

**Minutes**  
**Complex Litigation Committee**  
**April 25, 2008**  
**10:00 a.m.**

The first meeting of the Complex Litigation Committee was held at the Fairfield Judicial District courthouse, 1061 Main Street, Bridgeport, CT, room 208, at 10:00 a.m.

Members in attendance were: Committee Chair Honorable Dennis Eveleigh; Honorable Robert E. Beach, Jr.; Honorable Marshall K. Berger, Jr.; Honorable Arthur A. Hiller; Honorable Alfred J. Jennings, Jr.; Honorable Linda K. Lager; Honorable Joseph M. Shortall; Attorney Joseph Burns; Attorney Catherine Smith Nietzel; Attorney Jonathan Orleans; Attorney William Prout; Attorney John Rose; Attorney Richard A. Silver; and Attorney Richard Weinstein.

Guests: Honorable Aaron Ment, Attorney Joseph D'Alesio, and Attorney Tais Ericson.

At 10:05 a.m., Honorable Dennis Eveleigh called the meeting to order.

Agenda Items:

1. Welcoming Remarks and Introductions:

Judge Eveleigh made opening remarks, welcoming committee members and guests, and asked members and guests to introduce themselves.

The charge of the Complex Litigation Docket (CLD) program was explained, and a statement was made regarding the committee having been formed as a result of focus groups conducted, during which problems and concerns with the Complex Litigation program were discussed.

A brief overview of the agenda items was given: a background/history of the inception of the Complex Litigation program; current status of the program; concerns presented by focus group participants; and creation of sub-committees to address issues.

2. History of Complex Litigation program:

Judge Ment presented a history on how the Complex Litigation program came to be. The presentation included information on: the Branch's objective to maintain a uniform court system by creating a complex litigation docket, rather than an additional court; utilization of a Differentiated Case Management Structure; significant additional resources needed for the complex docket (e.g. judges and

support staff); and the types of case envisioned that would be part of the complex litigation docket. It was pointed out that consistency was needed in the handling of complex cases, as one of the primary purposes of the Complex Litigation program it to get cases to a specific judge, through individual calendaring. Also noted was that the benefits of the program are well-known.

### 3. Current Status of Complex program:

Attorney Ericson presented statistics on the program, since it's inception in June of 1998, through March, 2008, which included total number of cases referred to the complex litigation docket (3,965); total cases disposed (3,337); total cases pending (628); total number of applications denied; and a breakdown by case-type of applications for the program, pending cases, cases denied, and cases disposed of. Also presented was information on the average number of applications filed each month (39) and who submitted the applications (i.e. 37% Presiding Judge, 36% defendant, 27% plaintiff).

### 4. Focus Group Comments/Suggestions from the bar:

Attorney D'Alesio discussed the focus group meetings held with the bar and the public, and the criticisms made regarding the Complex Litigation program. (A hand-out was given listing the comments and issues arising from the focus group meetings). Such comments included the length of time it takes to hear a complex case, the criteria and standards used to approve a case for the complex docket, attitudes of court officers, delay in hearing motions, and the over-all theme that "justice is delayed and denied", and the "Complex Litigation has failed".

An explanation of the focus group process was given- the focus group leaders simply collected responses and issues presented by the focus group members; they did not engage in challenging or defending any criticism.

### 5. Discussion and Assignment of Sub-committees:

A round table discussion was held, with questions and clarification about the focus group list of issues. The committee members also discussed Requests for Adjudication; the necessity for consistency in basic procedures amongst the different courts; and the possibility of going to single dockets for all civil cases (not just complex), where the same judge hears all pre-judgment matters for a case.

Medical malpractice cases were commented on, as to whether they should be on the complex litigation docket.

The committee also discussed the time it takes to dispose of a complex litigation case, as compared to a non-complex litigation case on the regular civil docket.

A suggestion was made for caseflow help in Stamford.

Discussion was held about the number of complex litigation judges available being inadequate, as well as the limited number of complex litigation court locations (i.e. Hartford, Waterbury, and Stamford).

The focus group issue of "... greater accountability for complex litigation judges" was discussed.

A proposal to form subcommittees was made, in order to address the issues and comments of the focus group. The following sub-committees were recommended: Administrative Committee, Standards (for Submission to Complex Litigation) Committee, and the Procedures Committee.

Committee members were asked to contact committee chair, Judge Eveleigh, about their willingness to volunteer for any of the sub-committees. A request was made for the sub-committees to be to meet, discuss, and formulate recommendations in May, 2008.

#### 6. Future meeting dates:

Judge Hiller recommended a meeting date in early June, 2008, during which the sub-committees will present their recommendations to the full Committee. Judge Hiller will select a date for the meeting. It was proposed that the next meeting be held in New Haven.

#### 7. Closing Remarks

Judge Eveleigh thanked committee members and guests for their participation in the meeting.

At 11:30 a.m. the meeting adjourned.