

From: Staines, Brian
Sent: Thursday, December 31, 2020 2:46 PM
To: Rules Committee; Del Ciampo, Joseph; Bowler, Michael
Subject: Comments of the Office of Chief Disciplinary Counsel regarding proposal to revise rule 8.4 of the Rules of Professional Conduct.
Attachments: OCDC 8.4 comments.pdf

I have attached the Office of Chief Disciplinary Counsel's comments regarding proposal to revise rule 8.4 of the Rules of Professional Conduct.

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December 31, 2020

Rules Committee of the Superior Court
c/o Attorney Joseph Del Ciampo
RulesCommittee@jud.ct.gov

RE: Rules Committee Proposal concerning Rule 8.4 (RC ID # 2020-012)

Dear Attorney Del Ciampo:

The Office of Chief Disciplinary Counsel has been asked to comment on the substitute proposal before the Rules Committee to revise rule 8.4 of the Rules of Professional Conduct. I have had an opportunity to review all of the submissions to the Rules Committee through 2020-012 FFF. This office would be tasked with pursuing grievances under subsection 7 before a reviewing committee and the Superior Court should the proposed subsection be adopted by the Rules Committee. Accordingly, I do not feel it appropriate for this office to take a position on the proposal. However, I agree with and wish to incorporate into this letter the observations of the Statewide Grievance Committee in numbered paragraph three of its comments dated December 29, 2020 (2020-012 FFF).

Historically, rule 8.4 (4) of the Rules of Professional Conduct has been successfully used to address instances of misconduct that proposed subsection 7 is intended to address. The SGC's comments provide a digest of cases that resulted in a finding of discipline against an attorney under the current rules. I am not aware of any case in the last four years where the current rules were found to be inadequate to address this type of claim.

The Office of Chief Disciplinary Counsel concurs with the closing statement of the SGC that the current rules of professional conduct are applied robustly before

reviewing committees and the Superior Court to limit and deter the conduct described by the proposal and its commentary.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'BBS', with a horizontal line extending to the right.

Brian B. Staines
Chief Disciplinary Counsel

BBS