

Draft Minutes
Civil Commission Workgroup on Civil Rules and Statutes
225 Spring Street, Room 204, Wethersfield, CT
Friday, September 11, 2015 at 1:00 p.m.

Those attending: Hon. Barbara Bellis; Hon. Marshall Berger; Atty. Jonathan Orleans; and Atty. Alinor Sterling

1. Welcome – Judge Berger welcomed those attending.
2. Approval of Minutes – June 4, 2015 – Approved.
3. Review Revised Extension of Time (Interr/Prod/Summary Judgment) –Sec. 17-45 (b) and (c) were revised and these proposals will be sent to the Civil Commission for discussion at the next meeting.

The workgroup also discussed the possibility of adding some language to the rules on summary judgments to require more specificity in referring to relevant and material evidence in exhibits and materials filed in conjunction with a motion for summary judgment. This change is likely to be controversial and requires further discussion. (See Rosado v. Bridgeport Roman Catholic Diocesan Corp. 292 Conn. 1 (2009)). The workgroup will add this to a future agenda.

4. Review of proposed revision to Sec. 13-4 (record review report/expert) – The proposed language was revised as follows: “With the disclosure, any written report of the expert witness shall be produced to all parties but shall not be filed with the court.” This proposal will be circulated to the Civil Commission at its upcoming meeting.

The workgroup then discussed whether local counsel is required to attend depositions along with an attorney admitted pro hac vice. After discussion, the workgroup proposed revising Practice Book Sec. 2-16 (2) so that it would read “(2) a member of the bar of this state must be present at all proceedings unless otherwise excused by the court,....” The proposal will be circulated to members of the Civil Commission for discussion.

5. Discuss Section 13-26 – 13-33 (Subpoena for documents only) – This item was tabled.
6. Pending Items:
 - a. Privileged cases – Sec. 14-9 - Judge Berger had proposed eliminating the concept of “privileged cases” found in Sec. 14-9 of the rules because there is no longer any delay in obtaining a trial date. Judge Bellis referred the members of the workgroup to a Superior Court decision from 1997 regarding a privileged case: Doe v. Hospital for Special Care 21 CLR 555. The group will look at the case and discuss the issue at its next meeting.
 - b. Revision to PJR statutes – The group discussed the concept of having the plaintiff file the complaint together with a motion for a prejudgment remedy. This process would cover most situations. Currently, most PJRs are pretried on the first appearance date, and most are resolved. There are few hearings on PJRs. Some concern was raised about situations in which the plaintiff is seeking an ex parte order. Judge Berger will work with staff on a draft proposal for the next meeting.
 - c. Update on Special Defenses Research – A law clerk has been assigned to do the research on the list of special defenses. A memorandum will be prepared and circulated in November.
 - d. Revisions to Service of Process statutes – This topic was not discussed.

A meeting date of October 26, 2015 was discussed, but left open.

The meeting adjourned at 3:30 PM