

**Connecticut Judicial Branch
Ebrieffs Transition and Development Committee**

**Meeting of Tuesday, January 8, 2019, at 2:30 pm
Attorney Conference room, 2nd Floor
Supreme Court Building
231 Capitol Ave,
Hartford, Connecticut**

**Co-Chairs: Honorable Gregory T. D’Auria, Supreme Court Justice
Honorable Ingrid L. Moll, Appellate Court Judge**

Committee Members	
<ul style="list-style-type: none">• Hon. Gregory T. D’Auria, co-chair, Supreme Court Justice• Hon. Ingrid L. Moll, co-chair, Appellate Court Judge• Attorney Jill Begemann, Counsel to the Chief Judge• Attorney Carl Cicchetti, Assistant Clerk-Appellate• Attorney Proloy Das, Connecticut Bar Association• P.J. Deak, Deputy Director, Court Operations Division• Joseph Gilgallon, Program Manager II, Appellate Information Technology Division• Attorney Emily Graner-Sexton, Connecticut Bar Association• Attorney Christopher Heller, Permanent Law Clerk to Chief Judge DiPentima• Attorney Paul Hartan, Chief Administrative Officer, Appellate Division	<ul style="list-style-type: none">• Attorney Daniel Krisch, Connecticut Bar Association• Attorney Jane Rosenberg, Solicitor General, Office of the Attorney General• Donald Turnbull, Director, Judicial Information Technology Division• Attorney Jonathan Weiner, Permanent Law Clerk to Chief Justice Robinson• Attorney Matthew Weiner, Assistant State’s Attorney• Attorney Lauren Weisfeld, Chief Legal Services, Division of the Public Defender• Attorney Jeffrey White, Connecticut Bar Association• Attorney Carolyn Ziogas, Chief Clerk, Supreme and Appellate Courts

I. Welcome and Introduction

Justice D’Auria and Judge Moll opened the meeting at 2:30 p.m. and asked everyone to introduce themselves. Judge Moll noted that the agenda was very ambitious but welcomed everyone to express their thoughts. Justice D’Auria encouraged everyone to think about the benefits and detriments of Ebrieffs during this discussion and at future meetings. Judge Moll added that any changes resulting from the committee’s work should yield something better than what we currently have.

II. Charge

Attorney Ziogas gave a history regarding the filing of paper and electronic briefs and talked about the charge of the committee. As directed by Chief Justice Robinson, the Appellate Division is to transition from its current procedure of requiring the filing of paper and electronic briefs to filing only electronic briefs. The overarching goal is to increase the functionality and readability of appellate briefs, thereby improving appellate practice for both the bench and counsel of record in matters before the Supreme Court and Appellate Court.

III. The User Experience – Pros and Cons

Joseph Gilgallon presented a video detailing the concept and functionality of electronic briefs with some of the pros and the cons. Attorney Hartan noted that rule changes would be necessary and that we would have a pilot program, which would be done as if the necessary rule changes had been implemented. Joseph Gilgallon demonstrated how an Ebrief would be viewable to the reader and how it would be navigated, compared to how the briefs are viewable now. Some of the differences include the ability to search the document without scrolling and to type notes on the document. Presently, documents are double-spaced, but with Ebriefs the spacing would change to a type of spacing that improves electronic readability. Bookmarks would be on the left side and would include the ability to click on the hyperlink and be directed to the correct portion within the brief.

IV. Discussion

Judge Moll indicated that other states and some federal courts already require the filing of only electronic briefs. The committee should look into the electronic briefing systems used in those states, including their use of hyperlinks. Justice D'Auria asked the committee members to give their thoughts on the cost of requiring hyperlinks. Attorney Das added that other states like Massachusetts and some of the federal circuits are Ebrief only. While there is a savings in terms of printing costs, Attorney Das pointed out that incorporating hyperlinks increases the cost for the practitioners and that Massachusetts does not require the use of hyperlinks. With that in mind, Attorney Das indicated it is unclear how much money is saved with the requirement of Ebriefs. Attorney White raised the question of security and what would happen to confidential electronic notes made on briefs if there were a breach. The committee also discussed whether there would be a need for a separate secured network for use by the parties during oral argument. Presently there is no ability for a party to connect to a network using a laptop or other electronic device in either the Supreme or Appellate Courts. Attorney Weisfeld indicated that she thinks it may be more difficult for judges to read electronic rather than paper briefs. Attorney Ziogas said that electronic briefs would provide the ability for better and quicker judicial review. Attorney Rosenberg indicated that she was concerned about the availability of state resources to check hyperlinks and use Westlaw, considering that Westlaw access is contractual. Attorney Graner-Sexton indicated that her firm spends significant amounts of time adding the hyperlinks and that this could get very costly and time consuming. She also added that studies have shown that the reader retains less when reading on a screen. Most of the time she uses both paper and screen to read a document. Attorney Ziogas responded that while adding the hyperlinks could increase time and cost, the eventual saving of time in not having to prepare appendices could decrease the cost. Attorney Krisch questioned whether

the reader would be able to understand fully and retain the information provided in an electronic brief. Justice D'Auria noted that members of the bench are becoming more accustomed to using technology. Attorney Weiner questioned how self-represented parties would file electronic briefs and whether they should be exempt. Judge Moll added that about 35% of the cases at the Appellate Court now have at least one self-represented party. Attorney Hartan said that self-represented parties would not be part of the pilot program; therefore, all issues regarding self-represented parties would be resolved prior to moving beyond the initial pilot program. He also raised the possibility of the Department of Corrections providing electronic access to inmates in the future. Justice D'Auria added that when Appellate E-filing was implemented, it was mandatory for only attorneys for about 6 months. Self-represented parties were not required to E-file until August, 2016. P.J. Deak added that this is not a question about whether or not we should proceed; rather, it is about how we are going to get it done. The three issues, in his view, that the committee needs to resolve are: security, hyperlinks, and paper savings. Attorney Ziogas added that the clerk's office conservatively estimated about 1.3 million pages of paper were used last year for briefs and appendices. Atty. White added that paper is not as expensive as the inclusion of hyperlinks to the briefs, which could be very problematic for some smaller firms. Judge Moll mentioned that the committee will also need to consider the impact that Ebriefs will have on the eleven judge trial referees who presently sit on the Appellate Court. Attorney Hartan added that we also need to consider whether changes will need to be made in each of the courtrooms.

V. Conclusion

Justice D'Auria and Judge Moll thanked the committee members and indicated that they will follow up with the committee concerning the formation of subcommittees.

Adjournment 3:30 PM