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Sent Via Email (Joseph.DelCiampo@jud.ct.gov)

February 4, 2020

Honorable Andrew J. McDonald
Connecticut Supreme Court
Chair, Superior Court Rules Committee
231 Capital Avenue
Hartford, CT 06106

Re: Proposal to Amend Rule 5.5 the Connecticut Rules of Professional Conduct to permit pro bono practice in Connecticut by attorneys licensed and in good standing in other jurisdictions

Dear Justice McDonald,

On behalf of the Connecticut Bar Association's Pro Bono Committee and Standing Committee on Professional Ethics, as authorized by the Executive Committee of the Connecticut Bar Association at its January 17, 2020 meeting, I write to propose an amendment of Rule 5.5 of the Connecticut Rules of Professional Conduct (Unauthorized Practice of Law) and to request that the proposal be placed on the Rules Committee's agenda for February 10, 2020.

Rule 5.5 prohibits the practice of law in Connecticut by individuals who are not licensed in the state. It does, however, contain a number of exceptions to permit practice in Connecticut for lawyers who are admitted and in good standing in another jurisdiction. The proposed amendment would create a new category of permissible practice that would, under limited circumstances, permit attorneys who are licensed and in good standing in other jurisdictions to engage in pro bono practice in Connecticut.

The Pro Bono Committee and the Ethics Committee jointly propose an amendment of Rule 5.5 to add the following to the Rule:

(d) A lawyer admitted in another United States jurisdiction, who is not disbarred or suspended from practice in any jurisdiction, or who has taken retirement status while in good standing in another jurisdiction, may participate in the provision of any and all legal services pro bono publico in Connecticut offered under the supervision of an organized legal aid society, a state or local bar association project, or of a member of the Connecticut bar who is also working on the pro bono representation.

A complete copy of Rule 5.5 and its Commentary reflecting the proposed amendment is attached.

Explanation and rationale for the proposed amendment:

The proposed pro bono rule would encourage attorneys who live in Connecticut, but are licensed to practice law in another jurisdiction, to volunteer to provide pro bono assistance in this state. The proposed amendment would expand the pool of potential volunteers to provide essential legal representation to the growing number of vulnerable Connecticut citizens who cannot effectively represent themselves. This proposed amendment also advances the policy set forth in Rule 6.1 of the Rules of Professional Conduct and in Article II of the CBA Constitution.

The language of the proposed amendment tracks the language of two Practice Book provisions that the Rules Committee has previously approved and the Judges have adopted: Practice Book § 2-15A(c)(5), which permits pro bono practice in Connecticut by attorneys admitted as authorized house counsel; and Practice Book § 2-55(e), which permits pro bono practice by Connecticut attorneys who have retired from practice under circumstances where they retain the right of revocation.

Amy Lin Meyerson, Marcy Stovall, and I plan to attend the Rules Committee's February 10 meeting to address any questions the Committee may have about the proposed amendment of Rule 5.5.

Respectfully submitted,

/s/ Craig Coulombe

Craig Coulombe
Legislative Liaison, CBA Pro Bono Committee

Enclosure

cc: Bill Chapman (via email)
Amy Lin Meyerson, Chair, CBA Pro Bono Committee (via email)
Kim Rinehart, Chair, Standing Committee on Professional Ethics (via email)
Marcy Tench Stovall, Legislative Liaison, Standing Committee on Professional Ethics (via email)

