Practice Book Revisions
Being Considered by the
Rules Committee of the Superior Court

Superior Court Rules
Forms

Including Commentaries to Proposals

April 19, 2016

NOTICE

Public Hearing on Practice Book Revisions Being Considered by the Rules Committee of the Superior Court

On May 16, 2016, at 10:00 a.m., the Rules Committee of the Superior Court will conduct a public hearing in the Supreme Court in Hartford for the purpose of receiving comments concerning Practice Book revisions that are being considered by the Committee. The revisions proposed by the Rules Committee have been posted on the Judicial Branch website at http://www.jud.ct.gov/pb.htm.

Pursuant to subsection (c) of section 51-14 of the Connecticut General Statutes, the Supreme Court has designated the Rules Committee to conduct this public hearing also for the purpose of receiving comments on any proposed new rule or any change in an existing rule that any member of the public deems desirable.

Comments may be forwarded to the Rules Committee by email at Joseph.DelCiampo@jud.ct.gov or may be forwarded to the Rules Committee at the following address and should be received by May 12, 2016:

Rules Committee of the Superior Court
Attn: Joseph J. Del Ciampo, Counsel
P.O. Box 150474
Hartford, CT 06115-0474

Each speaker at the public hearing will be limited to five minutes. Anyone who believes that they cannot cover their remarks within that time period may submit written comments to the Rules Committee. If written comments are submitted, ten copies should be provided.

Wheelchair access is located in the rear of the building, accessible from the staff parking lot between Lafayette and Oak Streets. There are a limited number of handicap parking spots in the gated staff lot, which is accessible from Oak Street. Use the intercom at the gate to speak to security about the availability of parking. Once at the accessible door, use the intercom to request entry from security. If you would like to attend the meeting and need an accommodation under the Americans with Disabilities Act, please email the Rules Committee at Joseph.DelCiampo@jud.ct.gov before May 12, 2016.

Hon. Dennis G. Eveleigh
Chair, Rules Committee

INTRODUCTION

Contained herein are amendments that are being considered to the Practice Book. These amendments are indicated by brackets for deletions and underlines for added language. The designation ‘‘NEW’’ is printed with the title of each proposed new rule.

Rules Committee of the Superior Court

PROPOSED AMENDMENTS TO THE GENERAL PROVISIONS OF THE SUPERIOR COURT RULES

Sec. 2-16. —Attorney Appearing Pro Hac Vice

An attorney who is in good standing at the bar of another state, the District of Columbia, or the commonwealth of Puerto Rico, may, upon special and infrequent occasion and for good cause shown upon written application presented by a member of the bar of this state, be permitted in the discretion of the court to participate to such extent as the court may prescribe in the presentation of a cause or appeal in any state court **[**of**]** or a proceeding before any municipal or state agency, commission, board or tribunal (hereinafter referred to as ''proceeding'') in this state; provided, however, that (1) such application shall be accompanied by the affidavit of the applicant (a) certifying whether such applicant has a grievance pending against him or her in any other jurisdiction, has ever been reprimanded, suspended, placed on inactive status, disbarred, or otherwise disciplined, or has ever resigned from the practice of law and, if so, setting forth the circumstances concerning such action, (b) certifying that the applicant has paid the client security fund fee due for the calendar year in which the application has been made, (c) designating the chief clerk of the superior court for the judicial district in which the attorney will be appearing as his or her agent upon whom process and service of notice may be served, (d) agreeing to register with the statewide grievance committee in accordance with the provisions of this chapter while appearing in the matter in this state and for two years after the completion of the matter in which the attorney appeared, and to notify

the statewide grievance committee of the expiration of the two year period, **[**and**]** (e) identifying the number of **[**cases in which**]** times the attorney has appeared pro hac vice in the superior court or in any other proceedings of this state since the attorney first appeared pro hac vice in this state, listing each such case or proceeding by name and docket number, as applicable, and (f) providing any previously assigned juris number and (2) unless excused by the judicial authority, a member of the bar of this state must be present at all proceedings, including depositions in a proceeding, and must sign all pleadings, briefs and other papers filed with the court, local or state administrative agency, commission, board or tribunal, and assume full responsibility for them and for the conduct of the cause or proceeding and of the attorney to whom such privilege is accorded. Any such application shall be made on a form prescribed by the chief court administrator. Where feasible, the application shall be made to the judge before whom such **[**cause**]** case is likely to be tried. If not feasible, or if no case is pending before the superior court, the application shall be made to the administrative judge in the judicial district where the matter is to be tried or the proceeding is to be conducted. Good cause for according such privilege shall be limited to facts or circumstances affecting the personal or financial welfare of the client and not the attorney. Such facts may include a showing that by reason of a long-standing attorney-client relationship predating the cause of action or subject matter of the litigation at bar, or proceeding, the attorney has acquired a specialized skill or knowledge with respect to the client's affairs important to the trial of the cause or presentation of the proceed-

ing, or that the litigant is unable to secure the services of Connecticut counsel. Upon the granting of an application to appear pro hac vice, the clerk of the court in which the application is granted shall immediately notify the statewide grievance committee of such action. Any person granted permission to appear in a **[**matter**]** cause, appeal or proceeding pursuant to this section shall comply with the requirements of Sections 2-68 and 2-70 and shall pay such fee when due as prescribed by those sections for each year such person appears in the matter. If the clerk for the judicial district or appellate court in which the matter is pending is notified that such person has failed to pay the fee as required by this section, the court shall determine after a hearing the appropriate sanction, which may include termination of the privilege of appearing in the **[**matter**]** cause, appeal or proceeding.

COMMENTARY: The changes to this section establish a requirement that an out-of-state attorney request permission to appear pro hac vice in any cause, appeal or proceeding before any Connecticut state court or any state or municipal agency, commission, board or tribunal by filing a written application, on a form prescribed by the chief court administrator, to the administrative judge of the court in the judicial district where the case is likely to be tried or proceeding is to be conducted. This amendment is necessary in light of the Connecticut Supreme Court opinion in *Persels & Associates, LLC* v. *Banking Commissioner*, 318 Conn. 652, 122 A.3d 592 (2015), in which the Court concluded that the sole authority to license and regulate the general practice of law rests in the Judicial Branch. The rule also

establishes additional information that must be included in an affidavit submitted with an application for permission to appear pro hac vice.

(NEW) Sec. 2-27A. Minimum Continuing Legal Education

(a) On an annual basis, each attorney admitted in Connecticut shall certify, on the registration form required by Section 2-27 (d), that the attorney has completed in the last calendar year no less than twelve credit hours of appropriate continuing legal education, at least two hours of which shall be in ethics/professionalism. The ethics and professionalism components may be integrated with other courses. This rule shall apply to all attorneys except the following:

(1) Judges and senior judges of the supreme, appellate or superior courts, judge trial referees, family support magistrates, family support magistrate referees, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges;

(2) Attorneys who are disbarred, resigned pursuant to Section 2-52, on inactive status pursuant to Section 2-56 et seq., or retired pursuant to Sections 2-55 or 2-55A;

(3) Attorneys who are serving on active duty in the armed forces of the United States for more than six months in such year;

(4) Attorneys for the calendar year in which they are admitted;

(5) Attorneys who, for good cause shown, have been granted temporary or permanent exempt status by the statewide grievance committee.

(b) Attorneys may satisfy the required hours of continuing education:

(1) By attending legal education courses provided by any local, state or special interest bar association in this state or regional or national

bar associations recognized in this state or another state (hereinafter referred to as ''bar association''); any private or government legal employer; any court of this or any other state; any organization whose program or course has been reviewed and approved by any bar association or organization which has been established in any state to certify and approve continuing legal education courses; and any other nonprofit or for-profit legal education providers, including law schools and other appropriate continuing legal education providers, and including courses remotely presented by video conference, webcasts, webinars, or the like by said providers.

(2) By self-study of appropriate programs or courses directly related to substantive or procedural law or related topics, including professional responsibility, legal ethics, or law office management and prepared by those continuing legal education providers in subsection (b) (1). Said self-study may include viewing and listening to all manner of communication, including, but not limited to, video or audio recordings or taking online legal courses. The selection of self-study courses or programs shall be consistent with the objective of this rule, which is to maintain and enhance the skill level, knowledge, ethics and competence of the attorney and shall comply with the minimum quality standards set forth in subsection (c) (6).

(3) By publishing articles in legal publications that that have as their primary goal the enhancement of competence in the legal profession, including, without limitation, substantive and procedural law, ethics, law practice management and professionalism.

(4) By teaching legal seminars and courses, including the participation on panel discussions as a speaker or moderator.

(5) By serving as a full-time faculty member at a law school accredited by the American Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein.

(6) By serving as a part time or adjunct faculty member at a law school accredited by the American Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein at the rate of one hour for each hour of classroom instruction.

(c) Credit Computation:

(1) Credit for any of the above activities shall be based on the actual instruction time, which may include lecture, panel discussion, and question and answer periods. Self-study credit shall be based on the reading time or running time of the selected materials or program.

(2) Credit for attorneys preparing for and presenting legal seminars, courses or programs shall be based on one hour of credit for each two hours of preparation. A maximum of six hours of credit may be credited for preparation of a single program. Credit for presentation shall be on an hour for hour basis. Credit may not be earned more than once for the same course given during a twelve month period.

(3) Credit for the writing and publication of articles shall be based on the actual drafting time required. Each article may be counted only one time for credit.

(4) Continuing legal education courses ordered pursuant to Section 2-37 (a) (5) or any court order of discipline shall not count as credit towards an attorney's obligation under this section.

(5) Attorneys may carry forward no more than two credit hours in excess of the current annual continuing legal education requirement to be applied to the following year's continuing legal education requirement.

(6) To be eligible for continuing legal education credit, the course or activity must: (A) have significant intellectual or practical content designed to increase or maintain the attorney's professional competence and skills as a lawyer; (B) constitute an organized program of learning dealing with matters directly related to legal subjects and the legal profession; and (C) be conducted by an individual or group qualified by practical or academic experience.

(d) Attorneys shall retain records to prove compliance with this rule for a period of seven years.

(e) Violation of this section shall constitute misconduct.

(f) Unless it is determined that the violation of this section was wilful, a non-compliant attorney must be given at least sixty days to comply with this section before he or she is subject to any discipline.

(g) A minimum continuing legal education commission (the ''commission'') shall be established by the Judicial Branch and shall be composed of four superior court judges and four attorneys admitted to practice in this state, all of whom shall be appointed by the Chief Justice of the Supreme Court or his or her designee and who shall serve without compensation. The charge of the commission will be to

provide advice regarding the application and interpretation of this rule and to assist with its implementation including, but not limited to, the development of a list of frequently asked questions and other documents to assist the members of the bar to meet the requirements of this rule.

COMMENTARY: It is the intention of this rule to provide attorneys with relevant and useful continuing legal education covering the broadest spectrum of substantive, procedural, ethical and professional subject matter at the lowest cost reasonably feasible and with the least amount of supervision, structure and reporting requirements, which will aid in the development, enhancement and maintenance of the legal knowledge and skills of practicing attorneys and will facilitate the delivery of competent legal services to the public.

The rule also permits an attorney to design his or her own course of study. The law is constantly evolving and attorneys, like all other professionals, are expected to keep abreast of changes in the profession and the law if they are to provide competent representation.

Subsection (a) provides that Connecticut attorneys must complete twelve credit hours of continuing legal education per calendar year. Subsection (a) also lists those Connecticut attorneys, who are exempt from compliance, including, among others: judges, senior judges, attorneys serving in the military, new attorneys during the year in which they are admitted to practice, and those who obtain an exempt status for good cause shown. The subsection also provides an exemption for attorneys who are disbarred, resigned, on inactive status due to

disability, or are retired. There is no exemption for attorneys who are suspended or on administrative suspension.

Subsection (d) requires an attorney to maintain adequate records of compliance. For continuing legal education courses, a certificate of attendance shall be sufficient proof of compliance. For self-study, a contemporaneous log identifying and describing the course listened to or watched and listing the date and time the course was taken, as well as a copy of the syllabus or outline of the course materials, if available, and, when appropriate, a certificate from the course provider, shall be sufficient proof of compliance. For any other form of continuing legal education, a file including a log of the time spent and drafts of the prepared material shall provide sufficient proof of compliance.

Sec. 3-9. Withdrawal of Appearance; Duration of Appearance

(a) An attorney or party whose appearance has been filed shall be deemed to have withdrawn such appearance upon **[**failure to file a written objection within ten days after written notice has been given or mailed to such attorney or party that a new appearance has been filed in place of the appearance of such attorney or party**]** the filing of a new appearance that is stated to be in place of the appearance on file in accordance with Section 3-8 and appropriate entries shall be made in the court file. An attorney or party whose appearance is deemed to have been withdrawn may file an appearance for the limited purpose of filing an objection to the in **[**lieu**]** place of appearance at any time.

(b) An attorney may withdraw his or her appearance for a party or parties in any action after the appearance of other counsel representing

the same party or parties has been entered. An application for withdrawal in accordance with this subsection shall state that such an appearance has been entered and that such party or parties are being represented by such other counsel at the time of the application. Such an application may be granted by the clerk as of course, if such an appearance by other counsel has been entered.

(c) In addition to the grounds set forth in subsections (a), (b), and (d), a lawyer who represents a party or parties on a limited basis in accordance with Section 3-8 (b) and has completed his or her representation as defined in the limited appearance, shall file a certificate of completion of limited appearance on judicial branch form JD-CL-122. The certificate shall constitute a full withdrawal of a limited appearance. Copies of the certificate must be served in accordance with Sections 10-12 through 10-17 on the client, and all attorneys and self-represented parties of record.

(d) All appearances of counsel shall be deemed to have been withdrawn 180 days after the entry of judgment in any action seeking a dissolution of marriage or civil union, annulment, or legal separation, provided no appeal shall have been taken. In the event of an appeal or the filing of a motion to open a judgment within such 180 days, all appearances of counsel shall be deemed to have been withdrawn after final judgment on such appeal or motion or within 180 days after the entry of the original judgment, whichever is later. Nothing herein shall preclude or prevent any attorney from filing a motion to withdraw with leave of the court during that period subsequent to the entry of judgment. In the absence of a specific withdrawal, counsel will continue

of record for all postjudgment purposes until 180 days have elapsed from the entry of judgment or, in the event an appeal or a motion to open a judgment is filed within such 180 day period, until final judgment on that appeal or determination of that motion, whichever is later. (e) Except as provided in subsections (a), (b), (c) and (d), no attorney shall withdraw his or her appearance after it has been entered upon the record of the court without the leave of the court.

(f) All appearances in juvenile matters shall be deemed to continue during the period of delinquency probation, family with service needs supervision, or any commitment to the commissioner of the department of children and families or protective supervision. An attorney appointed by the chief public defender to represent a parent in a pending neglect or uncared for proceeding shall continue to represent the parent for any subsequent petition to terminate parental rights if the attorney remains under contract to the office of the chief public defender to represent parties in child protection matters, the parent appears at the first hearing on the termination petition and qualifies for appointed counsel, unless the attorney files a motion to withdraw pursuant to Section 3-10 that is granted by the judicial authority or the parent requests a new attorney. The attorney shall represent the client in connection with appeals, subject to Section 35a-20, and with motions for review of permanency plans, revocations or postjudgment motions and shall have access to any documents filed in court. The attorney for the child shall continue to represent the child in all proceedings relating to the child, including termination of parental rights and

during the period until final adoption following termination of parental rights.

COMMENTARY: Prior to 2013, the existing appearance in the file was deemed to be withdrawn only if no objection to the in place of appearance was filed within ten days of the time that written notice of the new appearance was given or mailed. Effective October 1, 2013, the time limit for filing an objection was removed from Section 3-8 and an additional provision was added to permit an attorney or party to file an appearance for the limited purpose of objecting to an in place of appearance. The revision to this section eliminates the ten day delay in the withdrawal of the existing appearance and provides that the existing appearance is withdrawn upon the filing of the in place of appearance. Maintaining two appearances in this situation is unnecessary, confusing to parties and counsel, and potentially imposes legal or ethical obligations on an attorney who, in reality, should no longer have any responsibility for the client or the file. In the rare instance when the attorney or party does object to the in place of appearance, an appearance for the limited purpose of filing an objection and an objection can be filed at any time.

Sec. 7-17. Clerks' Offices

[Clerks' offices shall be open each weekday from Monday to Friday inclusive, between 9 o'clock in the forenoon and 5 o'clock in the afternoon, but they shall not be open on legal holidays.**]** The chief court administrator shall, from time to time, determine for each clerk's office the hours that it shall be open, provided that each clerk's office shall be open at least five days a week except during weeks which

include a legal holiday. The chief court administrator may increase the hours of the clerk's office for the purpose of the acceptance of bonds or for other limited purposes for one or more court locations. If the last day for filing any matter in the clerk's office falls on a day on which such office is not open as thus provided or is closed pursuant to authorization by the administrative judge in consultation with the chief court administrator or the chief court administrator due to the existence of special circumstances, then the last day for filing shall be the next business day upon which such office is open. Except as provided below, a document that is electronically received by the clerk's office for filing after 5 o'clock in the afternoon on a day on which the clerk's office is open or that is electronically received by the clerk's office for filing at any time on a day on which the clerk's office is closed, shall be deemed filed on the next business day upon which such office is open. If a party is unable to electronically file a document because the court's electronic filing system is nonoperational for thirty consecutive minutes from 9 o'clock in the forenoon to 3 o'clock in the afternoon or for any period of time from 3 o'clock to 5 o'clock in the afternoon of the day on which the electronic filing is attempted, and such day is the last day for filing the document, the document shall be deemed to be timely filed if received by the clerk's office on the next business day the electronic system is operational.

COMMENTARY: The change to this section authorizes the chief court administrator to establish, for each clerk's office, the hours of its operation, provided that each office is open at least five days per week unless the week contains a legal holiday. See General Statutes

§ 51-59. It is recommended that this provision, if adopted, be effective on passage or on the earliest possible date pursuant to Practice Book § 1-9.

PROPOSED AMENDMENTS TO THE CIVIL RULES

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

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.

COMMENTARY: The change to this section will assist the court in determining the relevance of the expected testimony of each proposed witness.

[Sec. 8-3. Bond for Prosecution

(a) Except as provided below, if the plaintiff in any civil action is not an inhabitant of this state, or if it does not appear to the authority signing the process that the plaintiff is able to pay the costs of the action should judgment be rendered against the plaintiff, he or she shall, before such process is signed, enter into a recognizance to the adverse party with some substantial inhabitant of this state as surety, or some substantial inhabitant of this state shall enter into a recognizance to the adverse party, that the plaintiff shall prosecute the action to effect, and answer all damages in case the plaintiff does not make his or her plea good; and no such recognizance shall be discharged by any amendment or alteration of the process between the time of signing and of serving it. (See General Statutes § 52-185 and annotations.)

(b) No recognizance shall be required of a self-represented complainant in a summary process action.**]**

COMMENTARY: This section should be repealed to reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

(NEW) Sec. 8-3A. Bond for Prosecution or Recognizance

No bond for prosecution or recognizance for prosecution shall be required of a party in any civil action unless ordered by the judicial authority upon motion and for good cause shown. If the judicial authority finds that a party is not able to pay the costs of the action, the judicial authority shall order the party to give a sufficient bond to pay taxable costs. In determining the sufficiency of the bond to be given,

the judicial authority shall consider only the taxable costs for which a party may be responsible under General Statutes § 52-257, except that in no event shall the judicial authority consider the fees or charges of expert witnesses notwithstanding that such fees or charges may be allowable under that section. Any party failing to comply with such order may be nonsuited or defaulted, as the case may be.

COMMENTARY: Sections 8-3 through 8-12, 14-7A, 23-45 through 23-47, the sections of the rules concerned with bonds for prosecution and recognizance, should be repealed or revised to reflect legislative changes to General Statutes §§ 52-185, 52-186, 52-187, 52-188, 52-190 and 47a-23. A bond for prosecution and a recognizance unnecessarily increase the burden on a self-represented party filing a lawsuit and do not provide any realistic security for costs on an action. Failure to provide a bond or include a recognizance in an action is no longer a basis for dismissing the action. The proposed changes provide the option that a bond or recognizance be required if there is good cause to believe that a party will be unable to pay the costs of an action, but it eliminates the requirement for a bond or a recognizance in all actions.

[Sec. 8-4. Certification of Financial Responsibility

(a) Except as provided below, in all actions wherein costs may be taxed against the plaintiff, no mesne process shall be issued until the recognizance of a third party for costs has been taken, unless the authority signing the writ shall certify thereon that he or she has personal knowledge as to the financial responsibility of the plaintiff and deems it sufficient.

(b) No recognizance shall be required of a self-represented complainant in a summary process action.

(c) No attorney shall enter into a recognizance upon a writ which such attorney signs.**]**

COMMENTARY: This section should be repealed to reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

[Sec. 8-5. Remedy for Failure to Give Bond

(a) When there has been a failure to comply with the provisions of Sections 8-3 and 8-4; the validity of the writ and service shall not be affected unless the neglect is made a ground of a motion to dismiss.

(b) If the judicial authority, upon the hearing of the motion to dismiss, directs the plaintiff to file a bond to prosecute in an amount deemed sufficient by the judicial authority, the action shall be dismissed unless the plaintiff complies with the order of the judicial authority within two weeks of such order.

(c) Upon the filing of such bond, the case shall proceed in the same manner and to the same effect as to rights of attachment and in all other respects as though the neglect had not occurred. The judicial authority may, in its discretion, order, as a condition to the acceptance of the bond, that the plaintiff pay to the defendant costs not to exceed the costs in full to the date of the order. (See General Statutes § 52-185 and annotations.)**]**

COMMENTARY: This section should be repealed to reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

[Sec. 8-6. Bond Ordered by Judicial Authority

If the judicial authority in which any action is pending finds that any bond taken therein for prosecution, or on appeal, is insufficient, or that the plaintiff has given no bond for prosecution and is not able to pay the costs, it shall order a sufficient bond to be given before trial, unless the trial will thereby necessarily be delayed. In determining the sufficiency of the bond to be given, the judicial authority shall consider only the taxable costs which the plaintiff may be responsible for under General Statutes § 52-257, except that in no event shall the judicial authority consider the fees or charges of expert witnesses notwithstanding that such fees or charges may be allowable under that section. Any party failing to comply with such order may be nonsuited or defaulted, as the case may be. Bonds for the prosecution of any civil action or appeal, pending in any court, may be taken in vacation by its clerk. (See General Statutes § 52-186 and annotations.)**]**

COMMENTARY: This section should be repealed to reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

[Sec. 8-7. Request to Furnish Bond

No order for a bond for prosecution will be made by the judicial authority unless it be shown that the adverse party has been requested in writing to furnish the same and has refused such request or has failed to file a satisfactory bond within a reasonable time after the request was made.**]**

COMMENTARY: This section should be repealed to reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

[Sec. 8-8. Member of Community Defending to Give Bond

If, in any action against a community, any individual member of such community appears to defend, he or she shall procure bond with surety to the acceptance of the court in which the action is pending, to save such community harmless from all costs which may arise by reason of such appearance, which bond shall be payable to such community and be filed in such court. Any such individual member who successfully defends against such action shall be entitled to the costs recoverable from the plaintiff unless the community likewise appeared and incurred the costs of such defense. (See General Statutes § 52-187 and annotations.)**]**

COMMENTARY: This section should be repealed to reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

[Sec. 8-9. Bond by Nonresident in Realty Action

Each nonresident defendant in any civil action relating to real estate or any interest therein, if any relief other than money damages is claimed, may be ordered by the judicial authority, during the pendency of such action, to give such bond to such other party or parties to such action as the judicial authority may direct, conditioned for the payment of costs. Judgment as on default may be rendered against any defendant who fails to comply with such order. (See General Statutes § 52-188.)**]**

COMMENTARY: This section should be repealed to reflect legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

Sec. 8-10. Surety Company Bond Acceptable

Any surety company chartered by this state or authorized to do business herein may be accepted as surety or recognizor upon any bond or recognizance required by law in any civil action or in any proceeding instituted under the statutes of this state and, in any case where a bond or recognizance is **[**by law**]** required by law, the bond of such company, duly executed and conditioned for the performance of the obligations expressed in such bond or recognizance, may be accepted by the person having authority thereto, **[**and**]** who shall **[**be filed by him or her in**]** file it with the court **[**to which such**]** where the action or proceeding is returnable or pending. (See General Statutes § 52-189 and annotations.)

COMMENTARY: The changes to this section reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

[Sec. 8-11. Action on Probate Bond; Endorsement of Writ

The writ in any action brought upon a probate bond, or bond taken to a judge of probate and such judge's successors in office, shall be dismissed unless, before its issue, some responsible inhabitant of the state signs a written endorsement upon it, agreeing to be responsible for the costs of suit. If the endorser dies or removes from this state, a new endorser on such writ shall be substituted; and the court before which the suit is pending may at any time order the substitution of a

new endorser to be approved by it. For any failure to comply with such an order the plaintiff may be nonsuited. (See General Statutes § 52-190 and annotations.)**]**

COMMENTARY: This section should be repealed to reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

Sec. 8-12. Renewal of Bond

Bonds given in the course of any judicial proceedings may, for reasonable cause and upon due notice, be renewed, or other bonds taken in lieu of them, by the **[**court, or by the judge before whom the matter is pending**]** judicial authority.

COMMENTARY: The changes to this section reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

Sec. 10-32. —Waiver Based on Certain Grounds

Any claim of lack of jurisdiction over the person **[**or improper venue**]** or insufficiency of process or insufficiency of service of process is waived if not raised by a motion to dismiss filed in the sequence provided in Sections 10-6 and 10-7 and within the time provided by Section 10-30.

COMMENTARY: In 2015, ''improper venue'' was removed from Section 10-30 as one of the grounds for a motion to dismiss. The change to this section is consistent with the amendment to Section 10-30.

Sec. 10-60. —Amendment by Consent, Order of Judicial Authority, or Failure to Object

(a) Except as provided in Section 10-66, a party may amend his or her pleadings or other parts of the record or proceedings at any time subsequent to that stated in the preceding section in the following manner:

(1) By order of judicial authority; or

(2) By written consent of the adverse party; or

(3) By filing a request for leave to file **[**such**]** an amendment**[**, with the amendment appended,**]** together with: (a) the amended pleading or other parts of the record or proceedings, and (b) an additional document showing the portion or portions of the original pleading or other parts of the record or proceedings with the added language underlined and the deleted language stricken through or bracketed. The party shall file the request and accompanying documents after service upon each party as provided by Sections 10-12 through 10-17, and with proof of service endorsed thereon. If no party files an objection to the request **[**thereto has been filed by any party**]** within fifteen days from the date it is filed **[**of the filing of said request**]**, the amendment shall be deemed to have been filed by consent of the adverse party. If an opposing party shall have objection to any part of such request or the amendment appended thereto, such objection in writing specifying the particular paragraph or paragraphs to which there is objection and the reasons therefor, shall, after service upon each party as provided by Sections 10-12 through 10-17 and with

proof of service endorsed thereon, be filed with the clerk within the time specified above and placed upon the next short calendar list.

(b) The judicial authority may restrain such amendments so far as may be necessary to compel the parties to join issue in a reasonable time for trial. If the amendment occasions delay in the trial or inconvenience to the other party, the judicial authority may award costs in its discretion in favor of the other party. For the purposes of this rule, a substituted pleading shall be considered an amendment. (See General Statutes § 52-130 and annotations.)

COMMENTARY: The revision to this section requires the person seeking to file the proposed amended pleading or other part of the record or proceeding to, in addition to filing an entirely new amended pleading, file an additional document showing the portion or portions of the original pleading or other parts of the record or proceedings and the added or deleted language so that the reader does not have to examine the entire new proposed pleading to discover or find the new language. This change will make it easier for the court and the opposing party to see what the proposed amendment is and where it is located.

Sec. 10-66. —Amendment of Amount in Demand

A party may amend the party's statement concerning the amount in demand by order of the judicial authority upon filing of a motion for leave to file such amendment, with a copy of the amendment appended, after service upon each party as provided by Sections 10-12 through 10-17, and with proof of service endorsed thereon. After obtaining permission of the judicial authority, the moving party shall

file the [original amendment] amended statement of amount in demand with the clerk[. If the amount, legal interest or property in demand was alleged to be less than $2500 in accordance with the provisions of Section 10-20, or, prior to October 1, 1979, was alleged to be less than $7500, and the party has been given permission by a judicial authority to amend the demand to an amount in excess of either amount, the party] and shall pay any entry fee prescribed by statute to the clerk when the amendment is filed.

COMMENTARY: The revision to this section deletes the portion of the rule that references specific amounts, but retains the remainder of the rule.

Sec. 11-1. Form of Motion and Request

Every motion, request, application or objection directed to pleading or procedure, unless relating to procedure in the course of a trial, shall be in writing. A motion to extend time to plead, respond to written discovery, object to written discovery, or respond to requests for admissions shall state the date of the certification of service of the document for which an extension is sought and the date through which the moving party is seeking the extension.

(a) For civil matters, with the exception of housing, family and small claims matters, when any motion, application or objection is filed either electronically or on paper, no order page should be filed unless an order of notice and citation is necessary.

(b) For family, juvenile, housing and small claims matters, when any motion, application or objection is filed in paper format, an order shall be annexed to the filing until such cases are incorporated into the

Judicial Branch's electronic filing system. Once these case types are incorporated into such electronic filing system, no order page should be filed unless an order of notice and citation is necessary.

(c) Whether filed under subsection (a) or (b), such motion, request, application or objection shall be served on all parties as provided in Sections 10-12 through 10-17 and, when filed, the fact of such service shall be endorsed thereon. Any such motion, request, application or objection, as well as any supporting brief or memorandum, shall include a page number on each page other than the first page, except that this requirement shall not apply to forms supplied by the Judicial Branch or generated by the electronic filing system.

COMMENTARY: The purpose of this revision is to inform the court of the length of time being sought in the totality. The party filing a standard disclosure request does not file any notice with the court as to the date of the filing of the request. See Sections 13-6 (d) and 13-9 (e). Unless the movant states the date of the certification of service of the document in its motion, the court does not know whether the extension sought in the motion is reasonable or if the motion should be a request. See Sections 13-7 (a) (2) and 13-10 (a) (2).

Sec. 13-3. —Materials Prepared in Anticipation of Litigation; Statements of Parties; Privilege Log

(a) Subject to the provisions of Section 13-4, a party may obtain discovery of documents and tangible things otherwise discoverable under Section 13-2 and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative only upon a showing that the party seeking discovery has substantial

need of the materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the judicial authority shall not order disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

(b) A party may obtain, without the showing required under this section, discovery of the party's own statement and of any nonprivileged statement of any other party concerning the action or its subject matter.

(c) A party may obtain, without the showing required under this section, discovery of any recording, by film, photograph, **[**videotape**]** video, **[**audiotape**]** audio or any other digital or electronic means, of the requesting party and of any recording of any other party concerning the action or the subject matter, thereof, including any transcript of such recording, prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative. A party may obtain information identifying any such recording and transcript, if one was created, prior to the deposition of the party who is the subject of the recording; but the person from whom discovery is sought shall not be required to produce the recording or transcript until thirty days after the completion of the deposition of the party who is the subject of the recording or sixty days prior to the date the case is assigned to commence trial, whichever is earlier; except that if a deposition of the party who is the subject of the recording was not

taken, the recording and transcript shall be produced sixty days prior to the date the case is assigned to commence trial. If a recording was created within such sixty day period, the recording and transcript must be produced immediately. No such recording or transcript is required to be identified or produced if neither it nor any part thereof will be introduced into evidence at trial. However, if any such recording or part or transcript thereof is required to be identified or produced, all recordings and transcripts thereof of the subject of the recording party shall be identified and produced, rather than only those recordings, or transcripts or parts thereof that the producing party intends to use or introduce at trial.

(d) When a claim of privilege or work product protection has been asserted pursuant to Sections 13-5 or 13-10 in response to a discovery request for documents or electronically stored information, the party asserting the privilege or protection shall provide, within forty-five days from the request of the party serving the discovery, the following information in the form of a privilege log:

(1) The type of document or electronically stored information;

(2) The general subject matter of the document or electronically stored information;

(3) The date of the document or electronically stored information;

(4) The author of the document or electronically stored information;

(5) Each recipient of the document or electronically stored information; and

(6) The nature of the privilege or protection asserted.

The privilege log shall initially be served upon all parties but not filed in court.

If the information called for by one or more of the foregoing categories is itself privileged, it need not be disclosed. However, the existence of the document and any nonprivileged information called for by the other categories must be disclosed.

A privilege log must be prepared with respect to all documents and electronically stored information withheld on the basis of a claim of privilege or work product protection, except for the following: written or electronic communications after commencement of the action between a party and the firm or lawyer appearing for the party in the action or as otherwise ordered by the judicial authority.

COMMENTARY: The change to this section clarifies that only recordings prepared by a party in anticipation of litigation or for trial, and not just any recordings, are covered by this rule.

Sec. 13-4. —Experts

(a) A party shall disclose each person who may be called by that party to testify as an expert witness at trial, and all documents that may be offered in evidence in lieu of such expert testimony, in accordance with this section. The requirements of Section 13-15 shall apply to disclosures made under this section.

(b) A party shall file with the court and serve upon counsel a disclosure of expert witnesses which identifies the name, address and employer of each person who may be called by that party to testify as an expert witness at trial, whether through live testimony or by

deposition. In addition, the disclosure shall include the following information:

(1) Except as provided in subdivision (2) of this subsection, the field of expertise and the subject matter on which the witness is expected to offer expert testimony; the expert opinions to which the witness is expected to testify; **[**and**]** the substance of the grounds for each such expert opinion; and the written report of the expert witness, if any. The report shall not be filed with the court. Disclosure of the information required under this subsection may be made by making reference in the disclosure to**[**, and contemporaneously producing to all parties, a**]** the written report of the expert witness containing such information. **[**The parties shall not file the expert's written report with the court.**]**

(2) If the witness to be disclosed hereunder is a health care provider who rendered care or treatment to the plaintiff, and the opinions to be offered hereunder are based upon that provider's care or treatment, then the disclosure obligations under this section may be satisfied by disclosure to the parties of the medical records and reports of such care or treatment. A witness disclosed under this subsection shall be permitted to offer expert opinion testimony at trial as to any opinion as to which fair notice is given in the disclosed medical records or reports. Expert testimony regarding any opinion as to which fair notice is not given in the disclosed medical records or reports must be disclosed in accordance with subdivision (1) of subsection (b) of this section. The parties shall not file the disclosed medical records or disclosed medical reports with the court.

(3) Except for an expert witness who is a health care provider who rendered care or treatment to the plaintiff, or unless otherwise ordered by the judicial authority or agreed upon by the parties, the party disclosing an expert witness shall, upon the request of an opposing party, produce to all other parties all materials obtained, created and/or relied upon by the expert in connection with his or her opinions in the case within fourteen days prior to that expert's deposition or within such other time frame determined in accordance with the Schedule for Expert Discovery prepared pursuant to subsection (g) of this section. If any such materials have already been produced to the other parties in the case, then a list of such materials, made with sufficient particularity that the materials can be easily identified by the parties, shall satisfy the production requirement hereunder with respect to those materials. If an expert witness otherwise subject to this subsection is not being compensated in that capacity by or on behalf of the disclosing party, then that party may give written notice of that fact in satisfaction of the obligations imposed by this subsection. If such notice is provided, then it shall be the duty of the party seeking to depose such expert witness to obtain the production of the requested materials by subpoena or other lawful means.

(4) Nothing in this section shall prohibit any witness disclosed hereunder from offering nonexpert testimony at trial.

(c) (1) Unless otherwise ordered by the judicial authority upon motion, a party may take the deposition of any expert witness disclosed pursuant to subsection (b) of this section in the manner prescribed in Section 13-26 et seq. governing deposition procedure generally.

Nothing contained in subsection (b) of this section shall impair the right of any party from exercising that party's rights under the rules of practice to subpoena or to request production of any materials, to the extent otherwise discoverable, in addition to those produced under subsection (b) of this section, in connection with the deposition of any expert witness, nor shall anything contained herein impair the right of a party to raise any objections to any request for production of documents sought hereunder to the extent that a claim of privilege exists.

(2) Unless otherwise ordered by the judicial authority for good cause shown, or agreed upon by the parties, the fees and expenses of the expert witness for any such deposition, excluding preparation time, shall be paid by the party or parties taking the deposition. Unless otherwise ordered, the fees and expenses hereunder shall include only (A) a reasonable fee for the time of the witness to attend the deposition itself and the witness' travel time to and from the place of deposition; and (B) the reasonable expenses actually incurred for travel to and from the place of deposition and lodging, if necessary. If the parties are unable to agree on the fees and expenses due under this subsection, the amount shall be set by the judicial authority, upon motion.

(d) (1) A party shall file with the court a list of all documents or records that the party expects to submit in evidence pursuant to any statute or rule permitting admissibility of documentary evidence in lieu of the live testimony of an expert witness. The list filed hereunder shall identify such documents or records with sufficient particularity that

they shall be easily identified by the other parties. The parties shall not file with the court a copy of the documents or records on such list.

(2) Unless otherwise ordered by the judicial authority upon motion, a party may take the deposition of any expert witness whose records are disclosed pursuant to subdivision (1) of subsection (d) of this section in the manner prescribed in Section 13-26 et seq. governing deposition procedure generally. Nothing contained in subsection (d) of this section shall impair the right of any party from exercising that party's rights under the rules of practice to subpoena or to request production of any materials, to the extent otherwise discoverable, in addition to those produced under subsection (d), in connection with the deposition of any expert witness.

(3) Unless otherwise ordered by the judicial authority for good cause shown, or agreed upon by the parties, the fees and expenses of the expert witness for any such deposition, excluding preparation time, shall be paid by the party or parties taking the deposition. Unless otherwise ordered, the fees and expenses hereunder shall include only (A) a reasonable fee for the time of the witness to attend the deposition itself and the witness' travel time to and from the place of deposition; and (B) the reasonable expenses actually incurred for travel to and from the place of deposition and lodging, if necessary. If the parties are unable to agree on the fees and expenses due under this subsection, the amount shall be set by the judicial authority, upon motion.

(e) If any party expects to call as an expert witness at trial any person previously disclosed by any other party under subsection (b)

hereof, the newly disclosing party shall file a notice of disclosure: (1) stating that the party adopts all or a specified part of the expert disclosure already on file; and (2) disclosing any other expert opinions to which the witness is expected to testify and the substance of the grounds for any such expert opinion. Such notice shall be filed within the time parameters set forth in subsection (g).

(f) A party may discover facts known or opinions held by an expert who had been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial only as provided in Section 13-11 or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(g) Unless otherwise ordered by the judicial authority, or otherwise agreed by the parties, the following schedule shall govern the expert discovery required under subsections (b), (c), (d) and (e) of this section.

(1) Within 120 days after the return date of any civil action, or at such other time as the parties may agree or as the court may order, the parties shall submit to the court for its approval a proposed Schedule for Expert Discovery, which, upon approval by the court, shall govern the timing of expert discovery in the case. This schedule shall be submitted on a ''Schedule for Expert Discovery'' form prescribed by the office of the chief court administrator. The deadlines proposed by the parties shall be realistic and reasonable, taking into account the nature and relative complexity of the case, the need for predicate discovery and the estimated time until the case may be exposed for trial. If the parties

are unable to agree on discovery deadlines, they shall so indicate on the proposed Schedule for Expert Discovery, in which event the court shall convene a scheduling conference to set those deadlines.

(2) If a party is added or appears in a case after the proposed Schedule for Expert Discovery is filed, then an amended proposed Schedule for Expert Discovery shall be prepared and filed for approval by the court within sixty days after such new party appears, or at such other time as the court may order.

(3) Unless otherwise ordered by the court, disclosure of any expert witness under subsection (e) hereof shall be made within thirty days of the event giving rise to the need for that party to adopt the expert disclosure as its own (e.g., the withdrawal or dismissal of the party originally disclosing the expert).

(4) The parties, by agreement, may modify the approved Schedule for Expert Discovery or any other time limitation under this section so long as the modifications do not interfere with an assigned trial date. A party who wishes to modify the approved Schedule for Expert Discovery or other time limitation under this section without agreement of the parties may file a motion for modification with the court stating the reasons therefor. Said motion shall be granted if: (i) the requested modification will not cause undue prejudice to any other party; (ii) the requested modification will not cause undue interference with the trial schedule in the case; and (iii) the need for the requested modification was not caused by bad faith delay of disclosure by the party seeking modification.

(h) A judicial authority may, after a hearing, impose sanctions on a party for failure to comply with the requirements of this section. An order precluding the testimony of an expert witness may be entered only upon a finding that: (1) the sanction of preclusion, including any consequence thereof on the sanctioned party's ability to prosecute or to defend the case, is proportional to the noncompliance at issue, and (2) the noncompliance at issue cannot adequately be addressed by a less severe sanction or combination of sanctions.

(i) The revisions to this rule adopted by the judges of the superior court in June, 2008, effective on January 1, 2009, and the revisions to this rule adopted by the judges of the superior court in June, 2009, and March, 2010, shall apply to cases commenced on or after January 1, 2009. The version of this rule in effect on December 31, 2008, shall apply to cases commenced on or before that date.

COMMENTARY: The revision is intended to make clear that any written report of any expert witness who may be called by a party to testify as an expert witness at trial, including a health care provider who conducts a record review, must be provided to all parties as part of the disclosure of expert witness, but not filed with the court.

Sec. 13-6. Interrogatories; In General

(a) In any civil action, in any probate appeal, or in any administrative appeal where the judicial authority finds it reasonably probable that evidence outside the record will be required, any party may serve in accordance with Sections 10-12 through 10-17 written interrogatories, which may be in electronic format, upon any other party to be answered by the party served. Written interrogatories may be served upon any

party without leave of the judicial authority at any time after the return day. Except as provided in subsection (c) or where the interrogatories are served electronically as provided in Section 10-13 and in a format that allows the recipient to electronically insert the answers in the transmitted document, the party serving interrogatories shall leave sufficient space following each interrogatory in which the party to whom the interrogatories are directed can insert the answer. In the event that an answer requires more space than that provided on interrogatories that were not served electronically and in a format that allows the recipient to electronically insert the answers in the transmitted document, the answer shall be continued on a separate sheet of paper which shall be attached to the completed answers.

(b) Interrogatories may relate to any matters which can be inquired into under Sections 13-2 through 13-5 and the answers may be used at trial to the extent permitted by the rules of evidence. In all personal injury actions alleging liability based on the operation or ownership of a motor vehicle or alleging liability based on the ownership, maintenance or control of real property, the interrogatories shall be limited to those set forth in Forms 201, 202, 203, 208 and/or 210 of the rules of practice, unless upon motion, the judicial authority determines that such interrogatories are inappropriate or inadequate in the particular action. These forms are set forth in the Appendix of Forms in this volume. Unless the judicial authority orders otherwise, the frequency of use of interrogatories in all actions except those for which interrogatories have been set forth in Forms 201, 202, 203, 208 and/or 210 of the rules of practice is not limited.

(c) The standard interrogatories are intended to address discovery needs in most cases in which their use is mandated, but they do not preclude any party from moving for permission to serve such additional discovery as may be necessary in any particular case.

[(c)**]**(d) In lieu of serving the interrogatories set forth in Forms 201, 202, 203, 208 and/or 210 of the rules of practice on a party who is represented by counsel, the moving party may serve on such party a notice of interrogatories, which shall not include the actual interrogatories to be answered, but shall instead set forth the number of the Practice Book form containing such interrogatories and the name of the party to whom the interrogatories are directed. The party to whom such notice is directed shall in his or her response set forth each interrogatory immediately followed by that party's answer thereto.

[(d)**]**(e) The party serving interrogatories or the notice of interrogatories shall not file them with the court.

[(e)**]**(f) Unless leave of court is granted, the instructions to Forms 201 through 203 are to be used for all nonstandard interrogatories.

COMMENTARY: The change to this section is intended to make clear that standard interrogatories are intended to meet the discovery needs of most motor vehicle and premises liability personal injury cases but that they can be supplemented upon motion as necessary in a particular case.

Sec. 13-7. —Answers to Interrogatories

(a) Any such interrogatories shall be answered under oath by the party to whom directed and such answers shall not be filed with the court but shall be served within **[**thirty**]** sixty days after the date of

certification of service, in accordance with Sections 10-12 through 10-17, of the interrogatories or, if applicable, the notice of interrogatories on the answering party, or within such shorter or longer time as the judicial authority may allow, unless:

(1) Counsel file with the court a written stipulation extending the time within which answers or objections may be served; or

(2) **[**The party to whom the interrogatories are directed, after service in accordance with Sections 10-12 through 10-17, files a request for extension of time, for not more than thirty days, within the initial thirty-day period. Such request shall be deemed to have been automatically granted by the judicial authority on the date of filing, unless within ten days of such filing the party who has served the interrogatories or the notice of interrogatories shall file objection thereto. A party shall be entitled to one such request for each set of interrogatories directed to that party; or

(3)**]** Upon motion, the judicial authority allows a longer time; or

[(4)**]** (3) Objections to the interrogatories and the reasons therefor are filed and served within the thirty-day period.

(b) All answers to interrogatories shall: (1) repeat immediately before each answer the interrogatory being answered; and (2) be signed by the person making them.

[(b)**]** (c) A party objecting to one or more interrogatories shall file an objection in accordance with Section 3-8.

[(c)**]** (d) Objection by a party to certain of the interrogatories directed to such party shall not relieve that party of the obligation to answer the interrogatories to which he or she has not objected within the

[thirty-day**]** sixty-day period. **[**All answers to interrogatories shall repeat immediately before each answer the interrogatory being answered. Answers are to be signed by the person making them. The party serving the interrogatories or the notice of interrogatories may move for an order under Section 13-14 with respect to any failure to answer.**]**

(e) The party serving interrogatories or the notice of interrogatories may move for an order under Section 13-14 with respect to any failure to answer.

COMMENTARY: The time for responding or objecting to interrogatories has been increased from thirty to sixty days, unless otherwise established by a scheduling order, to provide respondents with additional time to gather the information. By extending the time, it is expected that parties will not find it necessary to seek an extension of time as frequently. The rule also eliminates the provision for filing a request for extension of time, but it does not preclude a party from filing a motion for an extension of time. In addition, the subsections of the rule have been rearranged slightly, with the requirements for answers to interrogatories preceding the subsections on objecting to interrogatories and seeking an order for compliance.

Sec. 13-8. —Objections to Interrogatories

(a) **[**Objections to interrogatories shall be immediately preceded by the interrogatory objected to,**]** The party objecting to any interrogatory shall set forth each interrogatory immediately followed by reasons for the objection**[**,**]**. Objections shall be: (1) signed by the attorney or self-represented party making them; and **[**shall be**]** (2) 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 and/or 210 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 **[**accord**]** 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 **[**shall be answered**]**, and serve the answer **[**served**]** 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: This section on objecting to interrogatories has been reworded and simplified, without making any substantive changes to the rule.

Sec. 13-9. Requests for Production, Inspection and Examination; In General

(a) In any civil action, in any probate appeal, or in any administrative appeal where the judicial authority finds it reasonably probable that evidence outside the record will be required, any party may serve in accordance with Sections 10-12 through 10-17 upon any other party a request to afford the party submitting the request the opportunity to inspect, copy, photograph or otherwise reproduce designated documents or to inspect and copy, test or sample any tangible things in the possession, custody or control of the party upon whom the request is served or to permit entry upon designated land or other property for the purpose of inspection, measuring, surveying, photographing, testing or sampling the property or any designated object or operation thereon. Such requests will be governed by the provisions of Sections 13-2 through 13-5. In all personal injury actions alleging liability based on the operation or ownership of a motor vehicle or alleging liability based on the ownership, maintenance or control of real property, the requests for production shall be limited to those set forth in Forms 204, 205, 206, 209 and/or 211 of the rules of practice, unless, upon motion, the judicial authority determines that such requests for production are inappropriate or inadequate in the particular action. These forms are set forth in the Appendix of Forms in this volume.

(b) The standard request for production are intended to address discovery needs in most cases in which their use is mandated, but they do not preclude any party from moving for permission to serve such additional discovery as may be necessary in any particular case.

[(b)](c) Requests for production may be served upon any party without leave of court at any time after the return day. In lieu of serving the requests for production set forth in Forms 204, 205, 206, 209 and/or 211 of the rules of practice on a party who is represented by counsel, the moving party may serve on such party a notice of requests for production, which shall not include the actual requests, but shall instead set forth the number of the Practice Book form containing such requests and the name of the party to whom the requests are directed.

[(c)](d) The request shall clearly designate the items to be inspected either individually or by category. The request or, if applicable, the notice of requests for production shall specify a reasonable time, place and manner of making the inspection. Unless the judicial authority orders otherwise, the frequency of use of requests for production in all actions except those for which requests for production have been set forth in Forms 204, 205, 206, 209 and/or 211 of the rules of practice is not limited.

[(d)](e) If information has been electronically stored, and if a request for production does not specify a form for producing a type of electronically stored information, the responding party shall produce the information in a form in which it is ordinarily maintained or in a form that is reasonably usable. A party need not produce the same electronically stored information in more than one form.

[(e)](f) The party serving such request or notice of requests for production shall not file it with the court.

[(f)**]**(g) Unless leave of court is granted, the instructions to Forms 204 through 206 of the rules of practice are to be used for all nonstandard requests for production.

[(g)**]**(h) A party seeking the production of a written authorization in compliance with the Health Insurance Portability and Accountability Act to inspect and make copies of protected health information, or a written authorization in compliance with the Public Health Service Act to inspect and make copies of alcohol and drug records that are protected by that act, shall file a motion pursuant to Section 13-11A. A motion need not be filed to obtain such authorization in actions to which Forms 204 and 205 of the rules of practice apply.

COMMENTARY The change to this section is intended to make clear that standard requests for production are intended to meet the discovery needs of most motor vehicle and premises liability personal injury cases but that they can be supplemented upon motion as necessary in any particular case.

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 **[**thirty**]** 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) **[**The party to whom the requests for production are directed, after service in accordance with Sections 10-12 through 10-17, files a request for extension of time, for not more than thirty days, within the initial thirty-day period. Such request shall be deemed to have been automatically granted by the judicial authority on the date of filing, unless within ten days of such filing the party who has served the requests for production or the notice of requests for production shall file objection thereto. A party shall be entitled to one such request for each set of requests for production served upon that party; or

(3)**]** 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) **[**The response of the party shall be inserted directly on the original request served in accordance with Section 13-9 and 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. If, pursuant to subsection (b) of Section 13-9, a notice of requests for production is served in lieu of requests for production, the party to whom such notice is directed shall in his or her response set forth each request for production immediately followed by that party's response thereto. 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. Where a request calling for submission of copies of documents is not objected to, those copies shall be appended to the copy of the response served upon the party making the request. A party objecting to one or more requests shall file an objection to the request. Objections to requests for production shall be immediately preceded by the request objected to, shall set forth reasons for the objection, shall be signed by the attorney or self-represented party making them and shall be filed with the court. Objection by a party to certain parts of the request shall not relieve that party of the obligation to respond to those portions to which that party has not objected within the thirty-day period. The party serving the request or the notice of requests for production may move for an order under Section 13-14 with respect to any failure on the part of the party to whom the request or notice is addressed to respond.**]** 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) **[**No objection to any such request 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 accord. 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 an objection to any part of a request for production is overruled, compliance with the request shall be made at a time to be set by the judicial authority.**]** Where a requet 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; (3) state whether any responsive materials are being withheld on the basis of the stated objection; and (4) 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-prepresented 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 objections 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: The time for responding to requests for production has been increased from thirty to sixty days, unless otherwise established by a scheduling order, to provide respondents with additional time to review and respond to the request. By extending the time for responding, it is expected that parties will not find it necessary to seek an extension of time as frequently. The rule also eliminates the provision for filing a request for extension of time, but it does not preclude a party from filing a motion for an extension of time. The section has also been broken down into several lettered subsections and rearranged to make it easier to follow the requirements for responding or objecting to production requests. Subsection (f) of the revised rule now includes a requirement that parties specifically state

the reasons for their objection and indicate whether they are withholding any responsive materials based upon the objection.

Sec. 13-28. —Persons before Whom Disposition Taken; Subpoenas

(a) Within this state, depositions shall be taken before a judge or clerk of any court, notary public or commissioner of the superior court. In any other state or country, depositions for use in a civil action, probate proceeding or administrative appeal within this state shall be taken before a notary public, of such state or country, a commissioner appointed by the governor of this state, any magistrate having power to administer oaths in such state or country, or a person commissioned by the court before which such action or proceeding is pending, or when such court is not in session, by any judge thereof. Any person so commissioned shall have the power by virtue of his or her commission to administer any necessary oaths and to take testimony. Additionally, if a deposition is to be taken out of the United States, it may be taken before any foreign minister, secretary of a legation, consul or vice-consul appointed by the United States or any person by him or her appointed for the purpose and having authority under the laws of the country where the deposition is to be taken; and the official character of any such person may be proved by a certificate from the secretary of state of the United States.

(b) Each judge or clerk of any court, notary public or commissioner of the superior court, in this state, may issue a subpoena, upon request, for the appearance of any witness before an officer authorized to administer oaths within this state to give testimony at a deposition

subject to the provisions of Sections 13-2 through 13-5, if the party seeking to take such person's deposition has complied with the provisions of Sections 13-26 and 13-27.

(c) A subpoena issued for the taking of a deposition may command the person to whom it is directed to produce and permit inspection and copying of designated books, papers, documents or tangible things which constitute or contain matters within the scope of the examination permitted by Sections 13-2 through 13-5. Unless otherwise ordered by the court or agreed upon in writing by the parties any subpoena issued to a person commanding the production of documents or other tangible thing at a deposition shall not direct compliance within less than fifteen days from the date of service thereof.

(d) The person to whom a subpoena is directed may, within fifteen days after the service thereof or within such time as otherwise ordered by the court or agreed upon in writing by the parties, serve upon the issuing authority designated in the subpoena written objection to the inspection or copying of any or all of the designated materials. If objection is made, the party at whose request the subpoena was issued shall not be entitled to inspect and copy the disputed materials except pursuant to an order of the court in which the cause is pending. The party who requested the subpoena may, if objection has been made, move, upon notice to the deponent, for an order at any time before or during the taking of the deposition.

(e) The court in which the cause is pending, or, if the cause is pending in a foreign court, the court in the judicial district wherein the subpoenaed person resides, may, upon motion made promptly and, in

any event, at or before the time for compliance specified in a subpoena authorized by subsection (b) of this section, (1) quash or modify the subpoena if it is unreasonable and oppressive or if it seeks the production of materials not subject to production under the provisions of subsection (c) of this section, or (2) condition denial of the motion upon the advancement by the party who requested the subpoena of the reasonable cost of producing the materials being such.

(f) If any person to whom a lawful subpoena is issued under any provision of this section fails without just excuse to comply with any of its terms, the court before which the cause is pending, or any judge thereof, or, if the cause is pending in a foreign court, the court in the judicial district wherein the subpoenaed person resides, may issue a capias and cause the person to be brought before that court or judge, as the case may be, and, if the person subpoenaed refuses to comply with the subpoena, the court or judge may commit the person to jail until he or she signifies a willingness to comply with it.

(g) (1) Deposition of witnesses living in this state may be taken in like manner to be used as evidence in a civil action or probate proceeding pending in any court of the United States or of any other state of the United States or of any foreign country, on application of any party to such civil action or probate proceeding.

(2) Any person to whom a subpoena has been directed in a civil action or probate proceeding, other than a party to such civil action or Probate Court proceeding, pending in any court of any other state of the United States or of any foreign country, which subpoena com-

mands (A) the person's appearance at a deposition, or (B) the production, copying or inspection of books, papers, documents or tangible things may, within fifteen days after the service thereof or on or before the time specified in the subpoena for compliance if such time is less than fifteen days after service, serve upon the party who requested issuance of the subpoena written objection to appearing or producing, copying or permitting the inspection of such books, papers, documents or tangible things on the ground that the subpoena will cause such person undue or unreasonable burden or expense. Service of the objection shall be made by United States mail, certified or registered, postage prepaid, return receipt requested, without the use of a state marshal or other officer. Such written objection shall be accompanied by an affidavit of costs setting forth the estimated or actual costs of compliance with such subpoena, including, but not limited to, the person's attorney's fees or the costs to such person of electronic discovery. If a person makes such written objection, the party who requested issuance of the subpoena (i) shall not be entitled to compel such person's appearance or receive, copy or inspect the books, papers, documents or tangible things, except pursuant to an order of the Superior Court, and (ii) may, upon notice to such person, file a motion with the court in the judicial district wherein the subpoenaed person resides, for an order to compel such person's appearance or production, copying or inspection of such materials in accordance with the terms of such subpoena. Upon receipt of such motion together with the payment of all entry fees, if required, the clerk shall schedule

the matter for hearing and provide the moving party notice of the time and place of the hearing. The moving party shall serve the motion to compel and the notice of the time and place of the hearing upon the subpoenaed party. When ruling on such motion to compel, the court shall make a finding as to whether the subpoena subjects the person to undue or unreasonable burden or expense prior to entering any order to compel such person's appearance or the production, copying or inspection of such materials. If the court finds that the subpoena issued to the person subjects such person to undue or unreasonable burden or expense, any order to compel such person's appearance or production, copying or inspection of such materials shall protect the person from undue or unreasonable burden or expense resulting from compliance with such subpoena and, except in the case of a subpoena commanding the production, copying or inspection of medical records, may include, but not be limited to, the reimbursement of such person's reasonable costs of compliance, as set forth in the affidavit of costs.

(3) The provisions of subdivision (2) shall not be applicable to a civil action filed to recover damages resulting from personal injury or wrongful death in which it is alleged that such injury or death resulted from professional malpractice of a health care provider or health care institution.

COMMENTARY: The revision to this section is consistent with the provisions of General Statutes § 52-148e (f), as amended by No. 15-211, § 29, of the 2015 Public Acts.

Sec. 14-7A. —Administrative Appeals Brought Pursuant to General Statutes § 4-183 et seq.; Appearances; Records, Briefs and Scheduling

(a) Administrative appeals brought pursuant to General Statutes § 4-183 et seq. shall be served in accordance with applicable law either by certified or registered mail of the appeal, and a notice of filing **[**and recognizance**]** on a form substantially in compliance with Form JD-CV-137 **[**prescribed by the chief court administrator**]** or by personal service of the appeal, and a citation **[**and recognizance**]** on a form substantially in compliance with Form JD-CV-138 **[**prescribed by the chief court administrator**]**. The appeal shall be filed with the court in accordance with General Statutes § 4-183 (c).

(b) In administrative appeals brought pursuant to General Statutes § 4-183 et seq., the defendant shall file an appearance within thirty days of service made pursuant to General Statutes § 4-183 (c). Within thirty days of the filing of the defendant's appearance, or if a motion to dismiss is filed, within forty-five days of the denial of a motion to dismiss, the agency shall file with the court and transmit to all parties a certified list of the papers in the record as set forth in General Statutes § 4-183 (g), and, unless otherwise excluded by law or subject to a pending motion by either party, shall make the existing listed papers available for inspection by the parties.

(c) Except as provided in Section 14-7, or except as otherwise permitted by the judicial authority in its discretion, in an administrative appeal brought pursuant to General Statutes § 4-183 et seq., the record shall be transmitted and filed in accordance with this section.

For the purposes of this section, the term ''papers'' shall include any and all documents, transcripts, exhibits, plans, minutes, agendas, correspondence, or other materials, regardless of format, which are part of the entire record of the proceeding appealed from described in General Statutes §§ 4-183 (g) and 4-177 (d), including additions to the record pursuant to General Statutes § 4-183 (h).

(d) No less than thirty days after the filing of the certified list of papers in the record under subsection (b), the court and the parties will set up a conference to establish which of the contents of the record are to be transmitted and will set up a scheduling order, including dates for the filing of the designated contents of the record, for the filing of appropriate pleading and briefs, and for conducting appropriate conferences and hearings. No brief shall exceed thirty-five pages without permission of the judicial authority. At the conference, the court shall also determine which, if any, of the designated contents of the record shall be transmitted to the parties and/or the court in paper format because such papers are either difficult to reproduce electronically or difficult to review in electronic format.

(e) The agency shall transmit to the court certified copies of the designated contents of the record established in accordance with subsection (d).

(f) If any party seeks to include in such party's brief or appendices, papers the party deems material to its claim or position, which were not part of the designated contents of the record determined under subsection (d), but were on the certified list filed in accordance with subsection (b), such party shall file an amendment to the record as

of right attaching such papers. In the event such an amendment to the record as of right is filed, the scheduling order may be adjusted to provide either party with additional time to file a brief or reply brief.

(g) No party shall include in such party's brief or appendices, papers that were neither part of the designated contents of the record under subsection (d), nor on the certified list filed in accordance with subsection (b), unless the court requires or permits subsequent corrections of additions to the record under General Statutes § 4-183 (g) or unless an application for leave to present additional evidence is filed and granted under General Statutes § 4-183 (h) or (i).

(h) Disputes about the contents of the record or other motion, application or objection will be heard as otherwise scheduled by the court.

(i) If a party is not in compliance with the scheduling order, the judicial authority may, on its own motion or on motion of one of the parties, and after hearing, make such order, including sanctions, as the ends of justice require.

(j) Any hearings to consider the taxation of costs in accordance with General Statutes § 4-183 (g) shall be conducted after the court renders its decision on the appeal.

COMMENTARY: The changes to this section reflect 2015 legislative changes regarding bonds for prosecution and recognizance. See also commentary to (New) Section 8-3A.

Sec. 16-15. Materials to Be Submitted to Jury

(a) The judicial authority shall submit to the jury all exhibits received in evidence.

(b) The judicial authority may, in its discretion, submit to the jury:

(1) The complaint, counterclaim and cross complaint, and responsive pleadings thereto;

(2) A copy or audio recording of the judicial authority's instructions to the jury;

(3) **[**Upon request by the jury**]**In response to an inquiry by the jury, a copy or audio recording of an appropriate portion of the judicial authority's instructions to the jury.

COMMENTARY: The change to this section will allow the judicial authority to be responsive to an inquiry by the jury regarding the judicial authority's instructions, rather than a specific request for those instructions.

Sec. 17-32. Where Defendant is in Default for Failure to Plead

(a) Where a defendant is in default for failure to plead pursuant to Section 10-8, the plaintiff may file a written motion for default which shall be acted on by the clerk not less than seven days from the filing of the motion, without placement on the short calendar.

(b) If a party who has been defaulted under this section files an answer before a judgment after default has been rendered by the judicial authority, **[**the clerk shall set aside the default.**]** the default shall automatically be set aside by operation of law unless **[**If**]** a claim for a hearing in damages or a motion for judgment has been filed. If a claim for a hearing in damages or a motion for judgment has been filed, the default may be set aside only by the judicial authority. A claim for a hearing in damages or motion for judgment shall not be filed before the expiration of fifteen days from the date of notice of issuance of the default under this subsection.

COMMENTARY: The revision to this rule is intended to incorporate the language of Section 17-20 on setting aside a default for failure to appear in order to make the setting aside of a default for failure to plead more efficient. On June 12, 2015, the judges of the superior court adopted this revision on an interim basis, effective August 1, 2015, pursuant to Section 1-9 (c) of the Practice Book.

Sec. 17-45. —Proceedings upon Motion for Summary Judgment; Request for Extension of Time to Respond

(a) A motion for summary judgment shall be supported by **[**such**]** appropriate documents **[**as may be appropriate**]**, including but not limited to affidavits, certified transcripts of testimony under oath, disclosures, written admissions and **[**the like**]** other supporting documents. **[**The motion shall be placed on the short calendar to be held not less than fifteen days following the filing of the motion and the supporting materials, unless the judicial authority otherwise directs. Any adverse party may, within ten days of the filing of the motion with the court, file a request for extension of time to respond to the motion. The clerk shall grant such request and cause the motion to appear on the short calendar not less than thirty days from the filing of the request. Any adverse party shall at least five days before the date the motion is to be considered on the short calendar file opposing affidavits and other available documentary evidence. Affidavits, and other documentary proof not already a part of the file, shall be filed and served as are pleadings.**]**

(b) Unless otherwise ordered by the judicial authority, any adverse party shall file and serve a response to the motion for summary judg-

ment within forty-five days of the filing of the motion, including opposing affidavits and other available documentary evidence.

(c) Unless otherwise ordered by the judicial authority, the moving party shall not claim the motion for summary judgment to the short calendar less than forty-five days after the filing of the motion for summary judgment.

COMMENTARY: This revision increases the time for filing a response to a motion for summary judgment to forty-five days in order to provide parties with sufficient time to review and gather information to respond to the motion. By extending the time, it is expected that parties will not find it necessary to seek an extension of time. The rule, therefore, also eliminates the provision for filing a request for extension of time, although parties would not be precluded from filing a motion for an extension of time if needed. The rule also requires the moving party to claim the motion to the short calendar not less than forty-five days from the filing of the motion to accommodate the additional time for filing a response. Previously a motion for summary judgment would be placed on the calendar automatically. The judicial authority can order parties to comply with a shorter or longer time frame for the filing of a motion for summary judgment and response at any time. The revision also separates the rule into three distinct sections: filing the motion and supporting materials; filing the response to the motion, including opposing affidavits and other documentary evidence; and claiming the motion to the short calendar.

Sec. 23-45. Mandamus; Parties Plaintiff; Complaint

(a) An action of mandamus may be brought in an individual right by any person who claims entitlement to that remedy to enforce a private duty owed to that person, or by any state's attorney **[**in a capacity as such**]** to enforce a public duty.

(b) The plaintiff shall commence the action by serving and filing a writ and complaint that conforms to the requirements of Section 8-1 of these rules. The prayer for relief shall include asking that an order in the nature of a mandamus be granted. No affidavit to the truth of the allegation of the complaint is required.

COMMENTARY: The revised rule now includes all the requirements for bringing a mandamus action in a single rule but does not make any substantive changes to the required form of the writ and complaint except for the elimination of the language regarding a bond or recognizance. With the revisions to the statutes and rules eliminating the requirement for a bond or a recognizance, that language is no longer necessary.

[Sec. 23-46. —Mandamus Complaint

The writ and complaint in an original action shall be in the form used in, and served as are, ordinary civil actions, but with a distinct statement in the prayer for relief that an order in the nature of a mandamus is sought. No affidavit to the truth of the allegations of the complaint is required, and no bond or recognizance is necessary other than that ordinarily used in civil actions; and no bond or recognizance shall be required where the action is brought by a state's attorney.**]**

COMMENTARY: This rule should be repealed in light of the changes to Section 23-45.

Sec. 23-47. —Mandamus Order in [Aid of] a Pending Action

Any party may move for **[**A**]**an order in the nature of a mandamus **[**may be made in aid of a**]** in a pending action. **[**upon the application of any party, and**]** A**[**a]ny person claimed to be charged with the duty of performing the act in question may be summoned before the court by the service upon that person of a rule to show cause.

COMMENTARY: The language of this section has been revised to make it easier to understand. No substantive changes are intended by these revisions.

Sec. 23-68. Where Presence of Person May Be by Means of an Interactive Audiovisual Device

[(a) The appearance of an incarcerated individual for any proceeding set forth in subsection (b) of this section may, in the discretion of the judicial authority on motion of a party or on its own motion, be made by means of an interactive audiovisual device. Such audiovisual device must operate so that such person and his or her attorney, if any, and the judicial authority can see and communicate with each other simultaneously. In addition, a procedure by which such person and his or her attorney can confer in private must be provided. For purposes of this section, judicial authority includes family support magistrates.

(b) Proceedings in which an incarcerated individual may appear by means of an interactive audiovisual device are limited to civil and family (1) proceedings prior to trial including, but not limited to, short

calendar, prejudgment remedy, lis pendens, mechanics lien and other discovery and procedural hearings, case evaluation conferences, pretrials, alternative dispute resolutions, status conferences, trial management conferences, (2) hearings on posttrial motions and (3) matters within the jurisdiction of the family support magistrate division.**]**

(a) Upon motion of any party, and at the discretion of the judicial authority, any party or counsel may appear by means of an interactive audiovisual device at any proceeding in any civil matter, including all proceedings within the jurisdiction of the small claims section, or any family matter, including all proceedings within the jurisdiction of the family support magistrate division.

(b) Upon motion of the judicial authority, an incarcerated individual may be required to appear by means of an interactive audiovisual device in any civil or family matter.

(c) For purposes of this section, an interactive audiovisual device must operate so that any party and his or her counsel, if any, and the judicial authority can see and communicate with each other simultaneously. In addition, a procedure by which an incarcerated individual and his or her counsel can confer in private must be provided.

[(c)**]**(d) Unless otherwise required by law or unless otherwise ordered by the judicial authority, prior to any proceeding in which a person appears by means of an interactive audiovisual device, copies of all documents which may be offered at the proceeding shall be provided to all counsel and self-represented parties in advance of the proceeding.

[(d)**]**(e) Nothing contained in this section shall be construed to **[**establish a right for any incarcerated person to appear by means of an interactive audiovisual device**]** limit the discretion of the judicial authority to deny a request to appear by means of an interactive audiovisual device where, in the judicial authority's judgment, the interest of justice or the presentation of the case require that the party or counsel appear in person.

(f) For purposes of this section, judicial authority includes family support magistrates and magistrates appointed by the chief court administrator pursuant to General Statutes § 51-193*l*.

COMMENTARY: The expansion of the use of interactive audiovisual device (IAD) is an outgrowth of the Judicial Branch's public service and trust commission and the access to justice commission. In part, the use and expansion of IAD supports one of the Judicial Branch's primary goals to increase the efficiency of case management and court practices and to assess, develop and support projects and programs that expand access to the courts for all people.

IAD technology allows the Judicial Branch to increase courthouse security and decrease the safety risks to the public and staff when transporting inmates by permitting inmate participation in court proceedings via IAD. Additional benefits are also realized through cost reductions associated with travel expenses and staffing.

The flexibility afforded by the use of IAD is also beneficial; hearings, conferences and meetings via internet hookup can be quickly arranged allowing judges to hear more cases more easily.

Sec. 24-21. Transfer to Regular Docket

(a) A case duly entered on the small claims docket of a small claims area or housing session court location shall be transferred to the regular docket of the superior court or to the regular housing docket, respectively, if the following conditions are met:

(1) The defendant, or the plaintiff if the defendant has filed a counterclaim, shall file a motion to transfer the case to the regular docket. This motion must be filed on or before the answer date with certification of service pursuant to Section 10-12 et seq. If a motion to open claiming lack of actual notice is granted, the motion to transfer with accompanying documents and fees must be filed within fifteen days after the notice granting the motion to open was sent.

(2) The motion to transfer must be accompanied by (A) a counterclaim in an amount greater than the jurisdiction of the small claims court; or (B) an affidavit stating that a good defense exists to the claim and setting forth with specificity the nature of the defense, or stating that the case has been properly claimed for trial by jury.

(3) The moving party shall pay all necessary statutory fees at the time the motion to transfer is filed, including any jury fees if a claim for trial by jury is filed.

(b) When a defendant or plaintiff on a counterclaim has satisfied one of the conditions of subsection (a) (2) herein, the motion to transfer to the regular docket shall be granted by the judicial authority, without the need for a hearing.

(c) A case which has been properly transferred shall be transferred to the docket of the judicial district which corresponds to the venue

of the small claims matter, except that a housing case properly transferred shall remain in or be transferred to the housing session and be placed upon the regular housing docket. A case may be consolidated with a case pending in any other clerk's office of the superior court.

(d) When a case is transferred from the small claims docket to the regular docket of the superior court or to the regular housing docket, the appearance entered in the small claims case of an attorney at law and of a self-represented party as an individual shall be entered on the appropriate docket of the superior court. Unless otherwise ordered, when a case is transferred from the small claims docket to the regular docket of the superior court or to the regular housing docket, the appearance of any representative that was recognized in the small claims case, other than an attorney at law or a self-represented party as an individual, shall be entered on the appropriate docket of the superior court for notice purposes only and not as a representative of any party in the case.

COMMENTARY: Practice Book Section 24-6 defines the word ''representative'' as including many individuals who, once the case is transferred to the regular docket of the Superior Court or the regular housing docket, are not authorized to represent any party in the case. The amendment to this section is intended to clarify that situation and to provide appropriate notice to those individuals who were recognized as representatives in the small claims case but who will not be recognized as such in the superior court.

PROPOSED AMENDMENTS TO THE FAMILY RULES

(NEW) Sec. 25-5B. Automatic Orders upon Filing of Joint Petition – Nonadversarial Divorce

The following automatic orders shall apply to both petitioners, upon the filing of the joint petition for nonadversarial divorce. An automatic order shall not apply if there is a prior, contradictory order of a judicial authority. The automatic orders shall be effective with regard to the petitioners upon filing of the joint petition and shall remain in place until further order of a judicial authority:

(1) Neither petitioner shall sell, transfer, exchange, assign, remove, or in any way dispose of, without the consent of the other petitioner in writing, or an order of a judicial authority, any property, except in the usual course of business or for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(2) Neither petitioner shall conceal any property.

(3) Neither petitioner shall encumber without the consent of the other petitioner, in writing, or an order of a judicial authority, any property except in the usual course of business or for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(4) Neither petitioner shall cause any asset, or portion thereof, co-owned or held in joint name, to become held in his or her name solely without the consent of the other petitioner, in writing, or an order of the judicial authority.

(5) Neither petitioner shall incur unreasonable debts hereafter, including, but not limited to, further encumbrancing any assets, or unreasonably using credit cards or cash advances against credit cards.

(6) Neither petitioner shall cause the other petitioner to be removed from any medical, hospital and dental insurance coverage, and each petitioner shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(7) Neither petitioner shall change the beneficiaries of any existing life insurance policies, and each petitioner shall maintain the existing life insurance, automobile insurance, or renters insurance policies in full force and effect.

(8) If the petitioners are living together on the date of of these orders, neither petitioner may deny the other petitioner use of the current primary residence of the petitioners, without order of a judicial authority. This provision shall not apply if there is a prior, contradictory order of a judicial authority.

(9) The petitioners shall each complete and exchange sworn financial statements substantially in accordance with a form prescribed by the chief court administrator and file the financial statement with the joint petition. The petitioners may thereafter enter and submit to the court a stipulated interim order allocating income and expenses.

The automatic orders of a judicial authority as enumerated above shall be attached immediately following the petitioners' joint petition for nonadversarial divorce and shall set forth the following language in bold letters:

Failure to obey these orders may be punishable by contempt of court. If you object to or seek modification of these orders during the pendency of the action, you have the right to a hearing before a judge within a reasonable time.

The clerk shall not accept for filing any joint petition for nonadversarial divorce that does not comply with this subsection.

COMMENTARY: This proposed new rule is consistent with the nonadversarial divorce provisions of No. 15-7 of the 2015 Public Acts.

Sec. 25-34. Procedure for Short Calendar

(a) With the exception of matters governed by Chapter 13 or a motion to waive the statutory time period in an uncontested dissolution of marriage or legal separation case under No. 15-7 of the 2015 Public Acts, oral argument on any motion or the presentation of testimony thereon shall be allowed if the appearing parties have followed administrative policies for marking the motion ready and for screening with family services. Oral argument and the presentation of testimony on motions made under Chapter 13 are at the discretion of the judicial authority.

(b) Any such motion filed to waive the statutory time period in an uncontested dissolution of marriage or legal separation case will not be placed on the short calendar. The clerk shall bring the motion as soon as practicable to either the judicial authority assigned to hear the case, or, if a judicial authority has not yet been assigned, to the presiding judicial authority for a ruling on the papers. If granted, the uncontested dissolution or legal separation is to be scheduled in

accordance with the request of the parties to the degree that such request can be accommodated, including scheduling the matter on the same day that the motion is granted.

[(b)**]** (c) If the judicial authority has determined that oral argument or the presentation of testimony is necessary on a motion made under Chapter 13, the judicial authority shall set the matter for oral argument or testimony on a short calendar date or other date as determined by the judicial authority.

[(c)**]** (d) If the judicial authority has determined that oral argument or the presentation of testimony is necessary on a motion made under Chapter 13 and has not set it down on a hearing date, the movant may reclaim the motion within thirty days of the date the motion appeared on the calendar.

[(d)**]** (e) If the matter will require more than one hour of court time, it may be specifically assigned for a date certain.

[(e)**]** (f) Failure to appear and present argument on the date set by the judicial authority shall constitute a waiver of the right to argue unless the judicial authority orders otherwise. Unless for good cause shown, no motion may be reclaimed after a period of three months from the date of filing. This subsection shall not apply to those motions where counsel appeared on the date set by the judicial authority and entered into a scheduling order for discovery, depositions and a date certain for hearing.

COMMENTARY: This proposed revision is consistent with No. 15-7, § 5, of the 2015 Public Acts.

(NEW) Sec. 25-61A. Standing Committee on Guardians ad Litem and Attorneys for the Minor Child in Family Matters

(a) There shall be a standing committee on guardians ad litem and attorneys for the minor child in family matters. The membership shall consist of nine individuals, appointed by the chief court administrator. The members shall serve at the pleasure of the chief court administrator, and shall include:

(1) the chief public defender, or his or her designee;

(2) a mental health professional, with experience in the fields of child and family matters;

(3) the commissioner of the department of public health, or his or her designee;

(4) an attorney in good standing, licensed to practice law in the State of Connecticut by the judicial branch, who focuses his or her practice in the area of family law, and who is not on the list of individuals qualified to be appointed as a guardian ad litem or an attorney for a minor child in a family matter;

(5) two judges of the superior court with experience presiding over family matters, one of whom shall be designated by the chief court administrator to serve as chairperson;

(6) two members of the public; and

(7) a representative of a non-profit legal services organization who has experience in family law.

(b) In addition to any other powers and duties set forth in this chapter, the standing committee on guardians ad litem and attorneys for the minor child in family matters shall:

(1) From time to time, establish additional qualifications, not inconsistent with Sections 25-62 and 25-62A, for an individual to be deemed eligible to be appointed as a guardian ad litem or attorney for the minor child in family matters;

(2) Approve the curriculum for the training required by sections 25-62 and 25-62A as amended;

(3) Establish and administer a process by which an individual may be removed from the list of those deemed eligible for appointment as a guardian ad litem or attorney for the minor child in family matters;

(4) Annually review and approve a list of individuals deemed eligible for appointment as a guardian ad litem or attorney for the minor child in family matters; and

(5) Adopt procedures to carry out its functions.

(c) The office of chief public defender shall collaborate with the standing committee on guardians ad litem and attorneys for the minor child in family matters to:

(1) Administer the training of guardians ad litem and attorneys for the minor child in family matters;

(2) Promulgate and maintain an application for individuals to be deemed eligible to be appointed as a guardian ad litem or attorney for the minor child in family matters; and

(3) Provide a list of qualified individuals to be eligible for appointment as a guardian ad litem or attorney for the minor child to the judicial branch at least once per year.

(d) The office of chief public defender may promulgate and maintain an additional application process for eligible individuals wishing to

contract with the office of chief public defender to serve as a guardian ad litem or attorney for the minor child at state rates.

COMMENTARY: This new rule establishes a standing committee on guardians ad litem (GALs) and attorneys for the minor child (AMCs) to, among other things, approve the training curriculum for GALs and AMCs, establish additional qualifications for GALs and AMCs, establish and administer a process by which to add or remove an individual from the list of those deemed eligible for appointment, and to approve the list of GALs and AMCs.

Sec. 25-62. Appointment of Guardian ad Litem

(a) The judicial authority may appoint a guardian ad litem for a minor involved in any family matter. Unless the judicial authority orders that another person be appointed guardian ad litem, a family relations counselor shall be designated as guardian ad litem. The guardian ad litem is not required to be an attorney.

(b) With the exception of family relations counselors, no person may be appointed as guardian ad litem **[**until he or she has completed the comprehensive training program for all family division guardians ad litem sponsored by the judicial branch.**]** unless he or she:

(1) Is an attorney in good standing, licensed to practice law in the State of Connecticut by the Judicial Branch, or is a mental health professional, licensed by the Connecticut department of public health and in good standing, in the areas of clinical social work, marriage and family therapy, professional counseling, psychology or psychiatry.

(2) Provides proof that he or she does not have a criminal record;

(3) Provides proof that he or she does not appear on the department of children and families' central registry of child abuse and neglect;

(4) Completes a minimum of twenty hours of pre-service training as determined by the standing committee on guardians ad litem and attorneys for the minor child in family matters;

(5) Meets any additional qualifications established by the standing committee on guardians ad litem and attorneys for the minor child in family matters; and

(6) Applies, provides proof of the foregoing items and is approved as eligible to serve as a guardian ad litem by the standing committee on guardians ad litem and attorneys for the minor child in family matters.

(c) The status of all individuals deemed eligible to be appointed as a guardian ad litem in family matters shall be reviewed by the standing committee on guardians ad litem and attorneys for the minor child in family matters every three years. To maintain eligibility, individuals must:

(1) Certify that they have completed twelve hours of relevant training within the past three years, three hours of which must be in ethics;

(2) Disclose any changes to their criminal history;

(3) Certify that they do not appear on the department of children and families' central registry of child abuse and neglect; and

(4) Meet additional qualifications as determined by the standing committee on guardians ad litem and attorneys for the minor child in family matters.

(d) The judicial authority may order compensation for services rendered by a court-appointed guardian ad litem.

COMMENTARY: The changes to this rule sets out the minimum professional and other qualifications and continuing education requirements that an individual must possess and meet in order to be and remain eligible for appointment as a guardian ad litem.

Sec. 25-62A. Appointment of Attorney for the Minor Child

(a) The judicial authority may appoint an attorney for **[**a**]** the minor child in any family matter.

(b) No person **[**shall**]** may be appointed as an attorney for **[**a**]** the minor child **[**until he or she has completed the comprehensive training program for all family division attorneys for minor children sponsored by the judicial branch. The judicial authority may order compensation for services rendered by an attorney for a minor child**]** unless he or she:

(1) Is an attorney in good standing, licensed to practice law in the state of Connecticut.

(2) Provides proof that he or she does not have a criminal record;

(3) Provides proof that he or she does not appear on the department of children and families' central registry of child abuse and neglect;

(4) Completes a minimum of twenty hours of pre-service training as determined by the standing committee on guardians ad litem and attorneys for the minor child in family matters;

(5) Meets any additional qualifications established by the standing committee on guardians ad litem and attorneys for the minor child in family matters; and

(6) Applies, provides proof of the foregoing items and is approved as eligible to serve as an attorney for the minor child by the standing committee on guardians ad litem and attorneys for the minor child in family matters.

(c) The status of all individuals deemed eligible to be appointed as an attorney for the minor child in family matters shall be reviewed by the standing committee on guardians ad litem and attorneys for the minor child in family matters every three years.

To maintain eligibility, individuals must:

(1) Certify that they have completed twelve hours of relevant training within the past three years, three hours of which must be in ethics;

(2) Disclose any changes to their criminal history;

(3) Certify that they do not appear on the department of children and families' central registry of child abuse and neglect; and

(4) Meet additional qualifications as determined by the standing committee on guardians ad litem and attorneys for the minor child in family matters.

(d) The judicial authority may order compensation for services rendered by a court-appointed attorney for the minor child.

COMMENTARY: The change to this rule sets out the minimum professional and additional qualifications and continuing education requirements that an individual must possess and meet in order to be and remain eligible for appointment as an attorney for the minor child.

PROPOSED AMENDMENTS TO THE FAMILY SUPPORT MAGISTRATE RULES

(New) Sec. 25a-1A. Notice of IV-D Child Support Enforcement Services

(a) In any IV-D support case as defined by General Statutes § 46b-231, the IV-D agency, or one of its cooperative agencies, shall file a notice, on a form prescribed by the office of the chief court administrator, that the parties or child are receiving child support enforcement services.

(b) Upon termination of child support enforcement services, the IV-D agency, or one of its cooperative agencies, shall file a notice, on a form prescribed by the office of the chief court administrator, that the IV-D support case is closed.

COMMENTARY: This rule is intended to inform the superior court in new or pending matters that the same parties or child are also receiving child support enforcement services.

PROPOSED AMENDMENTS TO THE JUVENILE RULES

Sec. 35a-14. Motions for Review of Permanency Plan

(a) Motions for review of the permanency plan shall be filed nine months after the placement of the child or youth in the custody of the commissioner of the department of children and families pursuant to a voluntary placement agreement, or removal of a child or youth pursuant to General Statutes § 17a-101g or an order of a court of competent jurisdiction, whichever is earlier. At the date custody is vested by order of a court of competent jurisdiction, or if no order of temporary custody is issued, at the date when commitment is ordered, the judicial authority

shall set a date by which the subsequent motion for review of the permanency plan shall be filed. The commissioner of the department of children and families shall propose a permanency plan that conforms to the statutory requirements and shall provide a social study to support said plan. Nothing in this section shall preclude any party from filing a motion for revocation of commitment separate from a motion for review of permanency plan pursuant to General Statutes § 46b-129 (m) and subject to Section 35a-14A.

(b) At the time of the filing of a motion for review of permanency plan pursuant to subsection (a), the commissioner of the department of children and families shall also request a finding that it has made reasonable efforts to achieve the goal of the existing plan. The social study filed pursuant to subsection (a) shall include information indicating what efforts the commissioner has taken to achieve the goal of the existing plan.

(c) Once a motion for review of the permanency plan and requested findings regarding efforts to achieve the goal of the existing plan have been filed, the clerk of the court shall set a hearing not later than ninety days thereafter. The judicial authority shall provide notice to the child or youth, and the parent or guardian of such child or youth and any other party found entitled to such notice of the time and place of the court hearing on any such motion not less than fourteen days prior to such hearing. Any party who is in opposition to any such motion shall file a written objection and state with specificity the reasons therefor within thirty days after the filing of the commissioner of the department of children and families' motion for review of permanency

plan and the objection shall be considered at the hearing. The judicial authority shall hold an evidentiary hearing in connection with any contested motion for review of the permanency plan. If there is no objection or motion for revocation filed, then the motion may be granted by the judicial authority at the date of said hearing.

(d) Whether to approve the permanency plan and to find that reasonable efforts to achieve the goal of the existing plan have been made are dispositional questions, based on the prior adjudication, and the judicial authority shall determine whether it is in the best interests of the child or youth to approve the permanency plan and to find that reasonable efforts to achieve the goal of the existing plan have been made upon a fair preponderance of the evidence. The commissioner of the department of children and families shall have the burden of proving that the proposed permanency plan is in the best interests of the child or youth and that it has made reasonable efforts to achieve the goal of the existing plan.

(e) At each hearing on a motion for review of permanency plan, the judicial authority shall (1) ask the child or youth about his or her desired permanency outcome, or if the child or youth is unavailable to appear at such hearing require the attorney for the child or youth to consult with the child or youth regarding the child's or youth's desired permanency outcome and report the same to the court, (2) review the status of the child[,] or youth, (3) review the progress being made to implement the permanency plan, (4) determine a timetable for attaining the permanency plan, (5) determine the services to be provided to the parent if the court approves a permanency plan of reunification and the timetable for

such services, and (6) determine whether the commissioner of the department of children and families has made reasonable efforts to achieve the goal of the existing permanency plan. The judicial authority shall also determine whether the proposed goal of the permanency plan as set forth in General Statutes § 46b-129 (k) (2) is in the best interests of the child or youth by a fair preponderance of the evidence, taking into consideration the child's or youth's need for permanency. The child's or youth's health and safety shall be of paramount concern in formulating such plan. If a permanency plan is not approved by the judicial authority, it shall order the filing of a revised plan and set a hearing to review said revised plan within sixty days.

(f) As long as a child or youth remains in the custody of the commissioner of the department of children and families, the commissioner shall file a motion for review of permanency plan and for a finding regarding reasonable efforts to achieve the goal of the existing plan nine months after the prior permanency plan hearing. No later than twelve months after the prior permanency plan hearing, the judicial authority shall hold a subsequent permanency review hearing in accordance with this section.

(g) Whenever an approved permanency plan needs revision, the commissioner of the department of children and families shall file a motion for review of the revised permanency plan. The commissioner shall not be precluded from initiating a proceeding in the best interests of the child or youth considering the needs for safety and permanency.

(h) Where a petition for termination of parental rights is granted, the guardian or statutory parent of the child or youth shall report to the

judicial authority not later than thirty days after the date the judgment is entered on a permanency plan and on the status of the child or youth. At least every three months thereafter, such guardian or statutory parent shall make a report to the judicial authority on the implementation of the plan, or earlier if the plan changes before the elapse of three months. The judicial authority may convene a hearing upon the filing of a report and shall convene and conduct a permanency hearing for the purpose of reviewing the permanency plan for the child no more than twelve months from the date judgment is entered or from the date of the last permanency hearing held in accordance with General Statutes § 46b-129 (k), whichever is earlier, and at least once a year thereafter while the child or youth remains in the custody of the commissioner of the department of children and families. At each court hearing, the judicial authority shall make factual findings whether or not reasonable efforts to achieve the permanency plan or promote adoption have been made.

COMMENTARY: The proposed revisions are consistent with No. 15-199, § 3, of the 2015 Public Acts, which amended General Statutes § 46b-129 (k).

Sec. 35a-19. Transfer from Probate Court of Petitions for Removal of Parent as Guardian or Termination of Parental Rights

(a) When a contested application for removal of parent as guardian or petition for termination of parental rights or application to commit a child or youth to a hospital for the mentally ill has been transferred from the court of probate to the superior court, the superior court clerk

shall transmit to the probate court from which the transfer was made a copy of any orders or decrees thereafter rendered, including orders regarding reinstatement pursuant to General Statutes § 45a-611 and visitation pursuant to General Statutes § 45a-612, and a copy of any appeal of a superior court decision in the matter.

(b) The date of receipt by the superior court of a transferred petition shall be the filing date for determining initial hearing dates in the superior court. The date of receipt by the superior court of any court of probate issued ex parte order of temporary custody not heard by that court shall be the issuance date in the superior court.

(c) **[**Any appearance filed for any party in the court of probate shall continue in the superior court until a motion to withdraw is filed by counsel and granted by the court of probate or the superior court or another counsel files an ''in lieu of'' appearance on behalf of the party. Counsel previously appointed by the court of probate for indigent parties or for the minor child(ren) and paid by probate court administration who remain on the case in superior court shall be paid by the Public Defender Services Commission at the rate of pay established by the commission. If a motion to withdraw is filed and granted and the party represented is indigent or is the child subject to the proceedings, new counsel shall be assigned and paid by the Public Defender Services Commission.**]** Any appearance filed for any party in the Probate Court shall continue in the superior court for juvenile matters unless (1) a motion to withdraw is filed in the Probate Court within five days of the filing of the motion to transfer, and the motion to withdraw is granted by the Probate Court, (2) a motion to withdraw is

filed by such party's counsel and granted by the superior court for juvenile matters, or (3) another counsel files an ''in lieu of'' appearance on behalf of the party. If the party represented is indigent or is the child subject to the proceedings, new counsel shall be assigned from the list of public defender services assigned counsel and shall be paid by the public defender services commission. The superior court for juvenile matters may request that the division of public defender services contract with probate counsel for representation if continued representation would be in the best interest of the client. Counsel for indigent parties or minor children appointed by the Probate Court who remain on the case in superior court for juvenile matters shall be paid by the public defender services commission according to its policies at the rate of pay established by the commission.

(d) (1) The superior court clerk shall notify appearing parties in applications for removal of guardian by mail of the date of the initial hearing which shall be held not more than thirty days from the date of receipt of the transferred application. Not less than ten days before the initial hearing, the superior court clerk shall cause a copy of the transfer order and probate petition for removal of guardian and an advisement of rights notice to be served on any nonappearing party or any party not served within the last twelve months with an accompanying order of notice and summons to appear at an initial hearing.

(2) Not less than ten days before the date of the initial hearing, the superior court clerk shall cause a copy of the transfer order and probate petition for termination of parental rights and an advisement of rights notice to be served on all parties, regardless of prior service, with an

accompanying order of notice and summons to appear at an initial hearing which shall be held not more than thirty days from the date of receipt of the petition except in the case of a petition for termination of parental rights based on consent which shall be held not more than twenty days after the filing of the petition.

(3) The superior court clerk shall mail notice of the initial hearing date for all transferred petitions to all counsel of record and to the commissioner of the department of children and families or to any other agency which has been ordered by the probate court to conduct an investigation pursuant to General Statutes § 45a-619. The commissioner of the department of children and families or any other investigating agency will be notified of the need to have a representative present at the initial hearing.

COMMENTARY: The proposed revision is consistent with No. 15-199, § 20, of the 2015 Public Acts.

PROPOSED AMENDMENTS TO THE CRIMINAL RULES

Sec. 43-29. Revocation of Probation

In cases where the revocation of probation is based upon a conviction for a new offense and the defendant is before the court or is being held in custody pursuant to that conviction, the revocation proceeding may be initiated by a motion to the court by a probation officer and a copy thereof shall be delivered personally to the defendant. All other proceedings for revocation of probation shall be initiated by an arrest warrant supported by an affidavit or by testimony under oath showing probable cause to believe that the defendant has violated any of the conditions of the defendant's probation or his or her conditional

discharge or by a written notice to appear to answer to the charge of such violation, which notice, signed by a judge of the superior court, shall be personally served upon the defendant by a probation officer and contain a statement of the alleged violation. All proceedings thereafter shall be in accordance with the provisions of Sections 3-6, 3-9 and 37- 1 through 38-23. At the revocation hearing, the prosecuting authority and the defendant may offer evidence and cross-examine witnesses. If the defendant admits the violation or the judicial authority finds from the evidence that the defendant committed the violation, the judicial authority may make any disposition authorized by law. The filing of a motion to revoke probation, issuance of an arrest warrant or service of a notice to appear, [under this section] shall interrupt the period of the sentence as of the date of the filing of the motion, signing of the arrest warrant by the judicial authority or service of the notice to appear, until a final determination as to the revocation has been made by the judicial authority.

COMMENTARY: The changes to this section bring it into conformance with General Statutes § 53a-31 (b).

Sec. 44-10A. —Where Presence of Defendant May Be by Means of an Interactive Audiovisual Device

(a) Unless otherwise ordered by the judicial authority, and in the discretion of the judicial authority, a defendant may be present by means of an interactive audiovisual device for the following proceedings:

(1) Hearings concerning indigency pursuant to General Statutes § 52-259b;

(2) Hearings concerning asset forfeiture, unless the testimony of witnesses is required;

(3) Hearings regarding seized property, unless the testimony of witnesses is required;

(4) With the defendant's consent, bail modification hearings pursuant to Section 38-14;

(5) Sentence review hearings pursuant to General Statutes § 51-195;

(6) **[**With the consent of counsel**]** P**[**p**]**roceedings under General Statutes § 54-56d (k) if the evaluation under General Statutes § 54-56d (j) concludes that the defendant is not competent but is restorable and neither the state nor the defendant intends to contest that conclusion;

(7) Arraignments, provided that counsel for the defendant has been given the opportunity to meet with the defendant prior to the arraignment;

[7**]**(8) A disposition conference held in the judicial district court pursuant to the provisions of Sections 39-11 through 39-17 when it is not reasonably anticipated that an offer for the final disposition of the case will be accepted or rejected upon the conclusion of the conference; **[**and**]**

[8**]**(9) With the consent of counsel a disposition conference held in the geographical area court pursuant to the provisions of Sections 39-11 through 39-17 when it is not reasonably anticipated that an offer

for the final disposition of the case will be accepted or rejected upon the conclusion of the conference;

(10) The first scheduled court appearance of the defendant in the judicial district court following the transfer of the case from the geographical area court;

(11) Hearings regarding motions to correct illegal sentence; and

(12) Hearings regarding motions for sentence modification.

(b) Such audiovisual device must operate so that the defendant, his or her attorney, if any, and the judicial authority can see and communicate with each other simultaneously. In addition, a procedure by which the defendant and his or her attorney can confer in private must be provided.

(c) Unless otherwise required by law or ordered by the judicial authority, prior to any proceeding in which a person appears by means of an interactive audiovisual device, copies of all documents which may be offered at the proceeding shall be provided to all counsel and self-represented parties in advance of the proceeding.

(d) Nothing contained in this section shall be construed to establish a right for any person to appear by means of an interactive audiovisual device.

COMMENTARY: The changes to this section identify additional proceedings where the presence of the defendant may be by means of an interactive audiovisual device.

PROPOSED AMENDMENTS TO THE PRACTICE BOOK FORMS

Form 201

Plaintiff's Interrogatories

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

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, _____, under oath, within thirty (30) days of the filing hereof in compliance with Practice Book Section 13-2.

Definition: ''You'' shall mean the Defendant to whom these interrogatories are directed except that if that Defendant has been sued as the representative of the estate of a decedent, ward, or incapable person, ''you'' shall also refer to the Defendant's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Defendant(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State the following:

(a) your full name and any other name(s) by which you have been known;

(b) your date of birth;

(c) your motor vehicle operator's license number;

(d) your home address;

(e) your business address;

(f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the incidents alleged in the Complaint?

COMMENT:

This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(3) If the answer to Interrogatory #2 is affirmative, state:

(a) the name and address of the person or persons to whom such statements were made;

(b) the date on which such statements were made;

(c) the form of the statement (i.e., whether written, made by recording device or recorded by a stenographer, etc.);

(d) the name and address of each person having custody, or a copy or copies of each statement.

(4) State the names and addresses of all persons known to you who were present at the time of the incident alleged in the Complaint or who observed or witnessed all or part of the incident.

(5) As to each individual named in response to Interrogatory #4, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined

in Practice Book Section 13-1 concerning the subject matter of the Complaint in this lawsuit. If your answer to this interrogatory is affirmative, state also:

(a) the date on which the statement or statements were taken;

(b) the names and addresses of the person or persons who took such statement or statements;

(c) the names and addresses of any person or persons present when such statement or statements were taken;

(d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;

(e) the names and addresses of any person or persons having custody or a copy or copies or such statement or statements.

(6) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the **[**accident scene,**]** incident alleged in the Complaint, the scene of the incident, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs taken of each such subject by each photographer, please state:

(a) the name and address of the photographer, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken or such recordings were obtained or prepared;

(c) the subject (e.g., ''Plaintiff's vehicle,'' ''scene,'' etc.);

(d) the number of photographs**[.]** or recordings;

(e) the nature of the recording (e.g., film, video, audio, etc.).

(7) If, at the time of the incident alleged in the Complaint, you were covered by an insurance policy under which an insurer may be liable to satisfy part or all of a judgment or reimburse you for payments to satisfy part or all of a judgment, state the following:

(a) the name(s) and address(es) of the insured(s);

(b) the amount of coverage under each insurance policy;

(c) the name(s) and address(es) of said insurer(s).

(8) If at the time of the incident which is the subject of this lawsuit you were protected against the type of risk which is the subject of this lawsuit by excess umbrella insurance, or any other insurance, state:

(a) the name(s) and address(es) of the named insured;

(b) the amount of coverage effective at this time;

(c) the name(s) and address(es) of said insurer(s).

(9) State whether any insurer, as described in Interrogatories #7 and #8 above, has disclaimed/reserved its duty to indemnify any insured or any other person protected by said policy.

(10) If applicable, describe in detail the damage to your vehicle.

(11) If applicable, please state the name and address of an appraiser or firm which appraised or repaired the damage to the vehicle owned or operated by you.

(12) If any of the Defendants are deceased, please state the date and place of death, whether an estate has been created, and the name and address of the legal representative thereof.

(13) If any of the Defendants is a business entity that has changed its name or status as a business entity (whether by dissolution, merger, acquisition, name change, or in any other manner) since the date of

the incident alleged in the Complaint, please identify such Defendant, state the date of the change, and describe the change.

(14) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether, at the time of the incident, you were operating that vehicle in the course of your employment with any person or legal entity not named as a party to this lawsuit, and, if so, state the full name and address of that person or entity.

(15) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.

(16) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) the name and address of the hospital, person or entity performing such test or screen;

(b) the date and time;

(c) the results.

(17) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings by film, photograph, videotape, audiotape, or any other digital or electronic means,

of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.

(18) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you were using a cellular telephone for any activity including, but not limited to, calling, texting, emailing, posting, tweeting, or visiting sites on the internet for any purpose, at or immediately prior to the time of the incident.

PLAINTIFF,

BY_____

I, _____, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

_____

(Defendant)

Subscribed and sworn to before me this _____ day of _____, 20____.

_____

Notary Public/Commissioner of the Superior Court

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

_____

Mailing address (Number, street, town, state and zip code) or

_____

Email address, if applicable

_____

Telephone number

COMMENTARY The changes to this form include ''recordings'' throughout the form and also encompass the use of cellular telephones for any purpose, including talking, texting, emailing or any other online activity while in the motor vehicle.

Form 202

Defendant's Interrogatories

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

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, _____, under oath, within thirty (30) days of the filing hereof in compliance with Practice Book Section 13-2.

Definition: ''You'' shall mean the Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, ''you'' shall also refer to the Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State the following:

(a) your full name and any other name(s) by which you have been known;

(b) your date of birth;

(c) your motor vehicle operator's license number;

(d) your home address;

(e) your business address;

(f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Identify and list each injury you claim to have sustained as a result of the incidents alleged in the Complaint.

(3) When, where and from whom did you first receive treatment for said injuries?

(4) If you were treated at a hospital for injuries sustained in the alleged incident, state the name and location of each hospital and the dates of such treatment and confinement therein.

(5) State the name and address of each physician, therapist or other source of treatment for the conditions or injuries you sustained as a result of the incident alleged in your Complaint.

(6) When and from whom did you last receive any medical attention for injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(7) On what date were you fully recovered from the injuries or conditions alleged in your Complaint?

(8) If you claim you are not fully recovered, state precisely from what injuries or conditions you are presently suffering?

(9) Are you presently under the care of any doctor or other health care provider for the treatment of injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(10) If the answer to Interrogatory #9 is in the affirmative, state the name and address of each physician or other health care provider who is treating you.

(11) Do you claim any present disability resulting from injuries or conditions allegedly sustained as a result of the incident alleged in your Complaint?

(12) If so, state the nature of the disability claimed.

(13) Do you claim any permanent disability resulting from said incident?

(14) If the answer to Interrogatory #13 is in the affirmative, please answer the following:

(a) list the parts of your body which are disabled;

(b) list the motions, activities or use of your body which you have lost or which you are unable to perform;

(c) state the percentage of loss of use claimed as to each part of your body;

(d) state the name and address of the person who made the prognosis for permanent disability and the percentage of loss of use;

(e) list the date for each such prognosis.

(15) If you were or are confined to your home or your bed as a result of injuries or conditions sustained as a result of the incident alleged in your Complaint, state the dates you were so confined.

(16) List each medical report received by you or your attorney relating to your alleged injuries or conditions by stating the name and address of the treating doctor or other health care provider, and of

any doctor or health care person you anticipate calling as a trial witness, who provided each such report and the date thereof.

(17) List each item of expense which you claim to have incurred as a result of the incident alleged in your Complaint, the amount thereof and state the name and address of the person or organization to whom each item has been paid or is payable.

(18) For each item of expense identified in response to Interrogatory #17, if any such expense, or portion thereof, has been paid or reimbursed or is reimbursable by an insurer, state, as to each such item of expense, the name of the insurer that made such payment or reimbursement or that is responsible for such reimbursement.

(19) If, during the ten year period prior to the date of the incident alleged in the Complaint, you were under a doctor's care for any conditions which were in any way similar or related to those identified and listed in your response to Interrogatory #2, state the nature of said conditions, the dates on which treatment was received, and the name of the doctor or health care provider.

(20) If, during the ten year period prior to the date of the incident alleged in your Complaint, you were involved in any incident in which you received personal injuries similar or related to those identified and listed in your response to Interrogatory #2, please answer the following with respect to each such earlier incident:

(a) on what date and in what manner did you sustain such injuries?

(b) did you make a claim against anyone as a result of said accident?

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(21) If you were involved in any incident in which you received personal injuries since the date of the incident alleged in the Complaint, please answer the following:

(a) on what date and in what manner did you sustain said injuries?

(b) did you make a claim against anyone as a result of said accident?

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(22) Please state the name and address of any medical service provider who has rendered an opinion in writing or through testimony that you have sustained a permanent disability to any body part other than those listed in response to Interrogatories #13, #14, #20 or #21, and:

(a) list each such part of your body that has been assessed a permanent disability;

(b) state the percentage of loss of use assessed as to each part of your body;

(c) state the date on which each such assessment was made.

(23) If you claim that as a result of the incident alleged in your Complaint you were prevented from following your usual occupation, or otherwise lost time from work, please provide the following information:

(a) the name and address of your employer on the date of the incident alleged in the Complaint;

(b) the nature of your occupation and a precise description of your job responsibilities with said employer on the date of the incident alleged in the Complaint;

(c) your average, weekly earnings, salary, or income received from said employment for the year preceding the date of the incident alleged in the Complaint;

(d) the date following the date of the incident alleged in the Complaint on which you resumed the duties of said employment;

(e) what loss of income do you claim as a result of the incident alleged in your Complaint and how is said loss computed?

(f) the dates on which you were unable to perform the duties of your occupation and lost time from work as a result of injuries or

conditions claimed to have been sustained as a result of the incident alleged in your Complaint;

(g) the names and addresses of each employer for whom you worked for three years prior to the date of the incident alleged in your Complaint.

(24) Do you claim an impairment of earning capacity?

(25) List any other expenses or loss and the amount thereof not already set forth and which you claim to have incurred as a result of the incident alleged in your Complaint.

(26) If you have signed a covenant not to sue, a release or discharge of any claim you had, have or may have against any person, corporation or other entity as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(27) If you or anyone on your behalf agreed or made an agreement with any person, corporation or other entity to limit in any way the liability of such person, corporation or other entity as a result of any claim you have or may have as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(28) If since the date of the incident alleged in your Complaint, you have made any claims for workers' compensation benefits, state the nature of such claims and the dates on which they were made.

(29) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the events or happenings alleged in your Complaint?

COMMENT:
This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(30) State the names and addresses of all persons known to you who were present at the time of the incident alleged in your Complaint or who observed or witnessed all or part of the accident.

(31) As to each individual named in response to Interrogatory #30, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Section 13-1 concerning the subject matter of your Complaint or alleged injuries. If your answer to this interrogatory is affirmative, state also:

(a) the date on which such statement or statements were taken;

(b) the names and addresses of the person or persons who took such statement or statements;

(c) the names and addresses of any person or persons present when such statement or statements were taken;

(d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;

(e) the names and addresses of any person or persons having custody or a copy or copies of such statement or statements.

(32) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the **[**accident scene,**]** incident alleged in the Complaint, the scene of the incident any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs taken of each such subject by each photographer, please state:

(a) the name and address of the photographer, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken or such recordings were obtained or prepared;

(c) the subject (e.g., ''Plaintiff's vehicle,'' ''scene,'' etc.);

(d) the number of photographs**[.]** or recordings;

(e) the nature of the recording (e.g., film, video, audio, etc.).

(33) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.

(34) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) the name and address of the hospital, person or entity performing such test or screen;

(b) the date and time;

(c) the results.

(35) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings, by film, photograph, videotape, audiotape or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control

or in the possession or control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.

COMMENT:

The following two interrogatories are intended to identify situations in which a Plaintiff has applied for and received workers' compensation benefits. If compensation benefits were paid, then the supplemental interrogatories and requests for production may be served on the Plaintiff without leave of the court if the compensation carrier does not intervene in the action.

(36) Did you make a claim for workers' compensation benefits as a result of the incident/occurrence alleged in the Complaint?

(37) Did you receive workers' compensation benefits as a result of the incident/occurrence alleged in the Complaint?

(38) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you were using a cellular telephone for any activity including, but not limited to, calling, texting, emailing, posting, tweeting, or visiting sites on the internet for any purpose, at or immediately prior to the time of the incident.

DEFENDANT,

BY_____

I, _____, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

_____

(Plaintiff)

Subscribed and sworn to before me this _____ day of _____, 20____.

_____

Notary Public/
Commissioner of the Superior Court

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

_____

Mailing address (Number, street, town, state and zip code) or

_____

E-mail address, if applicable

_____

Telephone number

COMMENTARY: The changes to this form include ''recordings'' throughout the form and also encompass the use of cellular telephones for any purpose, including talking, texting, emailing or any other online activity while in the motor vehicle.

Form 203

Plaintiff's Interrogatories

Premises Liability Cases

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

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, _____, under oath, within thirty (30) days of the filing hereof in compliance with Practice Book Section 13-2.

In answering these interrogatories, the Defendant(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) Identify the person(s) who, at the time of the Plaintiff's alleged injury, owned the premises where the Plaintiff claims to have been injured.

(a) If the owner is a natural person, please state:

(i) your name and any other name by which you have been known;

(ii) your date of birth;

(iii) your home address;

(iv) your business address.

(b) If the owner is not a natural person, please state:

(i) your name and any other name by which you have been known;

(ii) your business address;

(iii) the nature of your business entity (corporation, partnership, etc.);

(iv) whether you are registered to do business in Connecticut;

(v) the name of the manager of the property, if applicable.

(2) Identify the person(s) who, at the time of the Plaintiff's alleged injury, had a possessory interest (e.g., tenants) in the premises where the Plaintiff claims to have been injured.

(3) Identify the person(s) responsible for the maintenance and inspection of the premises at the time and place where the Plaintiff claims to have been injured.

(4) State whether you had in effect at the time of the Plaintiff's injuries any written policies or procedures that relate to the kind of conduct or condition the Plaintiff alleges caused the injury.

(5) State whether it is your business practice to prepare, or to obtain from your employees, a written report of the circumstances surrounding injuries sustained by persons on the subject premises.

(6) State whether any written report of the incident described in the Complaint was prepared by you or your employees in the regular course of business.

(7) State whether any warnings or caution signs or barriers were erected at or near the scene of the incident at the time the Plaintiff claims to have been injured.

(8) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name, address and employer of the person who erected the warning or caution signs or barriers;

(b) the name, address and employer who instructed the person to erect the warning or caution signs or barriers;

(c) the time and date a sign or barrier was erected;

(d) the size of the sign or barrier and wording that appeared thereon.

(9) State whether you received, at any time within twenty-four (24) months before the incident described by the Plaintiff, complaints from anyone about the defect or condition that the Plaintiff claims caused the Plaintiff's injury.

(10) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name and address of the person who made the complaint;

(b) the name, address and person to whom said complaint was made;

(c) whether the complaint was in writing;

(d) the nature of the complaint.

(11) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings, by film, photograph, videotape, audiotape or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on

which each such recordings were obtained and the person or persons of whom each such recording was made.

(12) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the incident alleged in the Complaint, the scene of the incident, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject, please state:

(a) the name and address of the person who took, obtained or prepared such photograph or recording, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken or such recordings were obtained or prepared;

(c) the subject (e.g., "scene of incident," etc.);

(d) the number of photographs or recordings;

(e) the nature of the recording (e.g., film, video, audio, etc.).

[(12)–(23)**]** (13) – (24) (Interrogatories #1 (a) through (e), #2 through #9, #12, #13 and #16 of Form 201 may be used to complete this standard set of interrogatories.)

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

_____

Mailing address (Number, street, town, state and zip code) or

_____

Email address, if applicable

_____

Telephone number

COMMENTARY: The change to this form is to include ''recordings.''

Form 204

Plaintiff's Requests for Production

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

The Plaintiff(s) hereby request(s) that the Defendant provide counsel for the Plaintiff(s) with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff(s) 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 Plaintiff(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.

Definition: ''You'' shall mean the Defendant to whom these interrogatories are directed except that if that Defendant has been sued as the representative of the estate of a decedent, ward, or incapable person, ''you'' shall also refer to the Defendant's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

(1) A copy of the appraisal or bill for repairs as identified in response to Interrogatory #11.

(2) A copy of declaration page(s) of each insurance policy identified in response to Interrogatory #7 and/or #8.

(3) If the answer to Interrogatory #9 is in the affirmative, a copy of the complete policy contents of each insurance policy identified in response to Interrogatory #7 and/or #8.

(4) A copy of any photographs or recordings, identified in response to Interrogatory #6.

(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 all lease agreements pertaining to any motor vehicle involved in the incident which is the subject of this action, which was owned or operated by you or your employee, and all documents referenced or incorporated therein.

(7) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #16, or a signed authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) or those of the Public Health Service Act, whichever is applicable, to obtain the same for each hospital, person or entity that performed such test or screen. Information obtained pursuant to the provisions of HIPAA or the Public Health Service Act shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(8) 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.

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

_____

Mailing address (Number, street, town, state and zip code) or

_____

Email address, if applicable

_____

Telephone number

COMMENTARY: The change to this form is to include ‘‘recordings.’’

Form 205

Defendant's Requests for Production

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

The Defendant(s) hereby request(s) that the Plaintiff provide counsel for the Defendant(s) with copies of the documents described in the following requests for production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of _____ not later than thirty (30) days after the service of the Requests for Production.

In answering these production requests, the Plaintiff(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) All hospital records relating to treatment received as a result of the alleged incident, and to injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22, or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA), to

inspect and make copies of said hospital records. Informa- tion obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(2) All reports and records of all doctors and all other care providers relating to treatment allegedly received by the Plaintiff(s) as a result of the alleged incident, and to the injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22 (exclusive of any records prepared or maintained by a licensed psychiatrist or psychologist) or written authorization, sufficient to comply with provisions of the Health Insurance Portability and Accountability Act, to inspect and make copies of said reports. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(3) If a claim for lost wages or lost earning capacity is being made, copies of, or sufficient written authorization to inspect and make copies of, the wage and employment records of all employers of the Plaintiff(s) for three (3) years prior to the date of the incident and for all years subsequent to the date of the incident to and including the date hereof.

(4) If a claim of impaired earning capacity or lost wages is being alleged, provide copies of, or sufficient written authorization to obtain copies of, that part of all income tax returns relating to lost income filed by the Plaintiff(s) for a period of three (3) years prior to the date of the incident and for all years subsequent to the date of the incident through the time of trial.

(5) All property damage bills that are claimed to have been incurred as a result of this incident.

(6) All medical bills that are claimed to have been incurred as a result of this incident or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountabil- ity Act, to inspect and make copies of said medical bills. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(7) All bills for each item of expense that is claimed to have been incurred in the answer to Interroga- tory #18, and not already provided in response ¶5 and ¶6 above.

(8) Copies of all documentation of claims of right to reimbursement provided to the Plaintiff by third party payors, and copies of, or written authorization, sufficient to comply with provisions of the Health Insurance Portability and Accountability Act, to obtain any and all documentation of payments made by a third party for medical services received or premiums paid to obtain such payment. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(9) All documents identified or referred to in the answers to Interrogatory #26.

(10) 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.

(11) Any and all photographs or recordings, identified in response to Interrogatory #32.

(12) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #35, or a signed authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act or those of the Public Health Service Act, whichever is applicable, to obtain the same. Information obtained pursuant to the provisions of HIPAA or the Public Health Service Act shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(13) 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.

DEFENDANT,

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

_____

Mailing address (Number, street, town, state and zip code) or

_____

Email address, if applicable

_____

Telephone number

COMMENTARY: The change to this form is to include ''recordings.''

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.

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

Mailing address (Number, street, town, state and zip code) or

Email address, if applicable

Telephone number

COMMENTARY: The change to this form is to include ‘‘recordings.’’

(NEW) Form 212

Defendant's Interrogatories — Loss of Consortium

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

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff,_____, under oath, within thirty (30) days of the filing hereof in compliance with Practice Book Section13-2.

Definition: ''You'' shall mean the Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, ''you'' shall also refer to the Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) Please state your name, address and occupation.

(2) Please state the date and place of your marriage.

(3) Do you have any children? If so, state their names and dates of birth.

(4) Describe the nature of your loss of consortium claim.

(5) During your marriage, please list your employers, the length of time employed by each, and the average number of hours worked per month.

(6) Prior to the incident which is the subject of this lawsuit (''the incident''), did your spouse regularly perform work, services and/or chores (''services'') in or around the home?

(7) If the answer to the previous interrogatory is in the affirmative, please describe the nature and frequency of such services.

(8) Subsequent to the incident, did such services change? If so, state how, and describe the impact of this change on you.

(9) Subsequent to the incident, did anyone other than your spouse perform the services usually performed by your spouse in and around the home?

(10) If the answer to the previous interrogatory is in the affirmative, please state the name(s) and address(es) of each person(s), the amount paid, the period of time they were hired and what services they performed.

(11) Have you or your spouse ever instituted legal proceedings seeking a divorce or separation? If so, state when.

(12) Did you, at any time during your marriage live apart from or separate yourself from your spouse? If so, state when and for how long such separation occurred, and state the reason for such separation.

(13) Describe any change(s) in the affection your spouse expressed or displayed toward you following the incident.

(14) If claimed, describe any change(s) in the frequency and satisfaction of your sexual relations with your spouse following the incident.

(15) Describe any change(s) in the activities which you and your spouse enjoyed together before the incident that you claim were caused by the incident.

(16) Within two years prior to the year of the incident up to the present, have you and/or your spouse had any marriage counseling? If so, state the name of each person consulted and the dates consulted or treated.

COMMENTARY: These new standard interrogatories, for use in cases where there is a claim for loss of consortium, will eliminate the filing of motions for permission to file non-standard discovery in those cases for which the use of standard discovery is mandated and will establish basic consortium inquiries for other types of cases.