

**MINUTES**  
**JUDGES' ADVISORY COMMITTEE ON E-FILING**  
Bridgeport Juvenile, 1<sup>st</sup> Floor Conference Room  
Wednesday, January 4, 2012 – 2:00 – 4:00

Those present: Hon. Patrick L. Carroll III (Chair), Hon. Barbara Bellis, Hon. Marshall K. Berger, Hon. Barbara Bailey Jongbloed, Hon. Linda K. Lager, and Hon. Joseph Pellegrino.

Staff in attendance: Beth Bickley; P.J. Deak; Lucio DeLuca; Peggy George; Johanna Greenfield; Dan Horwitch; David Iaccarino; Nancy Kierstead; and Alice Mastrony.

1. Welcome and Acceptance of Minutes from 11/01/2011 – Judge Carroll called the meeting to order at 2:03 PM and the minutes of November 1, 2011 were unanimously approved.
2. Pre-4.0 - Update: January 1, 2012 Mini-Release – P.J. reported that the mini-update was successful and included the elimination of the order page for e-filed documents and the modification of the appearance form to include certification. By the end of January, status of appearance notices will no longer be sent out by the Branch.
3. Pre-4.0 – Follow-Up: Attorney with No Office Address Filing New Case – An attorney with no office address is unable to file an appearance electronically. The Committee agreed that the same logic should apply to an attorney filing a new case. That change will be implemented along with the release of 4.0.
4. Pre-4.0 - Update: Public Access to Electronic Orders & JDNO Notices – These documents are now accessible to the public, and External Affairs has issued a press release and posted on the Judicial Branch website the information about the availability of these documents.
5. Pre-4.0 - Update: Personal Identifying Information in Files – A random review of files showed that approximately 5 – 6% of the files continued to contain personal identifying information. Litchfield, Meriden, New Britain and New London had the highest percentage of personal identifying information in files. Eight other districts had no personal identifying information exposed. The majority of information is found in collections cases. Court Operations will return to these files to identify the documents in which this information appears. The information will then be provided to the judges and to the attorneys involved.

The notices will go out through E-Services and will also be sent to bar and paralegal organizations for dissemination.

6. Update: Personal Identifying Information (P.B.11-20B/4-7) Workgroup – Nothing to report.
7. Personal Identifying Information (P.B.11-20B/4-7) – Providing info over the phone – This item will go over to the next agenda.
8. 4.0 – Correction of Age Calculations on CV/FA Statistical Reports – P.J. provided information on certain changes that have been made in how statistics are reported in order to ensure that the numbers are correct, for example the methodology for calculating the median age of a case. An explanation of the terms (such as “median”) and an

explanation of the changes in the numbers will be provided along with the statistical information. Reports will include information on past reporting periods, ideally in graphic form, so that comparisons will be easier.

Suggestions were made to pull complex litigation cases out of each district and create a single complex litigation report. Also, it was suggested that some note be made of the cases that are stayed (for bankruptcy, appeals, etc.) since those cases can skew the statistics, particularly in a small district, because the cases tend to be so old. These suggestions will be passed on to the next statistician.

9. 4.0 - Family Status Indicators and Family Statistical Reports – Family status indicators have been added to the case detail screen. These indicators provide a better tool for family cases for case management and for statistical purposes than the trial lists. Indicators in family cases will show if there are financial disputes, parenting disputes, a referral or acceptance of a referral to the Regional Family Trial Docket or domestic violence. The DV indicator would only display internally. It will also be possible to use these indicators for post-trial motions. The indicators will provide more ability to manage and track family cases.
  
10. 4.0 - Short Calendars Overlapping the 4.0 Release – Proposed Plan – In order to transition to the new calendar system in June/July of this year, at the last meeting, it was agreed that the family and civil calendars that normally would take place on Monday, June 25, 2012 would be postponed to Tuesday, June 26, 2012. It is also proposed that:
  - the marking periods for the short calendars in Bridgeport, New Haven, Windham, and Hartford should be shortened so that they end by 4:00 PM on Friday June 22, 2012;
  - the short calendars for civil and family that would normally be printed on Friday, June 22, 2012 and take place July 2 – July 6, 2012 should be canceled;
  - the family support magistrate calendars for Wednesday, July 4, 2012 will be canceled because of the holiday;
  - the family support magistrate calendars should be made lighter for the first two weeks of the new system (the week of June 25<sup>th</sup> and of July 2<sup>nd</sup>) with the cooperation of the family support magistrates and support enforcement staff;
  - write-ins, special assignments and other urgent motions can be scheduled since they are not impacted by the transition to the new system.

These proposals were unanimously approved. Information will be disseminated to the bench, bar and staff in the months leading up to the transition.

11. 4.0 - Motions to Seal or Close – CV/FA Behavior Consistency – At the last meeting, the posting of motions to seal or close on public internet site was discussed, including the length of time the motion and order had to be displayed, both before and after the hearing. The Practice Book rule on civil motions dictate the time for posting and display, but the family rule does not contain an equivalent directive. Research into why the discrepancy exists did not provide any clear reason, although the intent to make the two

rules different is clear. The explanation might be as simple as the fact that the statute provides for a 72-hour period in civil cases, but the same provision is not in the family statute, but there is no indication in the minutes of the Rules Committee as to the reason. Currently, the family motions are handled in the same way as the civil motions. After discussion, it was decided that the recommendation of the Civil/Family BPAs that civil and family follow the same set of rules should be adopted.

Legal Services recommends proposing a change to the family rule to make it the same as the civil rule, staying the order and giving the parties 72 hours to appeal. This proposed rule is essentially what happens now.

The Committee decided to build the system the same for both civil and family motions and look into proposing a change to the rule.

12. 4.0 - 120 Day Decision Report – A long discussion ensued about possible options for creating a 120 day report within Edison and the workflow queues. Some judges already use the workflow queue to track these cases, and other options exist within Edison to track the time for decisions. For example, a judge can do a draft order and use the reminder function in Edison. Tools are available for tracking cases and orders. A variety of reports could be run to track outstanding cases a judge might have or cases that have been assigned to any given judge.

Judge Carroll and Judge Bellis will go over the existing options and try to come up with possible methods of addressing the concern.

13. 4.0 Release Update: Edison & E-Filing – Although the deadlines for completing business requirements are slipping a little, the target dates for each release are not changing. Business requirements for family should be done before the end of February, which still allows enough time for regression testing and for training prior to the projected release date. Judge Carroll suggested that Judge Munro should be invited to attend the next meeting of the Committee.

14. 4.0 - Use of “By the Clerk” Juris Number on Electronic Orders – The existing order by the clerk from the JOEQ will be revised with the June release as follows: an order entered by the clerk will not include references to a “judge” in the signature area or in the body of the order and the information about a notice having been sent will be moved from the top of the order to the bottom of the order. Some other issues have been raised by Legal Services with respect to the use of a “By the Clerk” juris number. The issues are being discussed by Court Operations and will be brought to the Committee at its next meeting.

15. Update: Electronic v. Snail Mail Service – From Rules Committee – This matter was initially passed, but a discussion occurred later in the meeting. The proposed rule would require that a person filing electronically also deliver the document electronically to anyone who had agreed to accept electronic service. Judge Bellis reported that Judge Pittman was not in favor of the rule because she felt the judges already had the tools to address the problem of “short service” that this rule is trying to address. Judge Lager reported the Civil Commission was in favor of the rule change. After discussion, the Committee agreed that Attorney Horwitch should submit the rule to the Rules Committee behalf of the Judges’ Advisory Committee on E-filing, and with the approval of the Civil Commission.

16. Secure Server / Email Notice to Attorneys – Attorney D’Alesio reported on discussions with a small group of Court Ops and JIS staff on the feasibility of providing court notices and notices of filing by email to appearing parties and counsel of record. Electronic notices are something that the bar has repeatedly requested. Many issues will have to be addressed, including the need for changes to the certification rule, server issues, and invalid email addresses, but conceptually, electronic noticing can be done. The first task is to find out what the bar wants, which will be part of the discussion in the focus groups that are going to be conducted on e-filing in the next two to three months with bar and paralegal groups. The Branch may still want to pursue the secure server concept, but before any decisions, we need more information.
17. E-Filing Offers of Compromise – Some concern was expressed by the Civil Commission regarding the electronic filing and resulting viewability of offers of compromise, with respect to courtside trial judges but more significantly, with respect to jurors. The judges will simply not click on the link to the offer of compromise, but the issue of a juror looking at documents in a file is a larger one, that includes many documents, not just the offer of compromise. Jurors are currently cautioned about the Internet through court orders issued once they are selected as jurors and additional options for conveying this message to jurors are being discussed.
18. Update: Meetings/Focus Groups with Bar Regarding E-Filing – Focus groups are being set up with a variety of bar and paralegal groups and the Committee will be notified of the dates of those groups once they are established.
19. Update: Clerk Electronic Signatures & Clerk Editing/Appending E-Docs – This item has been sent to committees for further discussion and recommendations will be developed.
20. 6.0 - Update: Hybrid Files in Family when Family Becomes Paperless – This item has been sent to committees for further discussion and recommendations will be developed.
21. 6.0 - Report Back: Family Issues per Judge Munro – David Iaccarino reported that Judge Munro has had family e-filing on the Family Commission agenda for the past two meetings. There has been a great deal of discussion on rules that might need to be changed, and Judge Munro and Johanna Greenfield are working on templates for family cases.
22. 6.0 - Update: Family Equipment Needs – Family BPAs in January are going to do a case-by-case analysis of a random selection of family files to identify what is in those files and identify then what people will need for equipment. Lucio DeLuca reported that Judge Support Services has been looking at a number of grants and it appears that we will be able to get approximately 20% of the funding we need through a grant associated with restraining orders. Some of the money could probably be covered with money from other sources.

The equipment that has been ordered has been delayed as much as four or five months as a result of weather issues. A discussion ensued as to when training for judges should begin. Judge Bellis pointed out that there are many functions in Edison that family judges could be using right now, such as judges notes and daily dockets and other scheduling information. The lack of equipment will slow down the judges’ use of these options.

In order to encourage judges to use Edison and become familiar with what is already available, efforts will be made to purchase the necessary PCs for the family courtrooms as soon as possible.

23. Family Templates in Edison – The development of these templates is already in process. Judge Munro sent out a solicitation to the family judges and received suggestions from a number of the judges. Johanna Greenfield is working with Judge Munro on this effort. Judge Lager and Judge Bellis pointed out that you can combine templates in a single order and personalize the templates in a variety of ways, which will allow the development of templates to address more complex motions.
24. Question from CV-PJs Meeting: Exempt Attorneys – The presiding judges had asked about establishing a final date for the exclusions from electronic services requirements. After discussion, the Committee agreed to set April 15, 2012 as the termination date of all exclusions for attorneys with appearances in court files. Attorneys with exclusions who currently have appearances in civil files have been notified that they need to file a request to extend their exclusion. All requests to continue exclusions are required to be submitted by January 31, 2012.
25. Judges Not Allowing Litigants To E-Mail Documents – P.J. – In some instances, litigants are emailing documents to the courts for filing. Apparently, a QDRO was emailed to a casflow office. Emailed documents are not accepted for filing. Judge Bellis said she would mention this in her E-News to the judges.
26. Proper Description for MFNSUIT Legend – Put over to the next meeting
27. Judge Access To JV Shared Calendars In Edison – Put over to the next meeting
28. Proposed Family (and Civil) Judge Training at CJI in June – Put over to the next meeting
29. Policy on PB 7-10/7-11 and Destruction of Files – Electronic Storage - Put over for the next meeting
30. Update: Appellate Court Access to Paperless Civil Files – Judge Carroll reported that efforts are still underway to expand the acceptance of files in electronic format by the appellate courts, but it is a slow process. There is still only a single pilot file. Discussions will continue.
31. Update: Judges And Video Conferencing – Put over to the next meeting
32. Family Use of the Workflow Queue for Internal Communication – Put over to the next meeting.

Meeting adjourned at 3:56 PM.