

Minutes
Judges' Advisory Committee on e-Filing
Bridgeport Juvenile, 1st Floor Conference Room
November 1, 2011

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

Staff in attendance: Beth Bickley, P.J. Deak, Tais Ericson, Johanna Greenfield, Dan Horwitch, David Iaccarino, Nancy Kierstead and Alice Mastrony.

1. Welcome & Acceptance of Minutes from 09/13/2011 – Judge Carroll welcomed the members of the Committee, and upon unanimous agreement, the minutes were accepted as distributed.
2. Update: Appellate Court Access to Paperless Civil Files – Judge Carroll reported that there have been no problems with the file for which no paper copies were provided to the Appellate Court. He will continue to press the use of electronic files where the file in the lower court does not exist on paper. With staff reductions, it makes sense to utilize the electronic file as much as possible rather than spending staff time printing out copies. We are continuing to work on expanding the use of electronic access to file.
3. Update: January 1, 2012 Mini-Release – A few items are part of this release, including the implementation of the Practice Book rule eliminating the order page, the changes to the appearance form to require certification of all appearance filings, and the elimination of the notices regarding the status of appearances. The Bar seems to be happy with the elimination of appearance notices from the Court. JIS has been planning for this mini-release, and the plan is to do it on the sprint break.
4. Update: Public Access to Electronic Order PDFs and JDNO Notices – Business requirements are written and JIS has written up specs. Initially, that discussion was that this be done in December or January, but JIS would like to do it earlier. A sprint break is coming up in the next two weeks, and JIS would like to make the changes then and roll it out November 15th. The Steering Committee had suggested releasing it quietly to make sure it functions as planned before publicizing it. Peggy George had also raised questions about foreclosures, in which there are situations where the document that is the order is connected to a judgment code, such as a Judgment of Foreclosure by Sale. Judge Carroll said this situation could occur in collections cases as well with a Judgment on Default. These legend codes could be added as “show” from the table. Caution will continue to be exercised with respect to VAWA cases, so that if any items involve VAWA, nothing would be shown on the case.
5. Update: Personal Identifying Information in Current Files – The initial information shows that of the 266 cases were reviewed, 28 cases had personal identifying, and of those case, ten had information that was redacted by the filer; eighteen cases still have unredacted information. Three law firms had more than one case in this sampling. A brief discussion ensued regarding putting something on the E-Services log-in page. Alice Mastrony will draft something and circulate it to the members of the Committee.

6. Update: Personal Identifying Information (P.B. 11-20B/4-7) – A proposed rule for handling the information in civil cases has been drafted; a proposal for family cases is not yet drafted. P.J. Deak will put this item on the next agenda
7. Personal Identifying Information (P.B. 11-20B/4-7 – Providing Info over the phone – P.J. Deak will put this item on the next agenda.
8. Electronic v. Snail Mail Service – From Rules Committee – Judge Bellis brought to the attention of the Committee a letter that had been sent to the Rules Committee regarding people filing documents electronically, but sending copies by snail mail. This practice results in late notice of the filing, which can seriously prejudice opposing counsel or self-represented parties. Atty. Weinstein suggested that the rules be amended to require that an e-filed document be electronically sent to all counsel of record at the same time, unless opposing counsel specifically elects not to receive electronic delivery of pleadings. A suggestion was made to amend the rule to require that electronic service of electronically filed documents be the default unless a party opts out. Parties could choose electronic service even if they were not eligible for e-filing. Concern was raised regarding self-represented litigants if the default is electronic service. The suggestion was made to amend the rule to require electronic service if someone elects to accept service electronically. Dan Horwitch will draft something and report back to the Committee.
9. Update: Hybrid Files in Family when Family Becomes Paperless – Nancy Kierstead explained that the BPAs and the clerks would both prefer to have a clean break between electronic files and paper files. The method of moving family cases to electronic filing would occur as of a particular date, with all actions after that date being electronic, and all actions prior to that date remaining paper. At a future time, it would be helpful to come up with a way to make any post-judgment motions electronically filable even in a paper file.

Discussion ensued on various options for phasing-in electronic filing in family cases. Family cases are different from civil files in that they continue to be active for many years so that getting to wholly paperless family files will take much longer than it does in civil. Therefore, finding a means of providing some electronic access to the older, still active files would be helpful. The possibility of scanning in certain case types, such as dissolutions, or of scanning in certain activities, such as post-judgment activity was suggested.

A question was raised as to the availability of electronic orders in the older existing paper files. P.J. Deak explained that the judge will be able to **enter use** the JOEQ to enter orders on paper files, but the clerk will print out the order and put it into the paper file rather than send it to the e-filing queue. Printing out the order is not as burdensome as printing out every electronically filed document and filing it in the paper file.

Given the volume of post-judgment motions in these files, it would make sense to develop some sort of mechanism to allow those motions to be filed electronically. The question was raised as to whether it would be necessary to have the entire file available for viewing in order to rule on a post-judgment motion. If not, that would

open the possibility for having the electronically viewable portion of the file begin with the judgment file.

Discussion continued regarding the plans to phase in to e-filing types of family cases such as custody and support in phase two, and whether to keep TROs as paper files in the future. Given the potential efficiencies of electronic filing, consideration should be given to including TROs in the electronic filing system in the future.

The Committee also discussed whether to continue with the current concept of what is the official file. In civil, the official file for cases with return dates before January 1, 2010 is paper; for cases with return date on or after January 1, 2010, the official file is electronic. The question was raised about whether hybrid files would be an option in the family cases but the bottom line is that the e-filing system was built to view particular docket numbers as paper and others as e-filable. Changing that essential premise would require a tremendous amount of work to re-configure the system from the ground up so that e-filing would recognize a 4 million series docket number. Committing resources to that task would have a huge impact on the current timeline. The possibility of simply assigning a new docket number to a case was discussed, but it is not practical since the result would be that the clerk would have to go into the file and scan everything into it.

The end result of the discussion is that building something to accept the e-filings in a 4 million series case post-judgment is something that cannot be done at this time since it would hold up the development of family e-filing, but it should be addressed ultimately. A group will look at ways to address this issue.

10. Update: Procedures for PJR Order Processing (Paper v. Electronic) – This issue was addressed with the addition of new templates to Edison for the use of the judges and clerks in processing prejudgment remedies.
11. Update: Rule Change Proposals – No additional rule changes are proposed currently.
12. Report Back: Motions to Seal or Close – CV/FA Behavior Consistency – P.J. Deak said that the civil and family rules on posting and displaying notices regarding motions to seal or close on the Internet are different. Civil rules spell out specific time frames and require the uploading of the order, but family rules do not. From the perspective of programming, it would be easier if there were consistency in the requirements regarding the timelines for displaying the motion and the result information. The CV/FA BPA Team is not asking on family for it to be required that they upload the order (which is currently only required on civil).

Dan Horwitch said that with one exception, the two rules are identical: except for posting on Internet and posting next to the clerk's office. The Rules Committee specifically removed references to posting, although no reason for that decision could be identified in the minutes of the Committee, and the judges agreed to that change. Given the specific action of the Rules Committee, a rule change would be necessary. Dan Horwitch will draft something and circulate it to the Committee.

13. Update: E-filing on a Paper File (4 million series) – P.J. reported that 4.7% of our pending caseload is in the 4 million series. Excluding habeas cases, the percentage

drops to 3.3%. These cases are not of one specific type, but rather are just cases that have taken longer to get to judgment. P.J. and IT have looked at various ways to get these in to e-filing, including changing the behavior of all 4 million series cases; retroscanning documents on existing cases; and assigning new docket numbers. Every option involves a great deal of work, which would severely impact the current timeline. As a practical matter, it does not seem worth it. The Committee agreed.

14. Clerk Electronic Signatures – It was proposed that the Committee give the Chief Court Administrator the power to permit electronic signatures by the clerks under the Procedures and Technical Standards. Not having that authority hampers electronic processing of a large number of documents such as executions and other court orders. Dan Horwitch reiterated that Legal Services favors amending C.G.S. § 51-193c, to clearly permit clerk's electronic signatures. He reviewed the history of the Branch's implementation of e-filing, electronic ticketing, etc. After discussion, the Committee agreed to revise the Procedures and Technical Standards to permit electronic signatures by the clerks.

15. Electronically Submitted but not Filed Status – esp. Fee Waivers – Although we currently have items filed by an attorney or generated by the court that require clerk intervention, there really isn't a document that is filed and then manipulated, but in family cases, a document is filed and then it is manipulated. For example, an application for a fee waiver. Family could follow along with the civil method, but the volume suggests that we allow these kinds of documents to come in electronically. In family, fee waivers, show cause orders and citations are more common. Family would like to be able to impose a signature on the e-filed document. Civil would also benefit from this proposal.

Judge Quinn suggested that a subcommittee be formed to discuss this question at greater length. David Iaccarino, Johann Greenfield, and P.J. are to consult with Joe D'Alesio to form a committee to focus on family.

16. Report Back: Family Issues per Judge Munro – David Iaccarino reported that Judge Munro has communicated with the family judges, and he will have feedback for the next meeting.

17. Update: 120 Day Decision Report – Judge Quinn reported that the report is no longer being used.

18. Update: Equipment – Family – Lucio DeLuca has been looking at courtrooms and judges' chambers, and is looking into obtaining money for the equipment. We are going to start looking at the needs of the clerks' offices. For example, in Hartford, the family clerk's office has not equipment for e-filing since they are separate from the civil clerk's office. Court Operations will be coordinating this information. Judge Bellis suggests holding off on any training until we have the necessary equipment.

19. Display of Case Detail on Attorney Site for Sealed Cases – P.J. Deak reported that in rebuilding the attorney's site to get off of CATER, JIS had noted that we are sometimes inconsistent about what attorneys can and cannot see on a sealed case. For example, if an attorney is going to mark the short calendar, they need to see the

name of the document that is on the calendar. On a sealed case, even with an appearance on the case, they cannot see anything. The simplest option would be to permit an attorney in E-Services to access the case detail page and document names display regardless of whether the contents of the file are sealed or whether individual documents in the file are sealed. Attorneys have not really raised the issue.

The Committee decided to go with the simplest option but to defer implementation of this option to a future date in order to avoid delaying the 4.0 release.

20. Proposed Family (and Civil) Judge Training at CJI in June – Judge Bellis suggested that there be e-filing training at the CJI in June although she believes it would be foolish to do any training before the judges have the laptops. Judge Quinn spoke about training in general, suggesting smaller groups, targeted topics and shorter sessions. She also agreed that having the judges together for e-filing training would be a good idea.
21. Meetings/Focus Groups with Bar regarding E-Filing – Judge Carroll reported that we are having four focus groups with select members of the bar on CLD. In the course of those discussions, e-filing came up, and the groups had some positive suggestions. As a result of these experiences, it is suggested that we conduct some focus groups with the civil litigation section and paralegals. P.J. Deak added that the family business team is interested in conducting focus groups with family attorneys, particularly those that also do civil litigation. Joe D'Alesio suggested including judges as well. These focus groups will be discussed with the Steering Committee.
22. Judges and Video Conferencing – Judge Berger wants to have the ability to do video-conferencing from his chambers. Beth Bickley reported that SKYPE is a very insecure method of video-conferencing. However, the Branch has bought licenses for a software product that would be installed on the judge's PC together with a camera. The party with whom the judge is conferencing would also need this software and would put a camera on his/her laptop. This software would also allow multi-party video-conferencing. She has told Judge Berger that JIS would set that up for him. Joe D'Alesio suggested that Beth talk to Judge Solomon as well.
23. Accepting SRP Appearances with No Address – On a few occasions, the courts have accepted a self-represented party (SRP) appearance that contained no address information. The question is whether such an appearance should be accepted. Without an address, a SRP would not receive notice, which is potentially harmful to the SRP. After discussion, including the possible options open to a homeless person to provide contact information, the Committee decided that the Return of Paper form (JD ES 57) will be revised to include an appearance that does not contain an address and telephone number, as required by the Practice Book. The procedure is that the clerk can reject an appearance that does not contain a telephone number and an address. If such an appearance is filed, it should be taken to a judge to be stricken.

A related issue is the filing of an appearance by an attorney who does not have an office address. When that situation occurs, no address appears in the system. When this occurs, Mike Bowler of Statewide Grievance is contacted and he contacts the attorney.

The following items will be put on the agenda for the next meeting since they will not be reached today:

24. Proper Description for MFNSUIT Legend
25. Judge Access to JV Shared Calendars in Edison
26. Questions from CV-PJs Meeting – Exempt Attorneys
27. Judges not Allowing Litigants to email Documents
28. Policy on P.B. 7-10/7-11 and Destruction of Files – Electronic Storage
29. Update: Edison & e-Filing 4.0 Release
30. Windows 8 Upgrade – End of 2012
31. Family Use of the Workflow Queue for Internal Communication

The meeting adjourned at 3:45 PM.