

March 26, 2007

Minutes of the Meeting
Rules Committee
March 26, 2007

On Monday, March 26, 2007 the Rules Committee met in the Attorneys' Conference Room from 9:30 a.m. to 10:00 a.m. From 10:11 a.m. to 11:03 a.m. they met in the Attorneys' Conference Room with members of the Judiciary Committee. The Committee then reconvened its own meeting at 11:04 a.m. and adjourned at 12:38 p.m.

Members in attendance were:

HON. PETER T. ZARELLA, CHAIR
HON. JOAN K. ALEXANDER
HON. THOMAS J. CORRADINO
HON. RICHARD W. DYER
HON. BARRY C. PINKUS
HON. PATTY JENKINS PITTMAN
HON. HILLARY B. STRACKBEIN
HON. GEORGE N. THIM

Judge Roland D. Fasano was not in attendance at this meeting.

Also in attendance was Carl E. Testo, Counsel to the Rules Committee.

Agenda

1. The Committee approved the minutes of the meeting held on February 26, 2007. Judge Thim suggested a further amendment to the revisions to the Practice Book Forms that were made at the February 26 meeting and printed in Appendix C of the minutes to that meeting.

After discussion, the Committee unanimously voted to submit to public hearing the further revision to Practice Book Forms 201 through 206 as set forth in Appendix A attached hereto.

2. At a prior meeting, the Committee considered a proposal by Attorney Nicholas J. Cimmino to amend Practice Book Section 25-26(g) concerning motions for modification of final custody or visitation orders or parental responsibility plans. At that meeting, the Committee

decided to forward the proposal to Judge Julia DiCocco Dewey, Chief Administrative Judge for Family Matters, to solicit the views of the Family Rules Task Force or, in the event that the Task Force is no longer active, of the judges currently assigned to family matters, concerning the proposals.

At this meeting, the Committee considered an amendment to Section 25-26(g) submitted by Judge Dewey, and memos concerning this matter from Judges Patti Jenkins Pittman and Lloyd Cutsumpas and from the CBA Family Law Section and the Family Law Section of the Danbury Bar Association.

After discussion, the Committee unanimously voted to submit to public hearing the revision to Practice Book Section 25-26 as set forth in Appendix B attached hereto.

The Committee agreed to recommend to the judges of the Superior Court that this change become effective on October 1, 2007.

3. The Committee considered proposed revisions to Practice Book Sections 11-14 and 11-18, concerning short calendar procedure, which were submitted by Judge William J. Lavery, Chief Court Administrator, on behalf of the Civil Commission.

After discussion, the Committee decided to ask Judge Lavery to provide the rationale for these changes.

4. The Committee considered a proposal by Attorney Nicholas J. Cimmino to amend Practice Book Section 7-13 to include a retention period for Investigatory Grand Jury Panel records.

After discussion, the Committee unanimously voted to submit to public hearing the revision to Practice Book Section 7-13 as set forth in Appendix C attached hereto.

5. The Committee continued its consideration of a proposal submitted by Judge Joseph H. Pellegrino, then Chief Court Administrator, on behalf of the Civil Commission to amend the civil pleading rules.

After discussion, the Committee decided to find out from Judge Lavery, the Chair of the Commission, the rationale for the changes and perhaps invite a member of the Civil Commission to address the Rules Committee concerning the proposal.

6. At a prior meeting, the Committee considered a letter from Mr. Adam Rivera, a law student, seeking an interpretation as to the meaning of the phrase "at least two semesters of credit" as used in Practice Book Section 3-16(a)(2). Because the Rules Committee does not

render interpretive opinions concerning Practice Book provisions, it forwarded this inquiry to the Legal Internship Committee for whatever action it deems appropriate.

At this meeting, the undersigned advised the Rules Committee that he contacted one of the Co-chairs of the Legal Internship Committee concerning this matter, who advised him that it would be taken up by that committee in the near future.

The Committee thereupon tabled this matter to its next meeting.

7. The Committee continued its consideration of a proposal by the Civil Rules Task Force to amend Practice Book Section 13-4 concerning the discovery of experts.

It was agreed that Justice Zarella will ask Attorney Steven Ecker to address the Rules Committee concerning this proposal at its next meeting. Attorney Ecker was a member of the Civil Rules Task Force at the time the rule was proposed.

8. At a prior meeting, the Committee considered a proposal by the Bar Examining Committee to amend Section 2-8 concerning review of foreign and non-approved legal education. The Committee noted that the recommendation contained significant revisions to the provisions in Section 2-8 concerning the alternate procedure in the rule for satisfying the Bar Examining Committee that the applicant has met its educational requirements. The Committee asked the undersigned to request the Bar Examining Committee to provide the rationale for these changes.

At this meeting, the Committee considered a response from Judge Barbara M. Quinn, a member of the Bar Examining Committee, concerning this matter.

After discussion, the Committee unanimously voted to submit to public hearing the revision to Practice Book Section 2-8 as set forth in Appendix D attached hereto.

9. The Rules Committee continued its consideration of the Code of Evidence Oversight Committee's proposed revisions to Section 4-4(a)(1) and 8-3(1). At its February meeting, the Committee tabled these proposals because the changes implicate the authority of the judges of the Superior court to adopt rules of evidence that are not in accordance with common law or statute.

Justice Zarella absented himself from the meeting during the discussion of these proposals.

University of Connecticut Law Professor Colin Tait addressed the Rules Committee concerning these proposals and the Code of Evidence in general.

Professor Tait stated that when the Code of Evidence Oversight Committee began work on the Code some years ago, it decided to codify the existing statutes and common law of evidence rather than make amendments to them because to amend them would take too much time. The issue of whether the judges of the Superior Court had the power to amend the existing statutes and common law of evidence was not raised by the Evidence Oversight Committee at that time.

Professor Tait stated that it can be argued that the Supreme Court has delegated to the Superior Court judges the power to amend a rule of evidence that was promulgated by a Supreme Court decision. He agreed, however, that there is no explicit grant of authority from the Supreme Court to the Superior Court judges allowing them to make substantive revisions to rules of evidence that would contradict the common law.

It was pointed out by a member of the Rules Committee that if the Superior Court judges were to make substantive changes to the rules of evidence, they would be circumventing the appeal process. Why not continue the process whereby an attorney can appeal an evidentiary ruling in order to change the rule?

Another Rules Committee member responded that it takes too long to amend an unworkable rule of evidence through the appellate process. If the rule no longer works, why not just amend it?

A Rules Committee member thereupon made a motion to approve the revision to Section 4-4(a)(1) of the Code of Evidence that was proposed by the Code of Evidence Oversight Committee. This motion was denied by a vote of five members opposed and two in favor.

A Rules Committee member then made a motion to approve the revision to Section 8-3(1) of the Code of Evidence that was proposed by the Code of Evidence Oversight Committee. This motion was denied by a vote of four members opposed and three in favor.

A Committee member then suggested that a revision be made to the Code of Evidence that would allow the Superior Court judges to amend the Code by making changes that are not in accordance with the common law. This proposed revision would raise the issue directly with the Superior Court judges at the annual meeting.

The Rules Committee agreed with the suggestion, and asked the undersigned to submit a proposed rule to them for consideration at their next meeting.

Professor Tait suggested that the Preamble to the Code of Evidence may also have to be

amended in light of this proposed new rule.

Professor Tait thereupon left the meeting and Justice Zarella returned.

10. The Rules Committee continued its consideration of Justice Borden's letter to Justice Zarella setting forth Public Access Task Force Recommendations that Justice Borden requested the Rules Committee to consider implementing by Practice Book rule.

In connection with this, the Rules Committee considered a draft revision to the Superior Court camera rules, which was submitted by its subcommittee. Justice Zarella outlined the proposed changes for the Rules Committee.

After discussion, the Committee made further revisions to the proposals and unanimously voted to submit to public hearing the revisions to Practice Book Sections 1-10 and 1-11 and proposed new Sections 1-10B and 1-11A through 1-11C as set forth in Appendix E attached hereto. The Committee will take up proposed new Section 1-10A concerning the definition of "media" at its next meeting.

The Committee agreed that when the proposed revisions to the camera rules are forwarded to the Superior Court judges for adoption, Justice Zarella will include a cover letter explaining the proposals to the judges.

The Committee then considered a proposal submitted by the undersigned to amend Practice Book Section 37-12 in light of the Sixteenth Recommendation of the Public Access Task Force.

After discussion, the Committee unanimously voted to submit to public hearing the revision to Practice Book Section 37-12 as set forth in Appendix F attached hereto.

The Committee noted a letter submitted by Attorney Leo V. Diana on behalf of the Hartford County Bar Association-Family Law Membership concerning the unsealing of financial affidavits in family cases.

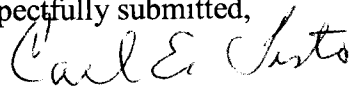
Justice Zarella then asked the Rules Committee whether it wants to vote on the Thirty-Eighth Recommendation of the Public Access Task Force that Practice Book Section 25-59A(h) concerning financial affidavits be rescinded.

After discussion, the Committee unanimously voted not to amend Practice Book Section 25-59A(h) concerning financial affidavits at this time, but to refer the matter to the Identity Theft Committee for a recommendation.

The Rules Committee asked the undersigned to send a referral letter to Judge Pellegrino,

the Chair of the Identity Theft Committee, concerning this recommendation.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carl E. Testo".

Carl E. Testo
Counsel to the Rules Committee

CET:pt
Attachments

APPENDIX A (3-26-07 Mins)

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 insofar as the disclosure sought will be of assistance in the prosecution of this action and can be provided by the Defendant with substantially greater facility than could otherwise be obtained. 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.

(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, video tape, audio tape, audio tape 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 pro se parties upon whom service is required by Practice Book Section 10-12 et seq.).

(Attorney Signature)

(P.B. 1978–1997, Form 106.10A) (Amended June 21, 2004, to take effect Jan. 1, 2005.)

COMMENTARY: The above change is proposed in light of the proposed revision to Practice Book Section 13-3 concerning discovery of pretrial surveillance material.

Defendant's Interrogatories

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

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, _____, under oath, within thirty (30) days of the filing hereof insofar as the disclosure sought will be of assistance in the defense of this action and can be provided by the Plaintiff with substantially greater facility than could otherwise be obtained.

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

(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) Identify and list each injury you claim to have sustained as a result of the incidents alleged in the Complaint.

(3) When, where and from whom did you first receive treatment for said injuries?

(4) If you were treated at a hospital for injuries sustained in the alleged incident, state the name and location of each hospital and the dates of such treatment and confinement therein.

(5) State the name and address of each physician, therapist or other source of treatment for the conditions or injuries you sustained as a result of the incident alleged in your Complaint.

(6) When and from whom did you last receive any medical attention for injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(7) On what date were you fully recovered from the injuries or conditions alleged in your Complaint?

(8) If you claim you are not fully recovered, state precisely from what injuries or conditions you are presently suffering?

(9) Are you presently under the care of any doctor or other health care provider for the treatment of injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

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(10) If the answer to Interrogatory #9 is in the affirmative, state the name and address of each physician or other health care provider who is treating you.

(11) Do you claim any present disability resulting from injuries or conditions allegedly sustained as a result of the incident alleged in your Complaint?

(12) If so, state the nature of the disability claimed.

(13) Do you claim any permanent disability resulting from said incident?

(14) If the answer to Interrogatory #13 is in the affirmative, please answer the following:

(a) list the parts of your body which are disabled;

(b) list the motions, activities or use of your body which you have lost or which you are unable to perform;

(c) state the percentage of loss of use claimed as to each part of your body;

(d) state the name and address of the person who made the prognosis for permanent disability and the percentage of loss of use;

(e) list the date for each such prognosis.

(15) If you were or are confined to your home or your bed as a result of injuries or conditions sustained as a result of the incident alleged in your Complaint, state the dates you were so confined.

(16) List each medical report received by you or your attorney relating to your alleged injuries or conditions by stating the name and address of the treating doctor or other health care provider, and of any doctor or health care person you anticipate calling as a trial witness, who provided each such report and the date thereof.

(17) List each item of expense which you claim to have incurred as a result of the incident alleged in your Complaint, the amount thereof and state the name and address of the person or organization to whom each item has been paid or is payable.

(18) For each item of expense identified in response to Interrogatory #17, if any such expense, or portion thereof, has been paid or reimbursed or is reimbursable by an insurer, state, as to each such item of expense, the name of the insurer that made such payment or reimbursement or that is responsible for such reimbursement.

(19) If, during the ten year period prior to the date of the incident alleged in the Complaint, you were under a doctor's care for any conditions which were in any way similar or related to those identified and listed in your response to Interrogatory #2, state the nature of said conditions, the dates on which treatment was received, and the name of the doctor or health care provider.

(20) If, during the ten year period prior to the date of the incident alleged in your Complaint, you were involved in any incident in which you received personal injuries similar or related to those identified and listed in your response to Interrogatory #2, please answer the following with respect to each such earlier incident:

(a) on what date and in what manner did you sustain such injuries?

(b) did you make a claim against anyone as a result of said accident?

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(21) If you were involved in any incident in which you received personal injuries since the date of the incident alleged in the Complaint, please answer the following:

(a) on what date and in what manner did you sustain said injuries?

(b) did you make a claim against anyone as a result of said accident?

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(22) Please state the name and address of any medical service provider who has rendered an opinion in writing or through testimony that you have sustained a permanent disability to any body part other than those listed in response to Interrogatories #13, #14, #20 or #21, and:

(a) list each such part of your body that has been assessed a permanent disability;

(b) state the percentage of loss of use assessed as to each part of your body;

(c) state the date on which each such assessment was made.

(23) If you claim that as a result of the incident alleged in your Complaint you were prevented from following your usual occupation, or otherwise lost time from work, please provide the following information:

(a) the name and address of your employer on the date of the incident alleged in the Complaint;

(b) the nature of your occupation and a precise description of your job responsibilities with said employer on the date of the incident alleged in the Complaint;

(c) your average, weekly earnings, salary, or income received from said employment for the year preceding the date of the incident alleged in the Complaint;

(d) the date following the date of the incident alleged in the Complaint on which you resumed the duties of said employment;

(e) what loss of income do you claim as a result of the incident alleged in your Complaint and how is said loss computed?

(f) the dates on which you were unable to perform the duties of your occupation and lost time from work as a result of injuries or conditions claimed to have been sustained as a result of the incident alleged in your Complaint;

(g) the names and addresses of each employer for whom you worked for three years prior to the date of the incident alleged in your Complaint.

(24) Do you claim an impairment of earning capacity?

(25) List any other expenses or loss and the amount thereof not already set forth and which you claim to have incurred as a result of the incident alleged in your Complaint.

(26) If you have signed a covenant not to sue, a release or discharge of any claim you had, have or may have against any person, corporation or other entity as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(27) If you or anyone on your behalf agreed or made an agreement with any person, corporation or other entity to limit in any way the liability of such person, corporation or other entity as a result of any claim you have or may have as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(28) If since the date of the incident alleged in your Complaint, you have made any claims for Workers' Compensation benefits, state the nature of such claims and the dates on which they were made.

(29) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the events or happenings alleged in your Complaint?

COMMENT:

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

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

(31) As to each individual named in response to Interrogatory #30, 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 your Complaint or alleged injuries. If your answer to this Interrogatory is affirmative, state also:

(a) the date on which such 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.

(32) Are you aware of any photographs depicting the accident scene, any vehicle involved in the incident alleged in the Complaint, or any condition of 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.

(33) 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.

(34) 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.

(35) 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, video tape, audio tape 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.

DEFENDANT,

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.

(Plaintiff)

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

Notary Public

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, this _____ day of _____, 20____ to _____.

(Attorney Signature)

(P.B. 1978–1997, Form 106.10B.) (Amended June 21, 2004, to take effect Jan. 1, 2005.)

COMMENTARY: The above change is proposed in light of the proposed revision to Practice Book Section 13-3 concerning discovery of pretrial surveillance material.

**Plaintiff's Interrogatories
Premises Liability Cases**

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 insofar as the disclosure sought will be of assistance in the prosecution of this action and can be provided by the Defendant with substantially greater facility than could otherwise be obtained.

(1) Identify the person(s) who, at the time of the Plaintiff's alleged injury, owned the premises where the Plaintiff claims to have been injured.

(a) If the owner is a natural person, please state:

(i) your name and any other name by which you have been known;

(ii) your date of birth;

(iii) your home address;

(iv) your business address.

(b) If the owner is not a natural person, please state:

(i) your name and any other name by which you have been known;

(ii) your business address;

(iii) the nature of your business entity (corporation, partnership, etc.);

(iv) whether you are registered to do business in Connecticut;

(v) the name of the manager of the property, if applicable.

(2) Identify the person(s) who, at the time of the Plaintiff's alleged injury, had a possessory interest (e.g., tenants) in the premises where the Plaintiff claims to have been injured.

(3) Identify the person(s) responsible for the maintenance and inspection of the premises at the time and place where the Plaintiff claims to have been injured.

(4) State whether you had in effect at the time of the Plaintiff's injuries any written policies or procedures that relate to the kind of conduct or condition the Plaintiff alleges caused the injury.

(5) State whether it is your business practice to prepare, or obtain from your employees, a written report of the circumstances surrounding injuries sustained by persons on the subject premises.

(6) State whether any written report of the incident described in the Complaint was prepared by you or your employees in the regular course of business.

(7) State whether any warnings or caution signs or barriers were erected at or near the scene of the incident at the time the Plaintiff claims to have been injured.

(8) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name, address and employer of the person who erected the warning or caution signs or barriers;

(b) the name, address and employer who instructed the person to erect the warning or caution signs or barriers;

(c) the time and date a sign or barrier was erected;

(d) the size of the sign or barrier and wording that appeared thereon.

(9) State whether you received, at any time six months before the incident described by the Plaintiff, complaints from anyone about the defect or condition that the Plaintiff claims caused the Plaintiff's injury.

(10) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name and address of the person who made the complaint;

(b) the name, address and person to whom said complaint was made;

(c) whether the complaint was in writing;

(d) the nature of the complaint.

(11) 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, video tape, audio tape 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.

12-23.[11-22.] (Interrogatories #1(a)-(e), #2 through #9, #12, #13 and #16 of Form 201 may be used to complete this standard set of interrogatories.)

PLAINTIFF,

BY _____

(P.B. 1978-1997, Form 106.10C.) (Amended June 20, 2005, to take effect Jan. 1, 2006.)

COMMENTARY: The above change is proposed in light of the proposed revision to Practice Book Section 13-3 concerning discovery of pretrial surveillance material.

Plaintiff's Requests for Production

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

The Plaintiff(s) hereby request(s) that the Defendant provide counsel for the Plaintiff(s) with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff(s) the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of _____ on (day), (date) at (time).

Definition: "You" shall mean the Defendant to whom these interr[i]ogatories 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.

- (1) A copy of the appraisal or bill for repairs as identified in response to Interrogatory #11.
- (2) A copy of declaration page(s) of each insurance policy identified in response to Interrogatory #7 and/or #8.
- (3) If the answer to Interrogatory #9 is in the affirmative, a copy of the complete policy contents of each insurance policy identified in response to Interrogatory #7 and/or #8.
- (4) A copy of any photographs identified in response to Interrogatory #6.
- (5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.
- (6) A copy of all lease agreements pertaining to any motor vehicle involved in the incident which is the subject of this action, which was owned or operated by you or your employee, and all documents referenced or incorporated therein.
- (7) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #16, or a signed authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act or those of the Public Health Service Act, whichever is applicable, to obtain the same for each hospital, person or entity that performed such test or screen. Information obtained pursuant to the provisions of HIPAA or the Public Health Service Act shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.
- (8) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3(c), by film, photograph, video tape, audio tape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.

PLAINTIFF,

BY _____

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, this _____ day of _____, 20__ to _____.

(Attorney Signature)

(P.B. 1978–1997, Form 106.11A.) (Amended June 21, 2004, to take effect Jan. 1, 2005; amended June 20, 2005, to take effect Jan. 1, 2006.)

COMMENTARY: The above change is proposed in light of the proposed revision to Practice Book Section 13-3 concerning discovery of pretrial surveillance material.

Defendant's Requests for Production

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

The Defendant(s) hereby request(s) that the Plaintiff provide counsel for the Defendant(s) with copies of the documents described in the following requests for production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of _____ not later than thirty (30) days after the service of the Requests for Production.

(1) All hospital records relating to treatment received as a result of the alleged incident, and to injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22, or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act, to inspect and make copies of said hospital records. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(2) All reports and records of all doctors and all other care providers relating to treatment allegedly received by the Plaintiff(s) as a result of the alleged incident, and to the injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22 (exclusive of any records prepared or maintained by a licensed psychiatrist or psychologist) or written authorization, sufficient to comply with provisions of the Health Insurance Portability and Accountability Act, to inspect and make copies of said reports. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(3) Copies of, or sufficient written authorization to inspect and make copies of, the wage and employment records of all employers of the Plaintiff(s) for three (3) years prior to the date of the incident and for all years subsequent to the date of the incident to and including the date hereof.

(4) If a claim of impaired earning capacity or lost wages is being alleged, provide copies of, or sufficient written authorization to obtain copies of, that part of all income tax returns relating to lost income filed by the Plaintiff(s) for a period of three (3) years prior to the date of the incident and for all years subsequent to the date of the incident through the time of trial.

(5) All property damage bills that are claimed to have been incurred as a result of this incident.

(6) All medical bills that are claimed to have been incurred as a result of this incident or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act, to inspect and make copies of said medical bills. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(7) All bills for each item of expense that is claimed to have been incurred in the answer to Interrogatory #18, and not already provided in response to ¶5 and ¶6 above.

(8) Copies of all documentation of claims of right to reimbursement provided to the Plaintiff by third party payors, and copies of, or written authorization, sufficient to comply with provisions of the Health Insurance Portability and Accountability Act, to obtain any and all documentation of payments made by a

third party for medical services received or premiums paid to obtain such payment. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(9) All documents identified or referred to in the answers to Interrogatory #26.

(10) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.

(11) Any and all photographs identified in response to Interrogatory #32.

(12) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #35, or a signed authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act or those of the Public Health Service Act, whichever is applicable, to obtain the same. Information obtained pursuant to the provisions of HIPAA or the Public Health Service Act shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(13) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3(c), by film, photograph, video tape, audio tape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.

DEFENDANT,

BY _____

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, this _____ day of _____, 20__ to _____.

(Attorney Signature)

(P.B. 1978-1997, Form 106.11B.) (Amended June 21, 2004, to take effect Jan. 1, 2005; amended June 20, 2005, to take effect Jan. 1, 2006.)

COMMENTARY: The above change is proposed in light of the proposed revision to Practice Book Section 13-3 concerning discovery of pretrial surveillance material.

**Plaintiff's Requests for Production
Premises Liability**

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

The Plaintiff hereby requests that the Defendant provide counsel for the Plaintiff with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of on _____ (day), (date) at (time).

(1) A copy of the policies or procedures identified in response to Interrogatory #4.

(2) A copy of the report identified in response to Interrogatory #6.

(3) A copy of any written complaints identified in Interrogatory #10.

(4) A copy of declaration page(s) evidencing the insurance policy or policies identified in response to Interrogatories numbered and .

(5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.

(6) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3(c), by film, photograph, video tape, audio tape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.

PLAINTIFF,

BY _____

(P.B. 1978-1997, Form 106.11C.)

COMMENTARY: The above change is proposed in light of the proposed revision to Practice Book Section 13-3 concerning discovery of pretrial surveillance material.

APPENDIX B (3-26-07 mins)

Sec. 25-26. Modification of Custody, Alimony or Support

(a) Upon an application for a modification of an award of alimony pendente lite, alimony or support of minor children, filed by a person who is then in arrears under the terms of such award, the judicial authority shall, upon hearing, ascertain whether such arrearage has accrued without sufficient excuse so as to constitute a contempt of court, and, in its discretion, may determine whether any modification of current alimony and support shall be ordered prior to the payment, in whole or in part as the judicial authority may order, of any arrearage found to exist.

(b) Either parent or both parents of minor children may be cited or summoned by any party to the action to appear and show cause, if any they have, why orders of custody, visitation, support or alimony should not be entered or modified.

(c) If any applicant is proceeding without the assistance of counsel and citation of any other party is necessary, the applicant shall sign the application and present the application, proposed order and summons to the clerk; the clerk shall review the proposed order and summons and, unless it is defective as to form, shall sign the proposed order and summons and shall assign a date for a hearing on the application.

(d) Each motion for modification of custody, visitation, alimony or child support shall state clearly in the caption of the motion whether it is a pendente lite or a postjudgment motion.

(e) Each motion for modification shall state the specific factual and legal basis for the claimed modification and shall include the outstanding order and date thereof to which the motion for modification is addressed.

(f) On motions addressed to financial issues the provisions of Section 25-30 shall be followed.

(g) Any Upon or after entry of judgment of a dissolution of marriage, dissolution of civil union, legal separation or annulment, the judicial authority may order that any further motion for modification of a final custody or visitation order or a parental responsibility plan shall be appended to a request for leave to file such motion and shall conform to the requirements of subsection (e) of this section. The specific factual and legal basis for the claimed modification shall be sworn to by the moving party or other person having personal knowledge of the facts recited therein. If no objection to the request has been filed by any party within ten days of the date of service of such request on the other party, the request for leave may be determined by the judicial authority with or without hearing. If an objection is filed, the request shall be placed on the next short calendar, unless the judicial authority otherwise directs. At such hearing, the moving party must demonstrate probable cause that grounds exist for the motion to be granted. If the judicial authority grants the request for leave, at any time during the pendency of such a motion to modify, the judicial authority may determine whether discovery or a study or evaluation pursuant to Section 25-60 shall be permitted.

COMMENTARY: The above change establishes that the procedure outlined in subsection (g) is no longer required in every case. Upon or after the entry of judgment of a dissolution of marriage, dissolution of civil union, legal separation or annulment the judicial authority may order that a party seeking to modify a final custody or visitation order or a parental responsibility plan, must file a request for leave to do so accompanied by an affidavit setting forth the factual and legal basis for the modifications.

APPENDIX C (3-26-07 MINS)

Sec. 7-13. —Criminal/Motor Vehicle Files and Records

(a) Upon the disposition of any criminal case, except a case in which a felony or a capital felony conviction resulted, or any motor vehicle case, including any matter brought pursuant to the commission of an infraction or a violation, the file may be stripped of all papers except (1) the executed arrest warrant and original affidavit in support of probable cause, the misdemeanor/motor vehicle summons, prosecutorial summons or the complaint ticket, (2) the uniform arrest report, (3) the information or indictment and any substitute information, (4) a written plea of nolo contendere, (5) documents relating to programs for adjudication and treatment as a youthful offender, programs relating to family violence education, community service labor, accelerated pretrial rehabilitation, pretrial drug education, pretrial alcohol education and treatment, determination of competency to stand trial or suspension of prosecution or any other programs for adjudication or treatment which may be created from time to time, (6) any official receipts, (7) the judgment mittimus, (8) any written notices of rights, (9) orders regarding probation, (10) any exhibits on file, (11) any transcripts on file of proceedings held in the matter, and (12) the transaction sheet.

(b) Unless otherwise ordered by the court, the copy of the application for a search warrant and affidavits filed pursuant to General Statutes § 54-33c shall be destroyed upon the expiration of three years from the filing of the copy of the application and affidavits with the clerk.

(c) Except as otherwise provided, the papers stripped from the court file may be destroyed upon the expiration of ninety days from the date of disposition of the case.

(d) Upon the disposition of any criminal or motor vehicle case in which the defendant has been released pursuant to a bond, the clerk shall remove the bond form from the file and maintain it in the clerk's office for such periods as determined by the chief court administrator.

(e) Upon the disposition of any criminal or motor vehicle case in which property is seized, whether pursuant to a search warrant, an arrest, an in rem proceeding or otherwise, the clerk shall remove the executed search warrant, if any, papers relating to any in rem proceedings, if any, and the inventory of the seized property from the court file and maintain them in the clerk's office during the pendency of proceedings to dispose of the property and for such further periods as determined by the chief court administrator.

(f) In cases in which there has been neither a conviction nor the payment of a fine on any charge, the file shall be destroyed upon the expiration of three years from the date of disposition.

(g) In cases in which a fine has been paid pursuant to an infraction or a violation, the file shall be destroyed upon the expiration of five years from the date of disposition.

(h) In cases in which there has been a conviction of a misdemeanor charge but not a conviction of a felony charge, the file shall be destroyed upon the expiration of

ten years from the date of disposition.

(i) In cases in which there has been a conviction of a felony charge but not a conviction of a capital felony charge, the file, all exhibits and the transcripts of all proceedings held in the matter shall be destroyed upon the expiration of twenty years from the date of disposition or upon the expiration of the sentence, whichever is later.

(j) In cases in which there has been a conviction of a capital felony charge, the file, all exhibits and the transcripts of all proceedings held in the matter shall be destroyed upon the expiration of twenty-five years from the death of the person convicted.

(k) The file and records in any case in which an individual is adjudged a youthful offender shall be retained for ten years.

(l) The file in any case in which the disposition is not guilty by reason of mental disease or defect shall be retained for seventy-five years.

(m) Investigatory grand jury records shall be retained permanently.

COMMENTARY: Subsection (m) establishes a retention period for the records of investigatory grand juries.

APPENDIX D (3-26-07 mins)

Sec. 2-8. Qualifications for Admission

To entitle an applicant to admission to the bar, except under Sections 2-13 through 2-15 of these rules, the applicant must satisfy the committee that:

(1) The applicant is a citizen of the United States or an alien lawfully residing in the United States.

(2) The applicant is not less than eighteen years of age.

(3) The applicant is a person of good moral character and has either passed an examination in professional responsibility administered under the auspices of the bar examining committee or has completed a course in professional responsibility in accordance with the regulations of the bar examining committee.

(4) The applicant has [obtained a bachelor of laws or equivalent degree from a law school approved by the committee or obtained a master of laws degree for postgraduate work acceptable to the committee at a law school approved by the committee, having already obtained a bachelor of laws or equivalent degree at a law school for work acceptable to the committee] met the educational requirements as may be set, from time to time, by the bar examining committee.

(5) The applicant has filed with the administrative director of the bar examining committee an application to take the examination and for admission to the bar, all in accordance with these rules and the regulations of the committee, and has paid such application fee as the committee shall from time to time determine.

(6) The applicant has passed an examination in law in accordance with the regulations of the committee.

(7) The applicant has complied with all of the pertinent rules and regulations of the committee.

(8) As an alternative to satisfying the committee that the applicant has met the committee's educational requirements [of subdivision (4), of this section], the applicant who meets all the remaining requirements of this section may, upon payment of such investigation fee as the committee shall from time to time determine, substitute proof satisfactory to the committee that: (A) the applicant has been admitted to practice before the highest court of original jurisdiction in one or more states, the District of Columbia or the Commonwealth of Puerto Rico or in one or more district courts of the United States for [twenty] ten or more years and at the time of filing the application is a member in good standing of such a bar; (B) the applicant has actually practiced law in such a jurisdiction for not less than [ten] five years during the [fifteen]seven-year period immediately preceding the filing date of the application; and (C) the applicant intends, upon a continuing basis, actively to practice law in Connecticut and to devote the major portion of the applicant's working time to the practice of the law in Connecticut.

COMMENTARY: The revision to paragraph (4) above is proposed because the bar examining committee has determined that the Master of Laws Degree no longer assists the committee in determining the qualifications of those who wish to sit for the bar exam from foreign countries or non-approved law schools. This is because such programs generally provide for specialization in tax, international law and business, or

other detailed legal topics which do not address the broad range of legal knowledge necessary to demonstrate the applicant's basic minimal legal competence. Such programs are also not accredited by the ABA or any other legal accreditation authority. For these reasons, the practice of using the Master of Laws Degree as a litmus test for foreign credentialed applicants has increasingly come under scrutiny and many other United States jurisdictions no longer use this as a measure for the ability of such applicants to take their exams.

With regard to the above revisions proposed to paragraph (8), the bar examining committee reports that the twenty year practice requirement has been in this rule for some time and no one has petitioned to be admitted under that provision. Changing the provision from twenty to ten years is a more reasonable time requirement. In addition, requiring actual practice in the past five of the previous seven years is also consistent with the time requirements of Practice Book Section 2-13, the reciprocity provision, and means that the person seeking to be admitted in this fashion has practiced actively in the past and intends to practice in Connecticut. Using the same assumption (that practice in another jurisdiction demonstrates some level of competence) that underlies waiving the bar exam under Section 2-13, the time requirement of five of the last seven years should be adequate to permit waiver of the normal educational requirements when coupled with taking and passing the bar examination as required in Section 2-8(8).

APPENDIX E (3-26-07 mins)

Sec. 1-10. [Cameras and Electronic Media; In General] Possession of Electronic Devices in Court Facilities

(a) Unless authorized by a judicial authority or permitted by these rules, no electronic devices shall be allowed in a courtroom. [Except as otherwise provided by these rules, a judicial authority should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions. A judicial authority may authorize:

(1) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;

(2) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

(3) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(A) the means of recording will not distract participants or impair the dignity of the proceedings;

(B) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(C) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(D) the reproduction will be exhibited only for instructional purposes in educational institutions.]

(b) An attorney in good standing in this state, who has in his or her possession a picture identification card authorized by the office of the chief court administrator indicating that he or she is an attorney, may possess in a court facility an electronic device, including, but not limited to, a cellular telephone, portable computer, or personal digital assistant, which device has the capacity to broadcast, record, or take photographs. Such devices shall not be used in any court facility for the purpose of

broadcasting or recording audio or video, or for any photographic purposes, except that any person employed in a state's attorneys' office or a public defenders' office that is located in a court facility may use such devices in such office. Cellular telephones may be used in a court facility for telephonic purposes to transmit and receive voice signals only, but in no event shall they be used in any courtroom, lockup, chambers, or offices, except that any person employed in a state's attorneys' office or a public defenders' office that is located in a court facility may use a cellular telephone in such office. Personal computers may be used, with the permission of the judicial authority, in a courtroom in conjunction with the conduct of a hearing or trial. A violation of this subsection may constitute misconduct or contempt. This subsection shall be in force for a period of one year from its effective date, unless terminated sooner or extended beyond said period by vote of the judges of the superior court, to enable an analysis of the effects of this subsection to be made and reported to such judges. This subsection shall not apply to attorneys who are employees of the Judicial Branch. Such attorneys shall comply with Judicial Branch policies concerning the possession and use of electronic devices in court facilities. This subsection shall not be deemed to restrict in any way the possession or use of electronic devices in court facilities by judges of the superior court, judge trial referees, state referees, family support magistrates or family support referees.

COMMENTARY

The amendments to this section and to Section 1-11, and the adoption of new Sections 1-10A, 1-10B, 1-11A, 1-11B and 1-11C, implement various recommendations of the Judicial Branch's Public Access Task Force relating to cameras and electronic media coverage of court proceedings. Subsection (a) of this section has been transferred with amendments to Section 1-11 and is applicable only to media coverage of criminal trials.

(New) Sec. 1-10B. Media Coverage of Court Proceedings In General

(a) The broadcasting, televising, recording or photographing by the media of court proceedings and trials in the superior court should be allowed subject to the limitations set out in this section and in Sections 1-11 through 1-11C, inclusive.

(b) No broadcasting, televising, recording or photographing of any of the following proceedings shall be permitted:

- (1) Family relations matters as defined in General Statutes § 46b-1;
- (2) Juvenile matters as defined in General Statutes § 46b-121;
- (3) Proceedings involving trade secrets;
- (4) In jury trials, all proceedings held in the absence of the jury;
- (5) Proceedings which must be closed to the public to comply with the provisions of state law;
- (6) Any proceeding that is not held in open court on the record.

(c) No broadcasting, televising, recording or photographic equipment permitted under these rules shall be operated during a recess in the trial.

(d) No broadcasting or recording of conferences involving counsel and the trial judge at the bench or involving counsel and their clients shall be permitted.

(e) There shall be no broadcasting, televising, recording or photographing of the process of jury selection nor of any juror.

COMMENTARY

The provisions of this section have been relocated with amendments from Section 1-11 to make it clear that there exists a presumption that media coverage of proceedings and trials in the Superior Court will be allowed subject to certain limitations.

Sec. 1-11. Media Coverage of [Court] Criminal Proceedings

(a)[The broadcasting, televising, recording or photographing of court proceedings by news media will be allowed, subject to the limitations hereinafter set forth, in civil and criminal trials in the superior court.] Except as otherwise provided by this section and as provided in Sections 1-11A and 1-11C, a judicial authority should prohibit broadcasting, televising, recording, or taking photographs in criminal proceedings.

(b) No broadcasting, televising, recording or photographing of sentencing hearings, except in trials that have been previously broadcast, televised, recorded or photographed, or of trials or proceedings involving sexual offense charges shall be permitted.

[(b)](c) A judicial authority may permit broadcasting, televising, recording or photographing of [civil and] criminal trials in courtrooms of the superior court except as hereinafter excluded. As used in [these] this rule[s], the word "trial" in jury cases shall mean proceedings taking place after the[,] jury has been sworn and in nonjury proceedings commencing with the swearing in of the first witness.

[(c)](d) Any media or pool representative seeking permission to broadcast, televise, record or photograph a [civil or] criminal trial shall, at least three days prior to the commencement of the trial, submit a written request to the administrative judge of the judicial district where the case is to be tried. A request submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool. The administrative judge shall refer the request to the trial judge who shall approve or disapprove such request. Disapproval by the trial judge shall be final. Before the trial judge approves of such request the judge shall be satisfied that the permitted coverage will not interfere with the rights of the parties to a fair trial, but the right to limit coverage at any time in the interests of the administration of justice shall be reserved to such judge. Approval of the request, however, shall not be effective unless confirmed by the administrative judge. Any [news] media organization seeking

permission to participate in a pool whose name was not submitted with the original request may, at any time, submit a separate written request to the administrative judge and shall be allowed to participate in the pool arrangement only with the approval of the trial judge.

[(d) No broadcasting, televising, recording or photographing of any of the following proceedings shall be permitted:

- (1) Family relations matters as defined in General Statutes § 46b-1;
 - (2) Sentencing hearings, except in trials which have been previously broadcast, televised, recorded or photographed;
 - (3) Trials involving trade secrets;
 - (4) In jury trials, all proceedings held in the absence of the jury;
 - (5) Trials of sexual offense charges;
 - (6) Trials of cases which must be closed to the public to comply with the provisions of state law.
- (e) No broadcasting, televising, recording or photographic equipment permitted under these rules shall be operated during a recess in the trial.

(f) No broadcasting or recording of conferences involving counsel and the trial judge at the bench or involving counsel and their clients shall be permitted.

(g) No juror shall be the subject of any coverage permitted under these rules. However, in courtrooms where televising or photographing is impossible without including the jury as part of the unavoidable background, the televising or photographing is permitted, but closeups which clearly identify individual jurors are prohibited.

(h)](e) The trial judge in his or her discretion, upon the judge's own motion, may prohibit the broadcasting, televising, recording or photographing of any participant at the trial. The judge may also, at the request of a participant, prohibit in his or her discretion the broadcasting, televising, recording or

photographing of that participant at the trial. The judge shall give great weight to requests where the protection of the identity of a person is desirable in the interests of justice, such as for the victims of crime, police informants, undercover agents, relocated witnesses, juveniles and individuals in comparable situations. Participant for the purpose of this section shall mean any party, lawyer or witness.

~~[(i)]~~(f) (1) Only one television camera operator, utilizing one portable mounted television camera, shall be permitted in the courtroom. The television camera and operator shall be positioned in such location in the courtroom as shall be designated by the trial judge. While the trial is in progress, the television camera operator shall operate the television camera in this designated location only. Videotape recording equipment and other equipment which is not a component part of the television camera shall be located outside the courtroom.

(2) Only one still camera photographer, carrying not more than two still cameras with one lens for each camera, shall be permitted in the courtroom. The still camera photographer shall be positioned in such location in the courtroom as shall be designated by the trial judge. While the trial is in progress the still camera photographer shall photograph court proceedings from this designated location only.

(3) Only one audio system for televising, broadcasting and recording purposes shall be permitted in the courtroom. Audio pickup for such purposes shall be accomplished from the existing audio system in the court facility. If there is no technically suitable audio system in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the trial judge.

~~[(j)]~~(g) No broadcasting, televising, recording and photographic equipment shall be placed in or removed from the courtroom while the court is in session. Television film magazines or still camera film or lenses shall not be changed within the courtroom except during a recess or other appropriate time in the trial.

[(k)](h) Only still camera, television and audio equipment which does not produce distracting sound or light shall be employed to cover the trial. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom without the approval of the trial judge and other appropriate authority.

[(l)](i) Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the trial.

[(m)](j) Except as provided by these rules, established restrictions upon broadcasting, televising, recording and photographing in areas adjacent to the courtrooms shall remain in full force.

[(n)](k) The conduct of all attorneys with respect to trial publicity shall be governed by Rule 3.6 of the Rules of Professional Conduct.

[(o)](l) To evaluate prospective problems where approval for broadcasting, televising, recording or photographing of a trial has been granted, and to ensure compliance with these rules during the trial, a mandatory pretrial conference shall be held by the trial judge, attorneys and media personnel. At such conference the trial judge shall review these rules and set forth the conditions of coverage in accordance therewith.

COMMENTARY

Subsection (a) of Section 1-10 has been transferred with amendments to this section. Subsections (d), (e), (f) and (g) of this section have been transferred with amendments to new Section 1-10B. The amendments to this section make the section applicable only to media coverage of

criminal trials. Media coverage of civil proceedings and trials is addressed in new Section 1-11B. The A judicial authority's decision disapproving a request for electronic coverage is not appealable.

(New) Sec. 1-11A. Media Coverage of Arraignments

The broadcasting, televising, recording, or taking photographs by media in the courtroom during arraignments may be authorized by the judicial authority presiding over such arraignments. The judicial authority shall articulate the reasons for its decision on a request for electronic coverage of an arraignment and such decision shall be final. The judicial authority in its discretion may require pooling arrangements by the media.

COMMENTARY

This new section adopts the thirty-first recommendation of the Judicial Branch's Public Access Task Force by expanding media coverage to arraignments on a case by case basis. Before the judicial authority approves such request he or she should, to the extent practicable, consult with the media to coordinate the logistics of the permitted coverage, and shall be satisfied that the permitted coverage will not interfere with the rights or safety of the parties or others involved in the arraignment. The Public Access Task Force recommended that the expansion of such coverage to arraignments generally should be the subject of additional inquiry. A judicial authority's decision on a request for electronic coverage is not appealable.

(New) Sec. 1-11B. Media Coverage of Civil Proceedings

(a) The broadcasting, televising, recording or photographing of civil proceedings and trials in the superior court by news media should be allowed, subject to the limitations set forth herein and in Section 1-10B.

(b) A judicial authority shall permit broadcasting, televising, recording or photographing of civil proceedings and trials in courtrooms of the superior court except as hereinafter precluded or limited. As used in this rule, the word "trial" in jury cases shall mean proceedings taking place after the jury has been sworn and in nonjury proceedings commencing with the swearing in of the first witness.

(c) Any party, attorney, witness or other interested person may object in advance of electronic coverage of a civil proceeding or trial if there exists a substantial reason to believe that such coverage will undermine the legal rights of a party or will significantly compromise the safety of a witness or other interested person or impact significant privacy concerns. To the extent practicable, notice that an objection to the electronic coverage has been filed, and the date, time and location of the hearing on such objection shall be posted on the Judicial Branch website. Any person, including the media, whose rights are at issue in considering whether to allow electronic coverage of the proceeding or trial, may participate in the hearing to determine whether to limit or preclude such coverage. When such objection is filed by any party, attorney, witness or other interested person, the burden of proving that electronic coverage of the civil proceeding or trial should be limited or precluded shall be on the person who filed the objection.

(d) The judicial authority, in deciding whether to limit or preclude electronic coverage of a civil proceeding or trial, shall consider all rights at issue and shall limit or preclude such coverage only if there exists a compelling reason to do so, there are no reasonable alternatives to such limitation or preclusion, and such limitation or preclusion is no broader than necessary to protect the compelling interest at issue.

(e) If the judicial authority has a substantial reason to believe that the electronic coverage of a

civil proceeding or trial will undermine the legal rights of a party or will significantly compromise the safety or significant privacy concerns of a party, witness or other interested person, and no party, attorney, witness or other interested person has objected to such coverage, the judicial authority shall schedule a hearing to consider limiting or precluding such coverage. To the extent practicable, notice that the judicial authority is considering limiting or precluding electronic coverage of a civil proceeding or trial, and the date, time and location of the hearing thereon shall be given to the parties and others whose interests may be directly affected by a decision so that they may participate in the hearing and shall be posted on the Judicial Branch website.

(f) Objection raised during the course of a civil proceeding or trial to the photographing, videotaping or audio recording of specific aspects of the proceeding or trial, or specific individuals or exhibits will be heard and decided by the judicial authority, based on the same standards as set out in subsection (d) of this section used to determine whether to limit or preclude coverage based on objections raised before the start of a civil proceeding or trial.

(g) The trial judge in his or her discretion, upon the judge's own motion or at the request of a participant, may prohibit the broadcasting, televising, recording or photographing of any participant at the trial. The judge shall give great weight to requests where the protection of the identity of a person is desirable in the interests of justice, such as for the victims of crime, police informants, undercover agents, relocated witnesses, juveniles and individuals in comparable situations. "Participant" for the purpose of this section shall mean any party, lawyer or witness.

(h) The judicial authority shall articulate the reasons for its decision on whether or not to limit or preclude electronic coverage of a civil proceeding or trial and such decision shall be final.

(i) No broadcasting, televising, recording and photographic equipment shall be placed in or removed from the courtroom while the court is in session. Television film magazines or still camera film

or lenses shall not be changed within the courtroom except during a recess or other appropriate time in the trial.

(j) Only still camera, television and audio equipment which does not produce distracting sound or light shall be employed to cover the trial. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom without the approval of the trial judge and other appropriate authority.

(k) Except as provided by these rules, established restrictions upon broadcasting, televising, recording and photographing in areas adjacent to the courtrooms shall remain in full force.

(l) The conduct of all attorneys with respect to trial publicity shall be governed by Rule 3.6 of the Rules of Professional Conduct.

(m) Pool representatives should ordinarily be used for video, still cameras and radio, with each pool representative to be decided by the relevant media group. Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the trial.

(n) Unless good cause is shown, any media or pool representative seeking to broadcast, televise, record or photograph a civil proceeding or trial shall, at least three days prior to the commencement of the proceeding or trial, submit a written notice of media coverage to the administrative judge of the judicial district where the proceeding is to be heard or the case is to be tried. A notice of media coverage submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool. The administrative judge shall inform the judicial authority who will hear the proceeding or who will

preside over the trial of the notice and the judicial authority shall allow such coverage except as otherwise provided in this section. Any news organization seeking permission to participate in a pool whose name was not submitted with the original notice of media coverage may, at any time, submit a separate written notice to the administrative judge and shall be allowed to participate in the pool arrangement.

(o) To evaluate and resolve prospective problems where broadcasting, televising, recording or photographing of a civil proceeding or trial will take place, and to ensure compliance with these rules during the proceeding or trial, the judicial authority who will hear the proceeding or preside over the trial may require the attendance of attorneys and media personnel at a pretrial conference. At such conference the judicial authority shall set forth the conditions of coverage in accordance herewith.

COMMENTARY

This new section adopts the thirty-second recommendation of the Judicial Branch's Public Access Task Force by broadening media coverage of civil proceedings and trials. A judicial authority's decision on whether or not to limit or preclude electronic coverage is not appealable.

(New) Sec. 1-11C. Pilot Program for Media Coverage of Criminal Proceedings

(a) Notwithstanding the provisions of Section 1-11, and except as otherwise provided in Section 1-11A regarding media coverage of arraignments, the broadcasting, televising, recording or photographing by media of criminal proceedings and trials in the superior court shall be allowed except as hereinafter precluded or limited and subject to the limitations set forth in Section 1-10B, in a single judicial district of the superior court to be chosen by the Chief Court Administrator based on the following considerations:

- (1) the age of the courthouse facility, its ability to accommodate the media technology involved, and security and cost concerns;
- (2) the volume of cases at such facility and the assignment of judges to the judicial district;
- (3) the likelihood of significant criminal trials of interest to the public in the judicial district;
- (4) the proximity of the judicial district to the major media organizations; and to the organization or entity providing coverage;
- (5) the proximity of the courthouse facility to the Judicial Branch administrative offices.

(b) No broadcasting, televising, recording or photographing of trials or proceedings involving sexual offense charges shall be permitted.

(c) As used in this rule, the word "trial" in jury cases shall mean proceedings taking place after the jury has been sworn and in nonjury proceedings commencing with the swearing in of the first witness.

(d) Any party, attorney, witness or other interested person may object in advance of electronic coverage of a criminal proceeding or trial if there exists a substantial reason to believe that such coverage will undermine the legal rights of a party or will significantly compromise the safety of a witness or other person or impact significant privacy concerns. To the extent practicable, notice that an objection to the electronic coverage has been filed, and the date, time and location of the hearing on such objection shall

be posted on the Judicial Branch website. Any person, including the media, whose rights are at issue in considering whether to allow electronic coverage of the proceeding or trial, may participate in the hearing to determine whether to limit or preclude such coverage. When such objection is filed by any party, attorney, witness or other interested person, the burden of proving that electronic coverage of the civil proceeding or trial should be limited or precluded shall be on the person who filed the objection.

(e) The judicial authority, in deciding whether to limit or preclude electronic coverage of a criminal proceeding or trial, shall consider all rights at issue and shall limit or preclude such coverage only if there exists a compelling reason to do so, there are no reasonable alternatives to such limitation or preclusion, and such limitation or preclusion is no broader than necessary to protect the compelling interest at issue.

(f) If the judicial authority has a substantial reason to believe that the electronic coverage of a criminal proceeding or trial will undermine the legal rights of a party or will significantly compromise the safety or privacy concerns of a party, witness or other interested person, and no party, attorney, witness or other interested person has objected to such coverage, the judicial authority shall schedule a hearing to consider limiting or precluding such coverage. To the extent practicable, notice that the judicial authority is considering limiting or precluding electronic coverage of a criminal proceeding or trial, and the date, time and location of the hearing thereon shall be given to the parties and others whose interests may be directly affected by a decision so that they may participate in the hearing and shall be posted on the Judicial Branch website.

(g) Objection raised during the course of a criminal proceeding or trial to the photographing, videotaping or audio recording of specific aspects of the proceeding or trial, or specific individuals or exhibits will be heard and decided by the judicial authority, based on the same standards as set out in subsection (e) of this section used to determine whether to limit or preclude coverage based on objections

raised before the start of a criminal proceeding or trial.

(h) The judge presiding over the proceeding or trial in his or her discretion, upon the judge's own motion or at the request of a participant, may prohibit the broadcasting, televising, recording or photographing of any participant at the trial. The judge shall give great weight to requests where the protection of the identity of a person is desirable in the interests of justice, such as for the victims of crime, police informants, undercover agents, relocated witnesses, juveniles and individuals in comparable situations. "Participant" for the purpose of this section shall mean any party, lawyer or witness.

(i) The judicial authority shall articulate the reasons for its decision on whether or not to limit or preclude electronic coverage of a criminal proceeding or trial and such decision shall be final.

(j) No broadcasting, televising, recording and photographic equipment shall be placed in or removed from the courtroom while the court is in session. Television film magazines or still camera film or lenses shall not be changed within the courtroom except during a recess or other appropriate time in the proceeding or trial.

(k) Only still camera, television and audio equipment which does not produce distracting sound or light shall be employed to cover the proceeding or trial. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom without the approval of the judge presiding over the proceeding or trial and other appropriate authority.

(l) Except as provided by these rules, established restrictions upon broadcasting, televising, recording and photographing in areas adjacent to the courtrooms shall remain in full force.

(m) The conduct of all attorneys with respect to trial publicity shall be governed by Rule 3.6 of the Rules of Professional Conduct.

(n) Pool representatives should ordinarily be used for video, still cameras and radio, with each pool representative to be decided by the relevant media group. Participating members of the broadcasting,

televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the proceeding or trial.

(o) Unless good cause is shown, any media or pool representative seeking to broadcast, televise, record or photograph a criminal proceeding or trial shall, at least three days prior to the commencement of the proceeding or trial, submit a written notice of media coverage to the administrative judge of the judicial district where the proceeding is to be heard or the case is to be tried. A notice of media coverage submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool. The administrative judge shall inform the judicial authority who will hear the proceeding or who will preside over the trial of the notice and the judicial authority shall allow such coverage except as otherwise provided. Any news organization seeking permission to participate in a pool whose name was not submitted with the original notice of media coverage may, at any time, submit a separate written notice to the administrative judge and shall be allowed to participate in the pool arrangement.

(p) To evaluate and resolve prospective problems where broadcasting, televising, recording or photographing by media of a criminal proceeding or trial will take place, and to ensure compliance with these rules during the proceeding or trial, the judicial authority who will hear the proceeding or preside over the trial may require the attendance of attorneys and media personnel at a pretrial conference.

(q) The Rules Committee shall evaluate the efficacy of this rule at the end of a two year period and shall receive recommendations from the Judicial-Media Committee and other sources.

COMMENTARY

This new section adopts the thirtieth recommendation of the Judicial Branch's Public Access

Task Force by broadening media coverage of criminal proceedings and trials in a single judicial district of the superior court to be chosen by the Chief Court Administrator. The Rules Committee shall evaluate the efficacy of this rule at the end of a two year period and shall receive recommendations from the Judicial-Media Committee and other sources. A judicial authority's decision on whether or not to limit or preclude electronic coverage is not appealable.

Appendix F (3-26-07 mins)

Sec. 37-12. Defendant in Custody; Determination of Probable Cause

(a) If a defendant has been arrested without a warrant and has not been released from custody by the time of the arraignment or is not released at the arraignment pursuant to Section 38-4, the judicial authority shall, unless waived by the defendant, make an independent determination as to whether there is probable cause for believing that the offense charged has been committed by the defendant. Unless such a defendant is released sooner, such probable cause determination shall be made no later than forty-eight hours following defendant's arrest. Such determination shall be made in a nonadversary proceeding, which may be ex parte based on affidavits. If no such probable cause is found, the judicial authority shall release the defendant from custody.

(b) At the time the judicial authority makes its probable cause determination pursuant to paragraph (a), the judicial authority may, on its own motion or upon written request of any party and for good cause shown, order that any affidavits submitted in support of a finding of probable cause, including any police reports, be sealed from public inspection or that disclosure be limited under such terms and conditions as it finds reasonable, subject to the further order of any judicial authority thereafter having jurisdiction of the matter. If such a request has been granted, the moving party may have up to seven days to make a recommendation as to the details of the sealing order. If no such recommendation is made within that time period, the supporting affidavits shall be made public. No such order shall limit their disclosure to the attorney for the accused, but the judicial authority may place reasonable restrictions on the further disclosure of the contents of the affidavits by the attorney for the accused and the prosecuting authority.

(c) Any order sealing such affidavits from public inspection or limiting their disclosure shall be for a specific period of time, not to exceed two weeks from the date of the court's

probable cause determination, and within that time period the party who obtained the order may by written motion seek an extension of the period. The original order of the court sealing such affidavits or limiting their disclosure shall remain in effect until the court issues an order on the motion. Affidavits which have been the subject of such an order shall remain in the custody of the clerk's office but shall be kept in a secure location apart from the remainder of the file.

(d) Unless the judicial authority entered an order limiting disclosure of the affidavits submitted to the judicial authority in support of a finding of probable cause, whether or not probable cause has been found, all such affidavits, including any police reports, shall be made part of the court file and be open to public inspection and copying and the clerk shall provide copies to any person upon receipt of any applicable fee.

COMMENTARY: The above revisions permit public access to affidavits, including police reports, used in determining probable cause and provide a mechanism for a party to obtain an order sealing or limiting the disclosure of such documents for a limited period of time. Paragraphs (b) through (d) above are based in part on the language in Section 36-2.