

On Monday, October 24, 2016, the Rules Committee met in the Supreme Court courtroom from 2:00 p.m. to 2:17 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR
HON. JON M. ALANDER
HON. WILLIAM H. BRIGHT, JR.
HON. KEVIN G. DUBAY
HON. ROLAND D. FASANO
HON. ROBERT L. GENUARIO
HON. SHEILA A. OZALIS
HON. DAVID M. SHERIDAN
HON. MARY E. SOMMER

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorneys Denise K. Poncini and Lori A. Petruzzelli of the Judicial Branch's Legal Services Unit.

1. The Committee unanimously approved the minutes of the meeting held on September 19, 2016.
2. The Committee considered a proposal submitted by Judge Bright on behalf of the Civil Commission to amend *Plaintiff's Requests for Production–Premises Liability*, Form 206, to add a request for production of any leases or maintenance agreements.

After discussion, the Committee unanimously voted to submit to public hearing this proposed addition to Form 206, as amended by the Committee, as set forth in Appendix A attached to these minutes.

3. The Committee considered a proposal submitted by Judge Bright on behalf of the Civil Commission to revise Section 13-8 to incorporate language added to Sec. 13-10 and to add language regarding Sections 13-2 through 13-5.

After discussion, the Committee unanimously voted to submit to public hearing the revision to Sections 13-8, as set forth in Appendix B attached to these minutes.

4. The Committee considered proposal submitted by Judge Bright on behalf of the Civil Commission to revise Section 13-10 regarding objections to discovery to add language regarding Section 13-2 through 13-5.

After discussion, the Committee unanimously voted to submit to public hearing the revisions to Section 13-10, as set forth in Appendix C attached to these minutes.

5. The Committee considered a proposal submitted by Judge Bright on behalf of the Civil Commission to revise Section 13-15 to clarify that there is a continuing duty to disclose even when there was only partial compliance subject to an objection or compliance notwithstanding an objection.

After discussion, the Committee unanimously voted to submit to public hearing the proposed revision to Section 13-15, as set forth in Appendix D attached to these minutes.

6. The Committee considered a proposal submitted by Attorney Lauren Weisfeld, on behalf of Public Defender Services, to amend Section 43-33 to require trial counsel to provide an electronic copy of his or her file to the Public Defender when Public Defender Services is appointed as appellate counsel.

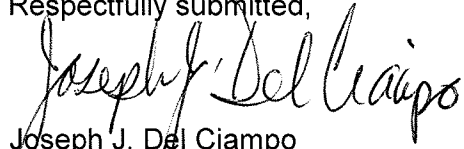
After discussion, the Committee decided to refer the matter to Judge Robert J. Devlin, Chief Court Administrator for Criminal Matters, the Connecticut Criminal Defense Lawyers Association, and the Criminal Justice Section of the Connecticut Bar Association for review and comment as appropriate.

7. The Committee considered a suggestion submitted by Attorney Susan Reeve on behalf of Paul Hartan, Chief Clerk, Appellate, to revise Section 43-34, regarding requests to withdraw based on an attorney's finding that an appeal is wholly frivolous, to follow the provisions of Section 23-41 regarding motions for leave to withdraw the appearance of appointed counsel in habeas corpus matters.

After discussion, the Committee decided to refer the matter to Judge Robert J. Devlin, Chief Court Administrator for Criminal Matters, the Connecticut Criminal Defense Lawyers

Association, and the Criminal Justice Section of the Connecticut Bar Association for review and comment as appropriate.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph J. Del Ciampo". The signature is written in a cursive style with a large initial "J".

Joseph J. Del Ciampo
Counsel to the Rules Committee

Appendix A (102416)

Form 206

Plaintiff's Requests for Production—Premises Liability

No. CV- : SUPERIOR COURT
(Plaintiff) : JUDICIAL DISTRICT OF
VS. : AT
(Defendant) : (Date)

The Plaintiff hereby requests that the Defendant provide counsel for the Plaintiff with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of _____ on _____ (day), _____ (date) at _____ (time).

In answering these production requests, the Defendant(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

- (1) A copy of the policies or procedures identified in response to Interrogatory #4.
(2) A copy of the report identified in response to Interrogatory #6.
(3) A copy of any written complaints identified in Interrogatory #10.
(4) A copy of declaration page(s) evidencing the insurance policy or policies identified in response to Interrogatories numbered _____ and _____.
(5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.
(6) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3 (c), by film, photograph, videotape, audiotape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.
(7) A copy of any photographs or recordings, identified in response to Interrogatory #12.
(8) A copy of any written leases(s) and any amendments or extensions to such lease(s) for the premises where the plaintiff claims to have been injured in effect at the time of the plaintiff's injury between you and the person or entity identified in Interrogatory #2.
(9) A copy of any written contract or agreement regarding the maintenance and inspection of the premises where the plaintiff claims to have been injured in effect at the time of the plaintiff's injury between you and the person or entity identified in Interrogatory #3.

PLAINTIFF,

BY _____

CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or

non-electronically on (date) _____ to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to*

*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

Signed (Signature of filer)	Print or type name of person signing	Date Signed
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Mailing address (Number, street, town, state and zip code) or E-mail address, if applicable	Telephone number
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COMMENTARY: The change to this form adds requests for production of any written lease or lease extension for the premises, and for the production of any contract or agreement regarding the maintenance and inspection of the premises in effect at the time of the alleged incident. Currently, a plaintiff is required to file a motion for permission to file supplemental requests for production in order to obtain the documents. This change will eliminate the need for such a motion.

Appendix B (102416)

Sec. 13-8. —Objections to Interrogatories

(a) The party objecting to any interrogatory shall: (1) set forth each interrogatory [immediately followed by reasons for the objection]; (2) specifically state the reasons for the objection; and (3) state whether any responsive information is being withheld on the basis of the stated objection. Objections shall be: (1) governed by the provisions of Sections 13-2 through 13-5; [(1)] (2) signed by the attorney or self-represented party making them; and [(2)] (3) filed with the court pursuant to Section 13-7. No objection may be filed with respect to interrogatories which have been set forth in Forms 201, 202, 203, 208, 210 and/or 212 of the rules of practice for use in connection with Section 13-6.

(b) No objections to interrogatories shall be placed on the short calendar list until an affidavit by either counsel is filed certifying that bona fide attempts have been made to resolve the differences concerning the subject matter of the objection and that counsel have been unable to reach an agreement. The affidavit shall set forth the date of the objection, the name of the party who filed the objection and the name of the party to whom the objection was addressed. The affidavit shall also recite the date, time and place of any conference held to resolve the differences and the names of all persons participating therein or, if no conference has been held, the reasons for the failure to hold such a conference. If any objection to an interrogatory is overruled, the objecting party shall answer the interrogatory, and serve the answer within twenty days after the judicial authority ruling unless otherwise ordered by the judicial authority.

(c) An interrogatory otherwise proper is not objectionable merely because it involves more than one fact or relates to the application of law to facts.

COMMENTARY: The proposed revisions to this section on objections to interrogatories incorporate the language regarding a specific statement of the reasons for an objection and a statement as to whether responsive information is being withheld on the basis of an objection that was added to Section 13-10 on objections to production. In addition, a statement that objections are governed by the provisions of Sections 13-2 through 13-5 has been added to this section.

Appendix C (102416)

Sec. 13-10. —Responses to Requests for Production; Objections

(a) The party to whom the request is directed or such party's attorney shall serve a written response, which may be in electronic format, within sixty days after the date of certification of service, in accordance with Sections 10-12 through 10-17, of the request or, if applicable, the notice of requests for production on the responding party or within such shorter or longer time as the judicial authority may allow, unless:

(1) Counsel and/or self-represented parties file with the court a written stipulation extending the time within which responses may be served; or

(2) Upon motion, the court allows a longer time; or

(3) Objections to the requests for production and the reasons therefore are filed and served within the sixty day period.

(b) All responses: (1) shall repeat immediately before the response the request for production being responded to; and (2) shall state with respect to each item or category that inspection and related activities will be permitted as requested, unless the request or any part thereof is objected to.

(c) Where a request calling for submission of copies of documents is not objected to, the party responding to the request shall produce those copies with the response served upon all parties.

(d) Objection by a party to certain parts of a request shall not relieve that party of the obligation to respond to those portions to which that party has not objected within the sixty day period.

(e) A party objecting to one or more of the requests for production shall file an objection in accordance with Section 13-10 (f).

(f) A party who objects to any request or portion of a request shall: (1) set forth the request objected to; (2) specifically state the reasons for the objection; and (3) state whether any responsive materials are being withheld on the basis of the stated objection. and (4) Objections shall be (1) governed by the provisions of Sections 13-2 through 13-5; (2) [sign the objections and file them] with the court.

(g) No objection may be filed with respect to requests for production set forth in Forms 204, 205, 206, 209 and/or 211 of the rules of practice for use in connection with Section 13-9.

(h) No objection to any request for production shall be placed on the short calendar list until an affidavit by counsel or self-represented parties is filed certifying that they have made good faith attempts to resolve the objection and that counsel and/or self-represented parties have been unable to reach an agreement. The affidavit shall set forth: (1) the date of the objection; (2) the name of the party who filed the objection and to whom the objection was addressed; (3) the date, time and place of any conference held to resolve the differences; and (4) the names of all conference participants. If no conference has been held, the affidavit shall also set forth the reasons for the failure to hold such a conference.

(i) If an objection to any part of a request for production is overruled, the objecting party shall comply with the request at a time set by the judicial authority.

(j) The party serving the request or the notice of request for production may move for an order under Section 13-14 with respect to any failure to respond by the party to whom the request or notice is addressed.

COMMENTARY: A statement that objections to requests for production are governed by the provisions of Sections 13-2 through 13-5 has been added to subsection (f) of this section. Other minor changes were made to the existing provisions in the subsection to accommodate the additional language.

Appendix D (102416)

Sec. 13-15. Continuing Duty to Disclose

If, subsequent to compliance with any request or order for discovery, including partial compliance subject to an objection or made notwithstanding an objection, and prior to or during trial, a party discovers additional or new material or information previously requested and ordered subject to discovery or inspection or discovers that the prior compliance was totally or partially incorrect or, though correct when made, is no longer true and the circumstances are such that a failure to amend the compliance is in substance a knowing concealment, that party shall promptly notify the other party, or the other party's attorney, and file and serve in accordance with Sections 10-12 through 10-17 a supplemental or corrected compliance.

COMMENTARY: The proposed revision will make clear that parties have a continuing duty to disclose even if there has been only partial compliance subject to an objection or compliance notwithstanding an objection.