

(New) Section 25-6A. Appearance by self-represented party in addition to appearance of attorney

(a) A party may file an appearance as a self-represented party without prior approval of the court even though there is an existing appearance of one or more attorneys on file for that party. For purposes of this section, a “party with dual representation” is a party for whom one or more attorneys have current appearances on file and who also has a current appearance on file as a self-represented party.

(b) Pursuant to section 4-2, any pleading or other paper filed by or on behalf of a party with dual representation must be signed by an attorney of record for the party.

(c) If a party with dual representation files a motion that is not signed by an attorney of record, the court may, upon its own motion or upon the motion of any party, order that proceedings on the motion be stayed until an attorney of record adopts said motion as if it were signed by that attorney. The attorney may adopt the motion either by filing a notice of such adoption with the court or by making an oral statement to that effect in court on the record. Alternatively, if the party with dual representation affirms to the court that no attorney is actively representing the party with respect to any matters in the case in which the motion was filed, the court may in its discretion order that proceedings on the motion be stayed until the party with dual representation files a new appearance as a self-represented party in lieu of the appearances of any and all attorneys of record for the party.

(d) Unless and until a motion filed by a party with dual representation without the signature of the party’s attorney is adopted by the attorney, disposed of, or withdrawn:

(1) The party with dual representation shall be solely responsible for the prosecution or litigation of the motion; and

(2) An attorney of record for any other party in the case may communicate directly with the party with dual representation, but only with respect to the subject matter of the motion.

(e) If two motions of a party with dual representation are scheduled for hearing at the same time, with one or more having been signed or adopted by the party’s attorney and one or more not having been so signed or adopted, the court in its discretion may determine the most appropriate method of proceeding with the hearing of the multiple motions.

(f) If a party with dual representation files a pleading or paper, other than a motion, which is not signed by the party’s attorney, the court may treat such filing in the same manner as it may treat a motion under this section or in such other manner as in its discretion it deems appropriate under the circumstances.

Commentary. The above rule is intended to clarify the procedures to be followed when parties in family matters file appearances on their own behalf even though they may also have, or intend to have, an attorney who has filed an appearance. The rule recognizes that filing a self-representation appearance may be desirable in order to receive notices from the court. However, the rule is not intended to supersede the requirement of Section 4-2 that a pleading or other paper filed on behalf of a party who is represented by an attorney be signed by the attorney. The rule also acknowledges the possibility that a

party will nevertheless file a motion without the attorney's signature. In that event, it is intended to provide guidance to the parties, attorneys, and the court about how to proceed. In exercising its discretion to stay proceedings on a motion filed by a party without the attorney's signature the court may consider any relevant circumstances, including, but not limited to, the emergency nature, if any, of the motion; any time limits imposed by statute or rule on the court's hearing on the motion; the pendency of another motion filed on behalf of the party which has been signed or adopted by the party's attorney, or by another party, which concerns the same facts or legal issues; and the likelihood that action by the court on the motion that has not been signed or adopted by the attorney will substantially impact the adjudication of other issues in the case.

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. Section 25-6A shall apply to any appearance filed in a family case by a self-represented party when filed in addition to an 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.

Commentary: *This revision refers to new section 25-6A, which governs parties with dual representation in family cases.*

This document shows the changes between the previous redraft of proposed new section 25-6A by Counsel (# 2018-003 i) and the newest, 11-2020 revised proposal.

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(b)(c) If a party with dual representation files a motion that is not signed by an attorney of record, the court may, ~~upon its own motion or upon the motion of any party, in its discretion~~ order that proceedings on the motion be stayed until an attorney of record adopts said motion as if it were signed by that attorney. The attorney may adopt the motion either by filing a notice of such adoption with the court or by making an oral statement to that effect in court on the record. Alternatively, if the party with dual representation affirms to the court that no attorney is actively representing the party with respect to any matters in the case in which the motion was filed, the court may in its discretion order that proceedings on the motion be stayed until the party with dual representation files a new appearance as a self-represented party in lieu of the appearances of any and all attorneys of record for the party.

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