

Minutes
Criminal Practice Commission
Supreme Court-Attorney Conference Room
December 2, 2008
2:00 p.m.

Members in attendance: Hon. Patrick L. Carroll, III, Chair, Hon. Joette Katz, Hon. Patrick Clifford, Hon. David Gold, Hon. James Ginocchio, Hon. Gary White, Attorney Kevin Kane, Attorney Joseph D'Alesio, Attorney Patricia Froehlich, Attorney Gail Hardy, Attorney Raymond Hassett, Attorney M. Elizabeth Reid, Attorney Eugene Riccio, Attorney Thomas Ullmann, Mr. William Carbone, Mr. Lawrence D'Orsi

Guests in attendance: Chief Justice Chase Rogers, Attorney Daniel Horwitch, Attorney Brian Carlow, Attorney Lisa Villa, Attorney Deborah Fuller, Attorney Deborah Sullivan, Mr. Gary Roberge

The meeting was called to order at 2:07 p.m. by Judge Carroll.

The first order of business after introductions was to review and accept the minutes from the July 16, 2008 meeting. The minutes were unanimously accepted as amended.

The meeting then proceeded to agenda item IV-Permanent Sentencing Commission. Attorney Tom Ullmann reported that the Sentencing Task Force has unanimously approved a proposal to recommend legislation to establish a permanent Sentencing Commission in the State of Connecticut. (A copy of the proposal was distributed to all members of the Criminal Practice Commission.) Attorney Ullmann explained that the proposal was the product of a working group comprised of representatives of the bench, the criminal defense bar, the Chief State's Attorney, Corrections, Board of Pardons and Parole, the legislature and others. He further noted that there was unanimity among all who served on the working group that a sentencing commission in Connecticut would not include sentencing guidelines. The Sentencing Commission would function primarily as a data collection and policy analysis entity. Judge Carroll noted that although he actively participated in the working group that drafted the proposal, he and the other two Judicial Branch members of the Sentencing Task Force abstained from voting on the proposal. Judge Carroll explained that the position of the Judicial Branch is that the decision as to whether there should be a permanent Sentencing Commission is a matter of public policy to be determined solely by the Legislative and Executive Branches of government. The recommendation will be presented to the Legislature in January.

Chief Justice Rogers then addressed the commission. She outlined various topics that were obtained from the focus groups conducted earlier this year. The topics included the three established workgroups in this commission and all of the issues mentioned in the July 16, 2008 minutes. Other topics included: domestic violence dockets in each court, more specialization on domestic violence issues, a suggestion to separate the victim's advocate from the State's Attorneys Office, consideration of special dockets for self-represented parties.

Next on the agenda were the presentations by each of the workgroups:

Discovery/Practice Book Workgroup- Judge Clifford reported that this workgroup met twice and succeeded in reaching a compromise on a proposal for Practice Book revisions that will establish uniform discovery procedures. Judge Clifford noted that the compromise was reached as a result of the professional and creative efforts of those who served on the working group. He commended and thanked all working group members for their work in the spirit of compromise. The proposed Practice Book Revisions were distributed to all members of the Criminal Practice Commission and will be submitted to Justice Zarella, Chairman of the Rules Committee.

Habeas Reform- Attorney Reid reported on the main areas to be reviewed, including:

- Continued centralization of filing and hearing of habeas proceedings
- Review of the screening process for habeas petitions
- Statute of Limitations issues
- Expansion of video hearings and related issues including confidentiality
- The need for accurate statistics of habeas cases and time credit claims
- Failure to comply with scheduling orders

The clerk and court officer from the centralized Habeas session in Rockville were invited to participate in the meetings of the Habeas working group as was a representative from the Attorney General's Office. The working group's next meeting will be held in a courtroom currently used for video hearings.

Professionalism and Civility- Judge Ginocchio reported that although his complete working group did not meet, the co-chairs (Judge Ginocchio and Attorney Raymond Hassett) did convene a meeting with Judge Quinn, Judge DiPentima, Judge Carroll, Attorney Joseph D'Alesio and Attorney Louis Pepe, Past President of the Connecticut Bar Association (CBA) and chair of the Standing Committee on Professionalism to consider initiatives to be undertaken by this working group. Judge Ginocchio and Attorney Hassett listed a wide range of issues that the working group will consider including courtroom decorum, the possibility of an attorney mentoring program, the "disappearing jury trial," the desirability of regular meetings between the criminal judges and the criminal defense bar within each Judicial District. Priorities will be established and more will be reported at the next meeting of the Criminal Practice Commission.

The final item discussed was the protocol for immigration detainees with pending criminal cases. Judge Clifford and Attorney Villa discussed the protocol that Massachusetts has established. Attorney Villa has been asked to put a presentation together on this issue for the next commission meeting. This issue will be placed on the agenda for the next meeting.

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The next meeting will be on Wednesday, January 28, 2009 at 2:00 p.m. in the Attorney Conference Room at the Supreme Court.

The meeting adjourned at 3:18 p.m.