

MINUTES
JUDGES' ADVISORY COMMITTEE ON E-FILING
Bridgeport Juvenile, 1st Floor Conference Room
Monday December 23, 2013 - 2:00 PM – 4:00 PM

Those in attendance: Hon. Barbara Bellis; Hon. Elizabeth Bozzuto; Hon. Patrick Carroll; Hon. Barbara Jongbloed; and Hon. Linda Lager.

Staff: Elizabeth Bickley (by telephone); Joseph D'Alesio; Patrick Deak; Joseph DeCiampo; Lucio DeLuca; Melissa Farley; Johanna Greenfield; David Iaccarino; Alice Mastrony; Pamela Meotti; and Roberta Palmer.

1. Welcome and Acceptance of Minutes from 7/8/13 – Judge Carroll welcomed everyone, and the minutes of the last meeting were unanimously approved.
2. Items for January 1, 2014 – Several changes will be implemented in January, including the clerk's ability to disable cases when jury selection begins, the display of civil documents on the public Internet; the migration of Danbury and Middletown housing cases to the Civil/Family system, which will make them accessible in the CV/FA system but not paperless; and the start of Limited Scope appearances in family files statewide as of January 6, 2014. P.J. Deak noted that fee waivers and reclaims will not be displayed on the public Internet site, and when documents are substituted, repaired or moved, the original document will be viewable in the file. This is consistent with the current behavior of the e-filing system.

In conjunction with the migration of housing cases, Judge Jongbloed pointed out that the Judges who currently handle the housing cases will need training on e-filing, since the cases are not being removed from the G.A. courthouses, but are just being moved to the CV/FA computer system.

3. Discussion: Retention of Electronic Files – This agenda item is being retained on the agenda as a placeholder. It will be discussed in the future.
4. Report Back: E-Filing in Non-Appearing or Non-Party Situations – The BPA team has discussed the three common areas where this would be helpful: motions to intervene, motions to quash and motions in consolidated cases. Clerks will be able to send JDNOs to non-appearing parties and non-parties through the system, which is a tremendously helpful capability for the clerks.
5. Chief Disciplinary Counsel and Grievance Access to Edison – Currently the Chief Disciplinary Counsel and the Grievance Committee staff have limited access to Edison. Now that cases and documents are available on the public Internet site, do these offices still need access to Edison? P.J. will talk with Attorney Pat King to find out what they use Edison for to determine if their needs can be met without access to Edison, and report back to the Committee.
6. Hartford Pendente Lite/Post Judgment Short Calendar Enhancement – Judge Bozzuto wants to be able to separate pre- and post-judgment cases on the short calendars so that when a motion is filed or reclaimed, it will go to the appropriate pre- or post-judgment short calendar. Separating these post-judgment motions would make it possible to manage these matters better. P.J. will get an estimate from IT as to the length of time this enhancement would take so that the Committee can assign it a priority.
7. Status – Family E-Filing – P.J. talked briefly about a NACM article emphasizing that the preparation on a tech project is "everything." We have spent a tremendous amount of time doing the prep work for family e-filing, and we are coming to the point when it is going to be implemented. P.J. reviewed the recent enhancements – Limited Scope Representation pilot, the Family/IV-D indicator on cases, the case management enhancements to show the age of the case and < or > than 90 days for a case. Phase I of family does not include custody/visitation cases. It includes divorces, annulments and legal separations. Judge Bozzuto mentioned that separating custody and visitation cases statewide from the dissolutions might be a good option.

P.J. talked briefly about the work that is being done in balancing the needs of the multiple projects: balancing family and small claims, which are concurrent projects, and balancing the current and future tasks on the projects since the same teams are handling all aspects of the projects.

8. Family Phase -1 Questions for Judges Advisory – Several questions regarding family e-filing have come up and need to be discussed by the Judges Advisory Committee.
 - The first question relates to access to family documents within Judicial. If the current rules for civil cases and documents are followed, all PCs in judicial facilities will have access to family documents in cases statewide by means of the public site. Is there any reason to restrict this access for family files? The consensus is that all judicial branch staff can have access through the public site for now, but we can revisit the decision if necessary.
 - The next question is about Section 25-60 of the Practice Book. That section requires filing of Family Services Reports in “quadruplicate” which in the electronic world is simply unnecessary. David Iaccarino raised a question about the word “impound” and what it might mean in an electronic world. The members of the committee discussed what “impound” would mean in an electronic file, whether it could be replaced by the word “seal”, who sends the copies of the reports, and whether the statute would also need to be amended. The statute regarding the filing of these reports is not clear: “shall be filed under seal with the court and mailed by family relations unless otherwise ordered....” The group does not think the statute needs to be amended.

A discussion ensued as to how the rule should be changed. The group discussed whether other kinds of reports are covered by the rule currently, and whether other kinds of reports should be specifically enumerated in the rule in light of e-filing. The suggestion was made to use the phrase “any evaluation, study or report” in the rule to cover all the possibilities, but after discussion, the decision was to specifically list the evaluations and reports that would be covered by the rule. Staff will work with the family relations officers to identify things properly so that whatever should be included will be listed in the rule.

In amending the rule, the committee also wanted to clarify that the copies of the reports should be sent to parties and counsel by the filer, not by the clerk.

When the revised rule is drafted, it will be circulated to the member of the Committee.

P.J. said that as long as these reports will follow the same set of existing sealing rules (sealed upon filing), then we are not creating a totally different status for these reports (impound vs. seal) and we can take our time with refinements to the rule.

- The next question was whether there should be a “gatekeeper” kind of question for judges to allow them to re-think whether they wanted to see the report. Initially, the discussion was that comprehensive evaluations and issue-focused evaluations should have this question before displaying the document but perhaps not mediation or conflict resolution conference reports. However, after further discussion, the decision was that the display of any of these reports should be preceded by a gatekeeper question.

The proposed revised rule will be circulated to the Judges Advisory and perhaps to the CBA Family Law Section or the Family Commission. It can be characterized as a “technical change to accommodate e-filing.”

- The next question was about the Family “Request for Leave” functionality. P.J. asked whether we would need the functionality for Phase-1 cases since we already can disable an SRP’s e-filing rights on a case if ordered by the court, and an attorney could be sanctioned by the court for violating the order. Judge Bozzuto said that the party is required to file the request together with whatever motion they want to file, and she would not hear the motion until she grants the request. This would occur in only a handful of cases, so no new functionality is needed right now.

- The final question concerned working with family document on screen. Different possibilities were considered and discussed because of the need for a family judge to look at multiple documents at the same time. The closest we come to this situation in civil matters is on the foreclosure calendar. The foreclosure judges have 23 inch monitors and work with the documents without any issue. The intent is to build a screen that would allow viewing 2 to 3 documents simultaneously. P.J. also mentioned that Judge Norko shares a monitor with the clerk, who can manipulate the documents for the judge.

The decision was to wait on buying larger monitors and allow the family judges to try using the multiple document viewing screens on the 23 inch monitors. If it is not workable, the decision will be revisited.

9. Office of the Attorney General – Family Data Extract - P.J. reported that we currently have a feed of Civil/Family data that we sell. The question was whether we should include the state assistance questions in this feed. Currently, we do not provide this information specifically, but given that these are very general questions, the appearance information also provides the information, and there is a public interest in how the state spends money, these questions can be included.
10. E-Filing Project Update – P.J. reported on the various projects within e-filing, including family e-filing, hardware needs assessment, small claims migration to e-filing, e-filing of case initiations in Child Protection matters, proposed revisions to the E-Notices requirements, and various other projects. A chart was provided to the committee members regarding the projects and the general timelines for those projects.
11. Making the Post-Judgment Portion of a Family File Paperless (future release) – The group discussed this option generally. Judge Bozzuto said in a dissolution, a judge would usually just need to go back to the judgment file, but would also probably want to be able to view the financial affidavits from the time of the judgment. Further discussion ensued, and the group agreed to continue the discussion at a subsequent meeting.
12. Prioritizing Items after the Family Release – The prioritization will be taken up at a subsequent meeting.

Meeting adjourned at 3:45 PM.