

Minutes of the Meeting  
Rules Committee  
October 19, 2015

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On Monday, October 19, 2015, the Rules Committee met in the Supreme Court courtroom from 2:00 p.m. to 2:44 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR  
HON. MARSHALL K. BERGER, JR.  
HON. WILLIAM H. BRIGHT, JR.  
HON. HENRY S. COHN  
HON. MARY E. SOMMER  
HON. ROBIN L. WILSON  
HON. ROBERT E. YOUNG

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorneys Denise K. Poncini and Lori A. Petruzzelli of the Judicial Branch's Legal Services Unit. The Honorable Jon M. Alander and the Honorable Robert L. Genuario were not in attendance at this meeting.

1. The Committee unanimously approved the minutes of the meeting held on September 16, 2015.

2. The Committee discussed the status of its referral to the Civil Commission of the proposal by Judge Lager on behalf of the Civil Commission to revise the standard discovery forms, Form 201 through Form 206, to include interrogatories regarding Medicare liens and to obtain discovery of all recordings of the subject incident by film, photograph, videotape, audiotape or any other digital or electronic means, and to expand the discovery to premises liability cases as well as automobile accident cases.

After brief discussion, the Committee tabled this matter to its January meeting.

3. The Committee considered a response from Judge Bozzuto to the referral of comments from Justice MacDonald regarding Practice Book Section 25-51 and its use of the phrase "civil union".

After discussion, the Committee determined that no further action was necessary on this matter.

4. The Committee considered a proposal by Counsel to further amend Sections 14-7A

and 23-47, submitted on September 16, 2015, by the Committee to public hearing, to conform those sections to the legislative changes regarding recognizance, as set out in sections 7, 13, 14 and 27 of Public Act 15-85.

After discussion, the Committee unanimously voted to submit to public hearing the additional amendments to Sections 14-7A and 23-47, as set forth in Appendix A attached to these minutes, shown by strikethroughs.

5. The Committee considered a proposal by Attorney Viviana L. Livesay to remove "coverture" from Section 10-50 of the Practice Book as a special defense.

After brief discussion, the Committee tabled this matter to its January meeting.

6. The Committee considered a proposal by Attorneys Ury, Pepe and Morizio to implement Minimum Continuing Legal Education (MCLE).

Attorney Michael Bowler, Statewide Bar Counsel, invited guest, was present and addressed questions and concerns of the Committee.

7. The Committee considered and discussed a Survey of States' MCLE Enforcement provisions.

Respectfully submitted,



Joseph J. Del Ciampo  
Counsel to the Rules Committee

## APPENDIX A (101915)

### **Sec. 14-7A. —Administrative Appeals Brought Pursuant to General Statutes § 4-183 et seq.; Appearances; Records, Briefs and Scheduling**

(a) Administrative appeals brought pursuant to General Statutes § 4-183 et seq. shall be served in accordance with applicable law either by certified or registered mail of the appeal, and a notice of filing [and recognizance] on a form substantially in compliance with Form JD-CV-137 ~~prescribed by the chief court administrator~~ or by personal service of the appeal, and a citation ~~and recognizance~~ on a form substantially in compliance with Form JD-CV-138 [prescribed by the chief court administrator]. The appeal shall be filed with the court in accordance with General Statutes § 4-183 (c).

(b) In administrative appeals brought pursuant to General Statutes § 4-183 et seq., the defendant shall file an appearance within thirty days of service made pursuant to General Statutes § 4-183 (c). Within thirty days of the filing of the defendant's appearance, or if a motion to dismiss is filed, within forty-five days of the denial of a motion to dismiss, the agency shall file with the court and transmit to all parties a certified list of the papers in the record as set forth in General Statutes § 4-183 (g), and, unless otherwise excluded by law or subject to a pending motion by either party, shall make the existing listed papers available for inspection by the parties.

(c) Except as provided in Section 14-7, or except as otherwise permitted by the judicial authority in its discretion, in an administrative appeal brought pursuant to General Statutes § 4-183 et seq., the record shall be transmitted and filed in accordance with this section. For the purposes of this section, the term "papers" shall include any and all documents, transcripts, exhibits, plans, minutes, agendas, correspondence, or other materials, regardless of format, which are part of the entire

record of the proceeding appealed from described in General Statutes §§ 4-183 (g) and 4-177 (d), including additions to the record pursuant to General Statutes § 4-183 (h).

(d) No less than thirty days after the filing of the certified list of papers in the record under subsection (b), the court and the parties will set up a conference to establish which of the contents of the record are to be transmitted and will set up a scheduling order, including dates for the filing of the designated contents of the record, for the filing of appropriate pleading and briefs, and for conducting appropriate conferences and hearings. No brief shall exceed thirty-five pages without permission of the judicial authority. At the conference, the court shall also determine which, if any, of the designated contents of the record shall be transmitted to the parties and/or the court in paper format because such papers are either difficult to reproduce electronically or difficult to review in electronic format.

(e) The agency shall transmit to the court certified copies of the designated contents of the record established in accordance with subsection (d).

(f) If any party seeks to include in such party's brief or appendices, papers the party deems material to its claim or position, which were not part of the designated contents of the record determined under subsection (d), but were on the certified list filed in accordance with subsection (b), such party shall file an amendment to the record as of right attaching such papers. In the event such an amendment to the record as of right is filed, the scheduling order may be adjusted to provide either party with additional time to file a brief or reply brief.

(g) No party shall include in such party's brief or appendices, papers that were neither part of the designated contents of the record under subsection (d), nor on the

certified list filed in accordance with subsection (b), unless the court requires or permits subsequent corrections of additions to the record under General Statutes § 4-183 (g) or unless an application for leave to present additional evidence is filed and granted under General Statutes § 4-183 (h) or (i).

(h) Disputes about the contents of the record or other motion, application or objection will be heard as otherwise scheduled by the court.

(i) If a party is not in compliance with the scheduling order, the judicial authority may, on its own motion or on motion of one of the parties, and after hearing, make such order, including sanctions, as the ends of justice require.

(j) Any hearings to consider the taxation of costs in accordance with General Statutes § 4-183 (g) shall be conducted after the court renders its decision on the appeal.

COMMENTARY: The changes to this section reflect 2015 legislative changes regarding bonds for prosecution and recognizance.

**Sec. 23-47. —Mandamus Order in [Aid of] a Pending Action**

Any party may move for [A]an order in the nature of a mandamus [may be made in aid of a] in a pending action, ~~upon the application of any party,~~ [and] A[a]ny person claimed to be charged with the duty of performing the act in question may be summoned before the court by the service upon that person of a rule to show cause.

COMMENTARY: The language of this section has been revised to make it easier to understand. No substantive changes are intended by these revisions.