

Minutes of the Meeting
Rules Committee
Monday, May 13, 2019

On Monday, May 13, 2019, at 10:00 a.m., the Rules Committee conducted a public hearing in the Supreme Court courtroom to receive comments concerning proposed revisions to the Practice Book and, pursuant to subsection (c) of Section 51-14 of the Connecticut General Statutes, to receive comments on any proposed new rule or change to an existing rule that any member of the public deemed desirable. At the conclusion of the public hearing, the Rules Committee met in the Supreme Court courtroom from 10:32 a.m. to 10:51 a.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. JOAN K. ALEXANDER
HON. BARBARA N. BELLIS
HON. MELANIE L. CRADLE
HON. DONNA NELSON HELLER
HON. KEVIN G. DUBAY
HON. DAVID M. SHERIDAN
HON. BARRY K. STEVENS

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee; Attorney Lori Petruzzelli; and Attorney Shanna O'Donnell of the Judicial Branch's Legal Services Unit. Judge Sheila A. Ozalis was not present.

1. The Committee approved the minutes of the meeting held on March 27, 2019.
2. The Committee considered the proposed schedule of Rules Committee meetings for 2019-2020.

After discussion, the Committee unanimously voted to approve the following schedule of meetings, subject to future amendment to consider Tuesday dates:

Monday, September 16, 2019 at 2:00 p.m.
Monday, October 21, 2019, at 2:00 p.m.
Monday, November 18, 2019, at 2:00 p.m.
Monday, December 16, 2019, at 2:00 p.m.
Monday, January 13, 2020, at 2:00 p.m.
Monday, February 10, 2020, at 2:00 p.m.
Monday, March 16, 2020, at 2:00 p.m.
Monday, May 11, 2020, public hearing and meeting at 10:00 a.m.

3. The Committee considered a proposal by Judge Conway, Chief Administrative Judge, Juvenile Matters, that the effective date of the proposed new rule allowing for the presence of a detained child at certain detention hearings by means of an interactive audio visual device, be October 1, 2019, if adopted.

After discussion, the Committee voted unanimously to recommend to the judges of the Superior Court that the proposed new rule be effective October 1, 2019.

4. The Committee noted comments received from Greater Hartford Legal Aid; the New Haven Legal Assistance Association; and Connecticut Legal Services on the proposed Commentary to Rule 7.3 of the Rules of Professional Conduct.

Attorney Marcy Tench Stovall, Chair of the CBA Committee on Professional Ethics, was present and addressed the Committee regarding a proposal for an amendment to the Commentary to Rule 7.3 of the Rules of Professional Conduct made by Greater Hartford Legal Aid; New Haven Legal Assistance Association; and Connecticut Legal Services.

After discussion, the Committee decided to recommend the proposal as submitted for public hearing and without any further revisions.

5. The Committee noted comments received from David McGuire, Executive Director of the American Civil Liberties Union of Connecticut (ACLU-CT); Christine Perra Rapillo, Chief Public Defender; the Connecticut Sentencing Commission; the Judiciary

Committee of the Connecticut General; the American Bail Coalition; and the Bail Association of Connecticut regarding the proposed amendment to Section 38-8 concerning ten percent cash bail.

The Committee decided to recommend the proposal as submitted for public hearing and without further revisions.

6. The Committee considered a proposal by Dan Barrett, Legal Director of the American Civil Liberties Union of Connecticut (ACLU-CT), that the amendments to Rule 5.4 (a) of the Rules of Professional Conduct concerning the sharing of legal fees, if adopted, become effective upon promulgation.

After discussion, the Committee voted to recommend to the judges of the Superior Court that they waive the sixty days after promulgation provision of Section 1-9 (a) so that the amendments to Rule 5.4 (a) of the Rules of Professional Conduct would be effective immediately upon promulgation.

7. The Committee noted comments received from the Office of the Reporter of Judicial Decisions on certain of the proposals being considered. Counsel to the Committee advised that he will make the suggested technical revisions to the proposed rules prior to transmission to the judges of the Superior Court.

8. The Committee noted comments by the Judiciary Committee of the Connecticut General Assembly on the proposed amendments to Rule 7.2 of the Rules of Professional Conduct regarding communications concerning a lawyer's services.

After discussion, the Committee decided to recommend the proposal as submitted for public hearing and without any further revisions.

9. All matters recommended by the Committee will be submitted to the judges for a vote on adoption.

Respectfully submitted,

Joseph J. Del Ciampo
Counsel to the Rules Committee