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Honorable Andrew J. McDonald
Connecticut Supreme Court
Chair, Superior Court Rules Committee
231 Capitol Avenue
Hartford, CT
06106

May 8, 2019

Re: Proposed Amendment of Conn. R. Prof'l Conduct 5.4(a)

Dear Justice McDonald,

ACLU
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Connecticut

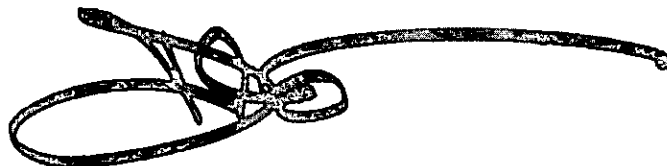
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At their annual meeting in June, the Judges of the Superior Court will consider revisions to Rules of Professional Conduct, including an amendment of Rule 5.4(a). I write to request that the Rules Committee recommend that the Superior Court Judges waive the waiting period for the proposed amendment to become effective. Practice Book § 1-9(a) provides that any change to court rules approved "shall become effective . . . not less than 60 days after its promulgation," but that the Judges may waive the sixty day provision if there exist circumstances requiring expeditious adoption.

Such circumstances commend that route here. The purposes of the 5.4(a) amendment are to remove doubt for practitioners and to bring Connecticut's rule into conformance with a provision of the ABA Model Rules of Professional Conduct that has been in effect for more than fifteen years. The lingering difference between our existing Rule 5.4(a) and the Model Rule creates uncertainty that discourages practitioners from taking on matters for non-profit organizations, depriving those organizations of a valuable source of expertise and a potent avenue of advocacy.

Moreover, nothing in the text of the new provision would require an extended period for adjustment to the amended Rule. The proposed amendment is permissive, and would not work a major shift in court procedures or the Rules of Professional Conduct. Accordingly, the ACLU requests that the Rules Committee recommend that the amendment of Rule 5.4(a), if approved, be effective upon promulgation.

Yours sincerely,



Dan Barrett
Legal Director

cc via email: Joseph DelCiampo