

CBA LPRC POSITION REQUEST FORM

The CBA _Litigation Section_____ **position request** is as follows:

- 1) Proposed legislative or regulatory concept:

Revise Practice Book Section 7-17 to allow any court filing before midnight to be docketed on the date of filing.

- 2) Explanation and rationale for advancing this position:

Currently filings after 5pm are docketed for the next day. In order to comply with a deadline under the current rule, a lawyer must file a document by 5pm on the date it is due. The proposed revision would allow a filing between 5pm and midnight to be credited to the actual calendar date. In other words, a document filed after 5pm but before midnight would be considered filed on the actual date it is filed. The proposed revision coincides with the rule in federal court, which allows filings before midnight to be docketed as filed on the actual date it is filed.

- 3) Is draft regulation, legislation or proposed bill included? Yes

- 4) What is the date of any legislative hearing, if known? Unknown. This will need to be presented to the Rules Committee.

- 5) Was this position previously approved by the CBA? If so, when does/did it expire? No

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? No

- 7) Potential or actual CBA opposition from another CBA section or committee? Unknown.

- 8) Strength of section position (including process and results of section vote taken on issue): The Litigation Section voted 23-3, with 3 abstentions, in favor of this position at its meeting on January 16, 2020.

- 9) Fiscal impact (on the state): The Judicial Branch will need to modify its electronic filing to comply with this rule. Most likely, this can be handled in-house by the Branch's IT people.

- 10) Are you seeking "fast-track"¹ approval? Yes.

¹ A "fast track" recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.