

# MINUTES

## Civil Commission

### Subcommittee on Case Processing Meeting April 27, 2009

The Civil Commission Subcommittee on Case Processing met on April 27, 2009 at Court Operations, Room 204, 225 Spring Street, Wethersfield, CT

In Attendance: Hon. Marshall K. Berger, Jr. (co-chair), Atty Catherine Smith Nietzel (co-chair), Hon. Linda Lager, Atty Michael J. Dorney, Atty Robert L. Hirtle, Atty Jonathan B. Orleans.

Judge Berger opened the meeting at 2:08 PM and welcomed the members in attendance.

There were multiple items on the agenda, all relating to the processing of cases. The subcommittee discussed the items in groups, rather than individually.

#### Agenda Items 2, 3, and 7 Success in Case Processing, Examine Federal Court Procedures and Firm Scheduling Dates, Early Case Preparation

The subcommittee members began with discussion of the relationship between the work of the Uniformity Committee on Civil and the work of this subcommittee. After discussion, the members decided to address control of the dockets up to the Trial Management Conference.

Discussion then ensued regarding the types of cases that would benefit from having scheduling orders put in place as soon as the case is filed without creating added work when judge intervention is unnecessary. The members also discussed at what point in the case a trial date should be selected – when case filed or when the pleadings are closed. The idea was presented that there should be three conferences with the court – one for scheduling purposes in the beginning, one as a settlement process and the third, a Trial Management Conference before trial. The structure for the scheduling could be set up early and could explicitly provide for the filing of a summary judgment motion although the trial date would already be selected. Another suggestion was that cases with a self-identified value of over \$50,000 would be given an early status conference; other cases could be assigned to a mediation or arbitration program. A rule should be in place that the court which set the trial date first would take precedence over other trial dates. It was suggested that the attorneys prepare a proposed scheduling document which they sign. Thereafter, by a telephone conference with the Presiding Judge or his/her designee, the schedule could be discussed and a trial date set keeping in mind time allowances for various motions that would need to be filed. Atty. Nietzel will draft a proposal based on the discussions of the subcommittee, which she will send to Judge Berger. The proposal will then be circulated to subcommittee members to discuss by telephone conference.

Agenda Items 4, 5 and 6 Motion Process, Individual Scheduling, Scheduling Hearings at End of Day or a Specific Time

The subcommittee members discussed the short calendar scheduling process. Several suggestions were made, including assigning a few cases to every trial judge in a District with the calendars called at 9:30 am; dividing the hearings with some being scheduled in the morning and others in the afternoon; looking into the possibility of attorneys requesting a time for a hearing through the short calendar marking program or by phone call to the court; and providing a way for the attorney to notify the court through the short calendar marking program of the projected length of an argument on a motion marked "ready."

Agenda Item 8 Pretrial Effectiveness

The committee members agree that the status conferences would alleviate any problems with early pretrials. Scheduling pretrials before they are needed is not effective.

Agenda Item 9 Control of Abuse of Pleading Process

This item should be discussed by the Discovery Subcommittee because the greatest abuse occurs with discovery issues.

Agenda Item 10 Future Meetings

Next meeting will be by telephone conference.

Meeting adjourned at 4:00 PM.