attention and respect.

Now, further in the third full paragraph is a very important change. The rule that originally passed was that lawyers should ordinarily look to the representative for decisions on behalf of the client under certain circumstances. The problem was that looking to someone for a decision and ordinarily looking to them suggested looking to them not with respect to the decisions, not for input, but actually to make the decisions and, in effect, to be bound by that. And that's a problem in two respects. One, under the Patients Bill of Rights, there is a duty to appoint a separate lawyer and the person has a right to have a separate lawyer even to challenge what might be said about him or for him by his conservator or somebody with legal right to speak for him.

That right is also specifically identified in the new conservatorship law. So, to ensure that people who are legal representatives only make decisions for clients under circumstances where they have the legal right to do so, the proposed language was put in here in order to limit the scope of this rule to what it was intended to be, not to supplant the client's right to make a decision, but to ensure that appropriate action be taken when there was an impaired capacity, but then, that the person only be listened to for control on that decision when they had a legal right to do so.

That is the essence of these changes with one exception and that is over on page 5. You'll note that the term -- and this will be on the second full paragraph on page 5 -- the term legal representative is substituted for guardian ad litem, conservator, or guardian. The thought there is the kind of intrusive commitment that a guardianship represents -- or even, -- and certainly, a conservatorship represents -- it's not the only kind of legal representative that one might involve on behalf of someone.

So, broadening this with both ensuring that the fullest measure of persons who might be involved as an appropriate assistant to a client be considered, and that consistent with the conservatorship law, the least restrictive alternative be pursued to enhance the client's functional rights. With these thoughts in mind, these rules were put forward, and were debated, on three or four occasions, by the Rules Committee, and they have been proposed to you for adoption.

I would only like to make sure that the names of the lawyers who were involved in this process be put on the record because I think we all owe them a debt of gratitude. A Legal Aid lawyer who presented this packet with all supporting materials, really a yeoman's work and set, I think, a standard for the way in which lawyers ought to deal with the Rules Committee to make very appropriate, well documented suggestions. They are Veronica Halpin, Marilyn Denny, Tom Barron, Royal Stark, and Sally Zanger.

And I would say, as well, that the Ethics Committee of the Bar did very, very wonderful work in response, very thoughtful, not just a bottom line answer, but careful analysis because -- and frankly, the Committee who proposed these changes to change their own thoughts about them in many instances. They are Wick Chambers, Glenn Knierim, Jr.,

Professor Kate Stith, and Marilyn Tolland.

The Rules Committee thanks them and I hope you will, as well.

At the conclusion of Judge Sheldon's remarks, Justice Zarella asked Judge Keller to comment on the proposals concerning juvenile procedures and practice. The essence of her comments are as follows:

I'm just going to give you a quick overview of the proposed revisions to Chapters 26 and 35, which affect juvenile procedures and practice. I first want to thank all members of the Juvenile Task Force who worked on proposals for the Rules Committee. And that was a group that consisted of all of the stakeholders who normally practice in the juvenile courts, including representatives from the Attorney General's Office, the Public Defender's Office, State's Attorney's Office, as well as contract attorneys. It also included myself, Judge Gleeson and Judge Driscoll. And I want to give special recognition to the dedicated mind-numbing work of Nancy Porter of our legal division and our chief juvenile clerk, Cynthia Cunningham, who laid the ground work for all the additional work that the Task Force and the Rules Committee had to do. I also want to thank Justice Zarella and the members of the Rules Committee for their hard work in considering the huge amount of proposals that we suggested to them and revising them when necessary.

Since the last major revision to the juvenile rules, which is over five years ago, a number of legislative enactments, both state and federal, have been passed. It seems to happen every year, there's just so much interest in the juvenile law. It always necessitates a change in the Practice Book rules. These have included, in the past few years, a total overhaul of the procedures for handling cases involving children from Families with Service Needs. Those are the truants and the runaways and the beyond control children because diversion to services is now mandated before a court petition can even be initiated. There are also new requirements for when and how courts determine whether the Department of Children and Families has made reasonable efforts to reunify the family; new requirements regarding notice and the right to be heard for parents, foster parents, and other relatives; statutory revisions creating the Commission on Child Protection, which now governs the appointment of counsel for children and parents; revised procedures for the approval of permanency plans, including a requirement that the position of the child be ascertained by the Court before the Court approves the plan; new probate transfer requirements - an amendment disallowing the use of mental health screenings and assessments of children for adjudicatory purposes in delinquency and FWSN cases.

In addition, the Task Force recommended codification where necessary, clarification of existing practices, most notably addressing motions for continuances, motions for consolidations of hearings, revocation, and reinstatement of guardianship. We clarified the rules for the appointment of guardians ad litem for children and incompetent parents; The appointment of attorneys for termination of parental rights matters; the rights to be afforded to victims in delinquency matters; the necessity of military affidavits which will now be required before the entry of a default judgment; and the nature of pleas that are accepted in child protection cases, as well as additional procedures to guarantee the rights of interveners and

how extensive those rights are; and the review of protective supervision orders for children from Families with Service Needs.

Many of the other changes were just technical. We added the words "or youth" in many places anticipating the addition of 16 and 17 year olds shortly. And there were a lot of definitions added in light of the new statutory enactments that I've just described. I'm afraid there will probably be a lot more to come in the next couple of years, as well.

Justice Zarella asked Justice Katz to come forward and discuss the "tender years" exception. The essence of her comments is as follows.

The Evidence Code Oversight Committee is made up of judges and lawyers from all walks. I'd like to thank the judges in attendance, Judges Bishop, Sheldon, Corradino, Kavanewsky, and Koletsky for their work in this regard. We spent about six months studying this issue and came up with what we think is a, quite frankly, tremendous addition to the Practice Book and to the Code of Evidence.

The Legislature agreed with us and essentially copied us last year and passed a statute that is, in substance, although organized a little bit differently procedurally, it's virtually identical. There are a couple of changes and thank you to Judge Shortall for writing a letter to the Practice Book Committee highlighting a couple of them. The changes, the most, I'd say, prominent change, frankly, has to do with the definition of guardian, on the fifth line of page 148, and the Legislature, the statute is slightly different. It's a little bit broader and I've spoken to leadership at the Legislature. They agree, our provision is better. In fact, they made a proposal last year to conform. It got caught up in everything else and didn't get out, but I've gotten their commitment to amend the statute so that it will be identical to our provision, *visa vie*, the issue of guardianship because they recognized the concerns and the limitations and why we drafted it the way we did. In essence, the point of this provision was really a recognition and acknowledgement of the difficulty that the State has in dealing with child witnesses in instances of sexual assault and physical abuse.

The commentary, I think, identifies some of the concerns why children or their out-of-court statements don't fit neatly into spontaneous utterances. They don't fit in a category. They don't fit neatly into course of treatment. And so we all know, I think, as a practical matter, what essentially happened is it's the residual exception to the hearsay rule. Instead of being a narrow exception, it's had a truck driven through it, I think, in recognition of the difficulty in dealing with these kinds of victims. So, this provision was drafted to really deal with the problem, to deal with it in the most direct way that we thought we could, acknowledging and recognizing and working around all the constitutional concerns that Crawford brings to bear, and again, I think we've managed to draft what I consider to be an excellent piece dealing directly with a real concern and a real issue. So, unless there are any further questions, or any questions at all, I should say, I would just urge your adoption of it.

At the conclusion of Justice Katz' remarks, Justice Zarella asked if there was any further discussion. Judge Bishop rose and moved that proposed Rule 7.4A (Certification as Specialist), paragraph (17) be amended by the addition of the words, "distribution of assets"



after the word "support". He stated that the phrase should be included for the sake of completeness. The motion was duly seconded and APPROVED unanimously.

Judge Scholl moved that proposed amendments to the Code of Evidence Section 8-10 Hearsay Exception: Tender Years subsection (a) be amended by striking the word "its" after the word "by" in the fifth line and substituting in its place the words, "the child's". The motion was seconded by Judge Agati and APPROVED unanimously.

Justice Zarella then called for a vote on his motion, which had been seconded by Judge Pinkus and amended by the motions of Judge Bishop and Judge Scholl to adopt the amendments to the Practice Book, except the proposed revision to Section 37-2, which were mailed to the judges for use at this meeting. The motion was APPROVED unanimously.

Justice Zarella then made the following motion: "I further move (a) that the amendments, as just adopted, to Rules 1.15 and 8.3 of the Rules of Professional Conduct, to Canon 3 of the Code of Judicial Conduct, and to Practice Book Section 1-10 become effective on August 1, 2008, and that the requirement of Practice Book Section 1-9 that a rule not become effective less than sixty (60) days after the promulgation, be waived pursuant to the provisions of that section; (b) that the rest of the amendments of the Practice Book and the Code of Evidence, as just adopted, become effective on January 1, 2009; and (c) that the Reporter of Judicial Decisions may make editorial changes to the amendments, including changes in the section numbers."

The motion was duly seconded and APPROVED unanimously. A copy of the Practice Book revisions adopted by the judges is attached as Appendix A.

At the conclusion of Justice Zarella's presentation, Judge Quinn returned to the podium to ask the judges to nominate four judges for election to the Rules Committee in addition to the justice and judges appointed by the Chief Justice, pursuant to the vote of the judges at the 1996 annual meeting. The four judges elected will serve one year terms commencing July 1, 2008. Judge Jones moved to nominate Judges J. Fischer, Scholl, Bellis and Olear for election to the Rules Committee. The motion was seconded by Judge Upson and the election of the four judges was APPROVED unanimously.

Judge Quinn then asked for the nomination of two judges whose names will be submitted to the Governor from which one would be appointed for a term on the Judicial

Review Council of four years commencing December 1, 2008 to replace Judge Keller whose term will expire this year. Judge Jones moved to submit the names of Judges Ginocchio and Graham to the Governor. The motion was seconded by Judge Agati and APPROVED unanimously.

Judge Quinn asked for a motion to approve all final actions taken by the Executive Committee as noted in the minutes of the meeting of June 4, 2008. Judge Agati so moved. The motion was seconded by Judge Pinkus and APPROVED unanimously. Judge Quinn asked for a motion to approve the recommendations of the Executive Committee to the full bench, concerning appointments and reappointments of certain Judicial Branch employees and individuals to serve on various panels and committees as set forth in Appendix B of the minutes of the June 4<sup>th</sup> meeting with the following modifications:

(1) the appointment of Mary Jane Wood of Redding as a non-attorney member of the Local Grievance Panel for the Judicial District of Danbury for a three year term commencing July 1, 2008,

(2) the appointment of Attorney Jose Adrian Rebello as Local Grievance Counsel for the Ansonia-Milford Judicial District and that part of the New Haven Judicial District that includes GA 7 and the towns of Branford, East Haven, Guilford, Madison and North Branford for a one year term commencing July 1, 2008,

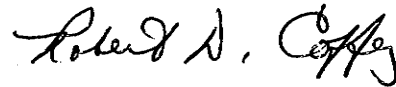
(3) withdrawal of the recommendation to appoint Catherine A. Nicolay as the Deputy Chief Clerk for G.A. Matters at G.A. 12, as she has accepted a transfer to a different position.

Judge Foley so moved. The motion was seconded by Judge R. Robinson and APPROVED unanimously. A copy of the recommendations of the Executive Committee to the full bench as modified by the three items set forth above is attached as Appendix B.

Judge Quinn asked if there was any further business to come before the meeting. Judge Cretella rose to ask that the Executive Committee revisit the question of allowing referees to vote at these meetings. Judge Quinn agreed that the Executive Committee would take this up.

Judge Keller rose to commend Judge Carroll and thank him for his work on the Judicial Review Council. Judge Quinn also commended Judge Carroll and the judges concurred with a round of applause. Judge Quinn declared the meeting adjourned at 12:00 noon.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert D. Coffey".

Robert D. Coffey  
Secretary

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