

On November 16, 2020, the Rules Committee met using Microsoft Teams from 2:01 p.m. to 3:08 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. HOLLY ABERY-WETSTONE
HON. BARBARA N. BELLIS
HON. SUSAN QUINN COBB
HON. JOHN B. FARLEY
HON. ALEX V. HERNANDEZ
HON. ANTHONY D. TRUGLIA JR.

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee; Lori Petruzzelli, Counsel, Legal Services; and Shanna O'Donnell, Research Attorney, Legal Services. Judges Tammy T. Nguyen-O'Dowd and Sheila M. Prats were absent.

1. Agenda items were taken out of order to accommodate Judge David P. Gold, the Chief Administrative Judge for Criminal Matters, who was present to address the Committee.

2. The Committee considered a proposal from Natasha M. Pierre, State Victim Advocate, to amend several rules and sections to advise crime victims of rights and provide for notice to victims and opportunity for victims to provide statements (RC ID # 2019-004).

Judge Gold was present and addressed the Committee regarding this proposal. State Victim Advocate Natasha M. Pierre was unable to attend the meeting.

After discussion, the Committee tabled the proposal until the final meeting of the 2020-2021 Rules Committee, at which time the Committee will review the status of efforts by Judge Gold, State Victim Advocate Pierre, and Chief State's Attorney Richard J. Colangelo, Jr. to resolve the underlying issues that led to this proposal by means of court forms and the new criminal justice database system scheduled to be released in 2021.

3. The Committee considered a proposal from Senator Looney, Senator Winfield, and Representative Stafstrom concerning pre-trial discovery procedure in criminal matters, sometimes referred to as “open file discovery” (RC ID #2019-014).

Judge Gold was present and addressed the Committee regarding this proposal.

After discussion, the Committee tabled this proposal to discuss the status of this proposal with Senator Looney, Senator Winfield, and Representative Stafstrom, and to revise the proposal to incorporate requests for provisions related to electronic discovery.

4. The Committee considered a proposal from Judge Alexander to amend section 37-1 to allow for waiver of the presence of the defendant at arraignment (RC ID # 2019-001).

Judge Gold was present and addressed the Committee regarding this proposal.

After discussion, the Committee tabled this proposal until the December meeting to allow Judge Gold to develop a revised proposal that addresses the use of technology to conduct hospital arraignments, as well as other proceedings, remotely. The Committee requested that Judge Gold bring this matter to the attention of the Chief Court Administrator, Judge Patrick L. Carroll III, as well as to the other Chief Administrative Judges.

5. The Committee approved the minutes of the meeting held on October 19, 2020, with no revisions.

6. The Committee considered a proposal from Judge Adelman to amend section 3-8 regarding hybrid appearances and subsequent revised proposals from the working group and counsel concerning “dual representation” (RC ID # 2018-003).

After discussion, the Committee voted to submit to public hearing counsel’s revised proposal concerning “dual representation”, which would create a new Section 25-6A and revise Section 3-8, as set forth in Appendix A to these minutes, and to retain the commentary to proposed Section 25-6A on a permanent basis. One member of the Committee, Judge Bellis, voted against this proposal; the remaining members of the Committee who were present at the meeting voted in favor.

7. The Committee considered a proposal from Judicial Branch Administration to amend Sections 2-27, 2-27A, and 2-65 and to adopt new Section 2-27B regarding administrative suspension of attorneys who fail to register or comply with Connecticut's MCLE requirements (RC ID # 2019-016).

Statewide Bar Counsel Michael Bowler was present and addressed the Committee concerning this proposal.

After discussion the Committee voted unanimously to submit to public hearing the amendments to Sections 2-27, 2-27A, and 2-65 and to adopt new Section 2-27B regarding administrative suspension of attorneys who fail to register or comply with Connecticut's MCLE requirements, as set forth in Appendix B to these minutes.

8. The Committee considered a proposal from the Connecticut Bar Association Pro Bono Committee and Standing Committee on Professional Ethics to amend Rule 5.5 of the Rules of Professional Conduct to permit pro bono practice in Connecticut by attorneys licensed and in good standing in other jurisdictions (RC ID # 2020-008).

Statewide Bar Counsel Michael Bowler was present and addressed the Committee concerning this proposal. Attorney Marcy Tench Stovall, of the Connecticut Bar Association Standing Committee on Professional Ethics, was also present and addressed the Committee.

After discussion, the Committee tabled this proposal for two months to allow Attorney Stovall and Statewide Bar Counsel Bowler to coordinate and submit a revised proposal. The revised proposal is to be sent to Counsel at least two weeks prior to the January meeting to allow adequate time for review.

9. The Committee considered a proposal from Judge Stevens to amend Section 13-14 of the Practice Book regarding the issuance of orders for non-suit or default for discovery violations (RC ID # 2020-010).

Erika Amarante, President of the Connecticut Defense Lawyers Association (CDLA), and Stephanie Z. Roberge, President of the Connecticut Trial Lawyers Association (CTLA), were present and addressed the Committee concerning this proposal.

After discussion, the Committee tabled this proposal until January to allow the CTLA and CDLA to coordinate and submit a revised proposal.

10. The Committee considered a proposal from Attorney Megan Wade to adopt the American Bar Association's Rule of Professional Conduct 8.4 (g), regarding harassing or discriminatory conduct, and a substitute proposal from the Connecticut Bar Association concerning proposed Amended Rule 8.4 (7) (RC ID # 2020-012).

Statewide Bar Counsel Michael Bowler and Chief Disciplinary Counsel Brian Staines were present and addressed the Committee concerning this proposal.

After discussion, the Committee tabled this proposal until January to allow for comments from the Statewide Grievance Committee and from the Office of the Chief Disciplinary Counsel. The Committee will permit additional comments from members of the public and other interested organizations until the end of the business day on December 4, 2020. Notice of the opportunity to provide such comments is to be posted to the Rules Committee web page as well as to the Judicial Branch website; Counsel is to consult with External Affairs regarding the options for posting such notice.

11. The Committee considered a proposal from Judge Noble to amend Section 10-60 concerning amending pleadings, and a subsequent revised proposal from counsel (RC ID # 2020-013).

After discussion, the Committee voted unanimously to submit to public hearing the revised proposal amending Sections 10-44, 10-59, and 10-60 of the Practice Book, as set forth in Appendix C to these minutes.

12. The Committee considered a request from the Office of the Chief State's Attorney to reinstate Section 38-21 (b) concerning forfeiture of bail and rearrest warrants (RC ID # 2020-019).

After discussion, the Committee directed that Counsel contact the Office of the Chief State's Attorney to advise that the Rules Committee would not be taking any action on this request, and that Judge Gold, the Chief Administrative Judge for Criminal Matters, would be the appropriate contact if the Office of the Chief State's Attorney wished to pursue options pursuant to Section 1-9C.

Respectfully submitted,

Joseph J. Del Ciampo
Counsel to the Rules Committee

DRAFT

APPENDIX A
(11-16-20)

(New) Section 25-6A. Appearance by self-represented party in addition to appearance of attorney

(a) A party may file an appearance as a self-represented party without prior approval of the court even though there is an existing appearance of one or more attorneys on file for that party. For purposes of this section, a “party with dual representation” is a party for whom one or more attorneys have current appearances on file and who also has a current appearance on file as a self-represented party.

(b) Pursuant to section 4-2, any pleading or other paper filed by or on behalf of a party with dual representation must be signed by an attorney of record for the party.

(c) If a party with dual representation files a motion that is not signed by an attorney of record, the court may, upon its own motion or upon the motion of any party, order that proceedings on the motion be stayed until an attorney of record adopts said motion as if it were signed by that attorney. The attorney may adopt the motion either by filing a notice of such adoption with the court or by making an oral statement to that effect in court on the record. Alternatively, if the party with dual representation affirms to the court that no attorney is actively representing the party with respect to any matters in the case in which the motion was filed, the court may in its discretion order that proceedings on the motion be stayed until the party with dual representation files a new appearance as a self-represented party in lieu of the appearances of any and all attorneys of record for the party.

(d) Unless and until a motion filed by a party with dual representation without the signature of the party's attorney is adopted by the attorney, disposed of, or withdrawn:

(1) The party with dual representation shall be solely responsible for the prosecution or litigation of the motion; and

(2) An attorney of record for any other party in the case may communicate directly with the party with dual representation, but only with respect to the subject matter of the motion.

(e) If two motions of a party with dual representation are scheduled for hearing at the same time, with one or more having been signed or adopted by the party's attorney and one or more not having been so signed or adopted, the court in its discretion may determine the most appropriate method of proceeding with the hearing of the multiple motions.

(f) If a party with dual representation files a pleading or paper, other than a motion, which is not signed by the party's attorney, the court may treat such filing in the same manner as it may treat a motion under this section or in such other manner as in its discretion it deems appropriate under the circumstances.

COMMENTARY: The above rule is intended to clarify the procedures to be followed when parties in family matters file appearances on their own behalf even though they may also have, or intend to have, an attorney who has filed an appearance. The rule recognizes that filing a self-representation appearance may be desirable in order to receive notices from the court. However, the rule is not intended to supersede the requirement of Section 4-2 that a pleading or other paper filed on behalf of a party who is

represented by an attorney be signed by the attorney. The rule also acknowledges the possibility that a party will nevertheless file a motion without the attorney's signature. In that event, it is intended to provide guidance to the parties, attorneys, and the court about how to proceed. In exercising its discretion to stay proceedings on a motion filed by a party without the attorney's signature the court may consider any relevant circumstances, including, but not limited to, the emergency nature, if any, of the motion; any time limits imposed by statute or rule on the court's hearing on the motion; the pendency of another motion filed on behalf of the party which has been signed or adopted by the party's attorney, or by another party, which concerns the same facts or legal issues; and the likelihood that action by the court on the motion that has not been signed or adopted by the attorney will substantially impact the adjudication of other issues in the case.

Sec. 3-8. Appearance for Represented Party

(a) Whenever an attorney files an appearance for a party, or the party files an appearance for himself or herself, and there is already an appearance of an attorney or party on file for that party, the attorney or party filing the new appearance shall state thereon whether such appearance is in place of or in addition to the appearance or appearances already on file. Section 25-6A shall apply to any appearance filed in a family case by a self-represented party when filed in addition to an appearance or appearances already on file.

(b) An attorney is permitted to file an appearance limited to a specific event or proceeding in any family or civil case. If an event or proceeding in a matter in which a limited appearance has been filed has been continued to a later date, for any reason, it is not deemed completed unless otherwise ordered by the court. Except with leave of

court, a limited appearance may not be filed to address a specific issue or to represent the client at or for a portion of a hearing. A limited appearance may not be limited to a particular length of time or the exhaustion of a fee. Whenever an attorney files a limited appearance for a party, the limited appearance shall be filed in addition to any self-represented appearance that the party may have already filed with the court. Upon the filing of the limited appearance, the client may not file or serve pleadings, discovery requests or otherwise represent himself or herself in connection with the proceeding or event that is the subject of the limited appearance. An attorney shall not file a limited appearance for a party when filing a new action or during the pendency of an action if there is no appearance on file for that party, unless the party for whom the limited appearance is being filed files an appearance in addition to the attorney's limited appearance at the same time. A limited appearance may not be filed on behalf of a firm or corporation. A limited appearance may not be filed in criminal or juvenile cases, except that a limited appearance may be filed pursuant to section 79a-3 (c) (1).

(c) The provisions of this section regarding parties filing appearances for themselves do not apply to criminal cases.

COMMENTARY: This revision refers to new section 25-6A, which governs parties with dual representation in family cases.

APPENDIX B
(11-16-20)

Sec. 2-27. Clients' Funds; [Lawyer] Attorney Registration

(a) Consistent with the requirement of Rule 1.15 of the Rules of Professional Conduct, each [lawyer] attorney or law firm shall maintain, separate from the [lawyer's] attorney's or the firm's personal funds, one or more accounts accurately reflecting the status of funds handled by the [lawyer] attorney or firm as fiduciary or attorney, and shall not use such funds for any unauthorized purpose.

(b) Each [lawyer] attorney or law firm maintaining one or more trust accounts as defined in Rule 1.15 of the Rules of Professional Conduct and Section 2-28 (b) shall keep records of the maintenance and disposition of all funds of clients or of third persons held by the [lawyer] attorney or firm in a fiduciary capacity from the time of receipt to the time of final distribution. Each [lawyer] attorney or law firm shall retain the records required by Rule 1.15 of the Rules of Professional Conduct for a period of seven years after termination of the representation.

(c) Such books of account and statements of reconciliation, and any other records required to be maintained pursuant to Rule 1.15 of the Rules of Professional Conduct, shall be made available upon request of the Statewide Grievance Committee or its counsel, or the disciplinary counsel for review, examination or audit upon receipt of notice by the Statewide Grievance Committee of an overdraft notice as provided by Section 2-28 (f). Upon the filing of a grievance complaint or a finding of probable cause, such records shall be made available upon request of the Statewide Grievance Committee, its counsel or the disciplinary counsel for review or audit.

(d) Each [lawyer] attorney shall register with the Statewide Grievance Committee, on a form devised by the committee, the address of the [lawyer's] attorney's office or offices maintained for the practice of law, the [lawyer] attorney's office e-mail address and business telephone number, the name and address of every financial institution with which the [lawyer] attorney maintains any account in which the funds of more than one client are kept and the identification number of any such account. Such registrations will be made on an annual basis and at such time as the [lawyer] attorney changes his or her address or addresses or location or identification number of any such trust account in which the funds of more than one client are kept. The registration forms filed pursuant to this subsection and pursuant to Section 2-26 shall not be public; however, all information obtained by the Statewide Grievance Committee from these forms shall be public, except the following: trust account identification numbers; the [lawyer's] attorney's home address; the [lawyer's] attorney's office email address; and the [lawyer's] attorney's birth date. Unless otherwise ordered by the court, all nonpublic information obtained from these forms shall be available only to the Statewide Grievance Committee and its counsel, the reviewing committees, the grievance panels and their counsel, the bar examining committee, the standing committee on recommendations for admission to the bar, disciplinary counsel, the client security fund committee and its counsel, a judge of the Superior Court, a judge of the United States District Court for the District of Connecticut, any grievance committee or other disciplinary authority of the United States District Court for the District of Connecticut or, with the consent of the [lawyer] attorney, to any other person. In addition, the trust account identification numbers on the registration forms filed pursuant to Section 2-26

and this section shall be available to the organization designated by the judges of the Superior Court to administer the IOLTA program pursuant to Rule 1.15 of the Rules of Professional Conduct. The registration requirements of this subsection shall not apply to judges of the Supreme, Appellate or Superior Courts, judge trial referees, family support magistrates, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges.

(e) The Statewide Grievance Committee or its counsel may conduct random inspections and audits of accounts maintained pursuant to Rule 1.15 of the Rules of Professional Conduct to determine whether such accounts are in compliance with the rule and this section. If any random inspection or audit performed under this subsection discloses an apparent violation of this section or the Rules of Professional Conduct, the matter may be referred to a grievance panel for further investigation or to the disciplinary counsel for presentment to the Superior Court. Any ~~[lawyer]~~ attorney whose accounts are selected for inspection or audit under this section shall fully cooperate with the inspection or audit, which cooperation shall not be construed to be a violation of Rule 1.6 (a) of the Rules of Professional Conduct. Any records, documents or information obtained or produced pursuant to a random inspection or audit shall remain confidential unless and until a presentment is initiated by the disciplinary counsel alleging a violation of Rule 1.15 of the Rules of Professional Conduct or of this section, or probable cause is found by the grievance panel, the Statewide Grievance Committee or a reviewing committee. Contemporaneously with the commencement of a presentment or the filing of a grievance complaint, notice shall be given in writing by the Statewide Grievance Committee to any client or third person whose identity may be

publicly disclosed through the disclosure of records obtained or produced in accordance with this subsection. Thereafter, public disclosure of such records shall be subject to the client or third person having thirty days from the issuance of the notice to seek a court order restricting publication of any such records disclosing confidential information. During the thirty day period, or the pendency of any such motion, any document filed with the court or as part of a grievance record shall refer to such clients or third persons by pseudonyms or with appropriate redactions, unless otherwise ordered by the court.

(f) Violation of subsection (a), (b) or (c) of this section shall constitute misconduct. An attorney who fails to register in accordance with subsection (d) shall be administratively suspended from the practice of law in this state pursuant to Section 2-27B.

COMMENTARY: The changes to this section make it clear that it constitutes misconduct for an attorney or law firm to fail to maintain one or more accounts separate from the attorney or firm's personal funds; keep and maintain records required for one or more trust accounts; and make such books of account and statements of reconciliation, and any other records required to be maintained, available as required for review and audit. The additional change in subsection (f) establishes that an attorney who fails to register in accordance with subsection (d) of this section, shall be administratively suspended from the practice of law in this state pursuant to Section 2-27B.

Sec. 2-27A. Minimum Continuing Legal Education

(a) On an annual basis, each attorney admitted in Connecticut shall certify, on the registration form required by Section 2-27 (d), that the attorney has completed in the last calendar year no less than twelve credit hours of appropriate continuing legal education, at least two hours of which shall be in ethics/professionalism. The ethics and professionalism components may be integrated with other courses. This rule shall apply to all attorneys except the following:

(1) Judges and senior judges of the Supreme, Appellate or Superior Courts, judge trial referees, family support magistrates, family support magistrate referees, workers' compensation commissioners, elected constitutional officers, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges;

(2) Attorneys who are disbarred, resigned pursuant to Section 2-52, on inactive status pursuant to Section 2-56 et seq., or retired pursuant to Sections 2-55 or 2-55A;

(3) Attorneys who are serving on active duty in the armed forces of the United States for more than six months in such year;

(4) Attorneys for the calendar year in which they are admitted;

(5) Attorneys who earn less than \$1000 in compensation for the provision of legal services in such year;

(6) Attorneys who, for good cause shown, have been granted temporary or permanent exempt status by the Statewide Grievance Committee.

(b) Attorneys may satisfy the required hours of continuing legal education:

(1) By attending legal education courses provided by any local, state or special interest bar association in this state or regional or national bar associations recognized in this state or another state or territory of the United States or the District of Columbia (hereinafter referred to as “bar association”); any private or government legal employer; any court of this or any other state or territory of the United States or the District of Columbia; any organization whose program or course has been reviewed and approved by any bar association or organization that has been established in any state or territory of the United States or the District of Columbia to certify and approve continuing legal education courses; and any other nonprofit or for-profit legal education providers, including law schools and other appropriate continuing legal education providers, and including courses remotely presented by video conference, webcasts, webinars, or the like by said providers.

(2) By self-study of appropriate programs or courses directly related to substantive or procedural law or related topics, including professional responsibility, legal ethics, or law office management and prepared by those continuing legal education providers in subsection (b) (1). Said self-study may include viewing and listening to all manner of communication, including, but not limited to, video or audio recordings or taking online legal courses. The selection of self-study courses or programs shall be consistent with the objective of this rule, which is to maintain and enhance the skill level, knowledge, ethics and competence of the attorney and shall comply with the minimum quality standards set forth in subsection (c) (6).

(3) By publishing articles in legal publications that have as their primary goal the enhancement of competence in the legal profession, including, without limitation, substantive and procedural law, ethics, law practice management and professionalism.

(4) By teaching legal seminars and courses, including the participation on panel discussions as a speaker or moderator.

(5) By serving as a full-time faculty member at a law school accredited by the American Bar Association or approved by the state bar examining committee, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein.

(6) By serving as a part-time or adjunct faculty member at a law school accredited by the American Bar Association or approved by the state bar examining committee, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein at the rate of one hour for each hour of classroom instruction and one hour for each two hours of preparation.

(7) By serving as a judge or coach for a moot court or mock trial course or competition that is part of the curriculum at or sanctioned by a law school accredited by the American Bar Association or approved by the state bar examining committee.

(c) Credit computation:

(1) Credit for any of the above activities shall be based on the actual instruction time, which may include lecture, panel discussion, and question and answer periods. Credit for the activity listed in subsection (b) (7) shall be based upon the actual judging

or coaching time, up to four hours for each activity per year. Self-study credit shall be based on the reading time or running time of the selected materials or program.

(2) Credit for attorneys preparing for and presenting legal seminars, courses or programs shall be based on one hour of credit for each two hours of preparation. A maximum of six hours of credit may be credited for preparation of a single program. Credit for presentation shall be on an hour for hour basis. Credit may not be earned more than once for the same course given during a calendar year.

(3) Credit for the writing and publication of articles shall be based on the actual time required for both researching and drafting. Each article may be counted only one time for credit.

(4) Continuing legal education courses ordered pursuant to Section 2-37 (a) (5) or any court order of discipline shall not count as credit toward an attorney's obligation under this section.

(5) Attorneys may carry forward no more than two credit hours in excess of the current annual continuing legal education requirement to be applied to the following year's continuing legal education requirement.

(6) To be eligible for continuing legal education credit, the course or activity must: (A) have significant intellectual or practical content designed to increase or maintain the attorney's professional competence and skills as an an [lawyer] attorney; (B) constitute an organized program of learning dealing with matters directly related to legal subjects and the legal profession; and (C) be conducted by an individual or group qualified by practical or academic experience.

(d) Attorneys shall retain records to prove compliance with this rule for a period of seven years. Such records shall be made available to the Statewide Grievance Committee or its counsel, the minimum continuing legal education commission, or the disciplinary counsel upon request.

[(e) Violation of this section shall constitute misconduct.]

(e) Nothing in this section shall be construed to allow the Statewide Grievance Committee or its counsel, the minimum continuing legal education commission, or the disciplinary counsel to conduct random audits solely to determine whether an attorney is in compliance with this section.

[(f) Unless it is determined that the violation of this section was wilful, a noncompliant attorney must be given at least sixty days to comply with this section before he or she is subject to any discipline.]

(f) An attorney who fails to comply with the minimum continuing legal education requirement shall be administratively suspended from the practice of law in this state pursuant to Section 2-27B.

(g) A Minimum Continuing Legal Education Commission (“commission”) shall be established by the Judicial Branch and shall be composed of four Superior Court judges and four attorneys admitted to practice in this state, all of whom shall be appointed by the chief justice of the Supreme Court or his or her designee and who shall serve without compensation. The charge of the commission will be to provide advice regarding the application and interpretation of this rule and to assist with its implementation including, but not limited to, the development of a list of frequently

asked questions and other documents to assist the members of the bar to meet the requirements of this rule.

COMMENTARY—2017: It is the intention of this rule to provide attorneys with relevant and useful continuing legal education covering the broadest spectrum of substantive, procedural, ethical and professional subject matter at the lowest cost reasonably feasible and with the least amount of supervision, structure and reporting requirements, which will aid in the development, enhancement and maintenance of the legal knowledge and skills of practicing attorneys and will facilitate the delivery of competent legal services to the public. The rule also permits an attorney to design his or her own course of study. The law is constantly evolving and attorneys, like all other professionals, are expected to keep abreast of changes in the profession and the law if they are to provide competent representation. Subsection (a) provides that Connecticut attorneys must complete twelve credit hours of continuing legal education per calendar year. Subsection (a) also lists those Connecticut attorneys, who are exempt from compliance, including, among others: judges, senior judges, attorneys serving in the military, new attorneys during the year in which they are admitted to practice, attorneys who earn less than \$1000 in compensation for the provision of legal services in the subject year, and those who obtain an exempt status for good cause shown. The subsection also provides an exemption for attorneys who are disbarred, resigned, on inactive status due to disability, or are retired. The exemption for attorneys who earn less than \$1000 in compensation in a particular year is not intended to apply to attorneys who claim that they were not paid as a result of billed fees to a client. All compensation received for the provision of legal services, whether the result of billed

fees or otherwise, must be counted. There is no exemption for attorneys who are suspended or on administrative suspension. Subsection (d) requires an attorney to maintain adequate records of compliance. For continuing legal education courses, a certificate of attendance shall be sufficient proof of compliance. For self-study, a contemporaneous log identifying and describing the course listened to or watched and listing the date and time the course was taken, as well as a copy of the syllabus or outline of the course materials, if available, and, when appropriate, a certificate from the course provider, shall be sufficient proof of compliance. For any other form of continuing legal education, a file including a log of the time spent and drafts of the prepared material shall provide sufficient proof of compliance.

COMMENTARY 2021: This revision allows for the administrative suspension of an attorney who fails to comply with the MCLE requirements.

(NEW) Sec. 2-27B. Enforcement of Attorney Registration and Minimum Continuing Legal Education; Administrative Suspension

(a) The Statewide Grievance Committee shall send a notice to each attorney who has not registered pursuant to Section 2-27 (d), or who has not completed minimum continuing legal education pursuant to Section 2-27A, that the attorney's license to practice law in this state will be referred to the Superior Court for an administrative suspension of the attorney's license to practice law in this state unless by December 31 of the year in which the notice is sent such attorney provides proof to the Statewide Grievance Committee that for the non-complying year the attorney has registered or completed minimum continuing legal education, or is exempt from minimum continuing legal education. The Statewide Grievance Committee shall submit to the clerk of the

Superior Court for the Hartford Judicial District a list of attorneys who did not provide proof of compliance with attorney registration or minimum continuing legal education, or exemption from minimum continuing legal education. Upon order of the court, the attorneys so listed and referred to the clerk shall be deemed administratively suspended from the practice of law in this state until such time as compliance has occurred and proof of same provided to the Statewide Grievance Committee, which suspension shall be effective upon publication of the list in the Connecticut Law Journal. An administrative suspension of an attorney for failure to comply with attorney registration or minimum continuing legal education shall not be considered discipline, but an attorney who is placed on administrative suspension for such failure shall be ineligible to practice law as an attorney admitted to practice in this state, and shall not be considered in good standing pursuant to Section 2-65 of these rules until such time as proof of compliance is provided to the Statewide Grievance Committee.

(b) An attorney aggrieved by an order placing the attorney on administrative suspension for failing to comply with sections 2-27 (d) or 2-27A may make an application to the Superior Court to have the order vacated, by filing the application with the Superior Court for the Hartford Judicial District within thirty days of the date that the order is published, and mailing a copy of the same by certified mail, return receipt requested, to the Statewide Grievance Committee. The application shall set forth the reasons why the application should be granted. The court shall schedule a hearing on the application, which shall be limited to whether good cause exists to vacate the suspension order.

(c) The notice required by this section shall be sent by regular mail to the last address registered by the attorney pursuant to Section 2-26 and Section 2-27 (d) and to any e-mail address on record with the Judicial Branch.

COMMENTARY: This new section provides for procedures and establishes requirements for notice from the Statewide Grievance Committee when an attorney fails to register or to comply with the MCLE requirements. It specifies the process for administrative suspension of attorneys who fail to provide proof of compliance with registration or MCLE requirements before December 31 of the year in which the notice was sent by the Statewide Grievance Committee. This section also provides a procedure by which an aggrieved attorney may apply to have the order of administrative suspension vacated.

Sec. 2-65. Good Standing of Attorney

An attorney is in good standing in this state if the attorney has been admitted to the bar of this state, has registered with the Statewide Grievance Committee in compliance with Section 2-27 (d), has complied with Sections 2-27A and 2-70, and is not under suspension, on inactive status, disbarred, or resigned from the bar.

COMMENTARY: This revision refers to language in Section 2-27B (a) that an attorney who has been placed on administrative suspension for failure to comply with attorney registration or minimum continuing legal education requirements shall not be considered in good standing.

APPENDIX C
(11-16-20)

Sec. 10-44. --Substitute Pleading; Judgment

Within fifteen days after the granting of any motion to strike, the party whose pleading has been stricken may file a new pleading; provided that in those instances where an entire complaint, counterclaim or cross complaint, or any count in a complaint, counterclaim or cross complaint has been stricken, and the party whose pleading or a count thereof has been so stricken fails to file a new pleading within that fifteen day period, the judicial authority may, upon motion, enter judgment against said party on said stricken complaint, counterclaim or cross complaint, or count thereof.

Any new pleading filed pursuant to this section shall be accompanied by a separate document which shows the differences between the previous pleading and the new pleading by using underlining to indicate new language and by using either brackets or strikethrough to indicate deleted language.

Nothing in this section shall dispense with the requirements of Sections 61-3 or 61-4 of the appellate rules.

COMMENTARY: This revision would require that substitute pleadings be accompanied by a document that shows the additions and deletions made to the original filing, mirroring the requirements of section 10-60 (a) (3).

Sec. 10-59. Amendments; Amendment as of Right by Plaintiff

The plaintiff may amend any defect, mistake or informality in the writ, complaint or petition and insert new counts in the complaint, which might have been originally inserted

therein, without costs, during the first thirty days after the return day. (See General Statutes § 52-128 and annotations.)

Any writ, complaint or petition amended pursuant to this section shall be accompanied by a separate document showing the portion or portions of the original writ, complaint or petition so amended by using underlining to indicate new language and by using either brackets or strikethrough to indicate deleted language.

COMMENTARY: This revision would require that writs, complaints or petitions amended pursuant to this section be accompanied by a document that shows the additions and deletions made to the original filing, mirroring the requirements of section 10-60 (a) (3).

Sec. 10-60. --Amendment by Consent, Order of Judicial Authority, or Failure To Object

(a) Except as provided in Section 10-66, a party may amend his or her pleadings or other parts of the record or proceedings at any time subsequent to that stated in the preceding section in the following manner:

(1) By order of judicial authority; or

(2) By written consent of the adverse party; or

(3) By filing a request for leave to file an amendment together with[: (A)] the amended pleading or other parts of the record or proceedings[, and (B) an additional document showing the portion or portions of the original pleading or other parts of the record or proceedings with the added language underlined and the deleted language stricken through or bracketed]. The party shall file the request and accompanying

documents after service upon each party as provided by Sections 10-12 through 10-17, and with proof of service endorsed thereon. If no party files an objection to the request within fifteen days from the date it is filed, the amendment shall be deemed to have been filed by consent of the adverse party. If an opposing party shall have objection to any part of such request or the amendment appended thereto, such objection in writing specifying the particular paragraph or paragraphs to which there is objection and the reasons therefor, shall, after service upon each party as provided by Sections 10-12 through 10-17 and with proof of service endorsed thereon, be filed with the clerk within the time specified above and placed upon the next short calendar list.

(b) Any amended pleading or other part of the record or proceedings filed pursuant to this section or accompanying a request for leave to file an amendment pursuant to this section shall be accompanied by a separate document showing the amendments to the original pleading or other parts of the record or proceedings being amended by using underlining to indicate new language and by using either brackets or strikethrough to indicate deleted language.

~~[(b)]~~ (c) The judicial authority may restrain such amendments so far as may be necessary to compel the parties to join issue in a reasonable time for trial. If the amendment occasions delay in the trial or inconvenience to the other party, the judicial authority may award costs in its discretion in favor of the other party. For the purposes of this rule, a substituted pleading shall be considered an amendment. (See General Statutes § 52-130 and annotations.)

COMMENTARY: This revision would require that amended pleadings be accompanied by a document that shows the additions and deletions made to the original filing, expanding the requirements of section 10-60 (a) (3) to apply to all such amended pleadings.