

On Monday, September 16, 2013, the Rules Committee met in the Supreme Court courtroom from 2:00 p.m. to 3:00 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR
HON. MARSHALL K. BERGER, JR.
HON. HENRY S. COHN
HON. KARI A. DOOLEY
HON. NINA F. ELGO
HON. ROBIN L. WILSON
HON. ROBERT E. YOUNG

The Honorable Jon M. Alander and The Honorable William M. Bright, Jr. were not in attendance at this meeting.

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorney Denise K. Poncini of the Judicial Branch's Legal Services Unit.

1. The Committee unanimously approved the minutes of the meeting held on May 20, 2013.
2. The Committee considered a letter from Attorney Barry C. Hawkins, President of the CBA, concerning the addition of elder law to Rule 7.4A of the Rules of Professional Conduct as a field of law in which attorneys may be certified as specialists. Attorney Mark Dubois, President Elect of the CBA, was present and was invited to speak to the Committee on this proposal. He asked the Committee to table this proposal until the CBA has had the opportunity to fully review it and respond to the Committee.

After discussion, the Committee tabled this matter.

3. The Committee considered a proposal by the National Board of Legal Specialty Certification to add Social Security Disability Advocacy to Rule 7.4A of the Rules of Professional Conduct as a field of law in which attorneys may be certified as specialists.

Attorney Mark Dubois, President Elect of the CBA spoke to the Committee concerning this proposal and he asked the Committee to table the proposal until the CBA has had the

opportunity to fully review it and respond to the Committee.

After discussion, the Committee tabled the matter.

4. The Committee considered a proposal by the National Board of Legal Specialty Certification to add Civil Pretrial Practice to Rule 7.4A of the Rules of Professional Conduct as a field of law in which attorneys may be certified as specialists.

Attorney Mark Dubois, President Elect of the CBA spoke to the Committee concerning this proposal and he asked the Committee to table the proposal until the CBA has had the opportunity to fully review it and respond to the Committee.

After discussion, the Committee tabled the matter.

5. The Committee considered a proposal by Judge Douglas C. Mintz, Chair of the Bench/Bar Foreclosure Committee, to amend Section 6-3 to allow the certificate of judgment issued by the clerk to be used in cases under CGS § 49-17 and comments thereon by Attorney Denis Caron.

Attorney Denis Caron was present and was invited to speak to the Committee on this proposal.

After discussion, Judge Dooley indicated that she would draft an amendment to Section 6-3 for consideration by the Rules Committee at a future meeting.

6. The Committee considered an inquiry from Chief Judge Alexandra DiPentima concerning the language disparity in the first paragraph of newly amended Form 201 and newly amended Form 202 and Form 203.

After discussion, the Committee unanimously voted to submit to public hearing the proposed revision to Form 201, as set forth in Appendix A attached to these minutes.

7. The Committee considered a suggestion by Judge Gerard Adelman that the Rules Committee consider amending Section 13-4(c)(2) to allow expert witnesses appointed by the court to charge the party taking the deposition for the expert's time spent preparing for the deposition.

After discussion, the Committee unanimously voted to send the matter to the Civil Commission, the Family Commission and to the CBA for review and comment.

8. The Committee considered and unanimously voted to approve the following meeting schedule:

Tuesday, September 17 – 3:00 p.m., Meeting with members of the Judiciary Committee

Monday, October 21 – 2:00 p.m.

Monday, November 18 – 2:00 p.m.

Monday, December 16 – 2:00 p.m.

Monday, January 27 – 2:00 p.m.

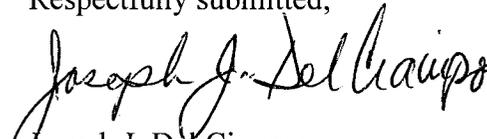
Monday, February 24 – 2:00 p.m.

Monday, March 24 – 2:00 p.m.

Monday, May 19 – 10:00 a.m., Public Hearing and Rules Committee Meeting.

9. The Committee discussed the possible revision of other Practice Book sections which may be considered by the Committee.

Respectfully submitted,



Joseph J. Del Ciampo
Counsel to the Rules Committee

Attachment

APPENDIX A (091613)

Form 201

Plaintiff's Interrogatories

No. CV- : SUPERIOR COURT
(Plaintiff) : JUDICIAL DISTRICT OF
VS. : AT
(Defendant) : (Date)

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, _____, under oath, within thirty (30) days of the filing hereof in compliance with Practice Book Section 13-2.

Definition: "You" shall mean the Defendant to whom these interrogatories are directed except that if that Defendant has been sued as the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Defendant's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these Interrogatories, the Defendant(s) is (are) required to provide all information within their knowledge, possession or power. If an Interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the Interrogatory as a whole. If any Interrogatories cannot be answered in full, answer to the extent possible.

(1) State the following:

(a) your full name and any other name(s) by which you have been known;

(b) your date of birth;

(c) your motor vehicle operator's license number;

(d) your home address;

(e) your business address;

(f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the incidents alleged in the Complaint?

COMMENT:

This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(3) If the answer to Interrogatory #2 is affirmative, state:

(a) the name and address of the person or persons to whom such statements were made;

(b) the date on which such statements were made;

(c) the form of the statement (i.e., whether written, made by recording device or recorded by a stenographer, etc.);

(d) the name and address of each person having custody, or a copy or copies of each statement.

(4) State the names and addresses of all persons known to you who were present at the time of the incident alleged in the Complaint or who observed or witnessed all or part of the incident.

(5) As to each individual named in response to Interrogatory #4, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Section 13-1 concerning the subject matter of the Complaint in this lawsuit. If your answer to this Interrogatory is affirmative, state also:

(a) the date on which the statement or statements were taken;

(b) the names and addresses of the person or persons who took such statement or statements;

(c) the names and addresses of any person or persons present when such statement or statements were taken;

(d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;

(e) the names and addresses of any person or persons having custody or a copy or copies of such statement or statements.

(6) Are you aware of any photographs depicting the accident scene, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs taken of each such subject by each photographer, please state:

(a) the name and address of the photographer, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken;

(c) the subject (e.g., "Plaintiff's vehicle," "scene," etc.);

(d) the number of photographs.

(7) If, at the time of the incident alleged in the Complaint, you were covered by an insurance policy under which an insurer may be liable to satisfy part or all of a judgment or reimburse you for payments to satisfy part or all of a judgment, state the following:

(a) the name(s) and address(es) of the insured(s);

(b) the amount of coverage under each insurance policy;

(c) the name(s) and address(es) of said insurer(s).

(8) If at the time of the incident which is the subject of this lawsuit you were protected against the type of risk which is the subject of this lawsuit by excess umbrella insurance, or any other insurance, state:

(a) the name(s) and address(es) of the named insured;

(b) the amount of coverage effective at this time;

(c) the name(s) and address(es) of said insurer(s).

(9) State whether any insurer, as described in Interrogatories #7 and #8 above, has disclaimed/reserved its duty to indemnify any insured or any other person protected by said policy.

(10) If applicable, describe in detail the damage to your vehicle.

(11) If applicable, please state the name and address of an appraiser or firm which appraised or repaired the damage to the vehicle owned or operated by you.

(12) If any of the Defendants are deceased, please state the date and place of death, whether an estate has been created, and the name and address of the legal representative thereof.

(13) If any of the Defendants is a business entity that has changed its name or status as a business entity (whether by dissolution, merger, acquisition, name change, or in any other manner) since the date of the incident alleged in the Complaint, please identify such Defendant, state the date of the change, and describe the change.

(14) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether, at the time of the incident, you were operating that vehicle in the course of your employment with any person or legal entity not named as a party to this lawsuit, and, if so, state the full name and address of that person or entity.

(15) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic

beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.

(16) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) the name and address of the hospital, person or entity performing such test or screen;

(b) the date and time;

(c) the results.

(17) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings by film, photograph, videotape, audiotape, or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.

PLAINTIFF,

BY _____

I, _____, hereby certify that I have reviewed the above Interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

(Defendant)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public/Commissioner of
the Superior Court

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, this ____ day of _____, 20__ to (names and addresses of all opposing counsel and self-represented parties upon whom service is required by Practice Book Section 10-12 et seq.).

(Attorney Signature)