

Draft Minutes
Uniformity of Court Procedures
Subcommittee on Civil

Room 204, 225 Spring Street
Wethersfield, CT

June 10, 2009
2:30 PM

Those attending: Atty. Timothy Bates, Atty. Tais Ericson, Hon. James T. Graham, Hon. Arthur A. Hiller (chair), Atty. Susan E. Malliet, Hon. Douglas C. Mintz, Atty. Joseph R. Mirrione, Hon. William B. Rush, Atty. Michael T. Ryan, and Hon. Theodore R. Tyma.

The meeting was called to order by Judge Hiller at 2:36 PM.

1. Review and Approval of the Minutes of meeting of March 4, 2009 – The minutes of the meeting were unanimously approved
2. Report from the Trial Management Orders/Pretrial Work Group – The draft standing trial management orders for civil court and jury trial were presented and discussed by the subcommittee. Judge Graham pointed out that the provisions of the trial management orders were designed to avoid overburdening counsel and self-represented parties while providing the judicial authority with the necessary documents and information at each point in the trial process. Atty. Ryan urged the committee to include in the list of witnesses and exhibits exceptions for impeachment and rebuttal witnesses, similar to the exceptions in the Standing Order Regarding Trial Memoranda In Civil Cases contained in the federal Local Rules of Civil Procedure. The work group, after discussion, however, concluded that the proposed language was flexible enough to permit the use of rebuttal and impeachment witnesses even if not included in the TMO. Discussion about excluding boiler plate language from proposed jury charges and requiring the submission of an updated pretrial memo at the conference also occurred.

Based upon the discussions, revisions were made to orders. The revised orders will be submitted to the full committee at its meeting on June 16, 2009.

Judge Graham also reported that the work group is recommending that two pretrials be conducted. The first pretrial would be coincidental with the scheduling orders and the second one would be at the Trial Management Conference, which should be within two weeks of the trial date. At that time, parties would be more likely to settle. Having a pretrial early in the process would provide the opportunity for cases that are ready to settle early.

Once the trial management orders are approved by the full committee, they will be submitted to the chief justice, the chief court administrator, the deputy chief court administrator, and the chief administrative judge of civil. Upon approval, the orders will be posted on the website and publicized in many ways including, the website, bar associations, and the law journal.

3. Report of Administrative Appeals – Atty. Bates reported on the land use appeals standing order. After discussion, the draft order was revised to move two sections that were not

directed to counsel and parties out of the order. Those two sections will be included as statements of policy and procedure.

4. Update on discovery procedures – Judge Hiller explained the current procedures for the resolution of discovery and deposition disputes. The order on these procedures is posted on the website.
5. Update on Special Proceedings Procedures – Judge Graham explained the procedure for handling special proceedings that is in place in New Haven, Waterbury and New Britain. A similar procedure is followed in Hartford. The subcommittee will recommend that all districts follow the Waterbury procedure. In a special proceedings matter (for example, a prejudgment remedy or temporary injunction), a notice will be attached by the clerk to the summons and complaint when the date is set for the initial hearing on the proceeding. That notice tells the parties that the first date is a settlement conference and no witnesses should be brought to court on that date. If the defendant fails to appear on the first date, the matter is taken on the papers. If both parties appear, a hearing date will be set for a date certain, unless the matter can be resolved or the parties agree to go to an expedited trial on the merits. This procedure allows for better work flow, more efficient scheduling of matters and increased settlements. True emergencies can always be accommodated.

After discussion, the subcommittee suggested that the current notice be revised to permit a special master pretrial as an option and to require that parties be present or available by telephone. A standardized form notice should be drafted for use in all districts.

6. Discuss Recommendations to be presented to the full committee – Upon a motion by Judge Graham and second by Atty. Mirrione, the subcommittee voted unanimously to submit the recommendations of the subcommittee, including the draft standing orders and standard procedure on special proceedings, to the full committee at its meeting on June 16, 2009.
7. Future meetings – The subcommittee has completed its work and no further meetings will be necessary.

The meeting adjourned at 3:45 PM.