

(New material)

6-4

Del Ciampo, Joseph

From: Bill Chapman <bchapman@ctbar.org>
Sent: Sunday, February 3, 2019 10:13 AM
To: Del Ciampo, Joseph; McDonald, Andrew
Cc: 'Bill O'Sullivan'
Subject: Rules Committee re.51-183b

Justice McDonald and Attorney DelCiampo:

Regarding Rules Committee item 04-04 proposal re 51-183b, at its meeting last Thursday, January 31, 2019, the CBA Litigation section discussed the proposal at length and decided after numerous and thoughtful opinions that since the section could not come to a consensus, the section will not be offering comments on the proposal to the Rules Committee.

Thank you for the opportunity to share input on the proposal.

Bill Chapman
Director, Government & Community Relations



Mobile: 860-707-3309
Desk: 860-612-2004
bchapman@ctbar.org
Twitter: @CTBarLeg

(previous materials) ~~5-11~~

Proposal by Attorney Richard P. Weinstein regarding extensions of time under Gen. Stat. Section 51-183b. (Received by Justice McDonald 6-13-18.) On 9-17-18, RC referred to Judge Albis, Judge Abrams, and others as per counsel. Sent to all CAJs on 10-8-18. On 10-09-18, received comments from Judge Abrams and Judge Alexander. Received comments from Judge Albis on 11-13-18. Received comments from Judge Conway on 11-14-18. On 12-18-18, RC referred matter to CBA for comment on whether extension of time under Section 51-183b is a pervasive problem and tabled matter to 1-22-19.

1-12
3A

WEINSTEIN & WISSER, P.C.

ATTORNEYS AT LAW

29 SOUTH MAIN STREET, SUITE 207
WEST HARTFORD, CONNECTICUT 06107

TELEPHONE (860) 561-7628

FACSIMILE (860) 521-6150

RICHARD E. WEINSTEIN
KERRY MARC WISSER
SARAH LINDENHEIM

BOARD CERTIFIED CIVIL TRIAL ADVOCATE
ALSO ADMITTED IN PA

E-MAIL: RPW@WEINSTEINWISSER.COM
E-MAIL: KMW@WEINSTEINWISSER.COM

June 13, 2018

Justice Andrew J. McDonald
Supreme Court
231 Capitol Avenue
Hartford, CT 06106

RE: Proposed Rule

Dear Justice McDonald:

As you are Chairman of the Rules Committee, I would like to propose a new rule.

It deals with judges receiving extensions of time to render a decision pursuant to C.G.S. § 51-183b. While obviously the granting of consent for the extension is voluntary as to the party and the lawyer, in practice that's not the case. Judges routinely receive the extensions, and oftentimes a party or a lawyer is placed in a precarious position because the opponent has already consented to the extension. The general feeling is that if the opposing party does not consent, then the judge will not look favorably upon that party, and it becomes an "or else" proposition. While over the years I have found extensions to be commonplace, it's rare that they are excessive, although I know I have had a number of cases in the not too distant past where there were numerous extensions sought within the same case. It becomes unnerving for the lawyer and for the client, and it puts a taint on the court's decision in the event a party refuses to grant the extension.

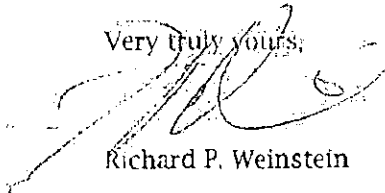
I propose the following. If a judge seeks an extension pursuant to § 51-183b, the judge shall e-mail the parties, directly or through the clerk, requesting the extension. (Preferably there will only be one extension not to exceed sixty days.) Whether there is a limitation on the time or the number of extensions, it shall be the plaintiff's attorney's obligation to seek the consent of the other parties, and then notify the court whether or not the request for extension has been granted, without ever divulging to the court which party has refused to consent, in the event of a denial of the request for extension. This

Justice Andrew J. McDonald
June 13, 2018
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will help to ensure that the granting of such extensions is not routine, but do not serve as a source of intimidation to the lawyer and the client and potentially cloud the ultimate decision.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Weinstein', written over the typed name.

Richard P. Weinstein

RPW:lmv

5-112
4-4

Del Ciampo, Joseph

From: Abrams, James
Sent: Tuesday, October 09, 2018 4:54 PM
To: Del Ciampo, Joseph; Albis, Michael A.; Alexander, Joan; Conway, Bernadette
Subject: RE: New Rule Proposed by Attorney Weinstein

Follow Up Flag: Follow up
Flag Status: Flagged

Attorney Weinstein and I were recently involved in a case where the Section 51-183b extensions requested and granted went on over the course of a number of years and I fully expect we've not heard the last of it. While I agree with Attorney Weinstein that the current procedure has serious problems, I fear that his proposed solution will only raise additional issues. In my humble opinion, the current procedure is far too informal, making it prone to abuse and misunderstanding. While I recognize that my position would be met with great opposition from some of my colleagues, I think that any activity surrounding Section 51-183b extensions should be part of the court file.

Jim Abrams

From: Del Ciampo, Joseph
Sent: Monday, October 08, 2018 4:30 PM
To: Abrams, James; Albis, Michael A.; Alexander, Joan; Conway, Bernadette
Subject: New Rule Proposed by Attorney Weinstein

Dear Chief Administrative Judges,

At its meeting on September 17, 2018, the Rules Committee considered the attached proposal for a new rule submitted by Attorney Richard P. Weinstein regarding the procedure by which an extension of time under Gen Stat. Section 51-183b is requested and agreed to. After discussion, the Committee, decided to refer the matter to you for your consideration and comments. For your information, the next meeting of the Rules Committee is scheduled for October 15, 2018. Thank you.

Joseph J. Del Ciampo
Director of Legal Services
Connecticut Judicial Branch
100 Washington Street, 3rd Floor
Hartford, CT 06106

e-mail: Joseph.DelCiampo@jud.ct.gov

Tel: (860) 706-5120
Fax: (860) 565-3449

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Del Ciampo, Joseph

From: Alexander, Joan
Sent: Tuesday, October 09, 2018 6:36 PM
To: Del Ciampo, Joseph
Subject: RE: New Rule Proposed by Attorney Weinstein

Attorney Del Ciampo:

As the statute in question relates to civil continuances, it does not apply to most criminal proceedings. The only cases that this rule might have some application in the criminal area would be in habeas petitions. I will contact some judges who have presided over habeas matters to see if they wish to have any input regarding this proposal. Otherwise, it has little or no impact on the criminal side.

Joan Alexander

From: Del Ciampo, Joseph
Sent: Monday, October 08, 2018 4:30 PM
To: Abrams, James; Albis, Michael A.; Alexander, Joan; Conway, Bernadette
Subject: New Rule Proposed by Attorney Weinstein

Dear Chief Administrative Judges,

At its meeting on September 17, 2018, the Rules Committee considered the attached proposal for a new rule submitted by Attorney Richard P. Weinstein regarding the procedure by which an extension of time under Gen Stat. Section 51-183b is requested and agreed to. After discussion, the Committee, decided to refer the matter to you for your consideration and comments. For your information, the next meeting of the Rules Committee is scheduled for October 15, 2018. Thank you.

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Del Ciampo, Joseph

From: Albis, Michael A.
Sent: Tuesday, November 13, 2018 4:54 PM
To: Del Ciampo, Joseph
Subject: RE: New Rule Proposed by Attorney Weinstein

Dear Attorney Del Ciampo,

I thank the Rules Committee for inviting my comments on the proposal by Attorney Richard P. Weinstein for an amendment to the Practice Book governing requests by judges for extensions of time to render decisions pursuant to General Statutes Section 51-183b.

I concur with the view of Judge Abrams that the court's file in a case should reflect activity concerning extensions of time to render a decision. However, Attorney Weinstein's suggestion calls for the handling of extension requests via email, whereby the requests and responses thereto would be made outside of the court file. I would not be in favor of a rule that requires the court to exchange emails with attorneys and self-represented parties outside of the official record of the case.

I would be happy to address any questions the Rules Committee may have. Thank you.

From: Del Ciampo, Joseph
Sent: Saturday, November 10, 2018 12:28 PM
To: Albis, Michael A. <Michael.Albis@jud.ct.gov>; Conway, Bernadette <Bernadette.Conway@jud.ct.gov>
Subject: FW: New Rule Proposed by Attorney Weinstein

Dear Judge Albis and Judge Conway,

I am checking to inquire whether you have any comments on the attached proposal by Attorney Weinstein? Thank you.

Joseph J. Del Ciampo
Director of Legal Services
Connecticut Judicial Branch
100 Washington Street, 3rd Floor
Hartford, CT 06106

e-mail: Joseph.DelCiampo@jud.ct.gov

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From: Del Ciampo, Joseph
Sent: Monday, October 08, 2018 4:29 PM
To: Abrams, James; Albis, Michael A.; Alexander, Joan; Conway, Bernadette
Subject: New Rule Proposed by Attorney Weinstein

Dear Chief Administrative Judges,

At its meeting on September 17, 2018, the Rules Committee considered the attached proposal for a new rule submitted by Attorney Richard P. Weinstein regarding the procedure by which an extension of time under Gen Stat. Section 51-183b is requested and agreed to. After discussion, the Committee, decided to refer the matter to you for your consideration and comments. For your information, the next meeting of the Rules Committee is scheduled for October 15, 2018. Thank you.

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Del Ciampo, Joseph

From: Conway, Bernadette
Sent: Wednesday, November 14, 2018 9:01 AM
To: Del Ciampo, Joseph
Subject: Re: New Rule Proposed by Attorney Weinstein

Sorry Joe for a belated response. No, I have no comment.

Sent from my iPhone

On Nov 10, 2018, at 12:27 PM, Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov> wrote:

Dear Judge Albis and Judge Conway,

I am checking to inquire whether you have any comments on the attached proposal by Attorney Weinstein? Thank you.

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Connecticut Judicial Branch
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<Item 01-12 (091718) Prop Atty Weinstein re Stat Sec 51-183b ext time.pdf>

5/1/c

Del Ciampo, Joseph

From: Del Ciampo, Joseph
Sent: Monday, December 24, 2018 8:17 AM
To: Jonathan M. Shapiro; 'Bill Chapman (bchapman@ctbar.org)'
Subject: Referral from the Rules Committee
Attachments: Item 04-04 (121818) Prop by Atty Weinstein re 51-183b comments CAJs.pdf

Dear Attorney Shapiro and Mr. Chapman,

At its meeting on December 18, 2018, the Rules Committee of the Superior Court considered the attached proposal by Attorney Richard P. Weinstein regarding extensions of time under General Statutes § 51-183b. After discussion, the Committee referred the matter to the Connecticut Bar Association to report back to the Committee on whether parties disagreeing as to an extension under General Statutes § 51-183b is a pervasive problem. Thereafter, the matter was tabled to the next meeting, scheduled for January 22, 2019, pending the response of the Connecticut Bar Association. A response on or before January 15, 2019, would be appreciated. Thank you.

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Connecticut Judicial Branch
100 Washington Street, 3rd Floor
Hartford, CT 06106

e-mail: Joseph.DelCiampo@jud.ct.gov

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