

McDonald, Andrew

From: Adelman, Gerard <Gerard.Adelman@jud.ct.gov>
Sent: Tuesday, September 11, 2018 4:04 PM
To: McDonald, Andrew
Subject: Proposed rule change

Dear Justice McDonald,

I would like to propose a rule change for your consideration. The issue of hybrid representation, in my opinion, needs some clarification. A recent Superior Court decision by David Tobin set out a very clear discussion of the current law—or lack of it—on the issue in *US Bank v. Devico* (FST-CV-12-6015328 S). In that decision Judge Tobin opines that there is no right to hybrid representation, but that under PB § 3-8(a) a judge has the discretion to allow it under special circumstances. I believe that 3-8(a) needs clarification to prevent hybrid representation absent special circumstances.

Hybrid representation is becoming more common in family cases and often leads to confusion and frivolous pleadings. I have entered orders preventing SRP from filing pleadings if they have legal counsel unless the attorney files the pleading or signs off on the pleading. While I believe such orders are proper in many cases, it would help matters if there was a clear and unambiguous rule against hybrid representation.

I would suggest the following language be added to the current rule 3-8(a)

- (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 ***except that there shall be no appearance entered for both an attorney and a self-represented party without the express permission of the presiding judge for good cause shown.***

Thank you for your consideration of this proposal,

Gerard Adelman