

Complex Litigation Administrative Subcommittee

May 22, 2008

The Administrative Subcommittee met at Day, Pitney, LLC, 1 Audubon Street, 6th floor, New Haven CT, at 6:00 p.m. on Thursday, May 22, 2008.

In Attendance: Judge Alfred J. Jennings, Jr., Judge Linda K. Lager, Attorney Jonathan Orleans, Attorney John Rose and Attorney Richard A. Silver (Chair)

1. Review of Committee Charge. The Chair, Attorney Richard A. Silver, welcomed the members and called the first meeting to order at 6:30 p.m. He distributed the *Expanded Agenda* listing complex litigation issues and concerns of the Bar. Attorney Silver suggested that the group review these items and discuss each one individually.

2. Discussion of Administrative Issues Regarding Complex Litigation Program

(The Expanded Agenda item number is provided in parentheses before the topic.)

(1) Evaluation Process of Complex Judges

(2) Evaluation Process for Judges to be Transferred as Complex Judges

Attorney Silver relayed that the Bar expressed an opinion that there was inadequate input from members of the Bar as to the selection of the Complex Litigation Docket (CLD) Judges as well as an inadequate process to analyze their performance.

Attorney Silver also relayed that there is a perception of the Bar that the judicial evaluation form for judges has information that can lead to identification of the attorney completing the form; e. g. case caption and docket number. Therefore, it is not an anonymous evaluation process.

(3) Potential for a Bar Group to Meet Yearly With the Chief Court Administrator to Discuss Assignments for Complex

(4) Expanding Jury Panels for Complex Cases in Order to Reduce the Time of Jury Selection

Attorney Silver indicated that he had spoken to a number of attorneys who practice in the Stamford Judicial District regarding the lack of a sufficient number of jurors to provide for a full day of jury selection.

(5) Length of Assignment of Complex Judges

Attorney Silver relayed that the Bar felt the three year assignment period for CLD Judges should be extended in certain circumstances.

(6) Courtesy and Training for Court Officers in Complex

The subcommittee Bar members expressed no concern regarding this topic and were unclear as to the real issue. Some members felt that this issue may have arisen from an isolated incident. To the contrary, these members expressed positive comments regarding the court officers.

(7) Location of Complex Courts

Attorney Silver indicated that the practicing Bar in New Haven and the eastern part of the State would like a CLD located within their judicial districts.

(8) Transfer Between Complex Courts if There is Trial Unavailability at the Time the Case is Reached for Trial

Attorney Silver indicated that an issue affecting mostly Stamford attorneys was that they would like input into the reassignment of a trial of a CLD case if it can not proceed as scheduled.

(9) Criteria for Transfer from Regular Docket to Complex Docket

Attorney Silver indicated that the Bar is uncertain of the criteria used to determine whether a case should be referred to the CLD.

(10) Clarification of Access to Legal Assistance for Complex Judges

Judge Jennings explained the current practice for legal research assistance for CLD Judges. Members agreed that this matter was an internal issue.

(11) Changes Required for Complex to Better Operate

See meeting *Agenda* item #3, "Discussion of Proposals, Changes to Administrative Practices".

(12) Relationship of Complex Court and Marshals

The main issue regarding camera cell phones is moot due to a change in policy.

3. Discussion of Proposals, Changes to Administrative Practices. During the course of discussion of the above items, the following proposals were suggested:

- A Presiding Judge should be appointed in order to provide better coordination of resources between the CLDs and the regular dockets.
- Statistics on the number of evaluation forms distributed and returned should be obtained to assist in the review of the evaluation process.
- The evaluation form for all Superior Court Judges should contain a check-box inquiring of counsel whether that specific judge should be considered for assignment to the CLD.
- The evaluation form should not contain a case caption or docket number and should be distributed with an internal and external envelope.
- A practice should be established which provides the Bar with input on the assignment of CLD Judges; it was suggested that a representative group of the Bar meet with the Chief Court Administrator.
- Input from Judge Quinn and Judge Carroll should be sought in order to review the criteria used to determine whether a case should be referred to the CLD.
- A judge's assignment to the CLD should be for a period of 4 years in order to ensure that the same judge will manage the case through trial in accordance with the principles of an individual calendar method of case management.
- Additional CLD locations would provide synergy and flexibility to assist in the reassignment of a CLD trial that could not proceed as scheduled.
- The creation of additional CLDs in New Haven, Bridgeport and the eastern part of the State, with an understanding that facility issues will need to be addressed.
- Determine whether a report identifying any available courtrooms within all judicial facilities exists; if not, efforts should be made to obtain this information.
- In Stamford the juror administrative processes should be reviewed in order to identify areas that are contributing to the lack of a sufficient number of jurors for a full day of jury selection, and to provide solutions.
- Judge Trial Referees (JTRs) could be assigned to the CLD. However, due to the statutory requirement that JTRs can not preside over civil jury trials without the written consent of all parties, a mechanism would have to be developed to provide for parties input.

4. Other Business. Attorney Silver asked that a draft version of the minutes be prepared and distributed to all subcommittee members for their review. As no further meetings are scheduled, discussion on the draft, any further revisions, and acceptance of the minutes will be by telephone.

5. Closing Remarks. Attorney Silver thanked the members for their attendance and participation.

The meeting was adjourned at 8:15 p.m.

At this time, no further meetings of this subcommittee have been scheduled.