

Item 03-09a
(111819)

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SENT VIA U.S. MAIL

March 21, 2019

Honorable Andrew J. McDonald
Chairman, Rules Committee of the Superior Court
P.O. Box 150474
Hartford, CT 06115-0474

RE: Connecticut Rules of Court Section 11-19

Dear Justice McDonald:

I am writing to recommend a revision to the Connecticut Rules of Court.

1. Rule 11-19 presently requires that a judge render a decision within 120 days after the completion of the hearing on a short calendar issue.
2. While the above time limit referenced in Rule 11-19 may adequately serve for litigants engaged in civil litigation, it is burdensome to litigants engaged in Family Court litigation, and frequently causes irreparable harm to families for whom a more prompt decision with respect to disputed issues is required.
3. The most common issues that are raised in the Family Court on a pendente lite basis include motions for temporary alimony, child support, counsel and expert fees, and the ordering of parenting plans for minor children.
4. Too frequently, these matters are not resolved for many months after the initial filing of the motion; and on at least some occasions, the pendente lite orders are not even decided until after the completion of the final trial and the rendition of permanent orders, thereby depriving the family of appropriate support during the time that elapses between the original filing of the motion and the publication of the decision.

5. I strongly urge your committee to consider adopting a revision to Practice Book Rule 11-19 that would require a trial court to make a decision on pendente lite issues in family cases within 30 days after the completion of the hearing.

Respectfully submitted,



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Sec. 11-19. —Time Limit for Deciding Short Calendar Matters

(a) Any judge of the Superior Court and any judge trial referee to whom a short calendar matter has been submitted for decision, with or without oral argument, shall issue a decision on such matter not later than 120 days from the date of such submission, unless such time limit is waived by the parties. In the event that the judge or referee conducts a hearing on the matter and/or the parties file briefs concerning it, the date of submission for purposes of this section shall be the date the matter is heard or the date the last brief ordered by the court is filed, whichever occurs later. If a decision is not rendered within this period the matter may be claimed in accordance with subsection (b) for assignment to another judge or referee.

(b) A party seeking to invoke the provisions of this section shall not later than fourteen days after the expiration of the 120 day period file with the clerk a motion for reassignment of the undecided short calendar matter which shall set forth the date of submission of the short calendar matter, the name of the judge or referee to whom it was submitted, that a timely decision on the matter has not been rendered, and whether or not oral argument is requested or testimony is required. The failure of a party to file a timely motion for reassignment shall be deemed a waiver by that party of the 120 day time.

(P.B. 1978-1997, Sec. 211A.)