

**Rules Committee of the Superior Court
Monday, November 16, 2020, 2:00 p.m.**

(Via Microsoft Teams and streamed on YouTube.)

DECISIONS

Meeting Agenda

RC ID #

2020-MIN Approval of the minutes from the October 19, 2020 meeting of the Rules Committee of the Superior Court. **APPROVED**

2018-003 Proposal from Judge Adelman to amend Section 3-8 regarding hybrid appearances and subsequent revised proposals from working group and counsel.

Previously on the agenda on October 19, 2020.

- a. Proposal
- b. Comments from Judge Albis
- c. Comments from CBA
- d. Comments from CTLA
- e. Comments from AAML
- f. Additional comments from Judge Albis
- g. Proposal from Judge Albis's working group for new Section 25-6A
- h. Comments from Judge Albis 12-9-19
- i. Redrafted proposal by Counsel
- j. Comments from Judge Mottolese
- k. Summary of Discussion
- l. Comments from CBA Litigation
- m. Email from Judge Albis
- n. Revised proposal from Counsel (new material)

2019-001 Proposal from Judge Alexander to amend Section 37-1 to allow for waiver of the presence of the defendant at arraignment. **TABLE FOR NEXT MONTH**

Previously on the agenda on September 14, 2020.

- a. Proposal from Judge Alexander
- b. Research memorandum
- c. Email from J Alexander re referrals
- d. Comments from CCDLA
- e. Comments from OCPD
- f. Comments from OVS
- g. Revised proposal
- h. Comments from OCPD on revised proposal

2019-004 Proposal from Natasha M. Pierre, State Victim Advocate, to amend several rules and sections to advise crime victims of rights and provide for notice to victims and opportunity for victims to provide statements. **NO ACTION BUT RESERVE RIGHT FOR FURTHER ACTION.**

Previously on the agenda on October 19, 2020.

- a. Proposal
- b. Clarification from OVA
- c. Comments from the Office of the Chief Public Defender
- d. Comments from the Office of the Chief State's Attorney
- e. Comments from the Chief Disciplinary Counsel
- f. Comments from the CCDLA
- g. Comments from CBA Criminal Justice Section
- h. Comments from Statewide Grievance
- i. Request from Judge Conway
- j. Comments from CBA Standing Committee on Professional Ethics
- k. Revised Proposal
- l. Comments from J Conway
- m. Partial withdrawal from OVA
- n. Letter from Counsel to OVA and redrafted proposal
- o. OVA response to Comments

2019-014 Proposal from Senator Looney, Senator Winfield, and Representative Stafstrom concerning pre-trial discovery procedure in criminal matters. **TABLED**

Previously on the September 14, 2020 agenda.

- a. Original proposal
- b. Documents provided by Senator Looney's office
 - b-1. Texas Statutes
 - b-2. Open File Discovery Primer
 - b-3. North Carolina statutes
 - b-4. Towards More Transparent Justice: The Michael Morton Act's First Year
 - b-5. 2019 Senate Bill 653
- c. Comments from the Office of the Chief Public Defender
- d. Comments from the Office of the Chief State's Attorney
- e. Comments from the CCDLA
- f. Comments from OVS
- g. Comments from CBA Criminal Justice Section
- h. Recommendations of subcommittee
- i. Revised draft from the subcommittee

- 2019-016** Proposal from Judicial Branch Administration to amend Sections 2-27, 2-27A and 2-65 and to adopt new Section 2-27B regarding administrative suspension of attorneys who fail to register or comply with Connecticut's MCLE requirements. **APPROVED FOR PUBLIC HEARING**

Previously on the agenda on September 14, 2020.

- a. Proposal
- b. Comments from Fairfield County Bar Association
- c. Request for time from CBA
- d. Comments from CTLA
- e. Comments from OCPD
- f. Comments from CDLA
- g. Letter from NHCBA
- h. Personal comments by Patrick Tomasiewicz
- i. Comments from Attorney Bowler
- j. Request from FCBA
- k. Update from CBA
- l. Revised proposal
- m. Comments from NHCBA
- n. Comments from CBA
- o. Comments from HCBA (new material)

- 2020-008** 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. **TABLED FOR TWO MONTHS**

Previously on the September 14, 2020 agenda.

- a. Correspondence to Justice McDonald from CBA.
- b. Proposal to amend Rule 5.5 of the Rules of the Professional Conduct.
- c. Comments from Statewide Bar Counsel
- d. Comments from CBEC
- e. Revised proposal from CBA
- f. SGC comments on revised proposal (new material)

- 2020-010** Proposal from Judge Stevens to amend Section 13-14 of the Connecticut Practice Book regarding the issuance of orders for non-suit or default for discovery violations. **TABLED**

Previously on the agenda on September 14, 2020.

- a. Proposal
- b. Comments from Harris (new material)
- c. Comments from CTLA (new material)
- d. Comments from CDLA (new material)

2020-012 Proposal from Attorney Megan Wade to adopt the American Bar Association's Rule of Professional Conduct 8.4 (g), regarding harassing or discriminatory conduct, and substitute proposal from the Connecticut Bar Association concerning Proposed Amended Rule 8.4 (7). **TABLED FOR JANUARY. ADDITIONAL COMMENTS UNTIL 12-4**

Previously on the agenda on September 14, 2020.

- a. Proposal
- b. Comments from Jay Wolman
- c. Proposal from CBA
- d. Withdrawal from Wade
- e. Comments from Michalski
- f. Comments from Zelotes
- g. Comments from Knag
- h. Comments from AG and affinity bar associations (new material)
- i. CBA survey (new material)
- j. Comments from Trudeau (new material)
- k. Comments from Lyon (new material)
- l. Comments from LCD (new material)
- m. Comments from Berman (new material)
- n. Additional Michalski comments (new material)
- o. Comments from Brightwell (new material)
- p. Comments from Hauser (new material)
- q. Comments from HCBA (new material)
- r. Comments from Burke (new material)
- s. Comments from Cotca (new material)
- t. Comments from Law Schools (new material)
- u. Comments from Nancie Marzulla (new material)
- v. Comments from Roger Marzulla (new material)
- w. Comments from Lubus (new material)
- x. Comments from Di Liberto (new material)
- y. Comments from Parrilla (new material)
- z. Comments from National Legal Foundation (new material)
- aa. Comments from Christian Legal Society (new material)
- bb. Comments from McMorris (new material)
- cc. Comments from Connecticut Hispanic Bar Association (new material)
- dd. Comments from Josh Blackman (new material)
- ee. Comments from NHCBA (new material)
- ff. Comments from Hartch (new material)
- gg. Additional comments from Trudeau (new material)
- hh. Comments from Phillips (new material)
- ii. Comments from Yaqoob (new material)
- jj. Comments from Fox (new material)
- kk. Comments from Mantey (new material)
- ll. Law Tribune re Rule 8.4 (new material)
- mm. Comments from American Juris Link (new material)
- nn. Comments from New Civil Liberties Alliance (new material)
- oo. Comments from Ankerman (new material)

2020-013 Proposal from Judge Noble to amend Section 10-60 concerning amending pleadings.

APPROVED *Previously on the agenda on October 19, 2020.*

- a. Proposal
- b. Revised proposal from Counsel (new material)
- c. Comments from J Noble (new material)

2020-019 Request from the Office of the Chief State's Attorney to reinstate section 38-21 (b) concerning forfeiture of bail and rearrest warrants. **NO ACTION**

First time being considered.

- a. Request to reinstate sec. 38-21 (new material)

2020-MISC Such other matters as may come before the Rules Committee.