

Draft Minutes of Meeting

Uniformity of Court Procedures
Subcommittee on Civil
Work Group on Administrative Appeals

Superior Court Operations
Room 206
225 Spring Street
Wethersfield, CT

April 28, 2009
10:00 AM

Those in attendance: Atty. Timothy Bates, Atty. Anthony Defilippis, Judge Langenbach (chair), Atty. Christopher Smith, Hon. William Rush, and Hon. Christine Vertefeuille

1. Welcome and Discussion of Work Group Task – Judge Langenbach welcomes the members of the work group.
2. Administrative Appeals – Discussion ensued as to how the administrative appeals are handled in various judicial districts. The concern of the bar, in general, is trying to implement an efficient process that tracks these cases so that they do not just “disappear.” Many lawyers like the way that New Haven handles administrative appeals, with a monthly calendar, through which the Judge handles administrative matters and then short calendar arguments. It works well with a single judge hearing motions on the administrative appeals.

The benefits and detriments of having a call of cases were discussed, along with the scheduling of pretrial, when and how pre-hearing motions should be heard, handling the settlements and withdrawals of administrative appeals (i.e., zoning and inland wetlands - P.B. 14-7A), and the assignment and hearing of administrative appeals. The work group discussed the difficulty of having the return of record within the mandated thirty days and the possibility of amending the rule and statute that requires that return.

3. Discussion of Uniformity Considerations/recommendations regarding appeals – After a review of the different land use appeals procedures among the districts and a discussion of ways to make those procedures more uniform and efficient, the work group will develop a uniform standing order on administrative appeals that incorporates aspects of the existing procedures, including a monthly call, which encourages people to stay on schedule and provides the opportunity to address the couple of motions that most frequently are filed in administrative appeals at a calendar on the same day. An advantage of the standing order would be that cases could be tracked and that motions could be heard by the same judge or the same group of judges. It would also be helpful if the judge who is hearing the administrative appeal were assigned early enough so that he or she would have the opportunity to review the briefs in the case. These appeals are closer in nature to an appellate argument than they are to a trial so

that having the time to read through the briefs and the record is especially important.

The suggestion was also made that if there were an administrative appeal that was particularly complicated or involved unique issues or multiple parties, the parties could ask that it be referred to the complex litigation docket.

The issue of the many different types of administrative appeals was raised. Staff will identify the types of appeals that are filed with the local judicial districts as opposed to being filed in Harford or New Britain (i.e., tax appeals). It may be better to limit the proposed standing order to appeals regarding wetlands, land use, the WPCA, historic district and aquifer protection since these types of appeals are similar and could be included on any administrative calendar. Many other types of appeals involve a trial de novo so that the briefing and trial schedule would be different. The possibility of adding a specific minor code to the summons form for appeals on historic district was also discussed.

Discussion also took place on cases in which a party files an appeal but is still negotiating with the town about settling the matter. While negotiations are ongoing, it is not in anyone's interest to produce pleadings or go to calendar calls. It might be helpful if such cases were assigned for a pretrial so they do not get lost.

A question was raised regarding the best way to handle a case with two counts, one of which is an administrative appeal and the other is a cause of action like a declaratory judgment.

4. Consideration of questions of docket management and uniformity –
5. Future Meetings – Staff will draft a standing order, incorporating the recommendations of the group and circulate it among the members of the work group. Once the work group has had the chance to review the draft, another meeting, in person or by telephone, can be arranged.

The meeting adjourned at 11:19 AM.