Minutes of the Meeting

Rules Committee

Monday, January 13, 2020

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On Monday, January 13, 2020, the Rules Committee met in the Supreme Court courtroom from 2:04 p.m. to 4:22 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR

HON. JOAN K. ALEXANDER

HON. BARBARA N. BELLIS

HON. SUSAN QUINN COBB

HON. MELANIE L. CRADLE

HON. DONNA NELSON HELLER

HON. BARRY K. STEVENS

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, of the Judicial Branch’s Legal Services Unit. Judge Barry K. Stevens arrived at 2:06 p.m., during discussion of agenda item 05-02. Judge Joan K. Alexander was present for the discussion of agenda items 05-01 through 05-03 and left the meeting at 3:47 p.m. Judge Holly Abery-Wetstone was absent.

1. The Committee approved the minutes of the meeting held on December 16, 2019.

2. The Committee considered a proposal from the Judicial-Media Committee to amend Section 1-11C concerning media coverage in criminal proceedings. Judge Stevens was present for consideration and discussion of this matter.

After discussion, the Committee voted to table this proposal until the February meeting. The Rules Committee instructed Counsel to redraft the proposed amendment to incorporate the definition of “victim’s family” into the proposed amended rule rather than in the commentary.

3. The Committee considered a proposal from Natasha M. Pierre, State Victim Advocate, to amend various Rules of Professional Conduct and various sections of the Practice Book to ensure the proper treatment and protection of crime victims.

Attorney Pierre and Attorney Marcy Stovall, Legislative Liaison for the Professional Ethics Committee of the Connecticut Bar Association, were present and addressed the Committee regarding this proposal.

After discussion, the Committee tabled this proposal until the February meeting to allow the Chair to gather information about the outcome of grievance complaints against prosecutors for violations of Rule 8.4.

4. The Committee considered a proposal from Judge Adelman to amend Section 3-8 regarding hybrid appearances and a related proposal from Judge Albis’ working group to create a new section regarding hybrid appearances in family cases.

After discussion, the Committee tabled this proposal until the February meeting and instructed Counsel to draft a summary of the discussion of this proposal at this meeting. Judge Heller agreed to contact Judge Albis to advise him of this discussion. Judge Cobb agreed to contact Judge Abrams to advise him of this discussion. The Committee also instructed Counsel to invite both Judge Abrams and Judge Albis to discuss this matter at a future meeting of the Rules Committee.

5. 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 Minimum Continuing Legal Education requirements.

Attorney Michael Bowler was present and addressed the Committee regarding this proposal.

After discussion, the Committee tabled this proposal until the March meeting. The Committee asked Attorney Bowler to confer with the Judicial Branch Administration about revising the proposal 1) as to the grace period and 2) to clarify Section 2-27A (b) to add that review of the MCLE records is limited to the context of grievance proceedings. The Committee directed that Attorney Bowler obtain a copy of all of the comments received by the Committee concerning this proposal and to discuss those comments with the various bar associations to attempt to address their concerns.

6. The Committee discussed reappointments of Attorney Low and Attorney Kennedy to continue serving on the Legal Specialization Screening Committee (LSSC).

After discussion, the Committee voted unanimously to recommend both Attorney Low and Attorney Kennedy for reappointment. The Committee tabled this matter until after the Chief Justice’s decision regarding reappointment, and will consider appointment of the Chair and Vice Chair at that time. Counsel is to contact the current members of the LSSC to obtain information regarding their willingness to serve in those capacities. The Committee also noted that Attorney Henebry’s term will expire in June and that, if he is willing to continue serving, the Committee will need to consider whether or not to recommend him for reappointment.

7. The Committee considered a proposal from the Connecticut Bar Examining Committee to amend Sections 2-3 et seq.

Former Judge Anne Dranginis, Chair of the Connecticut Bar Examining Committee and Attorney Fred Ury, Member of the Connecticut Bar Examining Committee were present and addressed the Committee regarding this proposal. Jessica Kallipolites, Administrative Director of the Connecticut Bar Examining Committee, was also present.

After discussion, the Committee voted to table this proposal until the February meeting to allow for further review.

8. The Committee considered a proposal from Attorney David P. Atkins to revise Section 2-27A (c) (3) of the Connecticut Practice Book regarding MCLE credit for articles.

Michael Bowler, Counsel to the Commission on Minimum Continuing Legal Education, was present and addressed the Committee regarding this proposal.

After discussion, the Committee voted unanimously to submit to public hearing the amendment to Section 2-27A (c) (3) of the Connecticut Practice Book regarding MCLE credit for articles, as set forth in Appendix A to these minutes.

9. The Committee considered a proposal submitted by the Connecticut Bar Association to amend Rule 5.5 of the Rules of Professional Conduct to permit attorneys admitted and in good standing in another jurisdiction to practice law in Connecticut prior to their admission in Connecticut.

Attorneys Michael Bowler and Marcy Stovall were present during the discussion of this proposal.

After discussion, the Committee tabled this matter until the March meeting and referred this proposal to the Office of Chief Disciplinary Counsel, to the Bar Examining Committee, and to the Statewide Bar Counsel’s office for reveiw.

Respectfully submitted,

Joseph J. Del Ciampo

Counsel to the Rules Committee