



General Assembly

Substitute Bill No. 6586

January Session, 2001

AN ACT CONCERNING JUDGE TRIAL REFEREES.

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

1 Section 1. Section 52-434 of the general statutes is repealed and the
2 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] such judge's term of office as a judge and shall be
9 eligible for appointment as a state referee during the remainder of [his]
10 such judge's life in the manner prescribed by law for the appointment
11 of a judge of the court of which [he] such judge is a member. The
12 Superior Court may refer any civil, nonjury case or with the written
13 consent of the parties or their attorneys, any civil jury case pending
14 before the court in which the issues have been closed to a judge trial
15 referee who shall have and exercise the powers of the Superior Court
16 in respect to trial, judgment and appeal in the case, and any
17 proceeding resulting from a demand for a trial de novo pursuant to
18 subsection (e) of section 52-549z, as amended by this act, may be
19 referred without the consent of the parties to a judge trial referee who
20 has been specifically designated to hear such proceedings pursuant to
21 subsection (b) of this section. The Superior Court may, with the

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

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

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

56 such child's parents, or [his] such child's guardian or [his] attorney,
57 refer any juvenile matter pending, provided such referee has been
58 appointed a judge trial referee specifically designated to hear juvenile
59 cases pursuant to subsection (b) of this section. The judge trial referee
60 shall hear any matter so referred and report the facts to the court for
61 the district from which the matter was referred.

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

78 (b) The Chief Justice may designate, from among the state referees,
79 judge trial referees to whom criminal and civil cases and juvenile
80 matters may be referred. Criminal cases and civil cases of an adversary
81 nature shall be referred only to state referees who are designated as
82 judge trial referees, and proceedings resulting from a demand for a
83 trial de novo pursuant to subsection (e) of section 52-549z, as amended
84 by this act, shall be referred only to judge trial referees who are
85 specifically designated to hear such proceedings. On or before October
86 first of each year, the Chief Court Administrator shall publish the list
87 of the judge trial referees specifically designated to hear such
88 proceedings. Juvenile matters shall be referred only to judge trial
89 referees who are specifically designated to hear juvenile cases. No such

90 designation may be for a term of more than one year.

91 (c) Each hearing by a judge trial referee shall be held in a suitable
92 room, to be provided by the Office of the Chief Court Administrator, in
93 a courthouse in the judicial district where the case is pending unless
94 the parties or their attorneys stipulate in writing that the hearing may
95 be held elsewhere.

96 (d) Each judge trial referee may have the attendance of a judicial
97 marshal at any hearing before [him] such trial referee. The judicial
98 marshal shall receive the same compensation provided for attendance
99 at regular sessions of the court from which the case was referred and
100 such compensation shall be taxed by the state referee in the same
101 manner as similar costs are taxed by the judges of the court.

102 (e) Each judge trial referee may compel the attendance of any
103 witness summoned to appear before [him] such trial referee at any
104 hearing, in the same manner as the attendance of any witness may be
105 compelled in the Superior Court, and may punish for any act of
106 contempt committed in [his] such trial referee's presence while
107 engaged in the hearing in the same manner and to the same extent as
108 judges of the Superior Court.

109 (f) (1) On and after October 1, 1997, each judge trial referee shall
110 receive, for acting as a referee or as a single auditor or committee of
111 any court or for performing duties assigned by the Chief Court
112 Administrator with the approval of the Chief Justice, in addition to the
113 retirement salary, the sum of one hundred seventy dollars and
114 expenses, including mileage, for each day a state referee is so engaged,
115 said sums to be taxed by the court making the reference in the same
116 manner as other court expenses.

117 (2) On and after October 1, 1998, each judge trial referee shall
118 receive, for acting as a referee or as a single auditor or committee of
119 any court or for performing duties assigned by the Chief Court
120 Administrator with the approval of the Chief Justice, in addition to the
121 retirement salary, the sum of one hundred seventy-five dollars and

122 expenses, including mileage, for each day a state referee is so engaged,
123 said sums to be taxed by the court making the reference in the same
124 manner as other court expenses.

125 (3) On and after July 1, 1999, each judge trial referee shall receive,
126 for acting as a referee or as a single auditor or committee of any court
127 or for performing duties assigned by the Chief Court Administrator
128 with the approval of the Chief Justice, in addition to the retirement
129 salary, the sum of two hundred dollars and expenses, including
130 mileage, for each day a state referee is so engaged, said sums to be
131 taxed by the court making the reference in the same manner as other
132 court expenses.

133 (g) A judge trial referee may participate in an alternative dispute
134 resolution program approved by STA-FED ADR, Inc. in any year
135 commencing July first provided such referee performed the duties of a
136 judge trial referee or a senior judge for at least seventy-five days
137 during the preceding year, except that (1) for the year commencing
138 July 1, 1993, a judge trial referee may participate in said alternative
139 dispute resolution program without having performed the duties of a
140 judge trial referee or senior judge for seventy-five days during the
141 preceding year, and (2) a judge trial referee may participate in said
142 alternative dispute resolution program from the date such referee
143 assumes such status, through the completion of the year commencing
144 July first following such date without having satisfied the seventy-five-
145 day requirement. Any judge trial referee who participates in said
146 alternative dispute resolution program pursuant to subsection (f) of
147 section 51-50c without having satisfied the seventy-five-day
148 requirement set forth in said subsection shall not be eligible to
149 participate in said program pursuant to this subsection without having
150 satisfied the seventy-five-day requirement set forth in this subsection.

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

153 (a) A decision of the arbitrator shall become a judgment of the court

154 if no appeal from the arbitrator's decision by way of a demand for a
155 trial de novo is filed in accordance with subsection (d) of this section.

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

159 (c) For the purpose of this section the word "decision" shall include
160 a decision and judgment rendered pursuant to subsection (a) of section
161 52-549y, provided the appeal is taken by a party who did not fail to
162 appear at the hearing, and it shall exclude any other decision or
163 judgment rendered pursuant to said section.

164 (d) An appeal by way of a demand for a trial de novo must be filed
165 with the court clerk within twenty days [of the filing] after the deposit
166 of the arbitrator's decision in the United States mail, as evidenced by
167 the postmark, and it shall include a certification that a copy thereof has
168 been served on each counsel of record, to be accomplished in
169 accordance with the rules of court. The decision of the arbitrator shall
170 not be admissible in any proceeding resulting after a claim for a trial
171 de novo or from a setting aside of an award in accordance with section
172 52-549aa.

173 (e) The Superior Court may refer any proceeding resulting from the
174 filing of a demand for a trial de novo under subsection (d) of this
175 section to a judge trial referee without the consent of the parties, and
176 said judge trial referee shall have and exercise the powers of the
177 Superior Court in respect to trial, judgment and appeal in the case,
178 including a judgment of fifty thousand dollars or more.

JUD *Joint Favorable Subst.*

APP *Joint Favorable*