

Minutes of Meeting
Civil Commission Workgroup on Civil Rules and Statutes
March 7, 2014
1:00 p.m.

Those attending: Hon. Barbara Bellis, Hon. Marshall Berger, and Atty. Alinor Sterling.

1. Welcome
2. Discussion of recognizance requirement – Statute (52-185, 52-186, 52-187, 52-188, 52-189, and 52-190) and Practice Book rule (§§ 8-3, 8-5, 8-6, 8-8, 8-9, 8-10 and 8-11)- The group reviewed the proposed draft revising Practice Book Sections requiring a bond for prosecution or recognizance in connection with filing civil actions. After discussion, the group is revised the draft, and will seek input from Probate Court administration regarding Sec. 8-11. The group also agreed to have research done on Sec. 23-45 on mandamus actions. Judge Berger will report out to the Civil Commission about the work that has been done on these sections.
3. Discussion of rules on special defenses: 10-57 and Sec. 10-63 – This discussion will be taken up at the next meeting on Monday, March 10th.
4. The group talked about revising sections 11-12 and 11-13 of the Practice Book. Sec. 11-12 is about filing a motion to reargue. Currently, the section does not provide much guidance as to when filing such a motion is appropriate. The group discussed the possibility of codifying the existing case law in the section to clarify the appropriate reasons for filing a motion to reargue. Section 11-13 relates to the filing of short calendar matters and reclaims. The rule was revised in 2011 to remove the requirement of putting “assigned for trial” on electronically-filed documents. However, it is only necessary to remove the requirement from documents that are populated by the e-filing system, particularly reclaims. The group discussed revising the rule to require the inclusion of the trial date on the bottom of any motions filed, electronically or on paper. Drafts of these proposed rules will be prepared, and the concepts will be discussed with the members of the Civil Commission at Monday’s meeting.

The next meeting will be March 10, 2014 at noon.

The meeting adjourned at 2:35 p.m.