

Minutes of the Meeting
Rules Committee
Monday, December 16, 2019

On Monday, December 16, 2019, the Rules Committee met in the Supreme Court courtroom from 2:01 p.m. to 2:54 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. HOLLY ABERY-WETSTONE
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.

1. The Committee approved the minutes of the meeting held on November 18, 2019.
2. The Committee considered a proposal from Senator Fasano to reconsider changes to Section 38-8 regarding ten percent cash bail scheduled to go into effect on January 1, 2020.

Senator Fasano and Judge Devlin were present and addressed the Committee regarding this proposal.

After discussion, the Committee voted to table this proposal.

3. The Committee considered a proposal from Maureen Martowska and related comments from Judge Albis, regarding the 2017 revisions to Section 25-60 of the Connecticut Practice Book.

Justice McDonald recused himself from discussion of this proposal. Counsel acted as Chair in his stead.

After discussion, the Committee voted to table this proposal.

4. 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.

After discussion, the Committee tabled this proposal until the January meeting. The Committee will request the presence of Natasha M. Pierre at the January meeting. Counsel is to contact the Office of the Victim Advocate (OVA) to obtain written responses to the comments critical of the proposal and to coordinate with OVA to create a revised draft of the proposal that incorporates all of the previous revisions and the withdrawal of portions of the proposal related to the Juvenile Rules.

Attorney Stovall was present and addressed the Committee regarding the portions of this proposal pertaining to Rule 3.8.

5. 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.

Judge Bellis and Judge Heller summarized the subcommittee's review of this proposal, and reported that changes were being made to the e-filing system to address

the ability of parties represented by attorneys in family matters to view their cases electronically.

After discussion, the Committee tabled this proposal until the January meeting to request that Judge Abrams canvass the civil judges on this issue and to allow time for Judge Abrams to report on their responses and to allow the Connecticut Bar Association time to provide their comments on this proposal. The Committee instructed Counsel to draft a revised proposal that would apply to both civil and family cases.

6. 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 Louis Pepe was present and addressed the Committee regarding this proposal, appearing before the Committee in his individual capacity.

After discussion, the Committee tabled this proposal until the January meeting. The Committee asked Attorney Pepe to contact the Fairfield County Bar Association and Connecticut Bar Association to obtain additional information about their members' concerns with the proposal. The Committee instructed Counsel to contact State Bar Counsel Michael Bowler to request that he coordinate with the Judicial Branch Administration to determine if they would be opposed to amending the proposal to allowing a one year grace period for compliance with the MCLE requirement and removal of the random audit provisions from the proposal.

7. The Committee discussed making a recommendation for an individual to be appointed to the Legal Specialization Screening Committee (LSSC).

After discussion, the Committee voted to recommend Attorney Brian Henebry for appointment to the LSSC. The Committee tabled the appointment of a chair and vice chair of the LSSC until after the Chief Justice determined whether or not to accept the Committee's recommendation of Attorney Henebry.

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.

Attorney Atkins was present and addressed the Committee regarding this proposal.

After discussion, the Committee voted to table this proposal and to refer the proposal to the Commission on Continuing Legal Education for review.

Respectfully submitted,

Joseph J. Del Ciampo
Counsel to the Rules Committee