

Minutes of the Meeting
Rules Committee of the Superior Court
Friday, June 5, 2020

On Friday, June 5, 2020, the Rules Committee of the Superior Court conducted a public hearing using Microsoft Teams to receive comments concerning proposed revisions to the Practice Book and, pursuant to subsection (c) of Section 51-14 of the Connecticut General Statutes, to receive comments on any proposed new rule or change in an existing rule that any member of the bar or the public deemed desirable. At the conclusion of the public hearing, the Rules Committee met using Microsoft Teams from 2:18 p.m. to 2:37 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.

Among those in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee; Lori Petruzzelli, Counsel, Judicial Branch Legal Services; and Shanna O'Donnell, Research Attorney, Judicial Branch Legal Services. Alison M. Chandler, Court Planner, Judicial Branch External Affairs, served as the moderator for the public hearing.

1. The Committee unanimously approved the minutes of the meeting held on February 10, 2020, as amended.

2. The Committee unanimously approved the minutes of the emergency meeting held on May 11, 2020, as amended.

3. The Committee considered the proposed schedule of Rules Committee meetings for 2020-2021.

After discussion, the Committee unanimously approved the following schedule of meetings, subject to future amendment:

Monday, September 14, 2020 - 2:00 p.m.

Monday, October 19, 2020 - 2:00 p.m.

Monday, November 16, 2020 - 2:00 p.m.

Monday, December 14, 2020 - 2:00 p.m.

Monday, January 11, 2021 - 2:00 p.m.

Monday, February 8, 2021 - 2:00 p.m.

Monday, March 15, 2021 - 2:00 p.m.

Monday, May 10, 2021 - 10:00 a.m. Public Hearing followed by a meeting of the Committee.

4. The Committee considered reappointment of Attorney Brian T. Henebry to the Legal Specialization Screening Committee (LSSC) and the designation of the LSSC Chair and Vice-Chair.

After discussion, the Committee voted unanimously to recommend to the Chief Justice the reappointment of Attorney Henebry to the LSSC for a three-year term commencing on July 1, 2020.

After discussion, the Committee voted unanimously to designate Attorney Rosemarie Paine as the Chair of the LSSC and to designate Attorney N. Low to continue as Vice Chair of the LSSC.

5. The Committee noted comments from three of Connecticut's legal services programs – Greater Hartford Legal Aid, Connecticut Legal Services, and New Haven Legal Assistance Association – in support of the proposed change to the Commentary to Rule 7.3 of the Rules of Professional Conduct.

6. The Committee considered a proposal from Judge Conway, Chief Administrative Judge, Juvenile Matters, to amend Sections 3-8 and 35a-21 of the Connecticut Practice Book in response to the Supreme Court opinion in *In re Taijha H.-B.*, 333 Conn. 297 (2019).

Judge Conway was present at the Public Hearing and addressed the Committee concerning this proposal.

After discussion, the Committee voted unanimously to recommend to the judges that the proposal by Judge Conway to amend Sections 3-8 and 35a-21 of the Practice Book, as set forth in Appendix A to these minutes, to waive the public hearing requirement for such, to adopt the amendments on an interim basis until such time as a public hearing can be conducted, and to waive, due to exigent circumstances, the 60-day requirement that a rule not be effective earlier than 60 days after promulgation, with the interim rules' effective date to be coordinated with the effective date of the corresponding proposed rules from the Appellate Advisory Committee.

7. Counsel addressed the Committee regarding certain technical changes to the proposed rules sent to the judges for consideration.

After discussion, the Committee recommended that Counsel share the proposed changes with the Committee for the Committee's review.

8. The Committee considered a proposal from Attorney Wade regarding adoption of Rule 8.4 (g) of the American Bar Association's Rules of Professional Conduct.

Attorney Wade was present at the public hearing and addressed the Committee concerning this proposal.

After discussion, the Committee decided to table this proposal to the September meeting to allow Attorney Wade to coordinate with the Connecticut Bar Association and to submit additional materials to the Committee for review.

9. Judge Stevens and Judge Heller addressed the Committee concerning the expiration of their terms as members of the Committee, and expressed their thanks to the Committee. Justice McDonald expressed the Committee's thanks to Judge Stevens and Judge Heller for their service.

10. All matters recommended by the Committee will be submitted to the judges for a vote on adoption.

APPENDIX A
(060520)

Sec. 3-8. Appearance for Represented Party

(a) Whenever an attorney files an appearance for a party, or the party files an appearance for himself or herself, and there is already an appearance of an attorney or party on file for that party, the attorney or party filing the new appearance shall state thereon whether such appearance is in place of or in addition to the appearance or appearances already on file.

(b) An attorney is permitted to file an appearance limited to a specific event or proceeding in any family or civil case. If an event or proceeding in a matter in which a limited appearance has been filed has been continued to a later date, for any reason, it is not deemed completed unless otherwise ordered by the court. Except with leave of court, a limited appearance may not be filed to address a specific issue or to represent the client at or for a portion of a hearing. A limited appearance may not be limited to a particular length of time or the exhaustion of a fee. Whenever an attorney files a limited appearance for a party, the limited appearance shall be filed in addition to any self-represented appearance that the party may have already filed with the court. Upon the filing of the limited appearance, the client may not file or serve pleadings, discovery requests or otherwise represent himself or herself in connection with the proceeding or event that is the subject of the limited appearance. An attorney shall not file a limited appearance for a party when filing a new action or during the pendency of an action if there is no appearance on file for that party, unless the party for whom the limited appearance is being filed files an appearance in addition to the attorney's limited appearance at the same time. A limited appearance may not be filed on behalf of a firm or corporation. A limited appearance may not be filed in criminal or juvenile cases, except that a limited appearance may be filed pursuant to Section 79a-3 (c) (1).

(c) The provisions of this section regarding parties filing appearances for themselves do not apply to criminal cases.

Sec. 35a-21. Appeals in Child Protection Matters

(a) Unless a different period is provided by statute, appeals from final judgments or decisions of the Superior Court in child protection matters shall be taken within twenty days from the issuance of notice of the rendition of the judgment or decision from which the appeal is taken. If an extension to file an appeal is granted, the extension may not exceed an additional twenty days in all child protection appeals, except in an appeal in a termination of parental rights proceeding, the extension may not exceed an additional forty days [or within twenty days from the granting of any extension to appeal] pursuant to Section 79a-2.

(b) If an indigent party, child or youth wishes to appeal a final decision, the trial attorney shall file an appeal or seek review by an appellate review attorney in accordance with the rules for appeals in child protection matters in Chapter 79a. The reviewing attorney determining whether there is a nonfrivolous ground for appeal shall file a limited "in addition to" appearance with the trial court for purposes of reviewing the merits of an appeal. If the reviewing attorney determines there is merit to an appeal, [such attorney] the reviewing attorney shall notify the court, and the court shall grant the indigent party's application for appellate counsel, who shall file a limited "in addition to" appearance for the appeal with the Appellate Court. The trial attorney shall remain in the underlying juvenile matters case in order to handle ongoing procedures before the local or regional juvenile court. Any attorney who files an appeal or files an appearance in the Appellate Court after an appeal has been filed shall be deemed to have appeared in the trial court for the limited purpose of prosecuting or defending the appeal.

(c) Unless a new appeal period is created pursuant to Section 79a-2 (a), the time to take an appeal shall not be extended past forty days for an appeal from a judgment that did not result in a termination of parental rights (the original twenty days plus one twenty day extension for appellate review), or past sixty days for an appeal from a judgment terminating parental rights (the original twenty days plus one forty day extension for appellate review), from the date of the issuance of notice of the rendition of the judgment or decision.