



General Assembly

February Session, 2018

Raised Bill No. 5505

LCO No. 2278



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT PROMOTING THE EXPEDITIOUS RESOLUTION OF
COMMERCIAL CASES IN THE STATE.***

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

- 1 Section 1. (NEW) (*Effective July 1, 2018*) (a) As used in this section:
- 2 (1) "Commercial case" means a civil action in which a principal
3 claim involves:
- 4 (A) Breach of contract or fiduciary duty, fraud, misrepresentation, a
5 business-related tort, including, but not limited to, unfair competition,
6 or a statutory or common law claim arising out of a business dealing,
7 including, but not limited to, (i) sales of assets or securities; (ii)
8 corporate restructuring; (iii) partnership, shareholder, joint venture
9 and other business agreements; (iv) trade secrets; (v) restrictive
10 covenants; and (vi) employment agreements, other than claims that
11 principally involve an alleged discriminatory practice;
- 12 (B) Transactions governed by the Uniform Commercial Code;
- 13 (C) Transactions involving commercial real property;

- 14 (D) Shareholder derivative actions;
- 15 (E) Commercial class actions;
- 16 (F) Business transactions involving or arising out of dealings with
17 commercial banks and other financial institutions;
- 18 (G) Internal affairs of business organizations;
- 19 (H) Malpractice by accountants or actuaries, and legal malpractice
20 arising out of representation in commercial matters;
- 21 (I) Environmental insurance coverage;
- 22 (J) Commercial insurance coverage, including, but not limited to,
23 directors and officers, errors and omissions, and business interruption
24 coverage; and
- 25 (K) Dissolution of corporations, partnerships, limited liability
26 companies, limited liability partnerships and joint ventures; and
- 27 (2) "Center" means the Connecticut Center for Commercial Claims
28 established pursuant to subsection (b) of this section.
- 29 (b) The Chief Court Administrator shall establish, within available
30 resources, a special session of the Superior Court for the resolution of
31 commercial cases involving a claim or claims for money damages in
32 excess of five hundred thousand dollars. The special session shall be
33 known as the "Connecticut Center for Commercial Claims".
- 34 (c) Upon written agreement of the parties to transfer a commercial
35 case to the center and the submission of such written agreement to the
36 Chief Court Administrator, or his or her designee, a commercial case
37 satisfying the jurisdictional requirements set forth in subsection (b) of
38 this section may be transferred to the docket of the center. Any party to
39 a commercial case that is transferred to the docket of the center shall be
40 assessed a per diem fee of twenty-five dollars per party for each day

41 that such case is pending on such docket. Assessment of the per diem
42 fee shall commence on the date on which the commercial case is
43 transferred to the docket of the center and shall terminate on the date
44 of the entry of judgment in the commercial case by the center, or, in the
45 case of a commercial case that is transferred by the center back to the
46 regular docket, the date on which the transfer occurs. The Chief Court
47 Administrator, or his or her designee, shall transfer all fees received
48 pursuant to this subsection to the organization administering the
49 program for the use of interest earned on lawyers' clients' funds
50 accounts pursuant to section 51-81c of the general statutes, for the
51 purpose of funding the delivery of legal services to the poor.

52 (d) Not later than three days following the date on which a
53 commercial case is transferred to the center, the Chief Court
54 Administrator, or his or her designee, shall provide the parties to the
55 commercial case with written notification of a list of names of not less
56 than thirty judges or judge trial referees who are available to preside
57 over the commercial case for the duration of the commercial case. Not
58 later than two weeks after the date on which the Chief Court
59 Administrator, or his or her designee, provides such written
60 notification, the parties shall provide written notification to the center
61 of the names of three judges or judge trial referees that the parties have
62 jointly selected to preside over the commercial case. The Chief Court
63 Administrator, or his or her designee, shall designate one of the three
64 judges or judge trial referees named by the parties to preside over the
65 commercial case. If the parties (1) fail to timely provide the Chief Court
66 Administrator, or his or her designee, with the names of three judges
67 or judge trial referees to preside over the commercial case, or (2)
68 cannot agree on the names of three judges or judge trial referees to
69 preside over the commercial case, the Chief Court Administrator, or
70 his or her designee, shall designate the judge or judge trial referee to
71 preside over the commercial case by selecting a judge or judge trial
72 referee from the list of names provided to the parties pursuant to this
73 subsection. In the event that no judge or judge trial referee, jointly

74 selected by the parties to preside over the commercial case, is in fact
75 available, the Chief Court Administrator shall provide the parties with
76 the opportunity to select another mutually agreed upon judge or judge
77 trial referee to preside over the commercial case.

78 (e) The judges of the Supreme Court, Appellate Court and Superior
79 Court shall adopt and may, from time to time, modify or repeal rules
80 and forms regulating pleading, practice and procedure in judicial
81 proceedings administered by the center. Such rules shall be for the
82 purpose of simplifying proceedings transferred to the center and
83 promoting the speedy and efficient determination of commercial cases
84 upon the merits. Such rules shall: (1) Provide for an accelerated
85 adjudication process; (2) address pretrial proceedings, discovery and
86 motions; (3) include a mandatory one-day mediation session with a
87 special master, designated by the Chief Court Administrator, who
88 shall be a judge, a judge trial referee or an attorney with expertise in
89 commercial cases; (4) require that a decision on a dispositive motion be
90 rendered not later than thirty days after the date on which such motion
91 was heard; and (5) ensure that any commercial case transferred to the
92 docket of the center be ready for trial not later than nine months
93 following the date of such transfer. Such rules shall not abridge,
94 enlarge or modify the jurisdiction of any court. Such rules shall
95 become effective on such date as the judges specify, but not in any
96 event until sixty days after such promulgation.

97 Sec. 2. (*Effective from passage*) Not later than January 1, 2019, the
98 Chief Court Administrator, or his or her designee, shall submit a
99 report, in accordance with the provisions of section 11-4a of the general
100 statutes, on the establishment of the Connecticut Center for
101 Commercial Claims to the joint standing committee of the General
102 Assembly having cognizance of matters relating to the judiciary.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2018</i>	New section
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To establish the Connecticut center for Commercial Claims as a mechanism for the expeditious resolution of commercial cases.

[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.]