

**Marin, Carolina**

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**From:** Space, Mark  
**Sent:** Thursday, May 20, 2021 10:04 AM  
**To:** Del Ciampo, Joseph  
**Cc:** Greelish, Joseph; Ericson, Tais  
**Subject:** Re: Practice Book Revisions Section 2-16 - Attorney Appearing Pro Hac Vice  
**Attachments:** Memo - Practice Book 2-16.pdf; PB 2-16 2020 proposed revisions 10-9-20 .pdf; CL143 - Proposed Revisions October-2020.pdf; CL141 Proposed Revisions October-2020.pdf; CL142 - Poposed Revisions October-2020.pdf

Dear Joe,

Attached are proposed revisions to Practice Book 2-16, *Attorney Appearing Pro Hac Vice*. These changes are in conjunction with the approved changes to Practice Book 62-8A, *Attorneys of Other Jurisdictions Participating Pro Hac Vice on Appeal*. In addition, attached are revisions to the applicable forms; the changes to JD-CL-141 and JD-143 have been approved by the Appellate Court. The revisions to JD-CL-142 don't effect the Appellate/Supreme Court but were made to be consistent with the other forms.

Thanks,  
Mark

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State of Connecticut Judicial Branch  
**Performance Management | Judicial Branch Statistics**  
225 Spring Street, Wethersfield CT 06109

Joseph P. Greelish, Director

telephone 860-263-2746  
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May 19, 2021

Joseph Del Ciampo, Director  
Legal Services  
100 Washington Street, 3rd Floor  
Hartford, CT 06106

Re:

**Practice Book Revisions**

1. Proposed Practice Book Revisions to Sec 2-16, Attorneys Appearing Pro Hac Vice

**Judicial Forms Revisions**

1. Revisions to Form JD-CL-141, Application for Permission For Attorney to Appear Pro Hac Vice in a Court Case **(Already Approved by the Appellate Rules Committee)**
2. Revisions to Form JD-CL-143, Affidavit of Attorney Seeking Permission to Appear Pro Hac Vice **(Already Approved by the Appellate Rules Committee)**
3. Proposed Revisions to Form JD-CL-142, Application for Permission to Appear Pro Hac Vice Before Municipal or State Agency

Dear Joe:

Attached are proposed revisions to Practice Book Sections 2-16. The revisions to this section are to clarify the application process and the obligations of attorneys appearing pro hac vice. These changes are in conjunction with the already approved changes to Practice Book Section 62-8A.

Supplementing the Practice Book changes are the revisions to Judicial Forms, JD-CL-141 and JD-CL-143. Those changes to the forms have incorporated the Supreme and Appellate Court and have been approved by the Appellate Rules Committee.

The revisions to JD-CL-142 do not effect the Supreme and Appellate Court but were revised to be consistent with the other forms.

The proposed revisions to Section 2-16 have been reviewed by:

- Michael Bowler, Statewide Bar Counsel, Statewide Grievance Committee
- Krista Hess, Director, Court Operations Unit
- Nancy McGann, Deputy Director, Civil Matters

Thank you for your time and consideration.

Mark Space  
Court Planner

## Sec. 2-16. — Attorney Appearing Pro Hac Vice

An attorney who is in good standing at the bar of another state, the District of Columbia, or the Commonwealth of Puerto Rico, may, upon special and infrequent occasion and for good cause shown upon written application on form JD-CL-141, Application for Permission for Attorney to Appear Pro Hac Vice in a Court Case, or, form JD-CL-142, Application for Permission for Attorney to Appear Pro Hac Vice before a Municipal or State Agency, Commission, Board or Tribunal, presented by a member of the bar of this state, be permitted in the discretion of the court to participate to such extent as the court may prescribe in the presentation of a cause or appeal in any state court or a proceeding before any municipal or state agency, commission, board or tribunal (hereinafter referred to as "proceeding") in this state; provided, however, that (1) such application shall be accompanied by the affidavit of the applicant, on form JD-CL-143, Affidavit of Attorney Seeking Permission to Appear Pro Hac Vice, (A) providing the full legal name of the applicant with contact information, including firm name, business mailing address, telephone number and e-mail address, as applicable (A) (B) certifying whether such applicant has a grievance pending against him or her in any other jurisdiction, has ever been reprimanded, suspended, placed on inactive status, disbarred, or otherwise disciplined, or has ever resigned from the practice of law and, if so, setting forth the circumstances concerning such action, (B) (C) certifying that the applicant has paid the client security fund fee due for the calendar year in which the application has been made, (C) (D) designating the chief clerk of the Superior Court for the judicial district in which the attorney will be appearing as his or her agent upon whom process and service of notice may be served, (D) (E) agreeing to register with the Statewide Grievance Committee in accordance with the provisions of this chapter while appearing in the matter in this state and for two years after the completion of the matter in which the attorney appeared, and to notify the Statewide Grievance Committee of the expiration of the two year period, (E) (F) identifying the number of times the attorney has appeared pro hac vice in the Superior Court or in any other proceedings of this state since the attorney first appeared pro hac vice in this state, listing each such case or proceeding by name and docket number, as applicable, and (F) (G) providing any previously assigned juris number, and (2) The filing fee shall be paid with the court for the application submitted pursuant to General Statutes, § 52-259(i) unless Section 62-8A(a) applies and (3) unless excused by the judicial authority, a member of the bar of this state must be present at all proceedings, including depositions in a proceeding, and must sign all pleadings, briefs and other papers filed with the court, local or state administrative agency, commission, board or tribunal, and assume full responsibility for them and for the conduct of the cause or proceeding and of the attorney to whom such privilege is accorded. Any such application shall be made on a form prescribed by the chief court administrator. Where feasible, the application shall be made to the judge before whom such case is likely to be tried. If not feasible, or if no case is pending before the Superior Court, the application shall be made to the administrative judge in the judicial district where the matter is to be tried or the proceeding is to be conducted. Good cause for according such privilege shall be limited to facts or circumstances affecting the personal or financial welfare of the client and not the attorney. Such facts may include a showing that by reason of a longstanding attorney-client relationship predating the cause of action or subject matter of the litigation at bar, or proceeding, the attorney has acquired a specialized skill or knowledge with respect to the client's affairs important to the trial of the cause or presentation of the proceeding, or that the litigant is unable to secure the services of Connecticut counsel. Upon the granting of an application to appear pro hac vice, the clerk of the court in which the application is granted shall immediately notify the Statewide Grievance Committee Superior Court Operations designee of such action. Any person granted permission to appear in a cause, appeal or proceeding pursuant to this section shall comply with the requirements of Sections 2-68 and 2-70 and General Statutes § 51-81b and shall pay such fee and tax when due as prescribed by those sections for each year such person appears in the matter. If the clerk for the judicial district or appellate court in which the matter is pending is notified that such person has failed to pay the fee as required by this section Sections [2-68 and 2-70], the court shall determine after a hearing the appropriate sanction, which may include termination of the privilege of appearing in the cause, appeal or proceeding.

(P.B. 1978-1997, Sec. 24.) (Amended June 24, 2002, to take effect July 1, 2003; May 14, 2003, effective date changed to Oct. 1, 2003; Sept. 30, 2003, effective date changed to Jan. 1, 2004; amended June 29, 2007, to take effect Jan. 1, 2008; amended June 20, 2011, to take effect Jan. 1, 2012; amended June 24, 2016, to take effect Jan. 1, 2017.)

**Commented [JUD1]:** Added to specifically indicate which form to use

**Commented [JUD2]:** Added to specifically indicate the form for the affidavit

**Commented [SM3]:** New - Move to (A) – rest follows. This helps to avoid assigning duplicate juris numbers. Many times incomplete information is provided by the applicant

**Commented [JUD4]:** Added info about the filing fee to indicate the obligation to pay it. This is helpful for paper files, e.g. criminal in which the system does not prompt payment of the filing fee. Those that were permitted to appear on a superior case now on appeal don't have to pay the filing fee or submit a subsequent application at the appellate court

**Commented [SM5]:** Remove this sentence - this sentence is not needed anymore as it is stated in the above additions regarding the application and affidavit

**Commented [SM6]:** Statewide Grievance does not need to be notified – they can get the info directly from Barmaster. I put Superior Court Operations designee as the person that will receive the internal juris number request or update form. We currently process these requests

**Commented [SM7]:** This is the occupational tax section. There is confusion among pro hacs because there is no indication they have to pay this during the application process. I know this is not a judicial fee but many judges put that the attorney is responsible for the tax on the order after granting permission to appear pro hac vice

**Commented [SM8]:** This possible judicial intervention for non-payment is just for the client security fund fee (2-68 and 2-70), not the occupational tax (51-81b). I added the info about the occupational tax above and just wanted to specify any sanctions are for non-payment of the CSF fee. The occupational tax is administered by the executive branch (DRS) and they have their own methods of recovering taxes that are owed – we have no idea if the attorney pays the tax or not – or if the branch is notified pursuant to 51-81b(c) I'm not sure if a judge will or can take action – it has never happened according to Statewide Grievance

**APPLICATION FOR PERMISSION FOR ATTORNEY TO APPEAR PRO HAC VICE IN A COURT CASE**

JD-CL-141 Rev.2020 draft  
P.B. Secs. 2-16, 62-8A

STATE OF CONNECTICUT  
**SUPREME / APPELLATE COURT**  
**SUPERIOR COURT**  
www.jud.ct.gov



**Instructions**

1. Complete this form and attach a completed Affidavit of Attorney Seeking Permission to Appear Pro Hac Vice (JD-CL-143).
2. In Superior Court cases, file as Motion for Permission to Appear Pro Hac Vice PB 2-16 and pay Pro Hac Vice fee.
3. In Supreme or Appellate cases, file as Application to Appear Pro Hac Vice PB 62-8A and pay Pro Hac Vice fee. No application to appear pro hac vice shall be permitted after the due date of the reply brief without leave of the court.

**ADA NOTICE**

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at [www.jud.ct.gov/ADA](http://www.jud.ct.gov/ADA).

Superior Court Judicial District <input type="checkbox"/>	Supreme or Appellate Court <input type="checkbox"/>	Address of court
Name of case		Docket number

Pursuant to Section 2-16 or 62-8A of the Practice Book, the undersigned, a member in good standing of the Connecticut bar, moves this Court to permit Out-of-State Attorney Applicant, \_\_\_\_\_ an attorney who is not a member of the bar of the State of Connecticut, to appear *pro hac vice* on behalf of (client name) \_\_\_\_\_ in a proceeding before a court of this state.

In support of this motion, the undersigned Connecticut Attorney represents the following:  
The undersigned is a Connecticut attorney with a law office located at (include firm name, if applicable): \_\_\_\_\_

The Out-of-State Attorney Applicant has a law office located at (include firm name, business mailing address, telephone number and e-mail address, as applicable): \_\_\_\_\_

The Out-of-State Attorney Applicant is a member in good standing of the bar(s) of: \_\_\_\_\_

Good cause exists to permit the Out-of-State Attorney Applicant to represent the client named above in the proceeding before the court because: \_\_\_\_\_

- The undersigned represents that s/he will, unless excused by the judicial authority,
- a. Be present at all proceedings, including depositions.
  - b. Sign all pleadings, briefs or other papers filed with the court.
  - c. Assume full responsibility for any such filings and for the conduct of the cause or proceeding and of the attorney to whom such privilege is accorded.

**Certification**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to.

Signed (Signature of filer/Connecticut Attorney)	Print or type name of person signing	Individual Juris No.	Date signed
Mailing address (Firm Name, number, street, town, state and zip code)			Telephone number

**AFFIDAVIT OF ATTORNEY SEEKING  
PERMISSION TO APPEAR PRO HAC VICE**

JD-CL-143 Rev. 2020-10-9 draft  
P.B. Secs. 2-16, 62-8A



**Instructions**

Complete Affidavit and deliver to Connecticut attorney making application on your behalf.

**Court Information:**

Superior Court Judicial District <input type="checkbox"/>	Supreme or Appellate Court <input type="checkbox"/>	Address of court
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▶ **If Application is for a Supreme or Appellate Court Case (JD-CL-141):**

Name of case	Supreme/Appellate Docket number
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▶ **If Application is for a Superior Court Case (JD-CL-141):**

Name of case	Superior Court Docket number
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▶ **If Application is filed in Superior Court for Permission to Appear in a Proceeding Before a State or Municipal Agency, Commission, Board, or Tribunal (JD-CL-142):**

Name of out-of-state attorney	
<b>In Re Pro Hac Vice Application</b>	
Name of agency, commission, board or tribunal	Case number

**Affidavit:**

I, \_\_\_\_\_, being duly sworn, do depose and say:

*Provide Full Legal Name*

I am over the age of 18 and believe in the duties and obligations of an oath.

I make this Affidavit in support of an Application to appear *pro hac vice* before (name of court, agency, commission, board, or tribunal) \_\_\_\_\_

for a proceeding regarding (client name) \_\_\_\_\_

I have a law office located at (provide firm name, **business mailing address, telephone number and e-mail address**, as applicable): \_\_\_\_\_

I am a member in good standing of the bar(s) of: \_\_\_\_\_

I certify that:  There is no grievance pending against me in any jurisdiction, nor have I ever been reprimanded, suspended, placed on inactive status, disbarred or otherwise disciplined, nor have I ever resigned from the practice of law in any jurisdiction.

There is a grievance pending against me, or I have been disciplined as follows (explain):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have paid the Client Security Fund Fee due for June of \_\_\_\_\_, the calendar year in which the application is made.

I hereby designate the Chief Clerk for the Judicial District of \_\_\_\_\_ as my agent upon whom process and service of notice may be served.

I agree to register with the Statewide Grievance Committee in accordance with the provisions of Chapter 2 of the Connecticut Rules of Practice while appearing in the matter in this State and for two years after the completion of the matter in which I have appeared *pro hac vice* and will notify the Statewide Grievance Committee of the expiration of the two year period.

I have appeared \_\_\_\_\_ times *pro hac vice* in the superior court or in any other proceedings in the State of Connecticut since I first appeared *pro hac vice* in this state; the case names and docket numbers of those proceedings are:

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I have previously been assigned Juris Number \_\_\_\_\_ as a *pro hac vice* attorney in Connecticut.

I understand that, unless excused by the judicial authority, Connecticut Attorney \_\_\_\_\_, who submitted the Application on my behalf, must be present at all proceedings, including depositions in a proceeding, and must sign all pleadings, briefs and other papers filed with the court, agency, commission, board, or tribunal named above, and assume full responsibility for them and for the conduct of the cause or proceeding and of this Affiant.

Good Cause exists to permit me to represent the client named in this Affidavit in the proceeding before the above named court, agency, commission, board, or tribunal.

(Describe the facts or circumstances affecting the personal or financial welfare of the client that establish "good cause"):

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For applications filed on a Supreme/Appellate court case only, please also provide responses to the following statements:

I have previously filed \_\_\_\_\_ application(s) to appear *pro hac vice* in the superior court pursuant to P.B. Sec. 2-16 and \_\_\_\_\_ was/were denied or rejected by the court. The reason(s) for denial or rejection was/were:

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There will be \_\_\_\_\_ attorneys in my firm that have filed or intend to file an application to appear *pro hac vice* in this appeal.

Signed (Out-of-State Attorney/Affiant)	Print name	Date signed
Subscribed and sworn to before me:	Signed (Commissioner of Superior Court/Notary Public)	Date signed

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**APPLICATION FOR PERMISSION FOR ATTORNEY TO APPEAR PRO HAC VICE BEFORE A MUNICIPAL OR STATE AGENCY, COMMISSION, BOARD OR TRIBUNAL**

JD-CL-142 Rev. 2020  
P.B. 2-16

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov

**Instructions**

1. Complete this Application and attach completed Affidavit of Attorney Seeking Permission to Appear Pro Hac Vice (JD-CL-143).
2. File as new case using Case Type M 88 and pay pro hac vice fee electronically.
3. Enter the Out-of-State Attorney's name as the plaintiff and "In Re: Pro Hac Vice Application" as the defendant (select person and use last name field).

**ADA NOTICE**

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Judicial district	Address of court
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Name of Out-of-State attorney

**In Re Pro Hac Vice Application**

Name of agency, commission, board or tribunal	Case number
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Pursuant to Section 2-16 of the Practice Book, the undersigned, a member in good standing of the Connecticut bar, moves this Court to permit out-of-state attorney applicant \_\_\_\_\_ an attorney who is not a member of the bar of the State of Connecticut, to appear *pro hac vice* on behalf of (client name) \_\_\_\_\_ in a proceeding before (name of agency, commission, board, or tribunal) \_\_\_\_\_

In support of this motion, the undersigned represents the following:

The undersigned is a Connecticut attorney with a law office located at (include firm name, if applicable): \_\_\_\_\_

The Out-of-State Attorney Applicant has a law office located at (include firm name, **business mailing address, telephone number and e-mail address, as applicable**): \_\_\_\_\_

The Out-of-State Attorney Applicant is a member in good standing of the bar(s) of: \_\_\_\_\_

Good cause exists to permit the Out-of-State Attorney Applicant to represent the client named above in the proceeding before (name of agency, commission, board, or tribunal) \_\_\_\_\_ because: \_\_\_\_\_

The undersigned represents that s/he will, unless excused by the judicial authority,

- a. Be present at all proceedings, including depositions,
- b. Sign all pleadings, briefs or other papers filed with the court. \_\_\_\_\_
- c. Assume full responsibility for any such filings and for the conduct of the cause or proceeding and of the attorney to whom such privilege is accorded.

**Certification (Required for all matters currently pending before any agency, commission, board, or tribunal)**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all agencies, commissions, boards, tribunals, attorneys and self-represented parties of record and that written consent for electronic delivery was received from all entities, attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to.

Signed (Signature of filer/Connecticut Attorney)	Print or type name of person signing	Individual Juris No.	Date signed
Mailing address (Firm Name, number, street, town, state and zip code)			Telephone number