

**O'Donnell, Shanna**(111819)

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**From:** Stovall, Marcy <MStovall@PULLCOM.COM>  
**Sent:** Wednesday, November 13, 2019 10:32 AM  
**To:** Del Ciampo, Joseph  
**Cc:** Moore, John; Chapman, Bill (bchapman@ctbar.org)  
**Subject:** Professional Ethics Committee Follow-Up re Rules Committee Agenda Item 1-8 (Sept) and Agenda Item 2-08 (Oct)  
**Attachments:** Corr Justice McDonald re Rule 7.1 Commentary 11 13 19.PDF

Dear Attorney DelCiampo,

At the October meeting of the Rules Committee, Justice McDonald suggested that I confer with Judge Moore about a proposed to solution to his concern about a confusing sentence in the recently amended Commentary to Rule 7.1 (scheduled to go into effect January 1, 2020).

I have conferred with Judge Moore and he agrees that the Ethics Committee's proposed revision meets his concerns.

The attached letter summarizes the background and the proposed revision to the Rule 7.1 Commentary. I would appreciate if you could add it to the Rules Committee's agenda for its November 18, 2019 meeting.

Thank you

Marcy

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*Standing Committee on Professional Ethics*

Sent Via Email (Joseph.DelCiampo@jud.ct.gov)

November 13, 2019

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

Re: Proposed Amendment of Commentary to Rule 7.1 of the Connecticut Rules of Professional Conduct

Rules Committee September Agenda Item 1-8 and October Agenda Item 2-08

Dear Justice McDonald,

On behalf of the CBA Standing Committee on Professional Ethics (Ethics Committee), I write to follow up on your suggestion that I confer with Judge Moore about the concern he raised about the recent amendment of Rule 7.1 and its Commentary. The amendment under discussion is scheduled to go into effect January 1, 2020.

To summarize the background:

In a June 6, 2019 email to you, Judge Moore noted that one addition to the Rule 7.1 Commentary is confusing in the way it interposes a reference to Rule 8.4(3). The sentence in question is the first sentence of the third paragraph of the Rule 7.1 Commentary, and, as in effect January 1, 2020, it will read as follows: "It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Rule 8.4 (3)."

At the Rules Committee's October meeting, I reported that the Ethics Committee takes the position that the confusion would be corrected if the sentence in question is revised to read as follows:

In addition to the provisions of this Rule, see Rule 8.4(3) defining professional misconduct to include conduct involving dishonesty, fraud, deceit, or misrepresentation.

You asked that I confer with Judge Moore to confirm that the proposed revision meets his

concerns. I have since done that. Judge Moore responded that the proposed revision “works quite well to address my concerns.”

I will be in attendance at the Rules Committee’s November 18 meeting and will be happy to answer any questions the Committee may have.

Very truly yours,



Marcy Tench Stovall

cc: The Hon. John D. Moore (via email)  
Bill Chapman (via email)