

Minutes
JUDGES' ADVISORY COMMITTEE ON E-FILING
Bridgeport Juvenile, 1st Floor Conference Room
August 1, 2012

2:00 p.m.

Present: Hon. Barbara Bellis, Hon. Patrick L. Carroll III (chair), Atty. Joseph D'Alesio, Hon. Linda Lager, Hon. Aaron Ment, Hon. Lynda Munro, and Hon. Barbara J. Quinn

Staff: Beth Bickley, P.J. Deak, Lucio DeLuca, Tais Ericson, Melissa Farley, Peggy George, Johanna Greenfield, Daniel Horwitch, David Iaccarino, Alice Mastrony, Pam Meotti, and Vicki Nichols.

1. Welcome and Acceptance of Minutes – Judge Carroll called the meeting to order at 2:03 p.m., welcomed Atty. Ericson as the new director of court operations, Atty. Meotti, the chief administrative officer of the Appellate System, and had the members and staff in attendance introduce themselves.

Judge Carroll then asked that the draft minutes of the March 7, 2012 meeting of the committee be approved as distributed and posted, and the minutes were approved unanimously.

2. Processing Fee Waivers – Judge Bellis brought to the attention of the committee a question regarding the processing of fee waiver applications. Practice Book section 8-2, 63-1 and 63-3 require fee waivers to be filed with the clerk. Often these fee waivers contain private information that is not covered by Practice Book section 4-7, but nonetheless, should not be displayed on the Internet. Discussion ensued about various aspects of the issue, including the need for public defenders to view the applications in family cases, the greater use for these applications in family cases, the interest of the public in who is getting fee waivers based on what criteria, the statutory requirements for filing of fee waivers, the possible need for a rule change, and the use of the Procedures and Technical Standards to address the problem. Judge Bellis suggested that the fee waiver application in a pending case be scanned in and made part of the file, but it would only be viewable at the courthouse. The file displayed electronically would reflect that an application for a fee waiver had been filed, but it would not display the document itself. The Procedures and Technical Standards will be amended to include information on the viewability of applications for fee waivers.

The related question is how the applications are handled if filed prior to the service and return of the case to court. Atty. Ericson will work on developing a policy to address all instances when an application for fee waiver could be filed to ensure that there is consistency in complying with the rules and statutes. The policy will be sent to the clerks.

3. Effective Date of Changes to the P.B. Sec. 10-13 – The proposal to make the effective date of changes to Practice Book section 10-13 on electronic certification October 1, 2012 instead of January 1, 2013 was brought to the committee for their input. The bar is very interested in having this rule change as soon as possible. The consensus was that a recommendation for a mail vote of the judges on the earlier effective date should be sent to the Rules Committee. Atty. Horwitch will draft a letter for Judge Quinn to send to Justice Eveleigh, chair of the Superior Court Rules Committee, requesting the mail vote.
4. E-file Mediation Requests – Judge Bellis asked that mediation requests be filed electronically in order to simplify the process and ensure more accurate statistics. Judge Lager and Atty. Ericson indicated that the ADR Committee had recommended this, and that a form was in development. The form would be filed electronically and then queued to caseload and to Lisa Gordon at Court Operations. It might also be possible to have mediations scheduled locally

instead of just centrally scheduled. The Committee agreed with having mediation requests filed electronically.

5. Password Protected E-Filed Documents – Twice an attorney has filed a PDF document electronically with the court, and the document was password protected so that it could not be viewed without the entry of a password. It would be possible for IT to block the filing of a password protected document and provide an error message to the filer at the time of filing. Discussion ensued as to whether the court had the authority to reject the filing, whether a rule change would be needed to allow the court to reject the filing, whether rejecting the filing could harm the lawyers who inadvertently file a password protected document, whether anything needed to be done about a document that would just remain in the file and not be acted on, and whether the issue needs to be addressed at this time. After discussion, the consensus was that the issue of password protected document filings should be monitored for a few months to determine whether it is a problem. If it becomes an issue, the Committee can discuss ways to address it, for example, adding language to the Procedures and Technical Standards or adding a notice to the system at the time someone attempts to file a password protected document.
6. Clarifying Recordation Page Dates and Notice Sent Date – In response to concerns expressed by Judge DiPentima regarding the difficulty of determining the date when a court notice was sent based on the information in Edison and e-filing for the pilot appellate e-filing case, the business process team came up with recommendations to change the language on JDNOs and on the recordation page in order to clarify the various dates. The Committee agreed with the recommendations.
7. Land Use Appeals Process – Judge Lager reported that Judge Berger and Krista Hess have developed a form for use in requesting a referral of land use appeals cases to the land use docket. The process will be the same as that used for referring cases to the complex litigation docket.

Atty. D'Alesio mentioned that when the docket is up and running, the Branch should publicize the land use docket. Atty. Farley said that External Affairs usually waits until a new program is up and running (a quiet live) and then issues releases about the program. Judge Lager will also add the land use docket launch to the agenda of the Civil Commission.

8. Update: Edison & E-Filing – P.J. Deak reported that the 4.0 release which was the major shift off of CATER, went fairly well. He then reviewed the timetable for future planned releases for e-filing and Edison, including the upcoming SRP release, electronic noticing, and a Savin-like option for attorneys, media and the public. He briefly discussed newly identified items, including small claims, housing, and child protection docket e-filing.
9. Personal Identifying Information – Atty. D'Alesio reported that concerns were raised by the CTLA and other members of the Bar about the proposal to open all civil files to remote public access because of the potential for jurors to access information that they should not have. In response to those concerns, the Branch is proposing that the clerk at the time voir dire begins would have the ability to block online access to the file only. The file would continue to be viewable at the courthouse. Discussion ensued concerning the need for clear instructions to clerks and caseflow on when the block should be implemented and removed, the limitation on the people who have the authorization to block online viewing of the file, and the notice that will be displayed while online access is unavailable. Since the reason for blocking online viewing of a case is only relevant in jury trials, this capability would only be applicable to civil cases. The Committee agreed to the proposal, and JIS will begin building this capability.
10. Judges Signatures on paperless memos of Decisions – Judge Bellis reported that a judge was concerned about the availability online of a judge's signature on a memorandum of

decision because of the possible fraudulent use of that signature. The signature on the memoranda of decision will be an e-signature, just as is currently used for judges' orders.

11. Discussion: Requiring Signature in Certification on Appearances – Attorney Ericson reported on the possible inconsistency between the e-filing system's rejection of an appearance that requires a signature and certification on an appearance form before filing and the clerk's not being required to review every paper-filed appearance form for signature and certification and reject forms that do not have the appropriate signature. The business process team is recommending that the e-filing system continue to require the signatures, but for paper appearances, clerks who notice an appearance without a signature will reject the filing, but they will not be required to review every appearance for the signature.

The Committee agreed with the recommendation.

12. Report Back: Clerk Electronic Signature and Editing/Appending E-Docs – P.J. Deak reported that the e-signature team has met twice. The team is proposing that the clerk's signature would involve putting the clerk's name on the document. Juris numbers were not an option since not every clerk has a juris number. If the clerk is logged into the system, the system will capture the data so that the name alone is sufficient to verify the signature. The team is also proposing a few options for handling the different kinds of processes that might require the clerk to enter information in response to an e-filed document. Using the JOE-Q, the clerks could enter information on a separate document, in the same way that the judge enters information and creates an order. In some instances, a clerk would need the option of writing directly on a document, so another option would be providing clerks with the ability to write on a document, with appropriate security measures and an audit trail. A third option would be to develop a method whereby the filer could provide data and then, once the clerk provides the additional pieces of information, the data could be turned into a PDF document. These options will be discussed with IT to determine what is feasible, and the team will meet again after that information is available.
13. Determining the priority of Certain Attorney Focus Group Suggestions: Focus groups seeking feedback on e-filing and E-Services were held earlier this year, and suggestions were made by people attending those groups. Some of the suggestions have already been addressed:

- The issue of "short service" has been addressed by a new rule, which will become effective January 1, 2012. The Committee has agreed to seek a mail vote of the judges to permit the rule to become effective October 1, 2012.
- Judges have been told about the problem with last-minute filings and short service.

Some other suggestions are:

- Have the system place a stamp across every document indicating the date, case name and docket number of the case in which the document was filed. This stamp is something the federal courts do. Up until now, it has been the Branch's policy not to alter what the attorney files. So long as it is clear that the stamp is generated by the court, it should not be a problem. The suggestion about adding the date, case name and docket number will be put on the list of items to be addressed in a future release.

The discussion turned to whether it would be feasible and helpful to include the time of filing as part of the stamp, which is something the appellate court is talking about including when they accept electronic filings. Certain issues exist with including the time of filing since the time of filing and the file date are not always the same because of the 5:00 PM cut-off for filing.

- Reconsider the 5:00 PM filing deadline - The Committee decided that until self-represented parties can e-file, the deadline should remain in place so that the self-represented parties are not disadvantaged. Once they can e-file, the deadline will be looked at again.
 - Charge non-appearing parties to view files. The Committee decided that adding charges at this time would not be feasible.
14. Atty. Focus Group Request: Free Text Area on System Generated Forms – Attorneys have requested that there be a free text area on system-populated forms so that they can add language to forms, such as the withdrawal. They are accustomed to adding language like “conditional withdrawal pending receipt of funds” or similar language on withdrawal forms, for example. Currently, they can no longer do this. The clerks believed that if we were going to allow the language, it should be part of the form, and not simply a free text box. The Committee has agreed that Judge Lager can take this question up with the Civil Commission and get back to this committee.
 15. Atty. Focus Group Request: Add Phone, Fax & Email Info on docket sheet – Although this information would be convenient for the law firms to have, it could result in problems, particularly in family cases, where someone’s telephone number or email would be more available. Someone who is not a party to the case could conceivably access the information and harass a self-represented party for example. The Committee declined to add this information to the case detail page.
 16. Designated Filers Request – An attorney had asked that designated filers be permitted to file other types of documents on behalf of attorneys. The Committee declined to extend the scope of the designated filer’s authority to file electronically.
 17. Attorney “RE-Filing” appearance to not accept E-Service – Atty. Ericson discussed a situation that occurred when an attorney filed an appearance in a case on which she indicated her agreement to accept electronic copies of documents. She immediately contacted the E-Support line because she wanted to change that agreement to accept electronic certification. The question was what should a party have to do or file in order to change their agreement about accepting electronic service. This “yes or no” question on the appearance form is a convenience for the filers, but it is not a practice book rule that it be on the form or be answered. Practice Book section 10-13 does require that parties have a written agreement in order to serve papers electronically so if the agreement is rescinded, the Court would need to know. After discussion, the suggestion was that a form should be created, such as “Notice of Change in Election of Service.” The form would be filed by parties seeking to agree to accept electronic service or those seeking to rescind their prior agreement to accept electronic service. Judge Lager will add this question to the Civil Commission agenda as well.
 18. Prioritizing PJR e-filing – Making prejudgment remedy applications electronically filable would be helpful to the clerks, the judges, and the Bar. To permit them to be filed electronically would require some changes to the underlying structure. IT people are currently looking at the process and figuring out what needs to be done to make it possible. The entire PJR process is one that should be reengineered, and it would probably include a statutory change. For now, IT will look at the issue, come up with an estimate as to the time it would take to develop the infrastructure, and that information will determine where the work could fit in to the existing schedule.
 19. Pre-6.0 – Update: Family Templates in Edison – Judge Munro reported that there is a nice collection of templates for family judges to use. If possible, it might be helpful for there to be a “teaching program” on the use of templates in Edison at the family fall division meeting. There is no need for the family judges to wait for electronic filing in order to utilize these templates. It will be important to keep the family templates separate from the civil templates

that judges are already using, and the ability to split the family and civil templates will be available some time in November.

20. 6.0 – Update: Family Equipment Needs - All family courtrooms have proper wiring and all the benches have e-file configurations. Courtroom clerks are also getting upgraded computers.

6.0: Additional Family Issues for Discussion – Judge Munro spoke briefly about the problem of lawyers' filing inappropriate motions. She wants to discuss the primary use of forms and situations where forms could not be used with the family commission and the judges. Forms in the courtroom could be very helpful in the family cases, such as fillable financial affidavits or support worksheets that could be done from computers electronically in a court service center and sent to the courtroom. The processes will have to be looked at in an effort to reduce the volume of paper filed that must then be scanned in to the file. The use of templates by family relations officers was also discussed. A group of people will have to take a close look at the process and flowchart what goes on in a family courtroom in order to come up with the best options for handling "day-of-hearing" filings.

21. Update: Appellate Court Access to Paperless Civil Files – Judge Carroll reported that the pilot electronic appellate file had created no issues at all for the Appellate Court, according to Judge DiPentima. Atty. Meotti will be talking with Atty. Begemann and Judge DiPentima about the pilot file. More and more of the trial court files are wholly electronic and making paper copies of an electronic file makes no sense.

Atty. Meotti provided some information on the development of appellate e-filing, which is projected to be in place and mandatory for everyone, including self-represented parties by the end of 2014.

There being no other business, the meeting adjourned at 3:38 PM.