



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Judicial Branch
Judiciary Committee Public Hearing
March 18, 2016

H.B. 5525, An Act Concerning Court Authority to Impose
Sanctions in Civil Actions

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch regarding H.B. 5525, *An Act Concerning Court Authority to Impose Sanctions in Civil Actions*. The Judicial Branch appreciates the proponent's interest in providing trial judges with the authority to impose sanctions on self-represented parties, attorneys and law firms in civil matters, but has some concerns with Section 1 of the bill.

The subject of sanctions for inappropriate behavior in civil court has been the topic of repeated discussions within the Judicial Branch. Most recently, Practice Book Sec. 1-25 was amended effective January 1, 2015 to provide judges with explicit authority to protect counsel, parties and the court from abuse of the legal process and to hold counsel, self-represented parties and represented parties accountable for improper and inappropriate filings. When the amendment to Sec. 1-25 was being considered, the Rules Committee discussed Federal Rule 11 and decided that it did not want to go as far as Rule 11 because of the amount of ancillary litigation that the federal rule created. In essence, the Rules Committee did not want a remedy that was potentially worse than the problem. Ultimately, the Rules Committee and the judges of the Superior Court felt that the language in the amended Practice Book Sec. 1-25 struck the right balance. As a

result, we believe that the proposed language in Section 1 is unnecessary, and may have the unintended consequence of creating expensive and time-consuming litigation regarding sanctions.

The Judicial Branch agrees with Section 2 of the bill, which would repeal C.G.S. Sec. 52-99. This statute allows a judge to order a party who makes an untrue allegation or denial to pay the reasonable expenses of the other party, provided that no expense for counsel fees exceeds \$10 for any one offense. Not only is the \$10 maximum sanction outdated, the provision is no longer necessary in light of the language in Practice Book Sec. 1-25.

Thank you for your time and attention to this matter.