

Del Ciampo, Joseph

From: Albis, Michael A.
Sent: Wednesday, November 14, 2018 6:05 PM
To: Del Ciampo, Joseph
Cc: Bozzuto, Elizabeth; Adelman, Gerard
Subject: Proposed rule re hybrid appearances

Item 05-04f
(011320)

Dear Attorney Del Ciampo,

I thank the Rules Committee for inviting my comments on the proposal by the Hon. Gerard Adelman for an amendment to Rule 3-8(a) which would require court approval for hybrid representation.

I agree with Judge Adelman that clarification would be helpful for situations in which a party who is represented by an attorney wishes to file his or her own additional appearance. The existence of a hybrid appearance can create issues in at least two situations.

The first is where the self-represented party files a motion in a family case on his or her own, without the signature – and sometimes without the knowledge – of the attorney who has appeared for that party. This is arguably contrary to Section 4-2(a), which requires that every pleading of a party represented by an attorney be signed by the attorney. As there is little to prevent a party with an appearance in a case from filing a motion without the signature of his or her attorney, the question of the propriety of the filing typically arises, if at all, when the motion appears on the short calendar.

The second is that when such a motion appears on the calendar and is allowed to proceed, there may be another motion by the same party on the same calendar which **was** signed by the party's attorney. If a hearing on both motions goes forward, it can create difficulties when the party's attorney is involved in only one of them, since it is common for related motions to be heard together.

On the other hand, the ability of a party who is represented by an attorney to have access to his or her electronic court file may be limited if the party is not permitted to file his or her own appearance as well. Family cases differ from civil matters with respect to the need to file an appearance in a case in order to have electronic access to the court file. Also, as pointed out by the Connecticut Bar Association in its comments, any new rule about hybrid appearances should distinguish between general and limited scope appearances filed by attorneys.

I believe the proposed amendment has merit but should be explored further to determine its consequences, intended and unintended, in light of the issues unique to family cases. It may be, for example, that a rule to clarify the effect of hybrid appearances would be preferable to a requirement of court approval of them in family matters. I would respectfully request the opportunity to review the proposal with a group including family judges, clerks, and the staff of Court Operations which I would assemble for that purpose. I have asked Judge Adelman if he would be willing to be part of such a group, and he has agreed.

Please let me know if the Rules Committee would like me to proceed in this manner. Thank you very much.