

Minutes of the Meeting
Code of Evidence Oversight Committee of the Supreme Court
January 21, 2015

On Wednesday, January 21, 2015, the Code of Evidence Oversight Committee of the Supreme Court met in the Supreme Court courtroom from 2:08 p.m. to 3:45 p.m.

Members in attendance were:

Hon. Thomas A. Bishop, Chairperson	Attorney Robert B. Adelman
Hon. Thomas D. Colin	Attorney Leonard C. Boyle
Hon. Steven D. Ecker	Attorney Margaret Q. Chapple
Hon. Barbara B. Jongbloed	Attorney Jack G. Steigelfest
Hon. Michael R. Sheldon	Attorney Lawrence J. Tytla
	Attorney Eric W. Wiechmann

Also participating were Professor Julia A. Simon-Kerr of the University of Connecticut Law School and academic advisor to the Committee, Attorney Eric Levine, Assistant Reporter of Judicial Decisions, and Attorney Lori A. Petruzzelli, Counsel to the Code of Evidence Oversight Committee of the Supreme Court.

The Hon. Eliot D. Prescott, Hon. Angela C. Robinson, Attorney Brian S. Carlow, and Attorney John R. Gulash were not in attendance at this meeting.

1. The Honorable Judge Thomas A. Bishop called the meeting to order at 2: 08 p.m.
2. The Committee unanimously approved the minutes of the meeting held on October 1, 2014.
3. Judge Bishop made opening remarks, thanking the Subcommittee on Electronically Stored Information (ESI), under the leadership of the Hon. Steven D. Ecker, for diligently studying developments in evidentiary issues affecting ESI and drafting proposals to the Code for presentation to the full Committee.
4. Judge Ecker reported on the work of the ESI Subcommittee and thanked the subcommittee members, Judges Colin and Robinson and Attorneys Wiechmann and Carlow for their efforts. Judge Ecker also extended his gratitude to Judge Bishop, Professor Simon-Kerr and Counsel to the Committee.

Judge Ecker explained that the existing Connecticut rules were flexible and adequately

accommodated issues pertinent to computer-related evidence. The Subcommittee's proposals give guidance and provide citations to relevant case law that best represents how Connecticut deals with ESI.

5. The Committee considered proposals by the ESI Subcommittee to amend the following provisions of the Connecticut Code of Evidence:

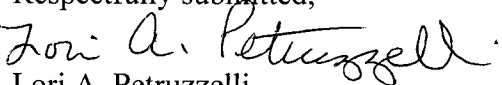
- a. Conn. Code Evid. Rule 1-2 (c) and commentary
- b. Conn. Code Evid. Rule 1-3 commentary
- c. Conn. Code Evid. Rule 8-1 (2) commentary
- d. Conn. Code Evid. Rule 8-3 (9) commentary
- e. Conn. Code Evid. Rule 8-4 commentary
- f. Conn. Code Evid. Rule 9-1 commentary
- g. Conn. Code Evid. Rule 9-3 and commentary
- h. Conn. Code Evid. Rule 10-1 and commentary
- i. Conn. Code Evid. Rule 10-2 and commentary
- j. Conn. Code Evid. Rule 10-3
- k. Conn. Code Evid. Rule 10-5
- l. Conn. Code Evid. Rule 10-6

During the meeting, the Committee drafted modifications to some of the above proposals. After discussion, the Committee asked Counsel to submit a redraft of the proposals, incorporating the discussed changes, for consideration at the next meeting.

6. Judge Bishop reported that the Supreme Court has asked the Committee to consider and to recommend to the Court whether the constancy of accusation doctrine should be abandoned in Connecticut. See Conn. Code Evid. Rule 6-11 (c). Materials will be provided to the Committee for further discussion at the next meeting.

7. After discussion, the next meeting was scheduled for Monday, February 23, 2015, in the Supreme Court courtroom.

8. The meeting was adjourned at 3:45 p.m.

Respectfully submitted,

Lori A. Petruzzelli
Counsel to the Code of Evidence Oversight
Committee of the Supreme Court