

Minutes of the Meeting
Rules Committee of the Superior Court
Monday, January 9, 2023

On January 9, 2023, the Rules Committee met using Microsoft Teams from 2:00 p.m. to 2:37 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. COURTNEY M. CHAPLIN
HON. JOHN B. FARLEY
HON. ALEX V. HERNANDEZ
HON. TAMMY T. NGUYEN-O'DOWD
HON. W. GLEN PIERSON
HON. ELIZABETH J. STEWART

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, James T. O'Connor, Assistant Counsel to the Rules Committee, and Lori Petruzzelli, Assistant Counsel to the Rules Committee. Judges Stephanie A. McLaughlin and Sheila M. Prats were absent.

1. The Committee approved the minutes of the meeting held on December 12, 2022, with no revisions.

2. The Committee considered a proposal from Attorney Owen Weaver to amend the Practice Book to include uniform standard interrogatories and production requests for real property tax appeals (RC ID # 2021-027).

Attorney Greg Servodidio was present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal and suggested that an ad hoc committee consisting of Attorneys Greg Servodidio, Mario Coppola, Amy Blume, Barbara Coughlan, Owen Weaver, and Scott Schwefel will discuss and develop a set of

standardized discovery requests for property tax appeals. The Committee also asked Judge Cordani to serve as a resource to the ad hoc committee, as needed, and directed the ad hoc committee to keep Counsel updated on their progress.

3. The Committee considered a proposal from Attorney Joshua Goodbaum to amend the Practice Book to eliminate the requirement that sealed original printed deposition transcripts be provided to the party requesting the deposition and filed with the court (RC ID # 2022-011).

At its December meeting, the Committee asked Counsel to prepare a draft proposal for the Committee to consider that would allow other than original printed deposition transcripts to be required. Counsel prepared two drafts of suggested changes for the Committee to consider.

After discussion, the Committee tabled this proposal until its February meeting to give the Committee and the Connecticut Court Reporters Association an opportunity to review and comment on the draft changes offered by Counsel.

4. The Committee considered a proposal from Chief Administrative Judge Barbara Bellis to amend Practice Book Section 7-19 to make clear that the judge may conduct an ex parte review, but also has the option to have the application filed in the official file and/or allow for the filing of objections (RC ID # 2022-015).

At its December meeting, the Committee voted to submit the proposal to public hearing and directed Counsel to draft corresponding commentary to the revised proposal for the Committee to consider.

After discussion, the Committee voted unanimously to submit to public hearing the revised proposal with commentary, as set forth in Appendix A, attached to these minutes.

5. The Committee considered a proposal from the Freedom of Information Commission to adopt a new rule regarding the transfer of in camera records from FOIC to the trial court in administrative appeals of FOIC decisions (RC ID # 2022-017).

At its December meeting, the Committee tabled this proposal to allow Attorney Colleen Murphy, Executive Director and General Counsel of the FOIC, to meet with Judge Cordani and Court Operations. After discussing the matter with Judge Cordani and Court Operations, Attorney Murphy requested that the Committee table this proposal at this time.

After discussion, the Committee tabled this proposal consistent with Attorney Murphy's request.

6. The Committee considered a proposal from Judge Elizabeth Stewart to amend Practice Book Section 17-51 to explicitly permit the entry of summary judgment based on a defense when that defense only affects part of a claim (RC ID # 2022-020).

Attorney Jennifer Booker, president of the Connecticut Defense Lawyers Association (CDLA), was present and addressed the Committee on this matter. Judge Stewart also addressed the Committee on the matter.

After discussion, the Committee tabled this proposal to allow Attorney Booker to discuss this matter with the Board of Directors of the Connecticut Defense Lawyers Association and asked Judges Stewart and Pierson to meet with both the CDLA and the Connecticut Trial Lawyers Association (CTLA) to discuss the proposal.

7. The Committee considered a proposal from Attorney General William Tong to amend Practice Book Section 2-16 regarding pro hac vice admission to obviate the need for the Attorney General's Office to serve as local counsel for other states seeking admission to Connecticut Courts.

Associate Attorney General Jeremy Pearlman was present and addressed the Committee on this matter.

After discussion, the Committee tabled this matter indefinitely and directed Attorney Pearlman to address this matter with the legislature.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph J. Del Ciampo". The signature is written in a cursive style with a large initial "J" and "D".

Joseph J. Del Ciampo
Counsel to the Rules Committee

APPENDIX A

(010923)

Sec. 7-19. Issuing Subpoenas for Witnesses on Behalf of Self-Represented Litigants

(a) Self-represented litigants seeking to compel the attendance of necessary witnesses in connection with the hearing of any matter shall file an application to have the clerk of the court issue subpoenas for that purpose. The application shall include a summary of the expected testimony of each proposed witness so that the court may determine the relevance of the testimony. The clerk, after verifying the scheduling of the matter, shall present the application to the judge before whom the matter is scheduled for hearing, or the administrative judge or any judge designated by the administrative judge if the matter has not been scheduled before a specific judge, which judge shall [conduct an ex parte] review [of] the application, [and may direct or deny the issuance of subpoenas as such judge deems warranted under the circumstances, keeping in mind the nature of the scheduled hearing and future opportunities for examination of witnesses, as may be appropriate. If an application is denied in whole or in part, the applicant may request a hearing which shall be scheduled by the court.]

(b) The reviewing judge may act on the application ex parte, and may direct or deny the issuance of subpoenas as such judge deems warranted under the circumstances, keeping in mind the nature of the scheduled hearing and future opportunities for examination of witnesses, as may be appropriate. If an application is granted ex parte, in whole or in part, any party may file a motion for protective order or motion to quash, as appropriate. If an application is denied ex parte, in whole or in part, the applicant may request a hearing which shall be scheduled by the court. The reviewing judge may order that an application acted upon ex parte be placed in the official court file, whether or not a hearing is requested.

(c) If the reviewing judge does not act on the application ex parte, such judge shall direct

that the application be placed in the official court file to allow any party to file an objection, which objection will be filed by a date to be set by the reviewing judge. Having provided an opportunity for any party to object, the reviewing judge may direct or deny the issuance of subpoenas as such judge deems warranted under the circumstances, keeping in mind the nature of the scheduled hearing and future opportunities for examination of witnesses, as may be appropriate.

(d) Any party or non-party to whom a subpoena is directed pursuant to this rule may file a motion to quash or a motion for protective order as appropriate.

COMMENTARY: The changes to this section make clear that the judge may conduct an ex parte review of the application for issuance of subpoenas and may direct or deny the issuance of subpoenas as such judge deems warranted under the circumstances. If an application is granted ex parte, any party may file a motion for protective order or a motion to quash. If an application is denied ex parte, the applicant may request a hearing which shall be scheduled by the court. The reviewing judge may order that an application acted upon ex parte be placed in the official court file whether or not a hearing is requested.

If the application is not acted on by the reviewing judge ex parte, the judge shall direct that the application be placed in the official court file to allow any party to file an objection by a date set by the judge. Thereafter, the reviewing judge may direct or deny the issuance of subpoenas as such judge deems warranted under the circumstances.

Any party or non-party to whom a subpoena is directed may file a motion to quash or a motion for protective order as appropriate.