

Minutes
Uniformity of Court Procedures
Subcommittee on Civil

Room 204, 225 Spring Street
Wethersfield, CT

March 4, 2009
10:00 AM

Those attending: Atty. Timothy Bates, Atty. Tais Ericson, Hon. James T. Graham, Ms. Jane Grein, Hon. Arthur A. Hiller (chair), Hon. John J. Langenbach, Atty. Susan E. Malliet, and Hon. William B. Rush.

Attending as a guest: Atty. Nancy Kierstead

The meeting was called to order by Judge Hiller at 10:00 AM.

1. Welcome and Introduction of subcommittee members – The subcommittee members introduced themselves.
2. Topics for discussion – The subcommittee members then discussed the items listed on the agenda.
 - Short Calendar Procedures – A brief review of the revisions to the short calendar notices and procedures was provided. The revisions have addressed many of the problems in connection with uniformity and short calendars. Certain other issues (i.e., getting a responsive pleading in a file and to the judge in nonarguable matters, providing party vs. party information on calendars) result from staffing issues and practical limitations on what clerks or current systems can do. E-filing will resolve many of these issues. The concept of have a single short calendar clerk to whom questions could be addressed was discussed but may not be feasible given staff and budget limitations.
 - Special Proceedings Procedures – The subcommittee discussed the notices regarding special proceedings (i.e., orders to show cause, prejudgment remedy applications and motions for temporary injunctions). The processes of several different districts were looked at. After discussion, the subcommittee supported adopting the New Britain/Waterbury/Hartford approach to special proceedings. The approach of these districts would notify parties that no hearing on the evidence would occur on the date scheduled so that witnesses would not be brought to an initial calendar call. The clerk would attach a preprinted notice to papers served on the defendant providing the information about the first hearing date. In many cases, at the status conference on the initial hearing date, parties will resolve the applications without any hearing. The procedures also provide necessary flexibility for extraordinary situations where orders are needed to protect the status quo in a matter or for situations where the defendant does not appear to oppose the application.
 - Courthouse Security and Entry (access to courtrooms, bringing in/storing audiovisual equipment and exhibits) – The subcommittee discussed various issues associated with security and building entry. The consensus was that the development of a form that can be submitted regarding bringing audio-visual equipment into the courts and the earlier opening of the buildings have both been helpful. Issues remain regarding the storing of

expensive equipment or exhibits in cases, access to courtrooms early in the morning and during lunch, and a lack of uniformity in how attorneys and their staff are screened when bringing equipment into the courthouse on a daily basis. In many courthouses, locking of the courtrooms during recesses and lunch is necessary for security reasons. If there is no consistent policy on screening, the marshals may need to develop one.

- Discovery disputes (standardized method to handle them quickly) – The current policy on discovery disputes seems to be working well. A telephone call or a faxed request for a hearing to the presiding judge will result in a hearing for matters that are within six months of a trial. Often these matters resolve without a hearing once the attorneys are directed to come to court to resolve the issues and reminded of the rule requiring good faith efforts to resolve discovery disputes. The process seems to be more effective than taking the papers. Providing access to a judge during a deposition is not handled the same way in every district, however. It may be simply a matter of reminding judges and caseflow coordinators that if a judge is available, he or she should take a call in connection with a deposition issue. Judge Hiller will provide some kind of notice to presiding judges and caseflow coordinators advising them of the availability of telephone requests for discovery issues during a deposition and the ability to have depositions continue at the courthouse.
- Standing orders, Trial Management Orders, Case Management Orders (standardizing orders, standardized process of marking/pre-marking exhibits) and Status conferences and pretrials (standardized process for scheduling orders and extensions on those orders; standardized process to continue/reschedule pretrials) – These two topics were discussed together. Issues included the need for pre-marking exhibits, the scheduling of pretrials in a case before discovery has been completed, the benefits of trial management orders to counsel and judges (i.e., identifying witnesses and exhibits, providing requests to charge early in the trial process, providing information on potential motions in limine), the need for uniformity in enforcing requirements for these orders, the possibility of creating a template for trial management orders that would be available on the website, and the possibility of telephone status conferences.

Staff will assemble information on the contents of the existing trial management orders statewide for comparison purposes. A subcommittee will then review these orders and look at these issues.

Administrative appeals are somewhat different from other civil matters but experience similar issues with regard to case management orders and pretrial scheduling. The specific issues presented by administrative appeals will be handled by a separate subcommittee.

- Clerk's office issues (standardized process for obtaining copies and pulling files) – After discussion, the subcommittee determined that most of the issues were not subject to a uniform procedure because they were based upon staffing in individual offices. In addition, efilings will render some of these moot within a short period. It was determined that the subcommittee's focus was better directed elsewhere.
3. Formation of work groups – A work group to review standing orders and pretrial procedures was formed. The chair will be Judge Graham. Members will be Judge Devine, Judge Hiller, Judge Mintz, Judge Tyma, Atty. Ericson, Ms. Grein, Atty. Malliet, Atty. Mirrione, Atty. Ryan, and Atty. Ury.

A work group to review administrative appeals was also formed. Judge Langenbach will be the chair. Atty. Bates, Judge Rush and Justice Vertefeuille will be members. Material developed by the on CBA Planning and Zoning Section will be distributed to the members of this work group.

4. Future meetings – The work groups will schedule meetings in the next few weeks.

Meeting adjourned 11:55 AM