

5-3b

Del Ciampo, Joseph

From: Bill Chapman <bchapman@ctbar.org>
Sent: Wednesday, October 10, 2018 4:35 PM
To: McDonald, Andrew; Del Ciampo, Joseph
Cc: Aidan Welsh; Jonathan M. Shapiro
Subject: CBA comments re. Proposed Amendment to Section 25-5 of the Practice Book
Attachments: Rules_Comments from FLS re 25-5_10-10-18.docx

Justice McDonald:

This email is regarding a **Proposed Amendment to Section 25-5 of the Practice Book** which the Rules Committee requested that the CBA Family Law section review and comment. Please see attached. If there are any questions feel free to contact me.

Bill Chapman
Government & Community Relations



Mobile: 860-707-3309
Desk: 860-612-2004
bchapman@ctbar.org
Twitter: @CTBarLeg



30 Bank Street
New Britain, CT 06051
T. (860) 223-4400

www.ctbar.org

October 10, 2018

Via Email: Andrew.McDonald@connapp.jud.ct.gov

Justice Andrew J. McDonald
Connecticut Supreme Court
231 Capitol Avenue
Hartford, CT 06106

Dear Justice McDonald:

You have asked the CT Bar Association to comment on a Proposed Amendment to the Practice Book to which the CBA Family Law Section submits the following comments to the Rules Committee regarding the proposed changes to CT Practice Book Section 3-8(a) and 25-5.

Practice Book Section 3-8(a):

The CBA Family Law Section approves of the rule change proposed by Judge Adelman provided that this proposed change does not apply to limited scope representation.

✓ **Practice Book Section 25-5:**

The CBA Family Law Section provides the following comments to the proposed rule change:

- Members of the section questioned whether it is necessary to include the "*purchasing*" of securities in the proposed change. However, other members raised the issue that a day-trader and/or someone exercising stock options may need to make a "purchase".
- Members of the section raised the issue that the additional requirements that the sale/purchase is (1) *intended to preserve the marital estate*; and (2) *is time urgent in nature* could make the rule confusing, subjective, and likely to lead to increased litigation.
- Members of the section raised the issue that the reference to the phrase "*in the normal course of business*" in the proposed change is confusing given that this language is also used in subsection (a).
- Members of the section also raised the issue that the term "*marital estate*" may be confusing, in light of Connecticut being an all-property state.

If you have any questions please contact me or the CBA Family Law section member CCd on this email (Aidan Welsh).

Sincerely,

William L. Chapman
Government & Community Relations

Cc: Joseph J. Del Ciampo
Joseph.DelCiampo@jud.ct.gov