

**Del Ciampo, Joseph**

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**From:** Bowler, Michael  
**Sent:** Thursday, March 21, 2019 9:28 AM  
**To:** Stovall, Marcy; Sheridan, David; Del Ciampo, Joseph  
**Cc:** Staines, Brian; Chapman, Bill (bchapman@ctbar.org)  
**Subject:** RE: Amendment of Rules 7.1-7.5 of the Connecticut Rules of Professional Conduct

Joe,

We join in Attorney Stovall's comments. The Statewide Grievance Committee is in agreement with the latest proposal submitted by the CBA and Attorney Stovall's comments below.

We'd like to thank the CBA and especially Attorney Stovall for her great work on this enjoyable and collaborative endeavor.

Mike

**Michael P. Bowler**  
Statewide Bar Counsel  
Statewide Grievance Committee  
287 Main Street, Second Floor, Suite Two  
East Hartford, CT 06118-1885  
Tel: (860) 568-5157 (X. 3362)  
Direct Dial: (860) 290-3362  
Fax: (860) 568-4953  
[Michael.Bowler@jud.ct.gov](mailto:Michael.Bowler@jud.ct.gov)

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**From:** Stovall, Marcy [mailto:MStovall@PULLCOM.COM]  
**Sent:** Wednesday, March 20, 2019 2:25 PM  
**To:** Sheridan, David <David.Sheridan@jud.ct.gov>; Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>  
**Cc:** Bowler, Michael <Michael.Bowler@jud.ct.gov>; Staines, Brian <Brian.Staines@jud.ct.gov>; Chapman, Bill (bchapman@ctbar.org) <bchapman@ctbar.org>  
**Subject:** Amendment of Rules 7.1-7.5 of the Connecticut Rules of Professional Conduct

Dear Judge Sheridan and Attorney DelCiampo,

Attached to this email, please find a revised proposal for the amendment of Rules 7.1-7.5 of the Connecticut Rules of Professional Conduct (the Advertising Rules). The proposed amendments are in two formats, one showing the changes from the current version of the Advertising Rules in track changes, the other as a clean version incorporating all of the proposed amendments. For ease of reference, I have left the line numbers in each version, but could easily remove them if the Committee would prefer that.

In a letter to the Rules Committee dated March 11, 2019, Statewide Bar Counsel Michael Bowler, on behalf of the Statewide Grievance Committee (SGC), set forth a number of concerns, comments, and corrections addressed to the CBA's initial proposal to amend the Advertising Rules. In response to the March 11 letter, and in collaboration with Bar Counsel, I have revised the proposal to amend the Advertising Rules, and those revisions are incorporated in the attached revised proposal.

I am very appreciative of Bar Counsel's willingness to collaborate on the project, and especially appreciate the close and careful attention that the SGC, Bar Counsel, Assistant Bar Counsel Kerry O'Connell, Assistant Bar Counsel Cathy Dowd, and Chief Disciplinary Counsel Brian Staines have given to the CBA's proposal.

It is my understanding that the changes and corrections reflected in the attached revised proposal meet each of the points set forth in Bar Counsel's March 11 letter, and that the SGC has no outstanding objections to the package of proposed amendments.

I point out three changes of note:

1. The proposal to amend Rule 7.2 to permit a lawyer to give a nominal gift for a referral, new Rule 7.2(c)(5), was of particular concern to the SGC and Disciplinary Counsel. To address the concern that the provision was too vague and could be subject to abuse, the proposed provision now limits the number of times such a gift may be given in a year, and the commentary provides that "A gift is prohibited if the value of the gift is more than \$50, or otherwise indicates a sharing of either legal fees or the ultimate recovery in the referred case, . . ."

2. Bar Counsel pointed out that Practice Book sec. 2-28A(b)(1) references Rule 7.2(i), but the proposed amendment of Rule 7.2 would delete subsection (i). To remedy that potential discrepancy, Practice Book sec. 2-28A could be amended to include, in subsection (b)(1), the list proposed to be deleted from Rule 7.2. The proposed amendment of Practice Book sec. 2-28A is included in the revised proposal, attached to this email.

3. Consistent with proposed amended Rule 7.2(d), the proposed amendments include the amendment of Rule 7.4A(a) to include the American Bar Association as an accreditation authority.

I request that the revised proposal for amendment of the Advertising Rules be placed on the agenda for the Rules Committee's March 27 meeting. I will be present to answer any questions the Committee may have, but please let me know if you have any questions I might be able to address in advance of the meeting, or if there is any information or material I could send, or resend, to facilitate the Rules Committee's consideration of the CBA's proposal to amend the Advertising Rules.

Thank you for your assistance in moving this forward.

Marcy

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**Marcy Tench Stovall**  
Attorney

**Pullman & Comley LLC**  
850 Main Street P.O. Box 7006  
Bridgeport, CT 06601-7006  
T 203 330 2104 • F 203 576 8888  
[mstovall@pullcom.com](mailto:mstovall@pullcom.com) • [www.pullcom.com](http://www.pullcom.com)

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