

3-2(b)

Del Ciampo, Joseph

From: Alexander, Joan
Sent: Thursday, November 08, 2018 5:14 PM
To: Del Ciampo, Joseph; Bellis, Barbara
Subject: RE: Revision to Section 3-9 of the Practice Book regarding withdrawal of appearance in criminal matters

Joe-
This looks fine.
Thank you for your assistance in this matter.

jka

From: Del Ciampo, Joseph
Sent: Wednesday, October 31, 2018 4:12 PM
To: Alexander, Joan; Bellis, Barbara
Subject: Revision to Section 3-9 of the Practice Book regarding withdrawal of appearance in criminal matters

Dear Judge Alexander and Judge Bellis,

As you will remember, at its meeting on October 15, 2018, the Rules Committee considered comments from Judge Alexander on the attached proposal by Judge John M. Newson concerning withdrawal of an appearance in criminal matters under Section 3-9. After discussion, the Committee tabled the matter to the next meeting for further discussion and study by you. At the meeting, various suggestions for amending Section 3-9 or 3-10 to clarify that in criminal matters an attorney shall not withdraw his or her appearance without leave of the court were briefly discussed. I have drafted an amendment to Section 3-9 which is intended to clarify the rule and accommodates the concern. Please let me know if you have any comments on the draft. Thank you.

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Sec. 3-9. Withdrawal of Appearance; Duration of Appearance

(a) An attorney or party whose appearance has been filed shall be deemed to have withdrawn such appearance upon the filing of a new appearance that is stated to be in place of the appearance on file in accordance with Section 3-8. Appropriate entries shall be made in the court file. An attorney or party whose appearance is deemed to have been withdrawn may file an appearance for the limited purpose of filing an objection to the in place of appearance at any time.

(b) An attorney may withdraw his or her appearance for a party or parties in any action after the appearance of other counsel representing the same party or parties has been entered. An application for withdrawal in accordance with this subsection shall state that such an appearance has been entered and that such party or parties are being represented by such other counsel at the time of the application. Such an application may be granted by the clerk as of course, if such an appearance by other counsel has been entered.

(c) In addition to the grounds set forth in subsections (a), (b), and (d), a lawyer who represents a party or parties on a limited basis in accordance with Section 3-8 (b) and has completed his or her representation as defined in the limited appearance, shall file a certificate of completion of limited appearance on judicial branch form JD-CL-122. The certificate shall constitute a full withdrawal of a limited appearance. Copies of the certificate must be served in accordance with Sections 10-12 through 10-17 on the client, and all attorneys and self-represented parties of record.

(d) All appearances of counsel shall be deemed to have been withdrawn 180 days after the entry of judgment in any action seeking a dissolution of marriage or civil

union, annulment, or legal separation, provided no appeal shall have been taken. In the event of an appeal or the filing of a motion to open a judgment within such 180 days, all appearances of counsel shall be deemed to have been withdrawn after final judgment on such appeal or motion or within 180 days after the entry of the original judgment, whichever is later. Nothing herein shall preclude or prevent any attorney from filing a motion to withdraw with leave of the court during that period subsequent to the entry of judgment. In the absence of a specific withdrawal, counsel will continue of record for all postjudgment purposes until 180 days have elapsed from the entry of judgment or, in the event an appeal or a motion to open a judgment is filed within such 180 day period, until final judgment on that appeal or determination of that motion, whichever is later.

(e) Except as provided in subsections (a), (b), (c) and (d), no attorney shall withdraw his or her appearance in any civil, criminal, family, juvenile or other matter after it has been entered upon the record of the court without the leave of the court.

(f) All appearances in juvenile matters shall be deemed to continue during the period of delinquency probation, family with service needs supervision, or any commitment to the commissioner of the department of children and families or protective supervision. An attorney appointed by the chief public defender to represent a parent in a pending neglect or uncared for proceeding shall continue to represent the parent for any subsequent petition to terminate parental rights if the attorney remains under contract to the office of the chief public defender to represent parties in child protection matters, the parent appears at the first hearing on the termination petition and qualifies for appointed counsel, unless the attorney files a motion to withdraw pursuant to Section 3-10 that is granted by the judicial authority or the parent requests a new

attorney. The attorney shall represent the client in connection with appeals, subject to Section 35a-20, and with motions for review of permanency plans, revocations or postjudgment motions and shall have access to any documents filed in court. The attorney for the child shall continue to represent the child in all proceedings relating to the child, including termination of parental rights and during the period until final adoption following termination of parental rights.

COMMENTARY: The change to the section is intended to clarify that except as otherwise provided in subsections (a), (b), (c) and (d), no attorney shall withdraw his or her appearance in any civil, criminal, family, juvenile or other matter without the court's permission. For example, where a criminal defendant fails to appear after an appearance has been entered, the appearance shall not be withdrawn by the attorney without permission of the court.