

**From:** Alexander, Joan  
**Sent:** Wednesday, March 13, 2019 7:18 PM  
**To:** Del Ciampo, Joseph  
**Subject:** FW: Rule Change Proposal, CCDLA

Item 07-06d (031620)

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**From:** Rueckert, Morgan [mailto:MRueckert@goodwin.com]  
**Sent:** Wednesday, March 13, 2019 7:13 PM  
**To:** Alexander, Joan <Joan.Alexander@jud.ct.gov>  
**Subject:** RE: Rule Change Proposal, CCDLA

Judge Alexander,

Our board met last week and discussed the two proposals. CCDLA is in full support of the proposal to amend PB §43-36 and §23-42 regarding sealing the Court's memorandum in Anders situations.

✓ With respect to the proposed change to PB §37-1, regarding hospital arraignments, the Board had a lengthy and robust discussion of the issues. While there was consensus that hospital arraignments are cumbersome, awkward and inefficient, and delay the commencement of proceedings, CCDLA is concerned that permitting an arraignment without the presence of the defendant would compromise the ability of counsel to obtain information from the defendant necessary to make a bond argument or otherwise argue issues such as protective orders, confiscation of firearms, competency evaluations, suicide watch, medical needs, special conditions or other matters that come up at arraignment. CCDLA would want to ensure that the any counsel appointed to represent an individual at arraignment had a prior opportunity to meet and confer with the defendant.

In addition, the absence of the defendant would also prevent the defendant, bail commissioner, prosecutor and court from conducting an "eyeball assessment" of the defendant, and to interact with the defendant to assess any particular issues that may come up at arraignment that are not apparent on the papers. Even if counsel had an advance opportunity to meet the defendant, it would not resolve this concern.

All said, while recognizing the practical appeal of asserting court oversight over the defendant at the earliest possible point in the kinds of cases that typically warrant a hospital arraignment, the Board was very reluctant to recommend a procedure that authorizes the formal institution of legal proceeding outside the presence of the defendant.

We appreciate very much that you seek our input on these matters and want to accommodate the Court and the practical and other concerns the proposed rule change would address. However, there was collective unease at the proposal and none of the alternatives that we discussed to try to address them, including having a video link to the hospital with appointed counsel present with the defendant, could sway the Board (which is comprised of experienced private and public defense counsel, including those with substantial hospital arraignment experience). So I am afraid that I am unable to even offer a suggestion to modify the proposal.

We are always willing to work with the Court to process these issues so I am happy to meet with you with another member(s) of the Board to discuss this issue further to see if there is a way to address our concerns.



**Morgan P. Rueckert**  
Shipman & Goodwin LLP  
Partner  
One Constitution Plaza  
Hartford, CT 06103-1919

Tel 860-251-5821  
Cell 860-922-6214  
mrueckert@goodwin.com  
www.shipmangoodwin.com

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