

Minutes of the Meeting  
Rules Committee of the Superior Court  
Monday, November 14, 2022

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On November 14, 2022, the Rules Committee met in person and, simultaneously, by way of Microsoft Teams from 2:02 p.m. to 2:47 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR  
HON. COURTNEY M. CHAPLIN  
HON. JOHN B. FARLEY  
HON. STEPHANIE A. MCLAUGHLIN  
HON. TAMMY T. NGUYEN-O'DOWD  
HON. W. GLEN PIERSON  
HON. SHEILA M. PRATS  
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. Judge Alex V. Hernandez was absent.

1. The Committee approved the minutes of the meeting held on October 12, 2022, with minor revisions.

2. The Committee considered a proposal from the Advisory Committee on Appellate Rules concerning Rule 2.11 of the Code of Judicial Conduct (RC ID # 2022-006).

Judge Eliot Prescott was present and addressed the Committee on this matter.

After discussion, the Committee voted unanimously to submit to public hearing the proposal concerning Rule 2.11 of the Code of Judicial Conduct, as set forth in Appendix A, attached to these minutes.

4. The Committee considered a proposal from Judge James Abrams to amend Practice Book Section 7-11 to allow Civil Protection Orders to be retained for five years, as opposed to the current ten years (RC ID # 2022-010).

After discussion, the Committee voted unanimously to submit to public hearing the proposal to amend Practice Book Section 7-11 to allow Civil Protection Orders to be retained for five years, as set forth in Appendix B, attached to these minutes.

5. The Committee considered a proposal from Attorney Joshua Goodbaum to amend the Practice Book to eliminate the requirement for "original" printed deposition transcripts (RC ID # 2022-011).

The President of the Connecticut Court Reporter's Association, Christine Mannix, and Attorney Goodbaum were present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal until the December meeting and asked Ms. Mannix to research questions from the Committee about the court reporters' software capabilities and the security of transcripts in pdf format.

6. 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 September meeting, the Committee formed a workgroup consisting of Judges Farley, Stewart, and Pierson to study and revise the proposal. Judge Farley addressed the Committee to update it on the status of the workgroup's progress.

After discussion, the Committee tabled this proposal until the December meeting to give Judge Albis, Chief Administrative Judge, Family Matters, the opportunity to review the revised proposal and comment.

7. 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).

After discussion, the Committee tabled this proposal until the December meeting and referred it for review and comment to Judicial Branch Court Operations, Judge Bellis, Chief Administrative Judge, Civil Matters, and Judge Cordani, Presiding Judge for the Tax Session/Administrative Appeals.

9. The Committee considered a proposal submitted by the Connecticut Bar Examining Committee (CBEC) for various rules changes related to the CBEC's new online application process with applicant portal (RC ID # 2022-019).

Attorney Kathleen Harrington, Deputy Director of Attorney Services for the Judicial Branch, was present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal until the December meeting and referred it for review and comment to the Connecticut Bar Association.

Respectfully submitted,

A handwritten signature in blue ink, reading "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

(111422)

### Rule 2.11. Disqualification

(a) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned including, but not limited to, the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judge knows that the judge, the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:

(A) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(B) acting as a lawyer in the proceeding;

(C) a person who has more than a de minimis interest that could be substantially affected by the proceeding; or

(D) likely to be a material witness in the proceeding.

(3) The judge knows that he or she, individually or as a fiduciary, or the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding.

(4) The judge has made a public statement, other than in a court proceeding, judicial decision, or opinion that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

(5) The judge:

(A) served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

(B) served in governmental employment and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy; or

(C) was a material witness concerning the matter.

(b) A judge shall keep informed about the judge's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.

(c) A judge subject to disqualification under this Rule, other than for bias or prejudice under subsection (a) (1), may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification, provided that the judge shall disclose on the record the basis of such disqualification. If, following the disclosure, the parties and lawyers agree, either in writing or on the record before another judge, that the judge should not be disqualified, the judge may participate in the proceeding.

(d) Notwithstanding the foregoing, a judge may contribute to a client security fund maintained under the auspices of the court, and such contribution will not require that the judge disqualify himself or herself from service on such a client security fund committee or from participation in a lawyer disciplinary proceeding or in any matter concerning restitution or subrogation relating to such a client security fund.

(e) A judge is not automatically disqualified from sitting on a proceeding merely because a lawyer or party to the proceeding has filed a lawsuit against the judge or filed a complaint against the judge with the Judicial Review Council or an administrative agency. When the judge becomes aware pursuant to Practice Book Sections 1-22 (b), [or] 4-8, 66-9, or otherwise that such a lawsuit or complaint has been filed against him or her, the judge shall [, on the record, disclose that fact to the lawyers and parties to the proceeding before such judge, and the judge shall thereafter] proceed in accordance with Practice Book Section 1-22 (b) or 66-9.

(f) The fact that the judge was represented or defended by the attorney general in a lawsuit that arises out of the judge's judicial duties shall not be the sole basis for recusal by the judge in lawsuits where the attorney general appears.

COMMENT: (1) Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of subsections (a) (1) through (5) apply. In many jurisdictions, the term "recusal" is used interchangeably with the term "disqualification."

(2) A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

(3) The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute. In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.

(4) The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however, the judge's impartiality might reasonably be questioned under subsection (a) or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under subsection (a) (2) (C), the judge's disqualification is required.

(5) The Rule does not prevent a judge from relying on personal knowledge of historical or procedural facts acquired as a result of presiding over the proceeding itself.

(6) Subsection (d) is intended to make clear that the restrictions imposed by *Dacey v. Connecticut Bar Assn.*, 184 Conn. 21, 441 A.2d 49 (1981), or any implications therefrom should not be considered to apply to judges contributing to a client security fund under the auspices of the court.

**AMENDMENT NOTE—2011:** Comment (7) to Rule 2.11 was adopted by the judges of the Appellate Court on July 15, 2010, and the justices of the Supreme Court on July 1, 2010. It was not, however, adopted by the judges of the Superior Court.

(7) A justice of the Supreme Court or a judge of the Appellate Court is not disqualified from sitting on a proceeding merely because he or she previously practiced law with the law firm or attorney who filed an amicus brief in the matter, or the justice's or

judge's spouse, domestic partner, parent, or child, or any other member of the justice's or judge's family residing in his or her household is practicing or has practiced law with such law firm or attorney.

COMMENTARY: The change to this rule deletes the requirement that the judge, on the record, disclose the fact that a lawsuit or complaint has been filed against him or her, since the burden of disclosure under Section 1-22 and under (New) Section 66-9<sup>1</sup> being considered by the Advisory Committee on Appellate Rules is on the party or attorney filing the lawsuit or complaint.

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<sup>1</sup> **(NEW) Sec. 66-9. Disqualification of Appellate Jurists**

(a) A justice of the Supreme Court or a judge of the Appellate Court shall, upon motion of either party or upon its own motion, be disqualified from acting in a matter if such justice or judge is disqualified from acting therein pursuant to Rule 2.11 of the Code of Judicial Conduct.

(b) A justice of the Supreme Court or a judge of the Appellate Court is not automatically disqualified from acting in a matter merely because: (1) the justice or judge previously practiced law with the law firm or attorney who filed an amicus brief in the matter or the justice's or judge's spouse, domestic partner, parent, or child, or any other member of the justice's or judge's family residing in his or her household is practicing or has practiced law with such law firm or attorney; or (2) an attorney or party to the matter has filed a lawsuit against the justice or judge or filed a complaint against the justice or judge with the Judicial Review Council or an administrative agency.

(c) When an attorney or party who has filed a lawsuit or a complaint against a justice or judge is involved in a matter before the court on which the justice or judge sits, such attorney or party shall so advise the court and other attorneys and parties to the matter, and, thereafter, the justice or judge who is the subject of the disqualification issue shall either decide whether to disqualify himself or herself from acting in the matter or refer the disqualification issue to another justice or judge of the court for a decision.



## APPENDIX B

(111422)

### **Sec. 7-11. —Judgments on the Merits—Stripping and Retention**

(a) With the exception of actions which affect the title to land and actions which have been disposed of pursuant to Section 7-10, the files in civil, family and juvenile actions in which judgment has been rendered may be stripped and destroyed pursuant to the schedule set forth in subsection (d), except that requests relating to discovery, responses and objections thereto may be stripped after the expiration of the appeal period.

(b) When a file is to be stripped, all papers in the file shall be destroyed except:

(1) The complaint, including any amendment thereto, substituted complaint or amended complaint;

(2) All orders of notice, appearances and officers' returns;

(3) All military or other affidavits;

(4) Any cross complaint, third-party complaint, or amendment thereto;

(5) All responsive pleadings;

(6) Any memorandum of decision;

(7) The judgment file or notation of the entry of judgment, and all modifications of judgment;

(8) All executions issued and returned.

(c) Upon the expiration of the stripping date, or at any time if facilities are not available for local retention, the file in any action set forth in subsection (d) may be transferred to the records center or other proper designated storage area, where it shall be retained for the balance of the retention period. Files in actions concerning dissolution of marriage or civil union, legal separation, or annulment may, upon agreement with officials of the state library, be transferred to the state library at the expiration of their retention period.

(d) The following is a schedule which sets forth when a file may be stripped and the length of time the file shall be retained. The time periods indicated herein shall run from the date judgment is rendered, except receivership actions or actions for injunctive relief, which shall run from the date of the termination of the receivership or injunction.

<i>Type of Case</i>	<i>Stripping Date</i>	<i>Retention Date</i>
(1) Administrative appeals		3 years
(2) Contracts (where money damages are not awarded)	1 year	20 years
(3) Eminent domain (except as provided in Section 7-12)		10 years
(4) Family		
-Dissolution of marriage or civil union, legal separation, annulment and change of name	5 years	75 years
-Delinquency		Until subject is 25 years of age
-Family with service needs		Until subject is 25 years of age
-Termination of parental rights		Permanent
-Neglect and uncared for		75 years
-Emancipation of minor		5 years
-Orders in relief from physical abuse (General Statutes § 46b-15)		5 years

-Other		75 years
(5) Family support magistrate matters		75 years
-Uniform Reciprocal Enforcement of Support		75 years
-Uniform Interstate Family Support Act		75 years
(6) Landlord/Tenant		
-Summary process		3 years
-Housing code enforcement (General Statutes § 47a-14h)		5 years
-Contracts/Leases (where money damages are not awarded)	1 year	20 years
-Money damages (except where a satisfaction of judgment has been filed)	1 year	26 years
(7) Miscellaneous		
-Bar discipline		50 years
<u>-Civil Protection Order (General Statutes § 46b-16a)</u>		<u>5 years</u>
-Money damages (except where a satisfaction of judgment has been filed)	1 year	26 years
-Mandamus, habeas corpus, arbitration, petition for new trial, action for an accounting, interpleader		10 years
-Injunctive relief (where no other relief is requested)		5 years
(8) Property (except as provided in Section 7-12)	5 years	26 years
(9) Receivership		10 years
(10) Small claims		15 years
(11) Torts (except as noted below)	1 year	26 years
-Money damages if the judgment was rendered in an action to recover damages for personal injury caused by sexual assault where the party at fault was convicted under General Statutes § 53a-70 or § 53a-70a (except where a satisfaction of judgment has been filed)		Permanent

(12) Wills and estates	10 years
(13) Asset forfeiture (General Statutes § 54-36h)	10 years
(14) Alcohol and drug commitment (General Statutes § 17a-685)	10 years
(15) All other civil actions (except as provided in Section 7-12)	75 years