

From: Albis, Michael A.
Sent: Friday, November 13, 2020 10:37 AM
To: Del Ciampo, Joseph; Abrams, James
Cc: O'Donnell, Shanna
Subject: RE: Proposal concerning amended pleadings (RC ID 2020-013)

Dear Attorney Del Ciampo,

Thank you for the opportunity to comment on the proposal.

The issue of amended pleadings is less prevalent in family cases than I believe it to be in civil matters. The most common amendments in family cases are typically straightforward, involving things like the correction of clerical errors, changes in prayers for relief (e.g., where a plaintiff who filed an action for legal separation now seeks a dissolution of marriage), or updating claims (such as amending a motion for contempt alleging nonpayment to include additional amounts claimed due after the filing of the original motion).

In the occasional family case where an extensive amendment of a pleading is sought or made, I believe the rule would be helpful in comparing the old and amended pleadings. It would still be helpful, albeit to a lesser extent, in cases of minor amendments.

My main concern for family cases is that our many self-represented litigants may find it more difficult than attorneys to comply with the rule, assuming they even become aware of it. Still, I would not expect this to create major issues, as the filing of amended pleadings by self-represented litigants is even less common. And I would assume that a judge would have the discretion to proceed on a pleading that was amended in a minor or obvious way without compliance with the rule, even if the noncompliance is raised by the opposing side. If there is any question about that, perhaps the rule could be modified to say so.

In short, if the proposal would be useful in civil matters where it would likely have greater impact, I would support its adoption and would have no objection to its application to family cases as well.

Please feel free to contact me if there are any questions. Thank you.

From: Del Ciampo, Joseph
Sent: Wednesday, November 11, 2020 9:42 PM
To: Abrams, James <James.Abrams@jud.ct.gov>; Albis, Michael A. <Michael.Albis@jud.ct.gov>
Cc: O'Donnell, Shanna <Shanna.ODonnell@jud.ct.gov>
Subject: FW: Proposal concerning amended pleadings (RC ID 2020-013)

Dear Judge Abrams and Judge Albis,

At its October meeting, the Rules Committee considered the attached proposal submitted by Judge Noble to amend Section 10-60 to require that amended pleadings be accompanied by a document that shows the additions and deletions made to the original filing. After discussion, the Committee requested that counsel prepare a revised proposal that addresses Sections 25-8, 10-44, and 10-59 in addition to the changes to section 10-60 proposed by Judge Noble. The matter was tabled until the Committee's November 16th meeting.

Attached and explained below is the proposal as redrafted by Attorney Shanna O'Donnell of my office to be consistent with the Committee's discussion. The Rules Committee requested that you be sent the proposal as redrafted and that you provide the Committee comments thereon.

Please let me your comments as soon as possible. Recognizing the short time frame for review and comments, please let me know if more time is required and I will inform Justice McDonald.

Thank you.

-Joe

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From: O'Donnell, Shanna <Shanna.ODonnell@jud.ct.gov>
Sent: Monday, November 9, 2020 9:50 AM
To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Cc: Petruzzelli, Lori <Lori.Petruzzelli@jud.ct.gov>
Subject: Proposal concerning amended pleadings (RC ID 2020-013)

As you recall, at the meeting in October, the Committee asked counsel to prepare a revised proposal that addresses sections 25-8, 10-44, and 10-59 in addition to the changes to section 10-60 proposed by Judge Noble. There was also discussion of whether or not using a cross-reference to a newly created section would be more appropriate.

Once the revised proposal has been drafted, the Rules Committee instructed counsel to send the proposal to Judge Abrams and Judge Albis to ask for comments. This proposal was tabled until November.

I spoke with you last week, and indicated that I would try to draft this proposal; accordingly, I have attached a draft of changes that I would propose.

Note that it seemed that Judge Noble's proposed changes to section 10-60 (a) (1) narrowed the court's authority to order an amendment to written motions. I did not retain this part of the suggested changes, as that was not part of the discussion at the meeting. His suggestion also did not apply this new requirement to amendments filed by agreement

under (b), which I believe is contrary to the expressed goals of the Rules Committee at the meeting. Judge Bellis stated that “even when it’s by written consent” there is still a problem and that she would like to see this expanded.

While Judge Truglia requested that section 25-8 be amended, I do not believe any changes to that section are needed.

Shanna O'Donnell

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From: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Sent: Wednesday, July 1, 2020 9:39 AM
To: O'Donnell, Shanna <Shanna.ODonnell@jud.ct.gov>
Cc: Petruzzelli, Lori <Lori.Petruzzelli@jud.ct.gov>
Subject: FW: Rules change suggestion

Hi, Shanna,

Could you please add this to the RC data base and schedule for the first meeting in September. Thank you.

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From: McDonald, Andrew <Andrew.McDonald@connapp.jud.ct.gov>
Sent: Tuesday, June 30, 2020 5:45 PM

To: Noble, Cesar <Cesar.Noble@jud.ct.gov>
Cc: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Subject: FW: Rules change suggestion

Thanks, Cesar. I'm forwarding your note to Joe DelCiampo, the committee's legal counsel. He'll track this and get it on our first agenda in September to start the consideration process.

All is well with me; I hope you and yours are doing well also!

Andrew

From: Noble, Cesar <Cesar.Noble@jud.ct.gov>
Sent: Sunday, June 28, 2020 2:00 PM
To: McDonald, Andrew <Andrew.McDonald@connapp.jud.ct.gov>
Subject: Rules change suggestion

Andrew:

I hope all is well and that you and your family are safe and handling this pandemic as well as possible. I offer for consideration of the rules committee the following revision to the rules of practice.

§ 10-60 provides for three methods of amending a pleading which are 1. By order of the court; 2. By written consent of the adverse party or 3. By filing a request for leave to file an amendment. It is only in the last circumstance, the filing of a request for leave to amend, that a movant is required to attach (A) the pleading as amended and (B) the pleading with the added language underlined and the deleted language stricken through or bracketed. It would be enormously helpful to have a party moving to amend pursuant to § 10-60(a)(1) [motion to amend] file the same pleading identifying the added and/or deleted language. I have attached a suggested amendment.

Please feel free to let me know if you have any questions.

Enjoy your summer.

Hon. Cesar A. Noble
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