

Del Ciampo, Joseph

From: Heller, Donna
Sent: Thursday, October 3, 2019 9:53 AM
To: Del Ciampo, Joseph
Subject: FW: Proposed new rule on hybrid appearances
Attachments: Proposed new Section 25-6A re dual appearances 4-11-19.docx

Item 06-04g
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Follow Up Flag: Follow up
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Good morning, Joe. May we include this proposal from Judge Albis on the agenda for our October meeting? Thank you!

From: Albis, Michael A. <Michael.Albis@jud.ct.gov>
Sent: Thursday, April 11, 2019 3:01 PM
To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Cc: Adelman, Gerard <Gerard.Adelman@jud.ct.gov>; Greenfield, Johanna <Johanna.Greenfield@jud.ct.gov>; Heller, Donna <Donna.Heller@jud.ct.gov>; Knight, Joseph <Joseph.Knight@jud.ct.gov>; Olear, Leslie <Leslie.Olear@jud.ct.gov>
Subject: Proposed new rule on hybrid appearances

Dear Attorney Del Ciampo.

As you may recall, when I attended the meeting of the Rules Committee in January of this year, one of the items discussed was the proposal by Judge Gerard Adelman for an amendment to the Practice Book regarding “hybrid” appearances in family cases, i.e. situations where a party filing his or her own appearance was also represented by an attorney with an appearance in the case.

Concerned about possible unintended consequences of a rule requiring court approval for all such dual appearances, I suggested and the Committee agreed that it would be appropriate for me to form a small “working group” to discuss the issue, consisting of family judges as well as representatives of Court Operations and the clerks’ offices.

Following that meeting, the following people graciously agreed to serve with me as members of the group: Hon. Gerard Adelman, Attorney Johanna Greenfield of Court Operations, Hon. Donna Heller, Middlesex District Assistant Clerk Joseph Knight, Esq., and Hon. Leslie Olear. The group held one very productive meeting attended by all, followed by a continued discussion via email.

The result is the attached proposed new Practice Book Rule and Commentary. I understand the Committee may not reach this issue until at least its September meeting, but I would be happy to address any questions there may be in the interim. Also, if the Committee would like me to attend a meeting at which the proposal is on the agenda, please let me know and I would be pleased to do so.

I thank the members of the working group for their time, expertise, and wisdom in formulating this proposal, in which all members have concurred.

Thank you.

Section 25-6A. Self-representation appearance in addition to appearance by attorney.

- (a) A party may file or maintain an appearance on the party's own behalf in addition to a general appearance by an attorney for that party, without prior approval of the court. For purposes of this section, a "dually represented party" 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 dually represented party must be signed by an attorney of record for the party. If a dually represented party files a motion that is not signed by an attorney of record, the court may in its discretion order that proceedings on the motion be stayed until an attorney of record adopts said motion as if it were signed by said 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 dually represented party 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 dually represented party files a new appearance as a self-represented party in lieu of the appearances of any and all attorneys of record for the party.
- (c) Unless and until a motion filed by a dually represented party without the signature of the party's attorney is adopted by the attorney, disposed of, or withdrawn:
 - (1) The dually represented party 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 dually represented party, but only with respect to the subject matter of the motion.
- (d) If two motions of a dually represented party 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.
- (e) If a dually represented party 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 allow parties in family matters to file appearances on their own behalf even though they may also have, or intend to have, an attorney who has filed a general appearance. The rule recognizes that filing a self-representation appearance may be desirable in order to allow the party to have direct access to the court's electronic file of the case and 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, counsel, 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.