

From: Bowler, Michael
Sent: Saturday, October 17, 2020 10:12 AM
To: Rules Committee; Del Ciampo, Joseph
Subject: RE: Rules Committee Proposal concerning Rule 5.5 Pro Bono Practice (RC # 2020-008)

Good morning.

At a meeting held on October 15, 2020, the Statewide Grievance Committee (“SGC”) reviewed the latest version of the proposed amendment to Rule 5.5 of the Rules of Professional Conduct. The matter was referred to the SGC by the Rules Committee on September 22, 2020. The SGC’s concerns with an earlier version of this proposal were addressed in a letter to Attorney Del Ciampo dated March 11, 2020.

The SGC remains concerned that this procedural rule has not been proposed to be added to Chapter 2 of the Practice Book, which governs the procedure in matters related to attorneys. The Rules of Professional Conduct are meant to address the ethics of attorneys, not procedural matters. The SGC noted that in 2007 the Judges of the Superior Court adopted a procedure regarding multi-state jurisdiction practice (“MJP”) in Rule 5.5. Unfortunately it was not then the custom and practice of the Rules Committee to refer such proposals to the SGC for review and comment, so the SGC was not able to raise a similar concern regarding the appropriate area of the Practice Book for the MJP procedural rule to reside.

With regard to the language of the proposal, the SGC noted that the proposal uses terms and phrases that may be unique to Connecticut but not used in other jurisdictions. For example, the proposal would disallow an attorney from the privilege of practice pending admission if he or she “resigned from the practice of law while subject to discipline or disciplinary proceedings” In Connecticut, resignation is solely a disciplinary adjudication to be used when an attorney is facing a disciplinary investigation or proceeding, and carries with it a finding by the court that the attorney engaged in misconduct. “Resignation” in the area of attorney regulation is not always affiliated with a disciplinary matter. In New York, it is used to administratively deactivate an attorney’s license, much the same as retirement is used in Connecticut. Also, other jurisdictions may use a different term than resignation that allows an attorney to forfeit his or her license in the face of a disciplinary investigation or proceeding. Therefore, the SGC continues to have some concerns over the language of the proposal.

The SGC had no other comments on the proposal and thanked the Rules Committee for allowing it to comment on the matter.

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From: Rules Committee <RulesCommittee@jud.ct.gov>
Sent: Tuesday, September 22, 2020 9:51 AM
To: Bowler, Michael <Michael.Bowler@jud.ct.gov>

Cc: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>

Subject: Rules Committee Proposal concerning Rule 5.5 Pro Bono Practice (RC # 2020-008)

At its meeting on September 14, the Rules Committee of the Superior Court considered a proposal from the Connecticut Bar Association Pro Bono Committee and Standing Committee on Professional Ethics to amend Rule 5.5 of the Rules of Professional Conduct to permit pro bono practice in Connecticut by attorneys licensed and in good standing in other jurisdictions, as well as a revised version subsequently submitted by the CBA (RC ID # 2020-008).

After discussion, the Committee tabled the matter until the November meeting to allow you to bring the matter to the Statewide Grievance Committee for consideration at their October meeting.

Attached, please find all of the materials that have been submitted to the Committee concerning this proposal, in case it would be helpful to have these all in one place with the current labels.

Here is a brief index of the attachments:

- a. Correspondence to Justice McDonald from CBA (previously sent to you via email 2/27/20 by JJD with a different file name)
- b. Proposal to amend Rule 5.5 of the Rules of the Professional Conduct (previously sent to you via email 2/27/20 by JJD with a different file name)
- c. Comments from Statewide Bar Counsel Michael Bowler for Statewide Grievance Committee
- d. Comments from CBEC
- e. Revised proposal from CBA (previously sent to you via email 3/13/20 from Bill Chapman with a different file name)

Thank you.

Shanna O'Donnell

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