

O'Donnell, Shanna

From: Abrams, James
Sent: Wednesday, October 14, 2020 12:04 PM
To: Del Ciampo, Joseph
Cc: O'Donnell, Shanna
Subject: RE: Older Matters Pending before the Rules Committee: "Black boxes" Discovery Issue; Pro Hac Vice issue; and Timing Issue regarding Sections 13-27 and 13-28

Joe,

I was seriously considering simply waiting another 23 months until my term as CAJ runs out before addressing these issues, but thought better of it.

- 1) I wholeheartedly agree with Judge Bright's take that the black box info should not be included in the standard discovery requests.
- 2) It doesn't bother me one bit that the out of state attorney would have to pay two PHV fees. I view the types of actions as quite different, anyway.
- 3) While Attorney Tower has undoubtedly identified a discrepancy between the treatment of parties and non-parties when it comes to producing documents in relation to depositions, I see no compelling need to rectify it. If others feel differently, it wouldn't ruin my day.

Feel free to contact me with any questions or comments.

Jim Abrams

From: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Sent: Monday, October 12, 2020 5:26 PM
To: Abrams, James <James.Abrams@jud.ct.gov>
Cc: O'Donnell, Shanna <Shanna.ODonnell@jud.ct.gov>
Subject: Older Matters Pending before the Rules Committee: "Black boxes" Discovery Issue; Pro Hac Vice issue; and Timing Issue regarding Sections 13-27 and 13-28

Dear Judge Abrams,

I hope all is well with you. There are a few older matters on the pending matters list of the Rules Committee, that I must ask you consider. Those matters are set out in summary fashion below and the relevant information that I have is attached. Each matter was considered by Judge Bright just prior to his elevation to the Appellate Court and it was intended that you would be asked to review them. I apologize that these matters have been pending as long as they have. I ask that you review them and let me know whether you wish that the Rules Committee pursue any of them.

- Proposal referred by Justice Eveleigh regarding whether an automobile's "black box" is included in a discovery order involving a ruling on Section 13-3. **(On 9-18-17, RC referred matter to Judge Bright for consideration by Civil Workgroup. (RC ID# 2017-004)**
- Issue concerning whether an attorney admitted pro hac vice in a municipal or state hearing or proceeding needs to re-apply for permission to appear when that issue is filed as an administrative appeal to the Superior Court. **(This issue was raised with Judge Bright, Court Operations, and Legal Services in August 2017 and it was decided that based on the rule as it now stands, an additional application with the applicable fee should be filed. It was also decided by Judge Bright that this should be raised with the Rules Committee to discuss and decide whether the rule should be modified to avoid the additional application and/or fee.) (RC ID# 2017-002)**

- Issue raised originally by Attorney John D. Tower that: “PB § 13-28(c) allows us to compel non-party witnesses to cough up docs within 15 days while § 13-27(g) now gives parties, due to its incorporation of PB §§ 13-9 – 13-11, 60 days to produce docs sought in Notices of Deposition, unless we go through the hassle of getting a court to order a shorter time (or stipulate to shorter time with counsel). So non-parties fact more onerous discovery responsibilities than litigants? Makes no sense to me whatsoever.” **(RC ID# 2017-005)**

Thank you.

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