

From: Bowler, Michael
Sent: Monday, January 25, 2021 9:31 AM
To: Rules Committee
Cc: Del Ciampo, Joseph
Subject: Proposal to Amend Section 2-27(d) Regarding Attorney Home Addresses
Attachments: Proposed Amendment to Section 2-27(d) (Attorney Home Addresses) (1-21) (002).pdf

Dear Attorney Del Ciampo,

At a meeting held on January 21, 2021, the Statewide Grievance Committee unanimously approved the attached proposal to amend Practice Book Section 2-27(d). The Rules Committee recently approved several other changes to Section 2-27(d), so the template we used shows both the approved and additional proposals. The proposal is double-underlined at lines 38-41, with a proposed commentary at lines 88-106.

As you know, Section 2-27(d) requires attorneys to register the office address where they practice law. Attorneys are also required to list their home addresses on the registration form. Registered office addresses are public information; home addresses are confidential.

Despite the clear requirement of Section 2-27(d), many attorneys engaged in the practice of law do not register office addresses. Accordingly, Judicial mailings to those attorneys default to the registered home address. As the proposed commentary notes, this can cause the attorney's home address to be available to the public should the attorney be grieved or use the attorney's personal juris number to appear in a court matter. While the Statewide Grievance Committee would not purposely disclose the home address to a member of the public, that address would be in the grievance complaint record, always available to the complainant, and if probable cause were found on the complaint, then publicly available to anyone who wished to view the complaint record. The proposed amendment notes that the home address is confidential unless it is part of the public record of a grievance complaint as defined by Section 2-50 of the Practice Book, or if the attorney uses the attorney's personal juris number to appear in a Judicial proceeding.

Please let me know if you have any questions.

Mike

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

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

7
8 (b) Each ~~lawyer~~ attorney or law firm maintaining one or more trust accounts as defined in
9 Rule 1.15 of the Rules of Professional Conduct and Section 2- 28 (b) shall keep records
10 of the maintenance and disposition of all funds of clients or of third persons held by the
11 ~~lawyer~~ attorney or firm in a fiduciary capacity from the time of receipt to the time of final
12 distribution. Each attorney or law firm shall retain the records required by Rule 1.15 of the
13 Rules of Professional Conduct for a period of seven years after termination of the
14 representation.

15
16 (c) Such books of account and statements of reconciliation, and any other records
17 required to be maintained pursuant to Rule 1.15 of the Rules of Professional Conduct,
18 shall be made available upon request of the ~~Statewide Grievance Committee~~ statewide
19 grievance committee or its counsel, or the disciplinary counsel for review, examination or
20 audit upon receipt of notice by the ~~Statewide Grievance Committee~~ statewide grievance
21 committee of an overdraft notice as provided by Section 2-28 (f). Upon the filing of a
22 grievance complaint or a finding of probable cause, such records shall be made available
23 upon request of the statewide grievance committee, its counsel or the disciplinary counsel
24 for review or audit.

25
26 (d) Each ~~lawyer~~ attorney shall register with the ~~Statewide Grievance Committee~~ statewide
27 grievance committee, on a form devised by the committee, the address of the ~~lawyer's~~
28 attorney's office or offices maintained for the practice of law, the ~~lawyer's~~ attorney's office
29 e-mail address and business telephone number, the name and address of every financial
30 institution with which the ~~lawyer~~ attorney maintains any account in which the funds of
31 more than one client are kept and the identification number of any such account. Such
32 registrations will be made on an annual basis and at such time as the ~~lawyer~~ attorney
33 changes his or her address or addresses or location or identification number of any such
34 trust account in which the funds of more than one client are kept. The registration forms
35 filed pursuant to this subsection and pursuant to Section 2-26 shall not be public;
36 however, all information obtained by the ~~Statewide Grievance Committee~~ statewide
37 grievance committee from these forms shall be public, except the following: trust account
38 identification numbers; the attorney's home address; unless no office address is
39 registered and then only if the home address is part of the public record of a grievance
40 complaint as defined in Section 2-50 or the attorney uses the attorney's personal juris
41 number to appear in a matter in this state; the attorney's office email address; and the
42 attorney's birth date. Unless otherwise ordered by the court, all nonpublic information
43 obtained from these forms shall be available only to the statewide grievance committee
44 and its counsel, the reviewing committees, the grievance panels and their counsel, the
45 bar examining committee, the standing committee on recommendations for admission to
46 the bar, disciplinary counsel, the client security fund committee and its counsel, a judge

47 of the Superior Court, a judge of the United States District Court for the District of
48 Connecticut, any grievance committee or other disciplinary authority of the United States
49 District Court for the District of Connecticut or, with the consent of the ~~lawyer~~ attorney, to
50 any other person. In addition, the trust account identification numbers on the registration
51 forms filed pursuant to Section 2-26 and this section shall be available to the organization
52 designated by the judges of the Superior Court to administer the IOLTA program pursuant
53 to Rule 1.15 of the Rules of Professional Conduct. The registration requirements of this
54 subsection shall not apply to judges of the Supreme, Appellate or Superior Courts, judge
55 trial referees, family support magistrates, federal judges, federal magistrate judges,
56 federal administrative law judges or federal bankruptcy judges.

57
58 (e) The ~~Statewide Grievance Committee~~ statewide grievance committee or its counsel
59 may conduct random inspections and audits of accounts maintained pursuant to Rule
60 1.15 of the Rules of Professional Conduct to determine whether such accounts are in
61 compliance with the rule and this section. If any random inspection or audit performed
62 under this subsection discloses an apparent violation of this section or the Rules of
63 Professional Conduct, the matter may be referred to a grievance panel for further
64 investigation or to the disciplinary counsel for presentment to the Superior Court. Any
65 ~~lawyer~~ attorney whose accounts are selected for inspection or audit under this section
66 shall fully cooperate with the inspection or audit, which cooperation shall not be construed
67 to be a violation of Rule 1.6 (a) of the Rules of Professional Conduct. Any records,
68 documents or information obtained or produced pursuant to a random inspection or audit
69 shall remain confidential unless and until a presentment is initiated by the disciplinary
70 counsel alleging a violation of Rule 1.15 of the Rules of Professional Conduct or of this
71 section, or probable cause is found by the grievance panel, the ~~Statewide Grievance~~
72 ~~Committee~~ statewide grievance committee or a reviewing committee.
73 Contemporaneously with the commencement of a presentment or the filing of a grievance
74 complaint, notice shall be given in writing by the ~~Statewide Grievance Committee~~
75 statewide grievance committee to any client or third person whose identity may be publicly
76 disclosed through the disclosure of records obtained or produced in accordance with this
77 subsection. Thereafter, public disclosure of such records shall be subject to the client or
78 third person having thirty days from the issuance of the notice to seek a court order
79 restricting publication of any such records disclosing confidential information. During the
80 thirty day period, or the pendency of any such motion, any document filed with the court
81 or as part of a grievance record shall refer to such clients or third persons by pseudonyms
82 or with appropriate redactions, unless otherwise ordered by the court.

83
84 (f) Violation of subsection (a), (b) or (c) of this section shall constitute misconduct. An
85 attorney who fails to register in accordance with subsection (d) shall be administratively
86 suspended from the practice of law in this state pursuant to Section 2-27B.

87
88 **COMMENTARY**

89
90 Attorneys are required to register the office address(es) where the attorney
91 practices law, and the attorney's home address. The attorney's office address is public
92 information and is the address where the Judicial Branch interacts with the attorney.

93 Generally, an attorney's home address is not public information. When an attorney fails
94 to register an office address, however, the Judicial Branch interacts with the attorney by
95 using the attorney's home address. These interactions may result in the attorney's home
96 address becoming publicly available or displayed online. For example, if an attorney has
97 not registered an office address and the attorney is the subject of a grievance complaint,
98 then the Statewide Grievance Committee mails the complaint to the attorney's home
99 address, and that notice and any other documents related to the complaint become part
100 of the record. The record is available to the Complainant at any time, and if probable
101 cause of misconduct is found, to the public. See Practice Book Section 2-50. Also, when
102 an attorney appears in a matter using the attorney's personal juris number, the court uses
103 the address registered by the attorney both to interact with the attorney and to display
104 online via the Judicial Branch case lookup application. If the attorney fails to register an
105 office address, then the address used by the court and displayed online will be the
106 attorney's home address.