

Minutes
Criminal Practice Commission Meeting
May 27, 2009
2:00 p.m.
Office of the Chief State's Attorney

Members in Attendance: Hon. Patrick L. Carroll, III, Chair, Hon. Joette Katz, Hon. Joan Alexander, Hon. Patrick Clifford, Hon. James Ginocchio, Attorney M. Elizabeth Reid, Attorney Eugene Riccio, Attorney Charles Stango, Attorney Kevin Kane, Attorney Joseph D'Alesio, Attorney Patricia Froehlich, Attorney Edward Gavin, Attorney Daniel Horwitch, Attorney Thomas Ullmann, Attorney Gail Hardy, Mr. William Carbone, Mr. Lawrence D'Orsi,

Invited Guests: Attorney Deborah Fuller, Attorney James Bernardi, Attorney William Nardini, Attorney Carl Testo, Attorney Alice Mastrony

The meeting was called to order at 2:07 p.m. Judge Carroll reminded everyone that the meeting is open to the public. It is a public meeting, not a public hearing.

Review of Minutes: The minutes of January 26, 2009 were approved as submitted.

Proposed Revisions to the Rules of Professional Conduct

Attorney Carl Testo, Counsel to the Rules Committee distributed proposed changes to 3.8 and 4.2 for the Rules of Professional Conduct. He explained the background of the proposal as these were originally proposed in January 2004 by the Connecticut Bar Association based on revisions made by the American Bar Association.

U.S. Attorney William Nardini discussed the opposition of the U.S. Attorneys Office to the proposed revisions.

Chief State's Attorney Kevin Kane also stated that his office oppose the changes.

Committee reports

Habeas Reform

This committee has met twice. They have identified many issues relating to habeas reform as top habeas practitioners, clerks and Judges have attended the meetings. They will be scheduling a meeting in the near future.

Professionalism/Civility

A subcommittee of this Committee recently met to review the Connecticut Criminal Defense Lawyers Associations (CCDLA) submissions to the Judicial Selection Commission and the Judiciary Committee for reappointment of Judges. Issues were discussed and the CCDLA was invited to participate with the committee reviewing the Judicial Performance Evaluation Program.

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Discovery/Practice Book

The charge of this committee was completed last fall with a recommendation to the Rules Committee.

Immigration

Tabled

Legislation affecting Criminal/Motor Vehicle

Attorney Deborah Fuller updated the members on legislative proposals that may affect criminal/motor vehicle matters. The legislative session ends on June 3rd.

Review of Charge of Commission

Attorney Joe D'Alesio reviewed the below items that had been identified by the focus groups for the Public Service and Trust Commission that could be addressed by the Criminal Practice Commission.

Activity	Addressed/Not Addressed/Referred?
Decrease number of court appearances (i.e., do paperwork for Alcohol Education Program or Accelerated Rehabilitation prior to date of court so all set on that day	Not Addressed
Night court	Not Addressed
Stagger times on Promises to Appear (that police hand out) and on other dockets	Not Addressed
Domestic violence docket in each court	Not Addressed
Expand video conferencing to reduce transporting prisoners/litigants	Committee-Habeas Petitions Only Alternatives to Court Appearances
Restrict probation officer contact with Immigration and Customs Enforcement (ICE)	Committee-Immigration
Insure that services provided by private contractors are "culturally diverse"	Not Addressed
Make reporting of illegal status a clearly stated policy	Committee-Immigration

State clear policy regarding illegal status	Committee-Immigration
Dialog with public defenders, prosecutors and judges (more of it and before problem occurs)	Addressed by this Commission and Professionalism/Civility Committee
More interaction between the bar and court service center staff	Not Addressed
Separate victim advocate from prosecutor	Not Addressed
Designate a statewide judge focal point (à la chief administrative judge) for domestic violence	Not Addressed
Guidelines and forms in lay terms	Not Addressed
Examine criminal canvass	Not Addressed
Get criminal defendants to sign canvass	Not Addressed
Define role of court service center	Not Addressed
Separate pro se dockets	Not Addressed
Clarify judicial branch's role in relation to victims	Not Addressed
Evaluation of efficiency of domestic violence docket and system	Not Addressed
Review existing legislation (post conviction habeas)	Committee-Habeas
Regionalize habeas dockets	Committee-Habeas
Judges need training on habeas law	Committee-Habeas
Joint training with domestic violence advocates and family relations	Not Addressed
Chief Court Administrator to encourage judges training by domestic violence advocates and victim advocates	Not Addressed

Increase collaboration between judges and domestic violence/victim advocates (information sharing and education)	Not Addressed
Online/Electronic adjudications that allow for payment of fines in appropriate cases	Not Addressed
Courses in law school on civility	Committee-Professionalism & Civility
Explore fee waivers for sex offender treatment programs (can't pay fees → get violated)	Not Addressed
Greater discretion to dismiss meritless petitions	Committee-Habeas
Greater scrutiny of judges (habeas petitions)	Committee-Habeas
Clearer rules re: dismissal of habeas petitions	Committee-Habeas
More civility workshops/forums	Committee-Professionalism & Civility
Educate judiciary re: what they are doing in court to those who are not citizens	Committee-Immigration
Consistent assignment to domestic violence docket of judges	Not Addressed
Specialized dockets- regional specialty dockets	Not Addressed
Study of policy of rotation of judges – Bar perception as well	Not Addressed
Rotate judges sitting on sentence review	Not Addressed

Other Business:

Attorney Tom Ullmann suggested this commission look into alternative appearances in court. It is being reviewed by another committee at this time. The report from that committee has not been completed yet.

The next meeting of the Criminal Practice Commission has not been scheduled.

The meeting adjourned at 3:10 p.m.

Recorder-Judy Lee, Caseflow Management Specialist-Court Operations