

Summaries of the Revisions to the Practice Book Adopted by the Judges at the 2019 Annual Meeting

The proposed revisions were the subject of a public hearing conducted by the Rules Committee on May 13, 2019, and reflect comments received at that hearing, during the course of the meetings held by the Rules Committee, and include an amendment offered and adopted at the Judges' Annual meeting held on June 13, 2019. The revisions that were adopted include the following:

I. Revisions to the Rules of Professional Conduct

- Revisions to Rules 1.3, 1.17 and 5.4, changing the language regarding individuals with disabilities to “person-first” language to conform to No. 17-202 of the 2017 Public Acts.
- Revisions to Rule 5.4; Rules 7.1 through 7.5; and Practice Book Section 2-28A concerning attorney advertising, to adopt provisions similar to the 2018 amendments to the American Bar Association’s Model Rules of Professional Conduct. Sections 7.4 and 7.5 were both deleted as part of these revisions.

II. Revisions to the General Provisions of the Superior Court Rules

- A revision to Section 2-27A, concerning minimum continuing legal education, to add workers’ compensation commissioners and elected constitutional officers to the list of exempt attorneys.
- A revision to Section 3-9, concerning withdrawal of appearance, to clarify that, except as otherwise provided, no attorney shall withdraw his or her

appearance in any civil, criminal, family, juvenile or other matter without the court's permission.

- Revisions to Sections 3-9 and 6-3 to conform to No. 18-31 of the 2018 Public Acts regarding appearances and the preparation of judgment files in juvenile matters.

III. Revisions to the Civil Rules

- Revisions to Sections 8-2, 16-4, 16-8 and 16-16, changing the language regarding individuals with disabilities to “person-first” language to conform to No. 17-202 of the 2017 Public Acts.
- A new Section 13-12A, concerning discovery in personal injury cases, making certain information about claimant’s Medicare information subject to discovery by interrogatory and providing for a standard set of such interrogatories as Form 217.
- A revision to Section 23-42 concerning judicial action on motions to withdraw an appearance to include the explicit requirement that the presiding judge's memorandum of decision on motions for leave to withdraw, filed by appointed counsel pursuant to this section, is to be filed under seal.
- Revisions to Section 23-68 concerning where the presence of a person may be by means of an interactive audiovisual device to allow for witnesses and other participants in a proceeding to appear by interactive audiovisual device.

IV. **Revisions to the Family Rules**

- Revisions to Section 25-5 concerning automatic orders to add paragraph (A) of subsection (b) (1) to allow one party to make certain investment transactions during the pendency of a dissolution action in a manner which is consistent with the parties' prior practice, without necessarily obtaining the prior consent of the other party or a court order.

V. **Revisions to the Juvenile Rules**

- Revisions to Sections 26-1, 27-4A, 30-6, 30a-3, 30a-5, 30a-6, 31a-5, 31a-11 and 31a-18 and deletion of Section 31a-19 to conform to No. 18-31 of the 2018 Public Acts.
- A new Section 30-12 to allow for detained children to appear by interactive audiovisual device for detention hearings held in accordance with Section 30-10 and 30-11.

VI. **Revisions to the Criminal Rules**

- Revisions to Section 38-8 concerning 10 percent cash bail to allow for such bail to be automatically available for surety bonds under \$20,000 both at court and at the police department.
- Revisions to Sections 42-5, 42-10, 42-14, 42-21 and 42-22 changing the language regarding individuals with disabilities to "person-first" language to conform to No. 17-202 of the 2017 Public Acts.
- A revision to Section 43-36 concerning finding that an appeal is frivolous to include the explicit requirement that the presiding judge's memorandum of

decision on motions granting counsel leave to withdraw on the basis that the defendant's appeal is wholly frivolous is to be filed under seal.

VII. Practice Book Form

New Form 217 containing standard interrogatories regarding Medicare enrollment, eligibility and payments in civil actions alleging personal injury.

VIII. Effective Dates/Editorial Changes:

- the revisions to Rule 5.4 of the Rules of Professional Conduct become effective on promulgation by being published in the Connecticut Law Journal and, in connection therewith, that the provision of Section 1–9 (a) of the Practice Book requiring that a rule not become effective less than 60 days after promulgation was waived;
- New Practice Book Section 30–12 concerning where the presence of a detained child may be by means of an interactive audiovisual device becomes effective on October 1, 2019;
- the revisions to Section 2–27A concerning exemptions to the requirements of Minimum Continuing Legal Education become effective on October 1, 2019, and are applicable to calendar year 2019, and each calendar year thereafter;
- the rest of the revisions to the Practice Book become effective on January 1, 2020;

- the Reporter of Judicial Decisions may make editorial changes to the revisions including changes in the section numbers.