



General Assembly

January Session, 2001

Raised Bill No. 6586

LCO No. 3187

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING JUDGE TRIAL REFEREES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 52-434 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
4 Court, each judge of the Superior Court and each judge of the Court of
5 Common Pleas who ceases or has ceased to hold office because of
6 retirement other than under the provisions of section 51-49 and who is
7 an elector and a resident of this state shall be a state referee for the
8 remainder of his term of office as a judge and shall be eligible for
9 appointment as a state referee during the remainder of his life in the
10 manner prescribed by law for the appointment of a judge of the court
11 of which he is a member. The Superior Court may refer any civil,
12 nonjury case and any civil jury case authorized by subsection (e) of
13 section 52-549z or with the written consent of the parties or their
14 attorneys, any civil jury case pending before the court in which the
15 issues have been closed to a judge trial referee who shall have and
16 exercise the powers of the Superior Court in respect to trial, judgment
17 and appeal in the case. The Superior Court may, with the consent of

18 the parties or their attorneys, refer any criminal case to a judge trial
19 referee who shall have and exercise the powers of the Superior Court
20 in respect to trial, judgment, sentencing and appeal in the case, except
21 that the Superior Court may, without the consent of the parties or their
22 attorneys, (A) refer any criminal case, other than a criminal jury trial,
23 to a judge trial referee assigned to a geographical area criminal court
24 session and (B) refer any criminal case, other than a class A or B felony
25 or capital felony, to a judge trial referee to preside over the jury
26 selection process and any voir dire examination conducted in such
27 case, unless good cause is shown not to refer.

28 (2) Each judge of the Circuit Court who has ceased to hold office
29 because of retirement other than under the provisions of section 51-49
30 and who is an elector and a resident of this state shall be a state referee
31 for the remainder of his term of office as a judge and shall be eligible
32 for appointment as a state referee during the remainder of his life in
33 the manner prescribed by law for the appointment of a judge of the
34 court of which he is a member, to whom the Superior Court may, with
35 the written consent of the parties or their attorneys, refer any case
36 pending in court in which the issues have been closed and which the
37 judges of the Superior Court may establish by rule to be the kind of
38 case which may be heard by such referees who have been appointed
39 judge trial referees pursuant to subsection (b). The judge trial referee
40 shall hear any such case so referred and report the facts to the court by
41 which the case was referred.

42 (3) Each judge of the Juvenile Court who ceases or has ceased to
43 hold office because of retirement other than under the provisions of
44 section 51-49 and who is an elector and a resident of this state shall be
45 a state referee for the remainder of his term of office as a judge and
46 shall be eligible for appointment as a state referee during the
47 remainder of his life in the manner prescribed by law for the
48 appointment of a judge of the court of which he is a member, to whom
49 a judge before whom any juvenile matter is pending may, with the
50 written consent of the child concerned, either of his parents or his

51 guardian or his attorney, refer any juvenile matter pending, provided
52 such referee has been appointed a judge trial referee specifically
53 designated to hear juvenile cases pursuant to subsection (b). The judge
54 trial referee shall hear any matter so referred and report the facts to the
55 court for the district from which the matter was referred.

56 (4) In addition to the judge trial referees who are appointed
57 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
58 Justice may appoint, from qualified members of the bar of the state,
59 who are electors and residents of this state, as many state referees as he
60 may from time to time deem advisable or necessary. No appointment
61 of a member of the bar may be for a term of more than three years.
62 Notwithstanding the provisions of subsection (f) of this section, state
63 referees appointed by the Chief Justice from members of the bar shall
64 receive such reasonable compensation and expenses as may be
65 determined by the Chief Justice. The Superior Court may appoint a
66 state referee pursuant to this subdivision to take such evidence as it
67 directs in any civil, nonjury case including, but not limited to, appeals
68 under section 8-8. Any such state referee shall report on such evidence
69 to the court with any findings of fact. The report shall constitute a part
70 of the proceeding upon which the determination of the court shall be
71 made.

72 Sec. 2. Section 52-549z of the general statutes is repealed and the
73 following is substituted in lieu thereof:

74 (a) A decision of the arbitrator shall become a judgment of the court
75 if no appeal from the arbitrator's decision by way of a demand for a
76 trial de novo is filed in accordance with subsection (d) of this section.

77 (b) A decision of the arbitrator shall become null and void if an
78 appeal from the arbitrator's decision by way of a demand for a trial de
79 novo is filed in accordance with subsection (d) of this section.

80 (c) For the purpose of this section the word "decision" shall include
81 a decision and judgment rendered pursuant to subsection (a) of section

82 52-549y, provided the appeal is taken by a party who did not fail to
83 appear at the hearing, and it shall exclude any other decision or
84 judgment rendered pursuant to said section.

85 (d) An appeal by way of a demand for a trial de novo must be filed
86 with the court clerk within twenty days of the filing of the arbitrator's
87 decision and it shall include a certification that a copy thereof has been
88 served on each counsel of record, to be accomplished in accordance
89 with the rules of court. The decision of the arbitrator shall not be
90 admissible in any proceeding resulting after a claim for a trial de novo
91 or from a setting aside of an award in accordance with section 52-
92 549aa.

93 (e) The Superior Court may refer any proceeding resulting from the
94 filing of demand for a trial de novo under subsection (d) of this section
95 to a judge trial referee without the consent of the parties, and said
96 judge trial referee shall have and exercise the powers of the Superior
97 Court in respect to trial, judgment and appeal in the case.

Statement of Purpose:

To allow judge trial referees to hear trials de novo in mandatory arbitration cases, by definition, only cases where the amount at stake is under \$50,000.00, without the consent of the parties.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]