

From: Del Ciampo, Joseph
Sent: Tuesday, February 1, 2022 9:55 AM
To: andrew.mcdonald; Abery-Wetstone, Holly; Bellis, Barbara; Cobb, Susan; Farley, John; Hernandez, Alex; Nguyen-O'Dowd, Tammy; Prats, Sheila; Truglia, Anthony D., Jr.
Cc: Carroll, Patrick; Petruzzelli, Lori; Marin, Carolina
Subject: RC Item # 2020-007 and RC ID # 2021-023
Attachments: Referral from the Rules Committee to the Judges' Advisory Committee on E-Filing; Referral from the Rules Committee to the Judges' Advisory Committee on E-Filing

Importance: High

Good morning, Justice McDonald and Judges,

The following two items that were referred to the Judges' Advisory Committee on E-Filing through its Chair, Judge Carroll:

- 1- **(RC ID # 2020-007)** Proposal by the Litigation Section of the Connecticut Bar Association to amend Section 7-17 regarding filings received after 5:00 p.m. (The referral and proposal are attached.)
- 2- **(RC ID # 2021-023)** Proposal from Legal Services Associations to amend Sections 7-10 and 7-11 regarding retention and destruction of summary process records. (The referral and proposal are attached.)

The Judges' Advisory Committee met on January 31, 2022, to discuss these and other matters of concern. I attended the meeting, discussed the decisions reached by the Committee on the referred items with Judge Carroll, and make the following report on his behalf.

After discussion, the Judges' Advisory Committee concluded as follows:

- 1- **[RC Item # 2020-007]** With specific reference to the submission from the CBA Litigation Section to amend PB Rule 7-17, it was noted that this very issue regarding the time for filing and processing of electronic documents was fully discussed and considered at the time that the e-filing system was being developed and deployed more than 15 years ago. At that time, it was generally concluded that although e-filers would be permitted to enter matters into the e-filing system at any time after 5:00 PM each day, any filings received after 5:00 PM would be deemed and docketed as having been filed as of the next business day. This would provide a level playing field for those litigants, usually self-represented litigants, who would be required to be certain to make their paper filings with the court prior to the close of business each day while those parties who were represented by counsel would generally have the ability to file after 5:00 PM perhaps giving them an unfair advantage. Additional concerns were raised as to whether the proposed Rule change would apply to TRO and CPO filings which require action by the court upon filing. **The reasons that were relied upon when the system was developed have not significantly changed in the intervening years and the Advisory Committee, after extensive discussion, concluded that it did not favor any revision of PB Rule 7-17 at this time.**
- 2- **[RC Item # 2021-023]** With reference to Legal Services' proposal to amend PB Sections 7-10 and 7-11 regarding the retention and destruction of summary process actions, it was noted at the outset that the role and function of the E-filing Advisory Board has never been to address issues of substantive public policy. Rather the purpose of the Committee has largely been to address and implement technical standards and practices with respect to the operation of the Branch's e-filing system. Noted also was the

fact that Committee has not generally weighed in on or addressed the issue of records retention, which has routinely been an administrative matter of concern for the Office of the Chief Court Administrator. It was noted that prior to the advent of and implementation of e-filing and electronic case management, record retention decisions were largely based upon practical and budgetary considerations. The storage of paper-based records was largely a matter of the space required to store such records and the costs associated therewith. With electronic records and “cloud” or server storage, such issues are no longer as significant a concern as they were in a paper-based system. **After extensive discussion and with input from various judge members of the Committee regarding the very important public policy issues raised by the Legal Services organizations, the Advisory Committee elected to refer this matter back to the Rules Committee with a suggestion that the underlying public policy issues being proposed by the Legal Services organizations be considered and ruled upon by the Rules Committee itself or be referred to the public policy makers in the legislative and executive branches.**

Please let me know if you have any questions. These items will be on the agenda for the February 7, 2022, meeting of the Rules Committee.

Thank you.

-Joe

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