

Draft Minutes
Public Service and Trust Commission Committee on
Uniformity of Court Procedures
June 16, 2009

The Public Service and Trust Commission Committee on Uniformity of Court Procedures met at the Wethersfield, Room 4 B, 225 Spring Street, Wethersfield CT at 10:30 AM.

Those in attendance: Atty. Timothy Bates, Hon. Bernadette Conway, Atty. Tais Ericson, Hon. James T. Graham, Hon. Arthur A. Hiller, Hon. John J. Langenbach, Hon. Douglas C. Mintz (co-chair), Atty. Joseph R. Mirrione, Hon. Lynda B. Munro, Atty. Norman A. Roberts, Hon. William B. Rush, Hon. Marylouise Schofield, Hon. Christine S. Vertefeuille and Atty. Frederic S. Ury (co-chair).

The meeting was called to order at 10:35 AM by Judge Mintz.

1. Review and Approval of Minutes of the meeting of January 27, 2009 – Upon motion and second, the minutes were approved unanimously.
2. Report of subcommittee on Civil – Judge Hiller, chair of the subcommittee, presented the recommendations of the subcommittee.

Work Group on Trial Management Orders/Pretrials - After considerable debate and input from the various judicial districts and attorneys and bar associations, including the CBA, CTLA, and the CDLA, the work group drafted two trial management orders for civil courtside and jury trials. In addition, the work group is recommending a three-phase process for civil jury trials: a pretrial early in the process to discuss settlement and select trial dates; a trial management conference within two weeks prior to trial focused on settlement and the basics of trial logistics; and on the day of jury selection, a brief settlement conference, if such a conference appears to be warranted. Discussion ensued regarding requiring the use of numbers by both plaintiffs and defendants in marking exhibits, the difficulty in obtaining the cooperation of the opposing party in preparing joint trial management report, and the requirement of providing copies of the operative pleadings in the case. After discussion, the members determined that the language in the trial management order provided flexibility to customize the order in a particular case so no changes were needed.

Special Proceedings - The subcommittee is also recommending the adoption of uniform special proceedings processes, which will follow the procedures currently in place in New Britain, Waterbury and Hartford. A notice to be attached and served with the case initiation papers has been drafted by the subcommittee. After brief discussion, language was added to the draft to take into account hearings that might be necessary on an emergency basis.

Work Group on Administrative Appeals – After discussion among the members of the work group, a land use appeals standing order was drafted to address issues of uniformity among the judicial districts, to address concerns of the bar about the handling of land use appeals, and to address concerns of the bench and bar regarding the scheduling of hearings. A correction to the first sentence to reflect that the separate calendar will be for land use appeals, not all administrative appeals, was made.

Screening Process - The subcommittee is also recommending that the marshals develop and post a policy on procedures for screening attorneys and legal support staff bringing equipment and exhibits into the courthouse on a daily basis during a trial.

After discussion, and upon motion and second, the committee voted unanimously to approve the recommendations of the Subcommittee on Civil.

3. Report and recommendations of the Subcommittee on Family – Judge Schofield, chair of the subcommittee, presented the recommendations of the subcommittee, which met three times to identify the issues and propose solutions.

Work Group on Trial Management Orders/Pretrials - After review of current orders and discussions, the work group drafted three orders: a case management order, a pretrial order and a trial management order. The members of the group drafted orders that provide information to counsel and self-represented parties, recognize local customs of the Bar, and provide flexibility to the Presiding Judges in the judicial districts.

After discussion, and upon motion and second, the committee voted unanimously to approve the recommendations of the Subcommittee on Family.

4. Discussion of reports – The discussions of the reports took place after each chair presented the report and recommendations of the subcommittees. The committee will submit the recommendations from each subcommittee in its final report.

5. Additional topics for discussion:

- Administrative procedures for fee waivers and consideration of a more consistent review process for fee waivers – These two items are related and were discussed at the same time. After extensive discussion of the issues involved in fee waivers, including concerns about providing access to courts, the costs of frivolous lawsuits, and the need to propose revisions to existing statutes, the consensus was that revisions to the fee waiver process will require further study. Judge Graham proposed the following:

Court Operations should review the advisability of suggesting legislation to invest the court with discretion in allowing fee waivers in civil causes of action.

Upon motion and second, the committee voted unanimously to submit Judge Graham's recommendation with its report.

- Uniform procedures for requests for transcripts – After discussion and upon motion and second, the committee agreed to recommend that the current publication, Procedures for Ordering a Court Transcript, be displayed online under the Publications link; the form that is contained in that publication for requesting transcripts in non-appeal cases should be made an official form; and the form for requesting transcripts for appeals (JD-ES-38) should be made available online.
- Coordination of calendars within districts – After discussion as to the nature of the issue being addressed, the committee's unanimous consensus was that nothing should be done by the committee.
- Publicity of uniform procedures and variations from those procedures – The group discussed ways of publicizing the standing orders and uniform procedures, including posting them on the website, publishing notice in the Connecticut Law Journal, publicizing them through the CBA, CTJA, and CDLA and through articles in the Connecticut Lawyer. (Attorney Ury volunteered to do an article for the Connecticut Lawyer.) In addition, these uniform orders will be discussed with the presiding judges of civil and family at meetings in the fall. Once these recommendations are accepted by the chief court administrator, they will be publicized as widely as possible.

In addition to the initial publicity, the committee discussed the importance of ensuring that any changes or revisions to the orders are posted online consistently and quickly. One of the issues that came up in the focus groups was that some procedures were not posted or if posted, were no longer in use, so that lawyers did not know what to expect. After discussion, the committee unanimously recommended that court operations establish a procedure for monitoring and posting any changes to standing orders.

- Maintenance of uniform procedures once established – An extensive discussion ensued on this issue. After discussion, no recommendation was made.
6. Recommendations to be submitted – A report will be prepared containing the recommendations of the committee. The committee agreed unanimously to allow the co-chairs to review and submit the final report of the committee.
 7. Future meetings – The committee has completed its work. Judge Mintz thanked the members of the committee and the staff for their time and effort. No additional meetings will be needed.

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