

MINUTES  
Civil Commission  
Work Group on Civil Rules and Statutes

January 9, 2012

In attendance: Hon. Barbara N. Bellis, Hon. Marshall K. Berger, Jr., Attorney Catherine Smith Nietzel, Attorney Jonathan B. Orleans, and Attorney William J. Sweeney

Items discussed:

Standard Discovery: Attorney Smith Nietzel reported on feedback from litigation attorneys, regarding a proposal to set a standard discovery time frame (i.e. a mandatory four to six month exchange disclosure period); most attorneys were not in support of it and suggested alternatives, such as extending the discovery due date from thirty to sixty days. Propose that rule be changed from 30 days to 60 days.

Nonsuits: The issue was presented that nonsuits are not effective because the court tends to give plaintiff multiple extensions, leaving the defendant to pursue/renew motion for nonsuit. In response, the point was made that it could not be a requirement that a judge enter a nonsuit; options cannot be limited.

Judges' Orders: Several options exist currently for the judge, in dealing with discovery.

Offers of Compromise: The issue of scheduling orders needs to be addressed, as to how they impact offers of compromise. The statute regarding offers of compromise was discussed. Propose seeking a change to the statute regarding non-medical malpractice cases to permit the defendant to accept the offer of compromise within 30 days after the filing of the offer of compromise or such other time as set by the court for good cause shown."

P.B. § 13-4 Experts: The entire rule should be revised.

P.A. 11-77 (amends C.G.S. §52-192a (b) re Medical Malpractice): There should be a longer time frame within which to respond, e.g. 60 days; need to further define "records".

Certificate of Good Faith: The group needs to look at this.

P.B. § 13-22: Change request for admissions from thirty days to sixty days

Request for Extension of Time: Even if we extend to 60 days, it would still be reasonable to grant the request. One suggestion is to have all the parties come in. Suggestion was made that the request for extension of time must state the reason; the work group members were all in favor of this.

P.B. § 13-7 and § 13-10 Answers to Interrogatories/Production: There was discussion as to the current rule, and a proposal that there be consent. There should not be a requirement for consent- too much of a burden on counsel. Suggest that subsection (a)(2) of each of these rules be eliminated; that subsection (a)(4) be changed to within the 60 day period; and subsection (c) be changed to within the 60 day period.

Summary Judgment: Discussed P.B. §§ 10-8, 10-30, 17-45 and 10-40 as to time to respond to pleadings and requests for extension of time. Attorney Nietzel is to do a search for "requests" and propose a language change for these rules to allow 30 days to respond. For summary judgment, 45 days might be appropriate; also require a stipulation of facts.

Next meeting is February 6, 2012 at 1:00 pm.