



General Assembly

**Raised Bill No. 5505**

February Session, 2018

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.

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

***JUD***      *Joint Favorable*