

Rules Committee of the Superior Court
Monday, September 14, 2020, 2:00 p.m.

(Via Microsoft Teams and streamed on YouTube.)

Meeting Agenda

RC ID #

- 1 Approval of the minutes from the June 5, 2020 and August 28, 2020 meetings of the Rules Committee of the Superior Court.

APPROVED 6-5 AND 8-28 MINUTES

- 2 Proposal from (former) Chief Disciplinary Counsel Karyl Carrasquilla to amend Sections 2-35, 2-36, 2-42 and 2-53. Subsequent revised proposal by the Statewide Grievance Committee and Office of the Chief Disciplinary Counsel.

2018-001

APPROVED UNANIMOUSLY

Previously Item 07-08 on the March 16, 2020 agenda; that meeting was canceled.

- a. **Original Proposal** from Chief Disciplinary Counsel
- b. Comments from CBA
- c. **Revised Proposal** from Statewide Grievance Committee and Office of the Chief Disciplinary Counsel
- d. Comments from CBA Standing Committee on Professional Ethics
- e. Comments from Judge Genuario
- f. Comments from Judge Ficeto
- g. Comments from Judge Morgan
- h. Comments from Judge Alexander
- i. Comments from Judge Moore
- j. Comments from Judge Albis

- 3 Proposal from Judge Adelman to amend Section 3-8 regarding hybrid appearances. **2018-003**
HOLD TO OCTOBER
Previously Item 07-04 on the March 16, 2020 agenda; that meeting was canceled.
- 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
- 4 Proposal from Judge Alexander to amend Section 37-1 to allow for waiver of the presence of the defendant at arraignment. **2019-001**
HOLD
Previously Item 07-06 on the March 16, 2020 agenda; that meeting was canceled.
- 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
- 5 Proposal regarding standard written discovery in medical malpractice cases. **2019-003**
MOVE TO DECEMBER MEETING
Previously Item 06-06 on the February 10, 2020 agenda.
- a. Proposal
 - b. Email from Ziotas 9-5-19
 - c. Attachment from Ziotas - EMR draft
 - d. Attachment from Ziotas - Defendant's form for Plaintiff's Medical Malpractice
 - e. Attachment from Ziotas - Plaintiff's proposed IRFP

- 6 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.

2019-004

HOLD TO OCTOBER

Previously Item 06-03 on the February 10, 2020 agenda.

- 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

- 7 Proposal from Senator Looney, Senator Winfield, and Representative Stafstrom concerning pre-trial discovery procedure in criminal matters.

2019-014

HOLD

Previously Item 07-05 on the March 16, 2020 agenda; that meeting was canceled.

- 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

- 8 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.

DISTRIBUTE REVISED PROPOSAL TO LOCAL BARS

Previously Item 07-07 on the March 16, 2020 agenda; that meeting was canceled.

- 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

- 9 Proposal from the Connecticut Bar Association Pro Bono Committee and Standing Committee on Professional Ethics to Amend Rule 5.5 of the Connecticut Rules of Professional Conduct to permit pro bono practice in Connecticut by attorneys licensed and in good standing in other jurisdictions.

TABLED TO NOVEMBER

Previously Item 07-03 on the March 16, 2020 agenda; that meeting was canceled.

- 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

- 10 Proposal by Judge Heller to amend Section 25-60A of the Connecticut Practice Book to conform to the requirements of Section 46b-6a of the Connecticut General Statutes regarding the procedure for court ordered evaluation in family relations matters.

MOVED AND APPROVED

Previously Item 07-02 on the March 16, 2020 agenda; that meeting was canceled.

- a. Proposal

- 11 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. **2020-010**
TABLED
First time being considered. Previously Item 07-10 on March 16, 2020 agenda; that meeting was canceled.
 a. Proposal
- 12 Proposal by Attorney Lori Petruzzelli, Counsel, Legal Services to amend Section 14-9 to reflect the current name of the "Public Utilities Regulatory Authority", as provided in Section 16-2 of the Connecticut General Statutes. **2020-011**
APPROVED
First time being considered. Previously Item 07-11 on March 20, 2020 agenda; that meeting was canceled.
 a. Proposal
- 13 Proposal from Lori Petruzzelli, Counsel, Legal Services, to amend Section 25a-1 to resolve potential ambiguity in how references to certain subsections are listed. **2020-016**
APPROVED
First time being considered.
 a. Proposal
- 14 Proposal from Attorney Megan Wade to adopt the American Bar Association's Rule of Professional Conduct 8.4, subsection g, regarding harassing or discriminatory conduct. **PROPOSAL (6-5) WITHDRAWN; REPLACED WITH AMENDED PROPOSAL IN SUPPLEMENTAL**
This proposal was made at the June 5, 2020 public hearing and was discussed at the meeting after the public hearing.
 a. Proposal

Such other matters as may come before the Rules Committee.