

Minutes of the Annual Meeting Judges of the Superior Court June 21, 2010

A meeting of the Judges of the Superior Court was held, pursuant to notice, on Monday, June 21, 2010 commencing at 10:00 a.m. in the Jury Assembly Room of the Middlesex Judicial District Courthouse, Middletown, CT.

Present: Chief Justice Rogers; Justices Katz, Zarella, McLachlan and Eveleigh; Appellate Court Chief Judge DiPentima; Appellate Court Judges Gruendel, Harper, Beach, and Bear; Superior Court Judges Abery-Wetstone, Abrams, Adams, Alander, Alexander, Arnold, Baldini, Baldwin, Bellis, Bentivegna, Berger, Blawie, Blue, Boland, Brazzel-Massaró, Bright, Brunetti, Burgdorff, Burke, Calmar, Carbonneau, Carroll, Clifford, Cobb, Cohn, Connors, Conway, Cosgrove, Crawford, Cremins, Cronan, D'Addabbo, Dannaher, Dennis, Devine, Devlin, Dewey, Doherty, Domnarski, Dooley, Driscoll, Dubay, Dyer, Elgo, Emons, Eschuk, Espinosa, Fasano, B. Fischer, J. Fischer, Frankel, Frazzini, Frechette, Fuger, Genuario, Gilligan, Ginocchio, Gleeson, Gold, Gordon, Gould, Graham, Graziani, Hadden, Handy, Hartmere, Hiller, Holden, Holzberg, Iannotti, Jongbloed, Kavanewsky, Keller, Lager, Levin, Licari, Malone, Marano, Markle, Maronich, Martin, McNamara, Miller, Mintz, Moore, Mullarkey, Munro, Nazzaro, O'Keefe, Olear, Oliver, Ozalis, Pavia, Peck, Pickard, Pinkus, Pittman, Prescott, Prestley, Quinn, Radcliffe, Reynolds, Riley, Robaina, A. Robinson, Roche, Rodriguez, Rubinow, A. Santos, Schimelman, Schuman, Sferrazza, Shaban, Shapiro, Shay, Sheedy, Sheldon, Sheridan, Shluger, Silbert, Solomon, Sommer, Stevens, Suarez, Swienton, M. Taylor, Thim, Tobin, Trombley, Upson, Vacchelli, Vitale, Wenzel, Westbrook, White, Wiese, Wilson, Wolven, Woods, Young and Zemetis; Senior Judges: Gallagher, J. Kaplan, McWeeny, Resha, Scholl and Sequino.

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 22, 2009 and the special meeting held March 26, 2010. Upon motion made and duly seconded, the minutes of the meetings were approved unanimously.

Judge Quinn invited Chief Justice Rogers to the podium to speak to the judges. Following these remarks, Chief Judge DiPentima gave an update on the status of the implementation of the Branch strategic plan and Judge Quinn gave a presentation on the accomplishments of many of the judges. Certificates of appreciation were awarded and changes in

the status of the judges since the last annual meeting were announced.

Justice Zarella gave the report of the Rules Committee. Following the report, a motion was made for the adoption of the amendments to the Practice Book and to the Code of Evidence which were emailed to the judges for use at this meeting. The motion was duly seconded.

During discussion on the motion, a motion was made and seconded to strike the word “pro se” and substitute “self-represented” in proposed Comment 4 to proposed Rule 2.2, which is on page 15 of Justice Zarella’s memo concerning proposed Practice Book Revisions dated June 7, 2010. Following discussion about taking action on this proposal with regard to all Practice Book references to “pro se” litigants, the motion and second were withdrawn.

When discussion returned to the original motion to adopt the amendments to the Practice Book and to the Code of Evidence that had been emailed to the judges, a motion was made and seconded to amend the original motion by deleting proposed Comment 5 of proposed Rule 2.11 (p. 29 of Justice Zarella’s memo). During discussion of this motion, a motion was made and seconded to separate the original motion into two parts, (1) the proposed new Code of Judicial Conduct and (2) all other proposed revisions to the Practice Book, and the revisions to the Code of Evidence. This motion was approved unanimously.

Following discussion, the motion to amend the original motion by deleting proposed Comment 5 of proposed Rule 2.11 was approved by a vote of 82 to 68. Those voting in favor of the motion were: Justice Eveleigh, Appellate Court Judge Harper, Judges Abery-Wetstone, Adams, Alander, Arnold, Baldini, Berger, Blawie, Boland, Brazzel-Massaró, Brunetti, Burke, Calmar, Carbonneau, Cobb, Cohn, Conway, Crawford, Cremins, Cronan, Dennis, Devine, Doherty, Domnarski, Dooley, Elgo, Eschuk, Frankel, Fuger, Gallagher, Ginocchio, Gleeson, Gordon, Graham, Graziani, Handy, Hiller, Holden, Iannotti, Jongbloed, J. Kaplan, Keller, Malone, Maronich, Martin, McNamara, Mintz, Moore, Mullarkey, Nazzaro, O’Keefe, Oliver,

Ozalis, Peck, Pickard, Pittman, Prescott, Prestley, Radcliffe, Riley, Robinson, Rubinow, A. Santos, Scholl, Sferrazza, Shaban, Shapiro, Shay, Sheedy, Sheridan, Silbert, Sommer, Stevens, Tobin, Vitale, Wenzel, White, Wiese, Wolven, Young and Zemetis. Those voting against the motion were: Chief Justice Rogers, Justices Katz, Zarella and McLachlan; Appellate Court Chief Judge DiPentima, Appellate Court Judges Beach and Bear; Superior Court Judges Abrams, Alexander, Bellis, Bentivegna, Blue, Bright, Burgdorff, Carroll, Clifford, Connors, Cosgrove, D'Addabbo, Danaher, Devlin, Dewey, Driscoll, Dubay, Dyer, Emons, Espinosa, Fasano, B. Fischer, J. Fischer, Frazzini, Frechette, Genuario, Gilligan, Gold, Gould, Hadden, Hartmere, Holzberg, Kavanewsky, Lager, Licari, Marano, Markle, McWeeny, Miller, Munro, Olear, Pinkus, Quinn, Robaina, Roche, Resha, Schuman, Sequino, Sheldon, Shluger, Solomon, Suarez, Swienton, Taylor, Thim, Trombley, Upson, Vacchelli, Westbrook, Wilson and Woods.

Following the vote concerning the deletion of Comment 5, a motion was made and seconded to adopt all other proposed revisions to the Practice Book and the revisions to the Code of Evidence, which were emailed to the judges. This motion was approved unanimously.

A motion was then made and seconded to approve the proposed new Code of Judicial Conduct, as amended by a previous vote. This motion was approved unanimously.

Justice Zarella offered the following motion, "I further move:

(a) that new Practice Book Chapter 25A and new form 207, the repeal of Sections 25-65 through 25-67, and the amendments to Rule 1.15 of the Rules of Professional Conduct, as just adopted, become effective on August 1, 2010, 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, 2011; and

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

This motion was seconded and approved unanimously. The Practice Book revisions adopted at this meeting are attached to these minutes as Appendix A.

Judge Quinn asked for a motion nominating four judges to serve on the Rules Committee for one year terms, commencing July 1, 2010. A motion was made and seconded to nominate Judges Keegan, Olear, Crawford 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, 2010 to replace Judge Reynolds whose term is expiring. A motion was made by Judge Quinn and seconded nominating Judges Dewey and Vitale. 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 27, 2010 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 B of the minutes of the May 27, 2010 Executive Committee meeting. Such motion was made, seconded and approved unanimously.

In addition, Judge Quinn asked for a motion to appoint Attorney Frederic S. Ury of Fairfield as a member of the State Bar Examining Committee for a term commencing September 1, 2010 and expiring August 31, 2011. The motion was made, seconded and approved unanimously. Judge Quinn also asked for a motion to appoint Attorney Robert M. Brennan of Woodbridge as a

member of the Local Grievance Panel for GA # 13 and the City of Hartford, for a term commencing July 1, 2010 and expiring June 30, 2013. The motion was made, seconded and approved unanimously. The approved recommendations for appointments and reappointments are included as Appendix B of these minutes.

Judge Keller rose to thank Judge Reynolds for her service on the Judicial Review Council.

There being no further business, the meeting adjourned at 11:45 a.m.

Respectfully submitted,

Robert D. Coffey
Secretary

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