

Subject: FW: CBA Litigation Section Proposal to Amend PB 7-17
Attachments: Proposed revision to PB 7-17.pdf

From: Ralph Monaco <RMonaco@clsmlaw.com>
Sent: Saturday, February 1, 2020 6:58 PM
To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Cc: 'BChapman@ctbar.org' <BChapman@ctbar.org>; Andrew Nevas <anevas@verrill-law.com>; 'Patrick Klingman' <pak@klingmanlaw.com>
Subject: CBA Litigation Section Proposal to Amend PB 7-17

Dear Attorney DelCiampo,

The Litigation Section of the Connecticut Bar Association respectfully submits this proposal to the State of Connecticut Judicial Branch Rules Committee to modify Practice Book Section 7-17. Our Section proposes to modify the Connecticut Rules of Practice to allow filings until 11:59 pm on the date when a document is due. Under the current rule, any filing after 5pm is docketed as filed on the next business day. In view of the modern demands placed on lawyers, it is often difficult to file documents by 5pm. We believe modifying Section 7-17 to allow filing documents prior to midnight is both fair and equitable and comports with the practice in federal courts.

Accordingly, attached please find a draft of our proposed change.

Please contact me if you or the Rules Committee require any additional information regarding this proposal.

Ralph J. Monaco, Esq.



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Connecticut Practice Book § 7-17

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~~ [12:00 Midnight] 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.

(P.B. 1978-1997, Sec. 405.)

(Amended June 24, 2002, to take effect Jan. 1, 2003; amended June 21, 2004, to take effect July 13, 2004; amended June 21, 2010, to take effect Jan. 1, 2011; amended June 24, 2016, to take effect July 12, 2016.)