

**Minutes**  
**JUDGES' ADVISORY COMMITTEE ON E-FILING**  
Bridgeport Juvenile, 1<sup>st</sup> Floor Conference Room  
Tuesday November 27, 2012 - 2:00 PM

Those Present: Hon. Barbara Bellis; Hon. Marshall Berger; Hon. Patrick L. Carroll III (chair); Hon. Linda Lager; Hon. Lynda Munro;

Staff Present: Beth Bickley; Joseph D'Alesio; P.J. Deak; Lucio DeLuca; Tais Ericson; Melissa Farley; Margaret George; Johanna Greenfield; Dan Horwitch; David Iaccarino; Alice Mastrony; Pamela Meotti; and Roberta Palmer.

1. Welcome & Acceptance of Minutes from 09/18/2012 – Judge Bellis opened the meeting. Upon motion and second, the minutes from September 18, 2012 were approved with Judge Munro abstaining.
2. Informational: JIS Will Be Moving In 2014 – Beth Bickley reported the JIS's lease is up in the fall of 2015. Space is currently being researched and preparation is underway for the move, which will involve both staff and data center space. Every effort is being made to minimize the operational impact of the move.
3. Printing Copies of Electronic Files For The Appellate Court – Attorney D'Alesio reported on a proposed appellate court rule change that would eliminate the requirement that the clerk of the trial court print copies of wholly paperless case files when the case is appealed. A discussion ensued on the practice of attaching unreported Superior Court decisions to briefs and motions, which results in the generation of a tremendous amount of unnecessary material being included in files. Addressing the inclusion of this superfluous paper would be best done at the trial court level.
4. Change of Election of Service / Updating & Adding Additional Email Addresses – A new form, JD-ES 286, has been created and is available online. Discussion ensued over the number of email addresses to which an attorney or self-represented party should be able to require other parties to make service, and whether the existing rule on certification (Sec. 10-13) provided for service at multiple addresses. The consensus was to leave it at one email address for now, since parties can agree between or among themselves to provide notice to multiple email addresses, but the question will remain on the agenda for future discussion.
5. Rule Change to Permit Electronic Delivery Confirmation – The US Postal Service and UPS, among other delivery companies, have an electronic signature device and the sender can get a copy of the signature. It is no longer necessary to have the green card returned to the sender to evidence delivery. The statutes were amended to provide for electronic and digital methods of return receipt, and at least one rule also allows electronic return receipt. Several rules require return receipt, and Atty. Horwitch drafted a proposed revision to those rules. He will circulate the proposal to the members of the Committee, and then submit it to the Rules Committee.
6. Disable Public Access During Jury Selection – Atty. D'Alesio reported that the mechanism to disable public access is available and can be activated whenever the decision is made. It would allow the clerk to block electronic access to the file anywhere except the courthouse in order to minimize the risk of a juror viewing inappropriate information during the course of a jury trial. The mechanism was developed largely in response to concerns expressed by the bar. Discussion ensued on various aspects of providing remote electronic public access to files, including how particular documents should be handled, such as fee waiver applications and offers of compromise. The committee also discussed when the blocking of a case should be initiated and by whom. After discussion, the committee agreed that the caseload coordinator would notify the clerk when the presiding judge assigns the case for jury selection or the Caseload coordinator would have authority themselves to disable the case on the internet. The business process for ensuring that the disabling takes place will be determined by the chief clerks and court operations. The committee further agreed that February 1, 2013 is the date when additional documents on civil case files would become available electronically on the website, except for sealed documents or fee waiver applications. February 1, 2013 is also the date when cases can be shut down (disabled) from remote electronic access, and be available for viewing only at the courthouse. The function for disabling public access will be made available in advance of the February 1<sup>st</sup> date to allow time for clerks to become familiar with the process. The opening of the files on the Internet will be a "quiet live" and a notice will be put on the website the second week in February.

A second part of the discussion involved offers of compromise. After discussion, the consensus was to make a change to the title of the motion. The title will be changed to reflect the statutory citation.

7. Retention Of Electronic Files – Judge Bellis reported that at the Rules Committee’s last meeting, a proposal regarding retaining files “forever” was discussed. The current retention schedule, in Chapter 7 of the Rules of Court, was essentially based upon storage of paper. The current rule does not mandate destruction, so some files are kept beyond the stated period. This issue of retention of files, which also includes the issue of retaining file information on the Branch website, needs further discussion. The consensus of the committee was to ask the Rules Committee to direct the chief court administrator to put together a group to study the issues.
8. A motion for Permission to Appear Pro Hac Vice – As of July 1, 2012, a new fee in the amount of \$600 was implemented on the filing of motion for Permission to Appear Pro Hac Vice. Several questions have come in from attorneys about whether a second fee must be paid when filing a “revised” motion for permission as a result of a denial of the first motion. After discussion, the committee agreed to table the question for now, and see whether this becomes a problem.
9. Family Questions Regarding Orders For Hearing and Notice- The Family BPA team asked the committee whether it would be possible to determine that all post-judgment motions require a notice and hearing. Currently, orders for hearing and notice are necessary most of the time, but there is not a clear threshold for making that determination. A related question is whether we can have the system assign the date for the hearing and also sign for the clerk. In short, can we assume that a requirement for an order for hearing and notice in all post-judgment motions and then determine how much we can automate the process? After discussion, the committee decided that we cannot assume that all such motions require an order for hearing and notice, and the system would workflow queue any items that might need an order. This process allows the clerk and the judge to review these motions as they do currently.

A related question is whether the clerk must print out the electronic document and send it to the party or whether simply sending out a notice to tell them where the document is would be sufficient. Practice Book Sec. 7-5 does permit electronic delivery of notices by the clerk. This matter will remain on the agenda for further discussion to determine how civil currently handles notice to parties in similar situations, such as prejudgment remedy applications and injunction matters.

10. Update: Edison & E-Filing – A question came up with respect to e-filing and self-represented parties. Once a self-represented party is able to log in to the system, can they ask for access to non-electronic files? It is a doorway in to civil and family cases for whatever functionality is available, such as short calendar markings in family cases or eventually access to FTR on a non-e-filable case. The consensus was that the functionality as built currently is fine, but it would not be turned on for any cases other than civil cases at this time. The e-filing time line for self-represented parties in civil files is May 11, 2013.

The Edison team is working on a January 5, 2013 release that includes a data extract of magistrate data for DSS and categories for judges’ order templates (civil and family). Two additional items are a request to change the name of the former CAM to J-ADR and look into the ability to put J-ADR events on the Internet and display both court and J-ADR events in Edison. Several new reports have been requested: one for the upcoming IndiCal program in Waterbury and several others for the new Court Operations statistician. Work is also ongoing on small claims, housing and child protection to migrate the systems to web-based systems.

11. Update: Family E-Filing Phase-I – Status/Progress - The Family BPAs are working on requirements to deliver in February to JIS so that JIS can estimate the time needed to develop family e-filing.
12. Update: Electronic Notices – The BPA team is working on developing e-noticing, similar to the SAVIN system, that would permit members of the public to sign up for electronic updates on events and filings in civil cases. Development of sending e-notices from the court electronically is also being worked on.
13. Prioritizing PJR E-Filing – JIS has a time estimate of about two months for creating the functionality to file PJRs electronically, and we are looking to see where we can fit this in. Judge Berger suggested re-engineering the entire PJR process. His work group on Civil Rules and Statutes will take up the discussion of PJRs. This will be discussed at a future meeting of the Judges’ Advisory Committee.

14. Activating Family WFQ In Edison – After discussion, it was decided that the workflow queue would be turned on six months prior to the firm family date.
15. Deactivating Attorney E-Filing Rights – Judge Berger talked about an issue that a judge was having with an attorney abusing electronic filing by continuing to file documents electronically in a case that has already been decided. After discussion, no action will be taken to build a mechanism to permit e-filing rights to be shut off on a particular case.
16. JOE-Q - “Who Present?” Field Location / Access For Judges – This field is rarely used by the judges. Judge Bellis had asked that it be removed from the judges’ site. After discussion, it was decided that Judge Bellis and P.J. Deak will obtain statistics about its use and this matter will be discussed further.
17. Maintenance Of Attorney Phone Numbers In Bar Master – Judge Bellis raised an issue from Judge Kaplan about the maintenance of telephone numbers for attorneys. Apparently there are phone numbers for attorneys displayed in Edison that have an incorrect area code. The phone numbers come from the Barmaster file. Although this is not really an e-filing issue, the Committee agrees with him that it can be a problem. Staff will look into this further.
18. Report Back: Clerk Electronic Signatures & Editing/Appending E-Docs – There is nothing further to report on this. Work is continuing on developing appropriate mechanisms to handle all scenarios where signatures are required.
19. Preparing to Move to the PDF/A Archival Standard – Web pages have been drafted and approved by Legal Services and will be posted in the near future. Initially, the information will simply be provided to put the bar on notice of the coming change, but it will ultimately be required. This new standard should not pose any problems for appellate e-filing.
20. Discuss Forms-Driven Process For Family (& Civil) – Judge Munro reported that the feedback from attorneys on the Family Commission was not positive. It was then clarified that a forms-driven process would be available, not mandatory. It is primarily directed at self-represented litigants, but if attorneys wanted to use it, they could. It would not be required of them.
21. 6.0: Additional Family Issues For Discussion – Judge Munro reported that family had a session and started to identify at every point paper enters the courtroom on short calendar. They brainstormed initially about what would happen if short calendar no longer looks the same. Moving toward individual calendaring/a single-judge docket would be a possibility. This option will be explored further.
22. Report Back: Automatic Stamp on All E-Documents- P.J. Deak will find out more about how the federal courts handle this automatic date stamp and report back at the next meeting.
23. New Business – Recently, a judge ordered the motion titles and the content of the additional description field to be changed on several motions that had been filed. The order was entered and then the firm contacted the courts to find out how this could be accomplished. Discussion ensued, and it included other possible options for handling such a situation in the future and a discussion about the potential abuse of the additional description field as we move forward in e-filing. This item will be placed on the agenda for the next meeting for further discussion.