

# **Minutes of the Annual Meeting Judges of the Superior Court June 20, 2011**

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A meeting of the Judges of the Superior Court was held, pursuant to notice, on Monday, June 20, 2011 commencing at 10:00 a.m. in the Jury Assembly Room of the Middlesex Judicial District Courthouse, Middletown, CT.

Present: Chief Justice Rogers; Justices Zarella, McLachlan, Eveleigh, and Harper; Appellate Court Chief Judge DiPentima; Appellate Court Judges Lavine, Beach, R. Robinson, Bear and Espinosa; Superior Court Judges Abery-Wetstone, Abrams, Adelman, Agati, Alander, Alexander, Arnold, Aurigemma, Baldini, Bellis, Bentivegna, Berger, Blawie, Boland, Bozzuto, Brazzel-Massaró, Bright, Brown, Brunetti, Burgdorff, Burke, Calmar, Carbonneau, Carroll, Clifford, Cobb, Cohn, Connors, Conway, Crawford, Cremins, Cronan, D'Addabbo, Dannaher, Dennis, Devlin, Dewey, Doherty, Dolan, Domnarski, Dooley, Elgo, Emons, Epstein, Eschuk, Fasano, B. Fischer, J. Fischer, Frazzini, Frechette, Gilligan, Ginocchio, Gleeson, Gold, Gordon, Gould, Graham, Graziani, Hadden, Handy, Hartmere, Hauser, Hiller, Holden, Holzberg, Iannotti, Jongbloed, Kahn, Kavanewsky, Keegan, Keller, Kwak, Lager, Levin, Malone, Marano, Markle, Maronich, McMahon, McNamara, Miller, Mintz, Moore, Morgan, Munro, Nazzaro, Newson, O'Keefe, Olear, Oliver, Ozalis, Pavia, Peck, Pickard, Pinkus, Pittman, Prescott, Quinn, Radcliffe, Randolph, Reynolds, A. Robinson, Roche, Rodriguez, Rubinow, Santos, Scofield, Schuman, Sferrazza, Shaban, Shapiro, Sheedy, Sheldon, Sheridan, Shluger, Silbert, Simón, Solomon, Sommer, Stevens, Suarez, Swienton, M. Taylor, Trombley, Turner, Tyma, Upson, Vitale, Wahla, Wenzel, Wiese, Wilson, Wolven, Woods, Young and Zemetis; Senior Judges: Frankel, Gallagher, J. Kaplan, Licari, McWeeny, Resha, Schimelman, Scholl, Sequino and Thim.

Judge Quinn, Chief Court Administrator, called the meeting to order and welcomed the judges to the annual meeting. The first item on the agenda was the approval of the minutes of the last annual meeting held on June 21, 2010. Upon motion made and duly seconded, the minutes of the meeting were approved unanimously.

Judge Quinn invited Chief Justice Rogers to the podium to speak to the judges. Following these remarks, Judge Quinn gave an update on the changes in the status of the members of the judiciary since the last annual meeting.

Following her remarks, Judge Quinn asked for a motion nominating four judges to serve on the Rules Committee for one year terms, commencing July 1, 2011. A motion was made and seconded to nominate Judges Bright, Crawford, Keegan and Prescott. It was approved unanimously.

Judge Quinn then advised the judges that the next order of business was to adopt a list of the names of judges which would be submitted to the Governor for appointment of one judge as a regular member of the Judicial Review Council for a term of four years commencing December 1, 2011 to replace Judge Cremins whose term is expiring. A motion was made and seconded nominating Judges Alexander and Brown. It was approved unanimously.

Judge Quinn asked for a motion to approve all final actions taken by the Executive Committee as noted in the minutes of May 25, 2011 meeting. The motion was made, seconded and approved unanimously.

Judge Quinn then asked for a motion to approve the recommendations made by the Executive Committee concerning annual appointments of certain Judicial Branch employees and individuals to serve on various panels and committees. These recommendations were included as Appendix C of the minutes of the May 25, 2011 Executive Committee meeting. Such motion was made, seconded and approved unanimously.

In addition, Judge Quinn asked for a motion to appoint Attorney Daniel Adelman of New Haven as a member and Attorney Charles Filardi, Jr. of New Haven as an alternate member of the Hartford Judicial District Local Grievance Panel, covering GA # 13 and the city of Hartford for three year terms commencing July 1, 2011. The motion was made, seconded and approved unanimously.

Next Judge Quinn asked for a motion to appoint Attorney John B. Nolan of Hartford as a member of the Hartford County Standing Committee on Recommendations for Admission to the Bar for a three year term commencing July 1, 2011. The motion was made, seconded and approved unanimously. The approved recommendations for appointments and reappointments are included as Appendix A of these minutes.

Judge Quinn asked for a motion to adopt the following proposed vote, recommended to the judges by the Executive Committee, concerning the implementation of Recommendation #9 of the Final Report of the Committee on Court Recording Monitors and Court Reporters to eliminate the

use of “U-time” (compensated time off not charged to vacation, personal or sick leave) by court reporters.

Effective July 1, 2011, notwithstanding any Judicial Branch regulations, policies and practices, official court reporters and court reporters shall not be absent from their duty stations during the work day without charging the time in accordance with the attendance policies generally applicable to Branch employees. The practice of granting paid time off to official court reporters and court reporters in accordance with regulations or policies applicable only to them is not permitted.

The requested motion was made and seconded. During the discussion on this motion, a motion was made to amend the motion by changing the effective date to July 1, 2014. This motion was seconded. By vote of 21 in favor, 123 opposed, 3 abstaining, and 4 invalid votes the motion was not approved. Those voting in favor were Judges Adelman, Agati, Arnold, Burgdorff, Calmar, Clifford, Eschuk, Fasano, Gallagher, Gordon, Handy, McMahon, Munro, Radcliffe, Sheedy, Sheldon, Trombley, Turner, Wahla, Woods, and Zemetis. Those opposed were Judges Abery-Wetstone, Alander, Alexander, Aurigemma, Beach, Bear, Bellis, Bentivegna, Berger, Blawie, Boland, Bozzuto, Brazzel-Massaró, Bright, Brown, Burke, Carbonneau, Carroll, Cobb, Cohn, Connors, Conway, Cremins, Cronan, D’Addabbo, Danaher, Dennis, Devlin, Dewey, DiPentima, Dolan, Domnarski, Dooley, Elgo, Emons, Epstein, Espinosa, Eveleigh, B. Fischer, J. Fischer, Frankel, Frazzini, Frechette, Gilligan, Ginocchio, Gleeson, Gold, Gould, Graham, Graziani, Hadden, Harper, Hartmere, Hauser, Hiller, Holden, Holzberg, Iannotti, Jongbloed, Kahn, Kaplan, Kavanewski, Keegan, Keller, Kwak, Lager, Lavine, Licari, Malone, Marano, Markle, Maronich, McLachlan, McNamara, McWeeny, Miller, Mintz, Moore, Morgan, Nazzaro, Newson, O’Keefe, Olear, Oliver, Ozalis, Pavia, Peck, Pickard, Pinkus, Pittman, Prescott, Quinn, Resha, Reynolds, A. Robinson, R. Robinson, Roche, Rodriguez, Santos, Scholl, Schuman, Sequino, Sferrazza, Shaban, Sheridan, Shluger, Silbert, Simón, Solomon, Sommer, Stevens, Suarez, Swienton, Taylor, Thim, Tyma, Upson, Vitale, Wenzel, Wiese, Wilson, Wolven, and Young. Those abstaining were Judges Baldini, Randolph and Rubinow.

A vote was taken on the original motion. By vote of 124 in favor, 10 opposed, 5 abstaining and 7 invalid votes the motion was approved. Those voting in favor were Judges Agati, Alander, Alexander, Aurigemma, Baldini, Beach, Bear, Bellis, Bentivegna, Berger, Blawie, Boland, Bozzuto, Brazzel-Massaró, Bright, Brown, Burgdorff, Burke, Carbonneau, Carroll, Clifford, Cobb, Connors, Conway, Cremins, Cronan, D’Addabbo, Danaher, Dennis, Devlin, Dewey, DiPentima, Domnarski, Dooley, Elgo, Emons, Epstein, Espinosa, Eveleigh, B. Fischer, J. Fischer, Frankel, Frechette, Gilligan, Ginocchio, Gleeson, Gold, Graham, Graziani, Hadden, Harper, Hartmere, Hauser, Hiller, Holden, Holzberg, Iannotti, Jongbloed, Kahn, Kaplan, Kavanewsky, Keegan, Keller, Kwak, Lager, Lavine, Licari, Malone, Marano, Markle, Maronich, McLachlan, McWeeny, Miller, Mintz, Moore, Morgan, Nazzaro, Newson, O’Keefe, Olear, Oliver, Ozalis, Pavia, Peck, Pickard, Pinkus, Pittman, Prescott, Quinn, Resha, Reynolds, A. Robinson, R. Robinson, Roche, Rodriguez, Santos, Scholl, Schuman, Sequino, Sferrazza, Shaban, Sheridan, Shluger, Silbert, Simón, Solomon, Sommer, Stevens, Suarez, Swienton, Taylor, Thim, Trombley, Turner, Tyma, Upson, Vitale, Wenzel, Wiese, Wilson, Woods, Young, and Zemetis. Those opposed were Judges Abery-Wetstone, Adelman, Arnold, Calmar, Gallagher, Gordon, Handy, McNamara, Munro, Radcliffe. Those abstaining were Judges Eschuk, Fasano, Randolph, Rubinow, Sheldon.

Judge Quinn then asked for a motion to adopt the following proposed vote, recommended to the judges by the Executive Committee, concerning the establishment of civil penalties pursuant to C.G.S. §51-237 for jurors and talesmen who fail to appear when summoned.

“The amount of the civil penalties established pursuant to §51-237 of the Connecticut General Statutes for jurors who who are summoned and fail to appear is \$125.00 and for talesman who are summoned and fail to appear is \$125.00.”

The requested motion was made, seconded and approved unanimously.

Judge Quinn recognized Justice Eveleigh who gave the report of the Rules Committee.

Following his report, Justice Eveleigh made the following motion,

I move the adoption of the amendments to the Practice Book and to the Code of Evidence that were mailed to you for use at this meeting, with the following further revisions:

- (a) that in the proposed revision to subsection (b) (5) of Section 1-10B the words “the defendant’s” be changed to “any party’s”
- (b) that in proposed new subsection (a) of Section 11-1 the word “approved” be deleted
- (c) that the word “stated” in subsection (a) of Section 25-60A to be changed to “state”.

This motion was seconded and approved unanimously.

Justice Eveleigh then made the following motion,

I further move (a) that the amendments to Sections 25-31, 25-34, and 25-60 and new Sections 25-32A, 25-32B and 25-60A, as just adopted, become effective on August 15, 2011, that the amendment to Section 2-5A, as just adopted, become effective on September 1, 2011, and that the requirement of Practice Book Section 1-9 that a rule not become effective less than sixty days after its promulgation be waived pursuant to the provisions of that section;

(b) that the rest of the amendments to the Practice Book and to the Code of Evidence, as just adopted, become effective on January 1, 2012; and

(c) that the Reporter of Judicial Decisions may make editorial changes to the amendments including changes in the section numbers.

The motion was seconded. Justice McLachlan moved to amend Justice Eveleigh’s motion by adding proposed new Practice Book Section 25-2A to the list of amendments that would become effective on August 15, 2011. This motion was seconded and approved unanimously. Justice Eveleigh’s motion, as amended, was approved unanimously. The Practice Book revisions adopted at this meeting are attached to these minutes as Appendix B.

There being no further business, the meeting adjourned at 11:30 a.m.

Respectfully submitted,

Robert D. Coffey  
Secretary

RDC/jas