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Proposal by Judge Abrams/Court Operations to amend Section 23-68 regarding interactive audio visual devices to permit any person to appear by such device upon motion and at the discretion of the judicial authority.

STATE OF CONNECTICUT  
SUPERIOR COURT



CHAMBERS OF  
JAMES W. ABRAMS  
CHIEF ADMINISTRATIVE JUDGE -  
CIVIL MATTERS/  
ADMINISTRATIVE JUDGE -  
NEW HAVEN JUDICIAL DISTRICT

JUDICIAL DISTRICT OF NEW HAVEN AT NEW HAVEN  
235 CHURCH STREET NEW HAVEN, CONNECTICUT 06510  
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Via Regular Mail and Email

January 16, 2018

Hon. Andrew J. McDonald, Chair  
Rules Committee of the Superior Court  
231 Capitol Avenue  
Hartford, CT 06106

Re: Proposed Revisions to Practice Book § 23-68

Dear Justice McDonald:

I write in my role as Chief Administrative Judge for Civil Matters. Enclosed is a proposed revision to Practice Book § 23-68 which would allow judges the discretion to permit witnesses to testify via audiovisual device. It comes with my strong recommendation.

Please feel free to contact me if I can answer any questions or be of further assistance.

Sincerely,

James W. Abrams

cc: Joseph Del Ciampo, Esq.

## **Sec. 23-68. Where Presence of Person May Be by Means of an Interactive Audiovisual Device**

(a) Upon motion of any party, and at the discretion of the judicial authority, any [party or counsel] person may appear by means of an interactive audiovisual device at any proceeding in any civil matter, including all proceedings within the jurisdiction of the small claims section, or any family matter, including all proceedings within the jurisdiction of the family support magistrate division.

(b) Upon order of the judicial authority, an incarcerated individual may be required to appear by means of an interactive audiovisual device in any civil or family matter.

(c) For purposes of this section, an interactive audiovisual device must operate so that any party and his or her counsel, if any, any person, and the judicial authority can see and communicate with each other simultaneously. In addition, a procedure by which an incarcerated individual and his or her counsel can confer in private must be provided.

(d) Unless otherwise required by law or unless otherwise ordered by the judicial authority, prior to any proceeding in which a person appears by means of an interactive audiovisual device, copies of all documents which may be offered at the proceeding shall be provided to all counsel and self-represented parties in advance of the proceeding.

(e) Nothing contained in this section shall be construed to limit the discretion of the judicial authority to deny a request to appear by means of an interactive audiovisual device where, in the judicial authority's judgment, the interest of justice or the presentation of the case require that the party or counsel appear in person.

(f) For purposes of this section, judicial authority includes family support magistrates and magistrates appointed by the chief court administrator pursuant to General Statutes § 51-193f.

*Commentary: The rule has been amended to permit any person to appear by means of an interactive audiovisual device upon motion and at the discretion of the judicial authority. This revision broadens the application of the rule to include appearances by means of an interactive audiovisual device by expert witnesses or other witnesses, which will increase the court's flexibility in scheduling matters, minimize the inconvenience to witnesses, and reduce the costs of litigation.*