

Item 04-04c
(121619)

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October 10, 2018

Via Email: Andrew.McDonald@connapp.jud.ct.gov

Justice Andrew J. McDonald
Connecticut Supreme Court
231 Capitol Avenue
Hartford, CT 06106

Dear Justice McDonald:

You have asked the CT Bar Association to comment on a Proposed Amendment to the Practice Book to which the CBA Family Law Section submits the following comments to the Rules Committee regarding the proposed changes to CT Practice Book Section 3-8(a) and 25-5.

✓ **Practice Book Section 3-8(a):**

The CBA Family Law Section approves of the rule change proposed by Judge Adelman provided that this proposed change does not apply to limited scope representation.

Practice Book Section 25-5:

The CBA Family Law Section provides the following comments to the proposed rule change:

- Members of the section questioned whether it is necessary to include the "*purchasing*" of securities in the proposed change. However, other members raised the issue that a day-trader and/or someone exercising stock options may need to make a "purchase".
- Members of the section raised the issue that the additional requirements that the sale/purchase is (1) *intended to preserve the marital estate*; and (2) *is time urgent in nature* could make the rule confusing, subjective, and likely to lead to increased litigation.
- Members of the section raised the issue that the reference to the phrase "*in the normal course of business*" in the proposed change is confusing given that this language is also used in subsection (a).
- Members of the section also raised the issue that the term "*marital estate*" may be confusing, in light of Connecticut being an all-property state.

If you have any questions please contact me or the CBA Family Law section member CCd on this email (Aidan Welsh).

Sincerely,

William L. Chapman
Government & Community Relations

Cc: Joseph J. Del Ciampo
Joseph.DelCiampo@jud.ct.gov

Del Ciampo, Joseph

From: Bill Chapman <bchapman@ctbar.org>
Sent: Thursday, November 15, 2018 2:32 PM
To: Del Ciampo, Joseph
Subject: FW: Response to Rules Committee, PB Section 3-8

Joe:

Below is the response from the **Litigation section** on the proposal from Judge Adelman to amend Practice Book Section 3-8. Sorry for any delay in the response. Thank you.

Bill Chapman
Government & Community Relations



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From: William J. O'Sullivan [mailto:wosullivan@omjblaw.com]
Sent: Thursday, November 15, 2018 2:14 PM
To: Bill Chapman <bchapman@ctbar.org>; Ralph J Monaco <RMonaco@clsmlaw.com>; Alex Cuda <alex@needlelawoffice.com>; Bob Shea <shea@shealawinc.com>; Sharon Dornfeld <attorneydornfeld@hotmail.com>; Terry Donovan <terry_donovan@sbcglobal.net>; Cody N. Guarnieri <cody@bpslawyers.com>; James Ralls <james.ralls@ct.gov>
Subject: RE: Response to Rules Committee,

I generally agree with the proposed revision, but if the defendant is a member of the bar, I think he/she should be able to file pro se side-by-side with retained counsel as a matter of right. That's really no different than having two law firms on file for the same party.

Bill O'Sullivan
Chair, Litigation Section

William J. O'Sullivan

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From: Bill Chapman [mailto:bchapman@ctbar.org]

Sent: Saturday, November 10, 2018 4:43 PM

To: Ralph J Monaco <RMonaco@clsmlaw.com>; William J. O'Sullivan <wosullivan@omjblaw.com>; Alex Cuda <alex@needlelawoffice.com>; Bob Shea <shea@shealawinc.com>; Sharon Dornfeld <attorneydornfeld@hotmail.com>; Terry Donovan <terry_donovan@sbcglobal.net>; Cody N. Guarnieri <cody@bpslawyers.com>; James Ralls <james.ralls@ct.gov>

Subject: Response to Rules Committee,

If your section, which received this proposal to the Rules Committee in September, has any written comments on this attached proposal on hybrid representation, please forward to me by this Thursday, November 15, 2018. Thank you.

Bill Chapman
Government & Community Relations



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