Minutes of the Annual Meeting
Judges of the Superior Court
June 22, 2009

A meeting of the Judges of the Superior Court was held, pursuant to notice, on Monday, June 22, 2009 commencing at 10:00 a.m. in the Jury Assembly Room of the Middlesex Judicial District Courthouse, Middletown, CT.

Present: Chief Justice Rogers; Justices Vertefeuille, Zarella and McLachlan; Appellate Court Chief Judge Flynn; Appellate Court Judges Alvord, Beach, DiPentima, Gruendel, Harper, Lavine, R. Robinson; Superior Court Judges Abrams, Adams, Adelman, Agati, Alander, Alexander, Aurigemma, Baldwin, Bear, Bellis, Bentivegna, Berger, Blawie, Boland, Bozzuto, Brazzel-Massaro, Bright, Brunetti, Burgdorff, Burke, Calmar, Carroll, Clifford, Cohn, Conway, Corradino, Cosgrove, Cremins, Cronan, D'Addabbo, Dennis, Devlin, Doherty, Dolan, Domnarski, Dooley, Driscoll, Dubay, Elgo, Eschuk, Espinosa, Esposito, Eveleigh, Fasano, B. Fischer, J. Fischer, Frankel, Frechette, Gilardi, Gilligan, Ginocchio, Gleeson, Gold, Gordon, Gould, Graham, Graziani, Hadden, Handy, Hauser, Hiller, Holden, Holzberg, Iannotti, Jones, Jongbloed, Kahn, B. Kaplan, Keegan, Keller, Lager, Levin, Licari, Malone, Marano, Markle, Maronich, Miano, Miller, Mintz, Moore, Munro, Nazzaro, O'Keefe, Olear, Oliver, Ozalis, Pavia, Peck, Pickard, Pinkus, Prescott, Prestley, Quinn, Radcliffe, Randolph, Riley, A. Robinson, Roche, Rubinow, A. Santos, Scarpellino, Schimelman, Scholl, Schuman, Sferrazza, Shapiro, Shay, Sheldon, Shluger, Silbert, Solomon, Sommer, Stevens, Strackbein, Suarez, Swienton, C. Taylor, M. Taylor, Thim, Thompson, Tobin, Tyma, Vacchelli, Wenzel, Westbrook, White, Wilson, Winslow, Woods, Young and Zemetis; Senior Judges J. Kaplan, Karazin, McWeeny, Resha and Sequino.

Judge Quinn, Chief Court Administrator, called the meeting to order and welcomed the judges to the annual meeting. The first item on the agenda was the approval of the minutes of the last annual meeting held on June 30, 2008. Upon motion made and duly seconded, the minutes were approved unanimously.

Justice Zarella gave the report of the Rules Committee and then made the following motion, "I move the adoption of the amendments to the Practice Book which were mailed to you for use at this meeting." The motion was seconded and approved unanimously.

He then offered a second motion, "I further move:

(a) that the amendments as just adopted to Section 13-4 become effective on September 1, 2009 and that the requirement of Practice Book Section 1-9 that a rule not become effective less than sixty days after its promulgation be waived pursuant to the provision of that section;

(b) that the rest of the amendments to the Practice Book as just adopted become effective on January 1, 2010; and

(c) that the Reporter of Judicial Decisions may make editorial changes to the amendments including changes in the section numbers.

This motion was seconded and approved unanimously. The revisions to the Practice Book approved by this vote are included with these minutes as Appendix A.

Judge Quinn asked for a motion nominating four judges to serve on the Rules Committee for one year terms, commencing July 1, 2009. A motion was made and seconded to nominate Judges Scholl, J. Fischer, Bellis and Olear. It was approved unanimously.

Judge Quinn then asked for a motion listing the names of judges which would be submitted to the Governor for consideration for appointment of two judges as alternate members of the Judicial Review Council for three year terms commencing December 1, 2009. A motion was made and seconded nominating Judges Cohn, Silbert, Matasavage and Shluger. It was approved unanimously.

Judge Quinn asked for a motion to approve all final actions taken by the Executive Committee as noted in the minutes of the May 21, 2009 meeting. The motion was made, seconded and approved unanimously, with the exception of Judge Marano who abstained.

Judge Quinn then asked for a motion to approve the recommendations made by the Executive Committee concerning annual appointments of certain Judicial Branch employees and individuals to serve on various panels and committees. These recommendations were included as Appendix B of the minutes of the May 21, 2009 Executive Committee meeting.

She also asked that such motion include the reappointment of Attorney Beth L. Baldwin as a Temporary Assistant Chief Disciplinary Counsel for a one year term commencing July 1, 2009. Such motion was made, seconded and approved unanimously. The approved recommendations for appointments and reappointments are included as Appendix B of these minutes.

Judge Handy rose to thank Judge Keller for her service on the Judicial Review Council.

There being no further business, the meeting adjourned.

Respectfully submitted,

Robert D. Coffey
Secretary

RDC/jas

AMENDMENTS TO THE GENERAL PROVISIONS OF THE SUPERIOR COURT RULES

Sec. 2-13. Attorneys of Other Jurisdictions; Qualifications and Requirements for Admission

(a) Any member of the bar of another state or territory of the United States or the District of Columbia, who, after satisfying the state bar examining committee that his or her educational qualifications are such as would entitle him or her to take the examination in Connecticut or would have entitled him or her to take the examination in Connecticut at the time of his or her admission to the bar of which he or she is a member, and that at least one jurisdiction in which he or she is a member of the bar is reciprocal to Connecticut in that it would admit a member of the bar of Connecticut to its bar without examination under provisions similar to those set out in this section, shall satisfy the appropriate standing committee on recommendations for admission that he or she (1) is of good moral character and has either passed an examination in professional responsibility administered under the auspices of the bar examining committee or has completed a course in professional responsibility in accordance with the regulations of the bar examining committee; (2) has been duly licensed to practice law before the highest court of a reciprocal state or territory of the United States or in the District of Columbia if reciprocal to Connecticut and (A) has lawfully engaged in the practice of law as the applicant's principal means of livelihood in such reciprocal jurisdiction for at least five of the seven years immediately preceding the date of the application and is

in good standing, or (B) if the applicant has taken the bar examinations of Connecticut and failed to pass them, the applicant has lawfully engaged in the practice of law as his or her principal means of livelihood in such reciprocal jurisdiction for at least five of the seven years immediately preceding the date of the application and is in good standing, provided that such five years of practice shall have occurred subsequent to the applicant's last failed Connecticut examination; (3) is a citizen of the United States or an alien lawfully residing in the United States; (4) intends, upon a continuing basis, to practice law actively in Connecticut and to devote the major portion of his or her working time to the practice of law in Connecticut, and/or to supervise law students within a clinical law program at an accredited Connecticut law school while a member of the faculty of such school may be admitted by the court as an attorney without examination upon written application and the payment of such fee as the examining committee shall from time to time determine, upon compliance with the following requirements: Such application, duly verified, shall be filed with the administrative director of the bar examining committee and shall set forth his or her qualifications as hereinbefore provided. There shall be filed with such application the following certificates or affidavits: Affidavits from two attorneys who personally know the applicant certifying to his or her good moral character and supporting, to the satisfaction of the standing committee on recommendations for admission to the bar, his or her practice

of law as defined under (2) of this section; where applicable, an affidavit from the dean of the accredited Connecticut law school at which the applicant has accepted employment attesting to the employment relationship and term; affidavits from two members of the bar of Connecticut of at least five years' standing certifying that the applicant is of good moral character and a certificate from the state bar examining committee that his or her educational qualifications are such as would entitle the applicant to take the examination in Connecticut or would have entitled the applicant to take the examination in Connecticut at the time of his or her admission to the bar of which the applicant is a member; and an affidavit from the applicant certifying whether such applicant has a grievance pending against him or her, has ever been reprimanded, suspended, placed on inactive status, disbarred, or has ever resigned from the practice of law, and, if so, setting forth the circumstances concerning such action. Such an affidavit is not required if it has been furnished as part of the application form prescribed by the state bar examining committee.

(b) An attorney who, within the 7 years immediately preceding the date of application, was engaged in the supervision of law students within a clinical law program of one or more accredited law schools in another jurisdiction or jurisdictions while a member of the faculty of such school or schools, whether or not any such jurisdiction is a reciprocal jurisdiction, may apply such time toward the satisfaction of the

requirement of subdivision (a) (2) (A) of this section. If such time is so applied, the attorney shall file with his or her application an affidavit from the dean of the law school or schools of each such other jurisdiction attesting to the employment relationship and the period of time the applicant engaged in the supervision of law students within a clinical program at such school. An attorney so engaged for 5 of the 7 years immediately preceding the date of application will be deemed to satisfy the threshold requirement of subdivision (a) (2) of this section if such attorney is duly licensed to practice law before the highest court of any state or territory of the United States or in the District of Columbia whether or not such jurisdiction is reciprocal to Connecticut.

COMMENTARY: The above changes would allow an attorney who during the 7 years immediately preceding the date of the attorney's application under this section was engaged in the supervision of law students within a clinical law program of one or more accredited law schools in another jurisdiction while a member of the faculty of such school or schools to apply such time toward satisfaction of the requirement of (a) (2) (A) of this section whether or not the jurisdiction or jurisdictions are reciprocal to Connecticut. It is intended that if the 5 year requirement is not fully met by the attorney's engagement in supervising law students in a clinical law program, the requirements of subdivision (a) (2) (A) must be complied with concerning the balance of the 5 years as

must the reciprocity provision of the threshold requirement of subdivision (a) (2).

Sec. 2-15A. —Authorized House Counsel

(a) **Purpose**

The purpose of this section is to clarify the status of house counsel as authorized house counsel as defined herein, and to confirm that such counsel are subject to regulation by the judges of the superior court. Notwithstanding any other section of this chapter relating to admission to the bar, this section shall authorize attorneys licensed to practice in jurisdictions other than Connecticut to be permitted to undertake these activities, as defined herein, in Connecticut without the requirement of taking the bar examination so long as they are exclusively employed by an organization.

(b) **Definitions**

(1) **Authorized House Counsel.** An ''authorized house counsel'' is any person who:

(A) is a member in good standing of the entity governing the practice of law of each state (other than Connecticut) or territory of the United States, or the District of Columbia or any foreign jurisdiction in which the member is licensed;

(B) has been certified on recommendation of the bar examining committee in accordance with this section;

(C) agrees to abide by the rules regulating members of the Connecticut bar and submit to the jurisdiction of the statewide grievance committee and the superior court; and

(D) is, at the date of application for registration under this rule, employed in the state of Connecticut by an organization or relocating to the state of Connecticut in furtherance of such employment within three months of such application under this section and receives or shall receive compensation for activities performed for that business organization.

(2) **Organization.** An "organization" for the purpose of this rule is a corporation, partnership, association, or employer sponsored benefit plan or other legal entity (taken together with its respective parents, subsidiaries, and affiliates) that is not itself engaged in the practice of law or the rendering of legal services outside such organization, whether for a fee or otherwise, and does not charge or collect a fee for the representation or advice other than to entities comprising such organization for the activities of the authorized house counsel.

(c) **Activities**

(1) **Authorized Activities.** An authorized house counsel, as an employee of an organization, may provide legal services in the state of Connecticut to the organization for which a registration pursuant to subsection (d) is effective, provided, however, that such activities shall be limited to:

(A) the giving of legal advice to the directors, officers, employees, trustees, and agents of the organization with respect to its business and affairs;

(B) negotiating and documenting all matters for the organization; and

(C) representation of the organization in its dealings with any administrative agency, tribunal or commission having jurisdiction; provided, however, authorized house counsel shall not be permitted to make appearances as counsel before any state or municipal administrative tribunal, agency, or commission, and shall not be permitted to make appearances in any court of this state, unless the attorney is specially admitted to appear in a case before such tribunal, agency, commission or court.

(2) **Disclosure.** Authorized house counsel shall not represent themselves to be members of the Connecticut bar or commissioners of the superior court licensed to practice law in this state. Such counsel may represent themselves as Connecticut authorized house counsel.

(3) **Limitation on Representation.** In no event shall the activities permitted hereunder include the individual or personal representation of any shareholder, owner, partner, officer, employee, servant, or agent in any matter or transaction or the giving of advice therefor unless otherwise permitted or authorized by law, code, or rule or as may be permitted by subsection (c) (1). Authorized house counsel shall not be permitted to prepare legal instruments or documents on behalf of anyone other than the organization employing the authorized house counsel.

(4) **Limitation on Opinions to Third Parties.**

An authorized house counsel shall not express or render a legal judgment or opinion to be relied upon by any third person or

party other than legal opinions rendered in connection with commercial, financial or other business transactions to which the authorized house counsel's employer organization is a party and in which the legal opinions have been requested from the authorized house counsel by another party to the transaction. Nothing in this subsection (c) (4) shall permit authorized house counsel to render legal opinions or advice in consumer transactions to customers of the organization employing the authorized house counsel.

(d) **Registration**

(1) **Filing with the Bar Examining Committee.** The bar examining committee shall investigate whether the applicant is at least eighteen years of age and is of good moral character, consistent with the requirement of Section 2-8 (3) regarding applicants for admission to the bar. In addition, the applicant shall file with the bar examining committee, and the committee shall consider, the following:

(A) a certificate from each entity governing the practice of law of a state or territory of the United States, or the District of Columbia or any foreign jurisdiction in which the applicant is licensed to practice law certifying that the applicant is a member in good standing;

(B) a sworn statement by the applicant:

(i) that the applicant has read and is familiar with the Connecticut Rules of Professional Conduct for attorneys and Chapter 2 (Attorneys) of the Superior Court Rules, General Provisions, and will abide by the provisions thereof;

(ii) that the applicant submits to the jurisdiction of the statewide grievance committee and the superior court for disciplinary purposes, and authorizes notification to or from the entity governing the practice of law of each state or territory of the United States, or the District of Columbia in which the applicant is licensed to practice law of any disciplinary action taken against the applicant;

(iii) listing any jurisdiction in which the applicant is now or ever has been licensed to practice law; and

(iv) disclosing any disciplinary sanction or pending proceeding pertaining or relating to his or her license to practice law including, but not limited to, reprimand, censure, suspension or disbarment, or whether the applicant has been placed on inactive status;

(C) a certificate from an organization certifying that it is qualified as set forth in subsection (b) (2); that it is aware that the applicant is not licensed to practice law in Connecticut; and that the applicant is employed or about to be employed in Connecticut by the organization as set forth in subsection (b) (1) (D);

(D) an appropriate application pursuant to the regulations of the bar examining committee;

(E) remittance of a filing fee to the bar examining committee as prescribed and set by that committee; and

(F) an affidavit from each of two members of the Connecticut bar, who have each been licensed to practice law in Connecticut for at least five years, certifying that the

applicant is of good moral character and that the applicant is employed or will be employed by an organization as defined above in subsection (b) (2).

(2) **Certification.** Upon recommendation of the bar examining committee, the court may certify the applicant as authorized house counsel and shall cause notice of such certification to be published in the Connecticut Law Journal.

(3) **Annual Client Security Fund Fee.** Individuals certified pursuant to this section shall comply with the requirements of Sections 2-68 and 2-70 of this chapter, including payment of the annual fee and shall pay any other fees imposed on attorneys by court rule.

(4) **Annual Registration.** Individuals certified pursuant to this section shall register annually with the statewide grievance committee in accordance with Sections 2-26 and 2-27 (d) of this chapter.

(e) **Termination or Withdrawal of Registration**

(1) **Cessation of Authorization to Perform Services.** Authorization to perform services under this rule shall cease upon the earliest of the following events:

(A) the termination or resignation of employment with the organization for which registration has been filed, provided, however, that if the authorized house counsel shall commence employment with another organization within thirty days of the termination or resignation, authorization to perform services under this rule shall continue upon the filing with the bar

examining committee of a certificate as set forth in subsection (d) (1) (C);

(B) the withdrawal of registration by the authorized house counsel;

(C) the relocation of an authorized house counsel outside of Connecticut for a period greater than 180 consecutive days; or

(D) the failure of authorized house counsel to comply with any applicable provision of this rule.

Notice of one of the events set forth in subsections (e) (1) (A) through (C) or a new certificate as provided in subsection (e) (1) (A) must be filed with the bar examining committee by the authorized house counsel within thirty days after such action. Failure to provide such notice by the authorized house counsel shall be a basis for discipline pursuant to the Rules of Professional Conduct for attorneys.

(2) **Notice of Withdrawal of Authorization.** Upon receipt of the notice required by subsection (e) (1), the bar examining committee shall forward a request to the statewide bar counsel that the authorization under this chapter be revoked. Notice of the revocation shall be mailed by the statewide bar counsel to the authorized house counsel and the organization employing the authorized house counsel.

(3) **Reapplication.** Nothing herein shall prevent an individual previously authorized as house counsel to reapply for authorization as set forth in subsection (d).

(f) **Discipline**

(1) **Termination of Authorization by Court.** In addition to any appropriate proceedings and discipline that may be imposed by the statewide grievance committee, the superior court may, at any time, with cause, terminate an authorized house counsel's registration, temporarily or permanently.

(2) **Notification to Other States.** The statewide bar counsel shall be authorized to notify each entity governing the practice of law in the state or territory of the United States, or the District of Columbia, in which the authorized house counsel is licensed to practice law, of any disciplinary action against the authorized house counsel.

(g) **Transition**

(1) **Preapplication Employment in Connecticut.** The performance of an applicant's duties as an employee of an organization in Connecticut prior to the effective date of this rule shall not be grounds for the denial of registration of such applicant if application for registration is made within six months of the effective date of this rule.

(2) **Immunity from Enforcement Action.** An authorized house counsel who has been duly registered under this rule shall not be subject to enforcement action for the unlicensed practice of law for acting as counsel to an organization prior to the effective date of this rule.

COMMENTARY: The above change adds employer sponsored benefit plans to the definition of "organizations."

Sec. 2-34. Statewide Bar Counsel

(a) The judges of the superior court shall appoint an attorney to act as statewide bar counsel, and such additional attorneys to act as assistant bar counsel as are necessary, for a term of one year commencing July 1. In the event that a vacancy arises in any such position before the end of a term, the executive committee of the superior court shall appoint an attorney to fill the vacancy for the balance of the term. Compensation for these positions shall be paid by the judicial branch. Such individuals shall be in the legal services division of the office of the chief court administrator and shall perform such other duties as may be assigned to them in that capacity.

(b) In addition to any other powers and duties set forth in this chapter, the statewide bar counsel or an assistant bar counsel shall:

(1) Report to the national disciplinary data bank such requested information as is officially reported to the statewide bar counsel concerning attorneys who have resigned pursuant to Section 2-52, or whose unethical conduct has resulted in disciplinary action by the court or by the statewide grievance committee, or who have been placed on inactive status pursuant to Sections 2-56 through 2-62.

(2) Receive and maintain information forwarded to the statewide bar counsel by the national disciplinary data bank.

(3) Receive and maintain records forwarded to the statewide bar counsel by the clerks of court pursuant to

Sections 2-23 and 2-52 and by complainants pursuant to Section 2-32.

(4) For a fee established by the chief court administrator, [C]certify to the status of individuals who are or were members of the bar of this state at the request of bar admission authorities of other jurisdictions or at the request of a member of the bar of this state with respect to such member's status. In certifying to the status of an individual, no information shall be provided to the requesting entity, other than public information, without a waiver from that individual.

(5) Assist the statewide grievance committee and the reviewing committees in carrying out their duties under this chapter.

COMMENTARY: The above change would allow the Chief Court Administrator to establish a fee for the certification by the Statewide Bar Counsel of the status of individuals as members of the bar of this state.

Sec. 2-65. Good Standing of Attorney

An attorney is in good standing in this state if the attorney has been admitted to the bar of this state, has registered with the statewide grievance committee in compliance with Section 2-27 (d), has complied with Section 2-70, and is not under suspension, on inactive status, disbarred, or resigned from the bar.

COMMENTARY: The above change makes compliance with Section 2-70, which is the rule regarding payment of the

annual client security fund fee, a condition of an attorney's "good standing" in Connecticut. The change stems from a concern that, in its current form, Section 2-65 permits attorneys to obtain certificates of good standing even if they are delinquent in payment of the annual client security fund fee.

Sec. 3-3. Form and Signing of Appearance

Each appearance shall (1) be typed or printed on size 8-1/2'' x 11'' paper, (2) be headed with the name and number of the case, the name of the court location to which it is returnable and the date, (3) be legibly signed by the individual preparing the appearance with the individual's own name and (4) state the party or parties for whom the appearance is being entered and the official (with position or department, if desired), firm, professional corporation or individual whose appearance is being entered, together with the juris number assigned thereto if any, the mailing address and the telephone number. This section shall not apply to mortgagors filing a request for mediation under section 16 of Public Act 08-176, in which case the request for mediation shall constitute an appearance. This section shall not apply to appearances entered pursuant to Section 3-1.

COMMENTARY: Section 16 of Public Act 08-176 requires the court to notify each appearing party that a foreclosure mediation request has been submitted by the mortgagor. Requiring the mortgagor to file an appearance is

redundant and places an unnecessary burden on the individuals section 16 of Public Act 08-176 is intended to assist. The new sentence in this section addresses this.

Sec. 3-16. —Requirements and Limitations

(a) In order to appear pursuant to these rules, the legal intern must:

(1) be certified by a law school approved by the American Bar Association or by the state bar examining committee of the superior court;

(2) have completed legal studies amounting to at least two semesters of credit in a three- or four-year course of legal studies, or the equivalent if the school is on some basis other than a semester basis except that the dean may certify a student under this section who has completed less than two semesters of credit or the equivalent to enable that student to participate in a faculty supervised law school clinical program;

(3) be certified by the dean of his or her law school as being of good character and competent legal ability;

(4) be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court;

(5) comply with the provisions of Section 3-21 if enrolled in a law school outside the state of Connecticut.

(b) A legal intern may not be employed or compensated directly by a client for services rendered. This section shall not prevent an attorney, legal aid bureau, law school, public

defender agency or the state from compensating an eligible intern.

COMMENTARY: The essential introduction of law students to legal culture and analysis which occurs in the first year of a four-year program is indistinguishable from that provided in the first year of a three-year program. The standard course in evidence law, which is not required for certification under the legal internship rule, is not offered until the second year of a three-year program. The most important feature of any student practice rule is the kind and quality of supervision the student must be given when performing legal work there under. This change would not modify the supervision requirements currently in the rule.

Sec. 4-2. Signing of Pleading

(a) Every pleading and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign his or her pleadings and other papers. The name of the attorney or party who signs such document shall be legibly typed or printed beneath the signature.

(b) The signing of any pleading, motion, objection or request shall constitute a certificate that the signer has read such document, that to the best of the signer's knowledge, information and belief there is good ground to support it, [and] that it is not interposed for delay, and that the signer has

complied with the requirements of Section 4-7 regarding personal identifying information. Each pleading and every other court-filed document signed by an attorney or party shall set forth the signer's telephone number and mailing address.

(NEW) Sec. 4-7 Personal Identifying Information to be Omitted or Redacted from Court Records in Civil and Family Matters

(a) As used in this section, "personal identifying information" means an individual's date of birth, mother's maiden name, motor vehicle operator's license number, Social Security number, other government-issued identification number, health insurance identification number, or any financial account number, security code or personal identification number (PIN). For purposes of this section, a person's name is specifically excluded from this definition of personal identifying information.

(b) Persons who file documents with the court shall not include personal identifying information, and if any such personal identifying information is present, shall redact it from any documents filed with the court, whether filed in electronic or in paper format, unless otherwise required by law or ordered by the court.

(c) The responsibility for omitting or redacting personal identifying information rests solely with the person filing the document. The court or the clerk of the court need not review any filed document for compliance with this rule.

COMMENTARY: The court should avoid requiring the submission of unredacted documents that contain personal

identifying information and should avoid using personal identifying information in its orders and opinions except when necessary. This rule applies to all documents filed in a case, including documents offered in evidence at a hearing or trial.

Sec. 7-13. —Criminal/Motor Vehicle Files and Records

(a) Upon the disposition of any criminal case, except a case in which a felony or a capital felony conviction resulted, or any motor vehicle case, including any matter brought pursuant to the commission of an infraction or a violation, the file may be stripped of all papers except (1) the executed arrest warrant and original affidavit in support of probable cause, the misdemeanor/motor vehicle summons, prosecutorial summons or the complaint ticket, (2) the uniform arrest report, (3) the information or indictment and any substitute information, (4) a written plea of nolo contendere, (5) documents relating to programs for adjudication and treatment as a youthful offender, programs relating to family violence education, community service labor, accelerated pretrial rehabilitation, pretrial drug education, pretrial alcohol education and treatment, determination of competency to stand trial or suspension of prosecution or any other programs for adjudication or treatment which may be created from time to time, (6) any official receipts, (7) the judgment mittimus, (8) any written notices of rights, (9) orders regarding probation, (10) any exhibits on file, (11) any transcripts on file of proceedings held in the matter, and (12) the transaction sheet.

(b) Unless otherwise ordered by the court, the copy of the application for a search warrant and affidavits filed pursuant to General Statutes § 54-33c shall be destroyed upon the expiration of three years from the filing of the copy of the application and affidavits with the clerk.

(c) Except as otherwise provided, the papers stripped from the court file may be destroyed upon the expiration of ninety days from the date of disposition of the case.

(d) Upon the disposition of any criminal or motor vehicle case in which the defendant has been released pursuant to a bond, the clerk shall remove the bond form from the file and maintain it in the clerk's office for such periods as determined by the chief court administrator.

(e) Upon the disposition of any criminal or motor vehicle case in which property is seized, whether pursuant to a search warrant, an arrest, an in rem proceeding or otherwise, the clerk shall remove the executed search warrant, if any, papers relating to any in rem proceedings, if any, and the inventory of the seized property from the court file and maintain them in the clerk's office during the pendency of proceedings to dispose of the property and for such further periods as determined by the chief court administrator.

(f) In cases in which there has been neither a conviction nor the payment of a fine on any charge, the file shall be destroyed upon the expiration of three years from the date of disposition.

(g) In cases in which a fine has been paid pursuant to an infraction or a violation, the file shall be destroyed upon the expiration of five years from the date of disposition.

(h) In cases in which there has been a conviction of a misdemeanor charge but not a conviction of a felony charge, the file shall be destroyed upon the expiration of ten years from the date of disposition.

(i) In cases in which there has been a conviction of a felony charge but not a conviction of a capital felony charge, the file, all exhibits and the transcripts of all proceedings held in the matter shall be destroyed upon the expiration of twenty years from the date of disposition or upon the expiration of the sentence, whichever is later.

(j) In cases in which there has been a conviction of a capital felony charge, the file, all exhibits and the transcripts of all proceedings held in the matter shall be destroyed upon the expiration of [twenty five] seventy-five years from [the death of the person convicted] such conviction.

(k) The file and records in any case in which an individual is adjudged a youthful offender shall be retained for ten years.

(*l*) The file in any case in which the disposition is not guilty by reason of mental disease or defect shall be retained for seventy-five years.

(m) Investigatory grand jury records shall be retained permanently.

COMMENTARY: The amendment to this section adopts the revision of Gen. Stat. § 51-36 as amended by Section 11 of Public Act 03-202.

AMENDMENTS TO THE CIVIL RULES

Sec. 9-8. —Class Actions Maintainable

An action may be maintained as a class action if the prerequisites of Section 9-7 are satisfied [and the judicial authority finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy.], and in addition:

(1) the prosecution of separate actions by or against individual members of the class would create a risk of:(A) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or (B) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests, or

(2) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(3) the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include: (A) the interest of members of the class in individually controlling the prosecution or defense of separate actions; (B) the extent and nature of any litigation concerning the controversy already commenced by or against members of the class; (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; (D) the difficulties likely to be encountered in the management of class action.

COMMENTARY: The above amendments to this rule and to Section 9-9 include the provisions of Federal Rules of Civil Procedure Rule 23, with minor variations. The current rule contains some, but not all, provisions of the federal rule which creates uncertainty as to which federal cases have precedential value in Connecticut courts. Although the Connecticut Supreme Court has stated that it would look to federal cases when reviewing class action cases, Collins v. Anthem Health Plans, Inc., 266 Conn. 12, 32 (2003), class action litigation is rare in Connecticut and the resulting body of state case law is light. This amendment will enable Connecticut to access useful case law from thirty three states and the District of Columbia, all of whom have adopted Rule 23 or some variation of it.

Sec. 9-9. —[Dismissal or Compromise of Class Action] Procedure for Class Certification and Management of Class

[A class action shall not be withdrawn or compromised without the approval of the judicial authority. The judicial authority may require notice of such proposed dismissal or compromise to be given in such manner as it directs.]

(a)(1)(A) When a person sues or is sued as a representative of a class, the court must, at an early practicable time, determine by order whether to certify the action as a class action.

(B) An order certifying a class action must define the class and the class claims, issues or defenses, and must appoint class counsel.

(C) An order under Section 9-9 (a)(1)(A) may be altered or amended before final judgment.

(2)(A) For any class certified under Section 9-8(1) or (2), the court must direct notice to the class.

(B) For any class certified under Section 9-8(3), the court must direct to class members the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice must concisely and clearly state in plain, easily understood language:

(i) the nature of the action;

(ii) the definition of the class certified;

(iii) the class claims, issues or defenses;

(iv) that a class member may enter an appearance through counsel if the member so desires;

(v) that the court will exclude from the class any member who requests exclusion, stating when and how members may elect to be excluded; and

(vi) the binding effect of a class judgment on class members under Section 9-8(3).

(3) The judgment in an action maintained as a class action under Section 9-8(1) or (2), whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under Section 9-8(3), whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in Section 9-9(a)(2)(B) was directed, and who have not requested exclusion, and whom the court finds to be members of the class.

(4) When appropriate (A) an action may be brought or maintained as a class action with respect to particular issues, or (B) a class may be divided into subclasses and each subclass treated as a class, and the provisions of Sections 9-7 and 9-8 shall then be construed and applied accordingly.

(b) In the conduct of actions to which Sections 9-7 et seq. apply, the court may make appropriate orders:

(1) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(2) requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of:

(i) any step in the action;

(ii) the proposed extent of the judgment; or

(iii) the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

(3) imposing conditions on the representative parties or on intervenors;

(4) requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly;

(5) dealing with similar procedural matters.

The orders may be altered or amended as may be desirable from time to time.

(c)(1)(A) The court must approve any settlement, withdrawal, or compromise of the claims, issues, or defense of a certified class. Court approval is not required for settlement, withdrawal or compromise of a claim in which a class has been alleged but no class has been certified.

(B) The court must direct notice in a reasonable manner to all class members who would be bound by a proposed settlement, withdrawal or compromise.

(C) The court may approve a settlement, withdrawal, or compromise that would bind class members only after a hearing and on finding that the settlement, withdrawal, or compromise is fair, reasonable, and adequate.

(2) The parties seeking approval of a settlement, withdrawal, or compromise of an action in which a class has been certified must file a statement identifying any agreement made in connection with the proposed settlement, withdrawal or compromise.

(3) In an action previously certified as a class action under Section 9-8(3), the court may refuse to approve a settlement unless it affords a new opportunity to request exclusion to individual class members who had an earlier opportunity to request exclusion but did not do so.

(4)(A) Any class member may object to a proposed settlement, withdrawal or compromise that requires court approval under (c)(1)(A).

(B) An objection made under (c)(4)(A) may be withdrawn only with the court's approval.

(d) Unless a statute provides otherwise, a court that certifies a class must appoint class counsel. An attorney appointed to serve as class counsel must fairly and adequately represent the interests of the class.

(1) In appointing class counsel, the court must consider:

(i) the work counsel has done in identifying or investigating potential claims in the action;

(ii) counsel's experience in handling class actions, other

complex litigation, and claims of the type asserted in the action;

(iii) counsel's knowledge of the applicable law; and

(iv) the resources counsel will commit to representing the class.

(2) The court may:

(i) consider any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class;

(ii) direct potential class counsel to provide information on any subject pertinent to the appointment and to propose terms for attorneys fees and nontaxable costs; and

(iii) make further orders in connection with the appointment.

(e) The court may designate interim counsel to act on behalf of the putative class before determining whether to certify the action as a class action. When there is one applicant for appointment as class counsel the court may appoint that applicant only if the applicant is adequate under subsection (d). If more than one adequate applicant seeks appointment as class counsel, the court must appoint the applicant best able to represent the interests of the class. The order appointing class counsel may include provisions about the award of attorneys fees or nontaxable costs under subsection (f).

(f) In an action certified as a class action, the court may award reasonable attorneys fees and nontaxable costs

authorized by law or by consent of the parties as follows:

(1) a request for an award of attorneys fees and nontaxable costs must be made by motion subject to the provisions of this subdivision, at a time set by the court. Notice of the motion must be served on all parties and, for motions by class counsel, directed to class members in a reasonable manner.

(2) A class member or a party from whom payment is sought, may object to the motion.

(3) The court may hold a hearing and must find the facts and state its conclusions of law on such motion.

COMMENTARY: The above amendments to this rule and to Section 9-8 include the provisions of Federal Rules of Civil Procedure Rule 23, with minor variations. The current rule contains some, but not all, provisions of the federal rule which creates uncertainty as to which federal cases have precedential value in Connecticut courts. Although the Connecticut Supreme Court has stated that it would look to federal cases when reviewing class action cases, Collins v. Anthem Health Plans, Inc., 266 Conn. 12, 32 (2003), class action litigation is rare in Connecticut and the resulting body of state case law is light. This amendment will enable Connecticut to access useful case law from thirty three states and the District of Columbia, all of whom have adopted Rule 23 or some variation of it.

Sec. 10-12. Service of the Pleading and Other Papers; Responsibility of Counsel or Pro Se Party: Documents and Persons to Be Served

(a) It is the responsibility of counsel or a pro se party filing the same to serve on each other party who has appeared one copy of every pleading subsequent to the original complaint, every written motion other than one in which an order is sought ex parte and every paper relating to discovery, request, demand, claim, notice or similar paper, except a request for mediation under section 16 of Public Act 08-176. When a party is represented by an attorney, the service shall be made upon the attorney unless service upon the party is ordered by the judicial authority.

(b) It shall be the responsibility of counsel or a pro se party at the time of filing a motion for default for failure to appear to serve the party sought to be defaulted with a copy of the motion. Upon good cause shown, the judicial authority may dispense with this requirement when judgment is rendered.

(c) Any pleading asserting new or additional claims for relief against parties who have not appeared or who have been defaulted shall be served on such parties.

COMMENTARY: Section 16 of Public Act 08-176 requires the court to notify each appearing party that a foreclosure mediation request has been submitted by the mortgagor. Requiring the mortgagor to serve a copy on each party is redundant and places an unnecessary burden on the

individuals section 16 of Public Act 08-176 is intended to assist. The new language in subsection (a) addresses this.

Sec. 10-13. —Method of Service

Service upon the attorney or upon a pro se party, except service pursuant to Section 10-12 (c), may be by delivering a copy or by mailing it to the last known address of the attorney or party. Delivery of a copy within this section means handing it to the attorney or to the party; or leaving it at the attorney's office with a person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the usual place of abode. Delivery of a copy within this rule, [if the filing was made electronically in accordance with Section 4-4,] may also mean electronic delivery to the last known electronic address of the attorney or party, provided that electronic delivery was consented to in writing by the person served. Service by mail is complete upon mailing. Service by electronic delivery is complete upon sending the electronic notice unless the party making service learns that the attempted service did not reach the electronic address of the person to be served. Service pursuant to Section 10-12 (c) shall be made in the same manner as an original writ and complaint is served or as ordered by the judicial authority.

COMMENTARY: The above revisions provide for service of pleadings by e-mail.

(NEW) Sec. 11-20B. –Documents Containing Personal Identifying Information

The requirements of Section 11-20A shall not apply to "personal identifying information," as defined in Section 4-7, that may be found in documents filed with the court. If a document containing personal identifying information is filed with the court, a party or a person identified by the personal identifying information may move to have the personal identifying information redacted or to have the document sealed if the personal identifying information cannot be redacted. In response to such a motion or on its own motion, the court shall order the document temporarily sealed pending redaction, shall order the document redacted either by the party who filed it or by the clerk, and shall return the original to the party who filed it unless it is necessary to complete the record.

COMMENTARY: The above section allows the judicial authority or a party or person who is identified by personal identifying information to have such information redacted or protected in a less formalistic and cumbersome method than that now mandated by Section 11-20A, including, for instance, the requirements for calendaring and notice to the public under Section 11-20A (e) and (j) and for judicial findings under Section 11-20A (c) and (d). Although not subject to these requirements, the court should nonetheless employ the most narrowly tailored method necessary to protect personal identifying information from disclosure, and a document should

be sealed, pursuant to the above section, only in exceptional circumstances and on the record. It is anticipated that this section will allow the judicial authority to address immediately personal identifying information issues, whether in open court or at pretrial conferences, status conferences, conference calls and the like, and that such action would take place either on or off the record depending upon the circumstances and the agreement of the parties. As in Section 4-7, the responsibility for redacting identifying information rests solely with the person filing the document.

A person who is not a party to the action would not be required to file a motion to become an interested party or take other formal action to intervene as an interested party, in order to move that his or her personal identifying information be removed from the file.

Sec. 13-4. —Experts

(a) A party shall disclose each person who may be called by that party to testify as an expert witness at trial, and all documents that may be offered in evidence in lieu of such expert testimony, in accordance with this section. The requirements of Section 13-15 shall apply to disclosures made under this section.

(b) A party shall file with the court and serve upon counsel a disclosure of expert witnesses which identifies the name, address and employer of each person who may be called by that party to testify as an expert witness at trial,

whether through live testimony or by deposition. In addition, the disclosure shall include the following information:

(1) Except as provided in subdivision (2) of this subsection, the field of expertise and the subject matter on which the witness is expected to offer expert testimony; the expert opinions to which the witness is expected to testify; and the substance of the grounds for each such expert opinion. Disclosure of the information required under this subsection may be made by making reference in the disclosure to, and contemporaneously producing to all parties, a written report of the expert witness containing such information.

(2) If the witness to be disclosed hereunder is a health care provider who rendered care or treatment to the plaintiff, and the opinions to be offered hereunder are based upon that provider's care or treatment, then the disclosure obligations under this section may be satisfied by disclosure to the parties of the medical records and reports of such care or treatment. A witness disclosed under this subsection shall be permitted to offer expert opinion testimony at trial as to any opinion as to which fair notice is given in the disclosed medical records or reports. Expert testimony regarding any opinion as to which fair notice is not given in the disclosed medical records or reports shall not be permitted unless the opinion is disclosed in accordance with subdivision (1) of subsection (b) of this section.

(3) Except for an expert witness who is a health care provider who rendered care or treatment to the plaintiff, or

unless otherwise ordered by the judicial authority or agreed upon by the parties, the party disclosing an expert witness shall, within thirty days of such disclosure, produce to all other parties all materials obtained, created and/or relied upon by the expert in connection with his or her opinions in the case. If any such materials have already been produced to the other parties in the case, then a list of such materials, made with sufficient particularity that the materials can be easily identified by the parties, shall satisfy the production requirement hereunder with respect to those materials. If an expert witness otherwise subject to this subsection is not being compensated in that capacity by or on behalf of the disclosing party, then that party may give written notice of that fact in satisfaction of the obligations imposed by this subsection. If such notice is provided, then it shall be the duty of the party seeking to depose such expert witness to obtain the production of the requested materials by subpoena or other lawful means.

(4) Nothing in this section shall prohibit any witness disclosed hereunder from offering nonexpert testimony at trial.

(c) (1) Unless otherwise ordered by the judicial authority upon motion, a party may take the deposition of any expert witness disclosed pursuant to subsection (b) of this section in the manner prescribed in Section 13-26 et seq. governing deposition procedure generally. Nothing contained in subsection (b) of this section shall impair the right of any party from exercising that party's rights under the rules of practice to subpoena or request production of any materials, to the

extent otherwise discoverable, in addition to those produced under subsection (b) of this section, in connection with the deposition of any expert witness, nor shall anything contained herein impair the right of a party to raise any objections to any request for production of documents sought hereunder to the extent that a claim of privilege exists.

(2) Unless otherwise ordered by the judicial authority for good cause shown, or agreed upon by the parties, the fees and expenses of the expert witness for any such deposition, excluding preparation time, shall be paid by the party or parties taking the deposition. Unless otherwise ordered, the fees and expenses hereunder shall include only (A) a reasonable fee for the time of the witness to attend the deposition itself and the witness's travel time to and from the place of deposition; and (B) the reasonable expenses actually incurred for travel to and from the place of deposition and lodging, if necessary. If the parties are unable to agree on the fees and expenses due under this subsection, the amount shall be set by the judicial authority, upon motion.

(d) (1) A party shall file with the court a list of all documents or records that the party expects to submit in evidence pursuant to any statute or rule permitting admissibility of documentary evidence in lieu of the live testimony of an expert witness. The list filed hereunder shall identify such documents or records with sufficient particularity that they shall be easily identified by the other parties. The

parties shall not file with the court a copy of the documents or records on such list.

(2) Unless otherwise ordered by the judicial authority upon motion, a party may take the deposition of any expert witness whose records are disclosed pursuant to subdivision (1) of subsection (d) of this section in the manner prescribed in Section 13-26 et seq. governing deposition procedure generally. Nothing contained in subsection (d) of this section shall impair the right of any party from exercising that party's rights under the rules of practice to subpoena or request production of any materials, to the extent otherwise discoverable, in addition to those produced under subsection (d), in connection with the deposition of any expert witness.

(3) Unless otherwise ordered by the judicial authority for good cause shown, or agreed upon by the parties, the fees and expenses of the expert witness for any such deposition, excluding preparation time, shall be paid by the party or parties taking the deposition. Unless otherwise ordered, the fees and expenses hereunder shall include only (A) a reasonable fee for the time of the witness to attend the deposition itself and the witness's travel time to and from the place of deposition; and (B) the reasonable expenses actually incurred for travel to and from the place of deposition and lodging, if necessary. If the parties are unable to agree on the fees and expenses due under this subsection, the amount shall be set by the judicial authority, upon motion.

(e) If any party expects to call as an expert witness at trial any person previously disclosed by any other party under subsection (b) hereof, the newly disclosing party shall file a notice of disclosure: (1) stating that the party adopts all or a specified part of the expert disclosure already on file[,]; [or a specified part thereof] and (2) disclosing any other expert opinions to which the witness is expected to testify and the substance of the grounds for any such expert opinion. Such notice shall be filed within the time parameters set forth in subsection (g).

(f) A party may discover facts known or opinions held by an expert who had been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial only as provided in Section 13-11 or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(g) Unless otherwise ordered by the judicial authority, the following schedule shall govern the expert discovery required under subsections (b), (c), (d) and (e) of this section.

(1) Within 120 days after the return date of any civil action, or at such other time as the court may order, the parties shall submit to the court for its approval a proposed ''Schedule for Expert Discovery'' which, upon approval by the court, shall govern the timing of expert discovery in the case. The deadlines proposed by the parties shall be realistic and

reasonable, taking into account the nature and relative complexity of the case, the need for predicate discovery, and the estimated time until the case may be exposed for trial. If the parties are unable to agree on discovery deadlines, they shall so indicate on the proposed Schedule for Expert Discovery, in which event the court shall convene a scheduling conference to set those deadlines.

(2) If a party is added or appears in a case after the proposed Schedule for Expert Discovery is filed, then an amended proposed Schedule for Expert Discovery shall be prepared and filed for approval by the court within sixty days after such new party appears, or at such other time as the court may order.

(3) Unless otherwise ordered by the court, disclosure of any expert witness under subsection (e) hereof shall be made within thirty days of the event giving rise to the need for that party to adopt the expert disclosure as its own (e.g., the withdrawal or dismissal of the party originally disclosing the expert).

(4) Any request for modification of the approved Schedule for Expert Discovery or of any other time limitation under this section shall be made by motion stating the reasons therefor, and shall be granted if (A) agreed upon by the parties and will not interfere with the trial date; or (B) (i) the requested modification will not cause undue prejudice to any other party; (ii) the requested modification will not cause undue interference with the trial schedule in the case; and (iii) the

need for the requested modification was not caused by bad faith delay of disclosure by the party seeking the modification.

(h) A judicial authority may, after a hearing, impose sanctions on a party for failure to comply with the requirements of this section. An order precluding the testimony of an expert witness may be entered only upon a finding that (1) the sanction of preclusion, including any consequence thereof on the sanctioned party's ability to prosecute or defend the case, is proportional to the noncompliance at issue, and (2) the noncompliance at issue cannot adequately be addressed by a less severe sanction or combination of sanctions.

(i) The revisions to this rule adopted by the judges of the Superior Court in June, 2008, effective on January 1, 2009, and the revisions to this rule adopted by the judges of the Superior Court in June, 2009 shall apply to cases commenced on or after January 1, 2009. The version of this rule in effect on December 31, 2008, shall apply to cases commenced on or before that date.

COMMENTARY: Certain witnesses who may be expected to offer expert testimony at trial, and thus must be disclosed as experts, are nonetheless unaffiliated with either party. Common examples include state medical examiners, police officers who perform accident reconstruction work as part of their official duties, government inspectors or investigators, etc. The current rule fails to distinguish, for file production purposes, between experts who are to some degree within the control of the disclosing party (retained experts),

and those who are not retained by any party, and are not within anyone's control for purposes of file production. The above revision to subdivision (b) (3) addresses this situation.

Although the contents of a testifying expert's file subject to production under this rule normally will not be subject to any claim of privilege, there are situations when such a claim may be raised. The above revision to subdivision (c) (1) is intended to make it clear that this rule does not abrogate any such claim of privilege.

The above revision to subsection (e) addresses the situation where an expert witness has been disclosed by one party under subsection (b) of the rule, but particular opinion(s) of that expert sought to be relied on by another party were, for whatever reason, not included in that disclosure. Under such circumstances, any other party should be able to elicit any opinions from the expert if those opinions, and the grounds therefor, have been disclosed in accordance with the rules. Cf. Meena v. Jaiman, 80 Conn. App. 131, 141 (2003) (holding that defendant's expert could not be cross-examined by plaintiff with respect to undisclosed opinions).

Sec. 13-19. Disclosure of Defense

In any action to foreclose or discharge any mortgage or lien or to quiet title, or in any action upon any written contract, in which there is an appearance by an attorney for any defendant, the plaintiff may at any time file and serve in accordance with Sections 10-12 through 10-17 a written demand that such attorney present to the court, to become a

part of the file in such case, a writing signed by the attorney stating whether he or she has reason to believe and does believe that there exists a bona fide defense to the plaintiff's action and whether such defense will be made, together with a general statement of the nature or substance of such defense. If the defendant fails to disclose a defense within five days of the filing of such demand, or within ten days of the filing of such demand in any action to foreclosure a mortgage, the plaintiff may file a written motion that a default be entered against the defendant by reason of the failure of the defendant to disclose a defense. If no disclosure of defense has been filed, the judicial authority may order judgment upon default to be entered for the plaintiff at the time the motion is heard or thereafter, provided that in either event a separate motion for such judgment has been filed. The motions for default and for judgment upon default may be served and filed simultaneously but shall be separate motions.

COMMENTARY: The purpose of this proposal is to attempt to ensure that owners of the equity, borrowers and guarantors who have not filed a disclosure of defense and risk losing their interest in the property are given more time to protect their interests.

Sec. 13-27. —Notice of Deposition; General Requirements; Special Notice; Nonstenographic Recording; Production of Documents and Things; Deposition of Organization

(a) A party who desires to take the deposition of any person upon oral examination shall give reasonable notice in

writing to every other party to the action. Such notice shall not be filed with the court, but shall be served upon each party or each party's attorney [by personal or abode service or by registered or certified mail] in accordance with sections 10-12 through 10-17. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify such person or the particular class or group to which he or she belongs and the manner of recording. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.

(b) Leave of a judicial authority, granted with or without notice, must be obtained only if the party seeks to take a deposition prior to the expiration of twenty days after the return day, except that leave is not required (1) if the adverse party has served a notice of the taking of a deposition or has otherwise sought discovery, or (2) if special notice is given as provided herein.

(c) Leave of a judicial authority is not required for the taking of a deposition by a party if the notice (1) states that the person to be examined is about to go out of this state, or is bound on a voyage to sea, and will be unavailable for examination unless such person's deposition is taken before the expiration of twenty days after the return day, and (2) sets forth facts to support the statement. The party's attorney shall

sign the notice, and this signature constitutes a certification by such attorney that to the best of his or her knowledge, information and belief the statement and supporting facts are true.

(d) Whenever the whereabouts of any adverse party is unknown, a deposition may be taken pursuant to Section 13-26 after such notice as the court, in which such deposition is to be used, or, when such court is not in session, any judge thereof, may direct.

(e) The judicial authority may for good cause shown increase or decrease the time for taking the deposition.

(f) (1) The judicial authority may upon motion order that the testimony at a deposition be recorded by other than stenographic means such as by videotape, in which event the order shall designate the manner of recording, preserving, and filing the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy. If the order is made, a party may nevertheless arrange to have a stenographic transcription made at the party's own expense.

(2) Notwithstanding this section, a deposition may be recorded by videotape without prior court approval if (i) any party desiring to videotape the deposition provides written notice of the videotaping to all parties in either the notice of deposition or other notice served in the same manner as a notice of deposition and (ii) the deposition is also recorded stenographically.

(g) The notice to a party deponent may be accompanied by a request made in compliance with Sections 13-9 through 13-11 for the production of documents and tangible things at the taking of the deposition. The procedure of Sections 13-9 through 13-11 shall apply to the request.

(h) A party may in the notice and in the subpoena name as the deponent a public or private corporation or a partnership or an association or a governmental agency or a state officer in an action arising out of the officer's performance of employment and designate with reasonable particularity the matters on which examination is requested. The organization or state officer so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. The persons so designated shall testify as to matters known or reasonably available to the organization. This subsection does not preclude the taking of a deposition by any other procedure authorized by the rules of practice.

COMMENTARY: The above revision eliminates as unnecessary the requirement to serve notice of deposition by certified mail, return receipt requested.

Sec. 17-4. Setting Aside or Opening Judgments

(a) Unless otherwise provided by law and except in such cases in which the court has continuing jurisdiction, any civil judgment or decree rendered in the superior court may not be opened or set aside unless a motion to open or set aside is

filed within four months succeeding the date on which notice was sent. The parties may waive the provisions of this subsection or otherwise submit to the jurisdiction of the court.

(b) Upon the filing of a motion to open or set aside a civil judgment, except a judgment in a small claims or juvenile matter, the moving party shall pay to the clerk the filing fee prescribed by statute unless such fee has been waived by the judicial authority.

(c) The expedited procedures set forth in this subsection may be followed with regard to a motion to open a judgment of foreclosure filed by a plaintiff in which the filing fee has been paid, the motion has been filed prior to the vesting of title or the sale date, the plaintiff states in the motion that the committee and appraisal fees have been paid or will be paid within thirty days of court approval, and the motion has been served on each party as provided by Sections 10-12 through 10-17 and with proof of service endorsed thereon.

(1) Parties shall have five days from the filing of the motion to file an objection with the court. Unless otherwise ordered by the judicial authority, the motion shall be heard not less than seven days after the date the motion was filed. If the plaintiff states in the motion that all appearing parties have received actual notice of the motion and are in agreement with it, the judicial authority may grant the motion without a hearing.

(2) When a motion to open judgment is filed pursuant to this subsection, the court will retain jurisdiction over the action to award committee fees and expenses and appraisal fees, if necessary. If judgment is not entered or the case has not been withdrawn within one hundred twenty days of the granting of the motion, the judicial authority shall forthwith enter a judgment of dismissal.

COMMENTARY: The purpose of this proposal is to provide an expedited mechanism to address motions to open judgments in foreclosure cases, including a procedure that allows such motions to be granted by the court without the necessity of all parties coming to court.

Sec. 17-20. Motion for Default and Nonsuit for Failure to Appear

(a) Except as provided in subsection (b), [I]if no appearance has been entered for any party to any action on or before the second day following the return day, any other party to the action may make a motion that a nonsuit or default be entered for failure to appear.

(b) In an action commenced by a mortgagee prior to July 1, 2010 for the foreclosure of a mortgage on residential real property consisting of a one-to-four family dwelling occupied as the primary residence of the mortgagor, with a return date on or after July 1, 2008, if no appearance has been entered for the mortgagor on or before the fifteenth day after the return day or, if the court has extended the time for filing an appearance and no appearance has been entered on or

before the date ordered by the court, any other party to the action may make a motion that a default be entered for failure to appear.

(c) [b] It shall be the responsibility of counsel filing a motion for default for failure to appear to serve the defaulting party with a copy of the motion. Service and proof thereof may be made in accordance with Sections 10-12, 10-13 and 10-14. Upon good cause shown, the judicial authority may dispense with this requirement when judgment is rendered.

(d) [c] Except as provided in Sections 17-23 through 17-30, motions for default for failure to appear shall be acted on by the clerk upon filing and shall not be printed on the short calendar. The motion shall be granted by the clerk if the party who is the subject of the motion has not filed an appearance. The provisions of Section 17-21 shall not apply to such motions, but such provisions shall be complied with before a judgment may be entered after default. If the defaulted party files an appearance in the action prior to the entry of judgment after default, the default shall automatically be set aside by operation of law. A claim for a hearing in damages shall not be filed before the expiration of fifteen days from the entry of a default under this subsection, except as provided in Sections 17-23 through 17-30.

(e) [d] A motion for nonsuit for failure to appear shall be printed on the short calendar. If it is proper to grant the motion, the judicial authority shall grant it without the need for the moving party to appear at the short calendar.

(f) [e] The granting of a motion for nonsuit for failure to appear or a motion for judgment after default for failure to appear shall be subject to the provisions of Sections 9-1 and 17-21. Such motion shall contain either (1) a statement that a military affidavit is attached thereto, or (2) a statement, with reasons therefore, that it is not necessary to attach a military affidavit to the motion.

COMMENTARY: A new subsection (b) has been added to adopt the provisions of section 16 of Public Act 08-176.

(NEW) Sec. 17-33A. Motions for Judgment of Foreclosure

In all foreclosure actions motions for judgment shall not be filed prior to the expiration of 30 days after the return date.

COMMENTARY: The purpose of this proposal is to attempt to ensure that owners of the equity, borrowers and guarantors who have not filed an appearance and risk losing their interest in the property are given more time to protect their interests.

Sec. 23-41. —Motion for Leave to Withdraw Appearance of Appointed Counsel

(a) When counsel has been appointed pursuant to Section 23-26, and counsel, after conscientious investigation and examination of the case, concludes that the case is wholly frivolous, counsel shall so advise the judicial authority by filing a motion for leave to withdraw from the case.

(b) [Any motion for leave to withdraw shall be filed under seal and provided to the petitioner. Counsel shall serve

opposing counsel with notice that a motion for leave to withdraw has been filed, but shall not serve opposing counsel with a copy of the motion or any memorandum of law. The petitioner shall have thirty days from the date the motion is filed to respond in writing.] At the time such motion is filed, counsel for the petitioner shall also file all relevant portions of the record of the criminal case, direct appeal and any post-conviction proceedings not already filed together with a memorandum of law outlining:

(1) the claims raised by the petitioner and any other potential claims apparent in the case;

(2) the efforts undertaken to investigate the factual basis and legal merit of each claim;

(3) the factual and legal basis for the conclusion that the case is wholly frivolous.

(c) [The judicial authority may order counsel for the petitioner to file a memorandum outlining:

(1) the claims raised by the petitioner or any other potential claims apparent in the case;

(2) the efforts undertaken to investigate the factual basis and legal merit of the claim;

(3) the factual and legal basis for the conclusion that the case is wholly frivolous.]

Any motion for leave to withdraw and supporting memorandum of law shall be filed under seal and provided to the petitioner. Counsel shall serve opposing counsel with notice that a motion for leave to withdraw has been filed but

shall not serve opposing counsel with a copy of the motion or any supporting memorandum of law. The petitioner shall have thirty days from the date the motion and supporting memorandum are filed to file a response with the court.

COMMENTARY: The changes proposed in Sections 23-41 and 23-42 will prevent a judge from ordering a dismissal of a habeas corpus petition on a motion for leave to withdraw as appointed counsel; will require counsel who seek to withdraw their appearance to file a memorandum explaining why the case was wholly frivolous; will require a judge in ruling that a petition is wholly frivolous to state his or her reasons for that finding in a written memorandum of decision; and will provide the judge with an option either of appointing new counsel to review an Anders brief or, in the event the motion to withdraw is denied, to appoint new counsel to proceed with the petitioner's representation instead of forcing the petitioner to proceed with the same counsel who has attempted to withdraw or to proceed pro se.

Sec. 23-42. —Judicial Action on Motion for Permission to Withdraw Appearance

(a) [If the judicial authority finds that the case is wholly without merit, it shall allow counsel to withdraw and shall consider whether the petition shall be dismissed or allowed to proceed, with the petitioner pro se. If the petition is not dismissed, the judge ruling on the motion to withdraw as counsel shall not preside at any subsequent hearing on the merits of the case.] The presiding judge shall fully examine the

memoranda of law filed by counsel and the petitioner, together with any relevant portions of the records of prior trial court, appellate and post-conviction proceedings. If, after such examination, the presiding judge concludes that the submissions establish that petitioner's case is wholly frivolous, such judge shall grant counsel's motion to withdraw and permit the petitioner to proceed pro se. A memorandum shall be filed setting forth the basis for granting any motion under Section 23-41.

(b) [If the judicial authority concludes that the petition is not wholly without merit, it shall not allow counsel to withdraw and may direct counsel to proceed.] If, after the examination required in subsection (a), the presiding judge does not conclude that the petitioner's case is wholly frivolous, such judge may deny the motion to withdraw, may appoint substitute counsel for further proceedings under Section 23-41, or may allow the withdrawal on other grounds and appoint new counsel to represent petitioner.

COMMENTARY: The changes proposed in Sections 23-41 and 23-42 will prevent a judge from ordering a dismissal of a habeas corpus petition on a motion for leave to withdraw as appointed counsel; will require counsel who seek to withdraw their appearance to file a memorandum explaining why the case was wholly frivolous; will require a judge in ruling that a petition is wholly frivolous to state his or her reasons for that finding in a written memorandum of decision; and will provide the judge with an option either of appointing new counsel to

review an Anders brief or, in the event the motion to withdraw is denied, to appoint new counsel to proceed with the petitioner's representation instead of forcing the petitioner to proceed with the same counsel who has attempted to withdraw or to proceed pro se.

AMENDMENTS TO THE FAMILY RULES

(NEW) Sec. 25-59B. –Documents Containing Personal Identifying Information

The requirements of Section 25-59A shall not apply to "personal identifying information," as defined in Section 4-7, that may be found in documents filed with the court, with the exception of financial affidavits that are under seal. When a financial affidavit is unsealed, this section shall apply. If a document containing personal identifying information is filed with the court, a party or a person identified by the personal identifying information may move to redact the personal identifying information or to seal the document if the personal identifying information cannot be redacted. In response to such a motion or on its own motion, the court shall order the document temporarily sealed pending redaction, shall order the document redacted either by the party who filed it or by the clerk, and shall return the original to the party who filed it unless it is necessary to complete the record.

COMMENTARY: The above section allows the judicial authority or a party or person who is identified by personal identifying information to have such information redacted or

protected in a less formalistic and cumbersome method than that now mandated by Section 25-59A, including, for instance, the requirements for calendaring and notice to the public under Section 25-59A (e) and (i) and for judicial findings under Section 25-59A (c) and (d). Although not subject to these requirements, the court should nonetheless employ the most narrowly tailored method necessary to protect personal identifying information from disclosure, and a document should be sealed, pursuant to the above section, only in exceptional circumstances and on the record. It is anticipated that the above section will allow the judicial authority to address immediately personal identifying information issues whether in open court or at pretrial conferences, status conferences, conference calls and the like, and that such action would take place either on or off the record depending upon the circumstances and the agreement of the parties. As in Section 4-7, the responsibility for redacting personal identifying information rests solely with the person filing the document.

A person who is not a party to the action would not be required to file a motion to become an interested party or take other formal action to intervene as an interested party, in order to move that his or her personal identifying information be removed from the file.

AMENDMENTS TO THE JUVENILE RULES

Sec. 30a-1. Initial Plea Hearing

(a) The judicial authority shall begin the hearing by determining whether all necessary parties are present and that the rules governing service or notice for nonappearing parties have been complied with, and shall note these facts for the record. The judicial authority shall then inform the parties of the substance of the petition or information.

(b) In age appropriate language, the judicial authority prior to any plea shall advise the child or youth and parent or guardian of the following rights:

(1) That the child or youth is not obligated to say anything and that anything that is said may be used against the child or youth.

(2) That the child or youth [and the parent or guardian] is entitled to the services of an attorney and that if the child or youth [or] and the parent or parents, or guardian [is] are unable to [pay,] afford an attorney for the child or youth, an application for a public defender or [court-appointed] an attorney appointed by the Chief Child Protection Attorney should be completed and filed with the office of the public defender or the clerk of the court to request an attorney without cost.

(3) That the child or youth will not be questioned unless he or she consents, that the child or youth can consult with an attorney before being questioned and may have an attorney

present during questioning, and that the child or youth can stop answering questions at any time.

(4) That the child or youth has the right to a trial and the rights of confrontation and cross-examination of witnesses.

(c) Notwithstanding any prior statement acknowledging responsibility for the acts alleged, the judicial authority shall inquire of the child or youth whether the child or youth presently admits or denies the allegations of the petition or information.

(d) If the judicial authority determines that a child or youth, or the parent, parents or guardian of a child or youth are unable to afford counsel for the child or youth, the judicial authority shall, in a delinquency proceeding, appoint the office of the public defender to represent the child, or in a family with service needs or youth in crisis proceeding, notify the Chief Child Protection Attorney, who shall assign an attorney to represent the child or youth.

(e) If the judicial authority, even in the absence of a request for appointment of counsel, determines that the interests of justice require the provision of an attorney to represent the child, youth or the child's or youth's parent or parents, guardian or other person having control of the child or youth, in any delinquency, family with service needs or youth in crisis proceeding, the judicial authority may appoint an attorney to represent any such party and shall notify the Chief Child Protection Attorney who shall assign an attorney to

represent any such party. Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the judicial authority shall assess as costs on the appropriate form against such parent or parents, guardian or other person having control of the child or youth, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid by the Commission on Child Protection in providing such counsel, to the extent of their financial ability to do so in accordance with the rates established by the Commission on Child Protection for compensation of counsel.

(f) If the parent, parents or guardian of the child or youth fails to comply with a court order entered in the best interests of the child or youth and is facing potential imprisonment for contempt of court, such parent or guardian, if unable to afford counsel, shall be entitled to have counsel provided for such parent or guardian of the child or youth in accordance with subsection (e) of this section.

(g) For purposes of determining eligibility for appointment of counsel, the judicial authority shall cause the parent or guardian of a child or youth to complete a written statement under oath or affirmation setting forth the child's or youth's, or parent's, parents' or guardian's or other person's liabilities and assets, income and sources thereof, and such other information as the office of the public defender or the Commission on Child Protection shall designate and require on

forms adopted by said office of the public defender or Commission on Child Protection.

COMMENTARY: Throughout this section changes are intended to adopt provisions of General Statutes § 46b-123e, as amended by Public Act 07-159, Secs. 4, 6, and 7.

The change in subsection (a) expands the language to include a party who may not need to be served, just notified.

The change in subsection (b) (2) adopts provisions of General Statutes § 46b-135(a), as amended by Public Act 07-159, Sec. 6. The change in subsection (2) (c) is made to standardize terms.

New subsection 2(d) adopts provisions of Public Act 07-159, Sec. 4(b).

New subsection 2(e) addresses the situation where the judicial authority determines that the interests of justice require appointment of counsel. This subsection adopts provisions of General Statutes § 46b-136 and Public Act 07-159, Sec. 7.

New subsection 2 (f) adopts provisions of General Statutes § 46b-135, as amended by Public Act 07-159, Sec. 6(a). New subsection (g) adopts provisions of General Statutes §46b-123e, as amended by Public Act 07-159, Sec. 4(c).

(NEW) Sec. 30a-1A Family With Service Needs Preadjudication Continuance

If a family with service needs petition is filed and it appears that the interest of the child or the family may be best served, prior to adjudication, by referral to community-based or other services, the judicial authority may permit the matter to

be continued for a reasonable period of time not to exceed six months, which time period may be extended by an additional three months for cause. If it appears at the conclusion of the continuance that the matter has been satisfactorily resolved, the judicial authority may dismiss the petition.

COMMENTARY: This new section adopts provisions of General Statutes § 46b-149(g), as amended by June Special Session, Public Act 07-4, Sec. 30(g).

Sec. 30a-3. —Standards of Proof; Burden of Going Forward

(a) The standard of proof for a delinquency conviction is evidence beyond a reasonable doubt and for a family with service needs adjudication is clear and convincing evidence.

(b) The burden of going forward with evidence shall rest with the juvenile prosecutor.[, or with the petitioner's counsel, as the case may be.]

COMMENTARY: The change in this section is intended to adopt provisions of General Statutes § 46b-121b(a) that provides for only the juvenile prosecutor to proceed with the petition.

Sec. 30a-4. Plea Canvass

To assure that any plea or admission is voluntary and knowingly made, the judicial authority shall address the child or youth in age appropriate language to determine that the child or youth substantially understands:

(1) The nature of the charges;

(2) The factual basis of the charges;

(3) The possible penalty, including any extensions or modifications;

(4) That the plea or admission must be voluntary and not the result of force, threats, or promises, apart from the plea agreement;

(5) That the child or youth has (i) the right to deny responsibility or plead not guilty or to persist if that denial or plea has already been made, (ii) the right to be tried by a judicial authority and, (iii) that at trial the child or youth has the right to the assistance of counsel, the right to confront and cross-examine witnesses against him or her, and the right not to be compelled to incriminate himself or herself.

COMMENTARY: The change to this section is for clarification.

Sec. 30a-5. Dispositional Hearing

(a) The dispositional hearing may follow immediately upon a conviction or an adjudication.

(b) The judicial authority may admit into evidence any testimony which is considered relevant to the issue of the disposition, in any form the judicial authority finds of probative value, but no disposition shall be made by the judicial authority until the predispositional study, unless waived, has been submitted. A written predispositional study may be waived by the judicial authority for good cause shown upon the request of the parties, provided that the basis for the waiver and the probation officer's oral summary of any investigation are both

placed on the record. The predispositional study shall be presented to the judicial authority and copies thereof shall be provided to all counsel in sufficient time for them to prepare adequately for the dispositional hearing, and, in any event, no less than forty-eight hours prior to the date of the disposition.

(c) The prosecutor and the child or youth and parent or guardian shall have the right to produce witnesses on behalf of any dispositional plan they may wish to offer.

(d) Prior to any disposition, the child or youth shall be allowed a reasonable opportunity to make a personal statement to the judicial authority in mitigation of any disposition.

(e) The judicial authority shall determine an appropriate disposition upon conviction of a child as delinquent in accordance with General Statutes §§ 46b-140 and 46b-141.

(f) The judicial authority shall determine an appropriate disposition upon adjudication of a child from a family with service needs in accordance with General Statute § 46b-149(h).

(g) The judicial authority shall determine an appropriate disposition upon adjudication of a youth as a youth in crisis in accordance with General Statute § 46b-150f.

(h) The judicial authority shall determine the appropriate disposition upon a finding that a child adjudicated as a child from a family with service needs has violated a valid court order.

(i) The judicial authority shall determine the appropriate disposition upon a finding that a youth adjudicated as a youth in crisis has violated a valid court order.

COMMENTARY: New subsections (e), (f) and (g) clarify the specific authority for a judicial authority to enter certain case type dispositions.

Subsection (h) adopts provisions of General Statutes § 46b-149(c) and (h), as amended by June Special Session, Public Act 07-4, Sec. 32(a).

Subsection (i) adopts provisions of General Statutes § 46b-150f(c) that gives the judicial authority the authority to make and enforce orders in youth in crisis cases. Such enforcement includes the authority to adjudicate violation of court order petitions.

Sec. 30a-6. —Statement on Behalf of Victim

Whenever a victim of [an alleged] a delinquent act, the parent or guardian of such victim, a General Statutes § 54-221 advocate or such victim's counsel exercises the right to appear before the judicial authority for the purpose of making a statement to the judicial authority concerning the disposition of the case, [all parties, including the probation officer, shall be so notified. N]no statement shall be received unless the [alleged] delinquent has signed a statement of responsibility, confirmed a plea agreement or been convicted as a delinquent.

COMMENTARY: The victim need not give prior notice of his or her intent to make a statement to the judicial authority.

(NEW) Sec. 30a-6A. —Persons in Attendance at Hearings

Any judge hearing a juvenile matter, may during such hearing, exclude from the courtroom in which such hearing is held any person whose presence is, in the court's opinion, not necessary, except that in delinquency proceedings, any victim shall not be excluded unless, after hearing from the parties and the victim and for good cause shown, which shall be clearly and specifically stated on the record, the judge orders otherwise.

COMMENTARY: This new section addresses victims and the exclusion of unnecessary persons in the courtroom. This section is consistent with increased transparency in the Superior Court and adopts provisions of General Statutes § 46b-122.

Sec. 30a-8. Records

(a) Except as otherwise provided by statute, all records maintained in juvenile matters brought before the judicial authority, either current or closed, including transcripts of hearings, shall be kept confidential.

(b) Except as otherwise provided by statute, no material contained in the court records, including the predispositional study, medical or clinical reports, school reports, police reports, or the reports of social agencies, may be copied or

otherwise reproduced in written form in whole or in part by the parties [or their counsel] without the express consent of the judicial authority.

(c) Each counsel in a delinquency matter shall have access to and be entitled to copies, at his or her expense, of the entire court record, including transcripts of all proceedings, without express consent of the judicial authority.

COMMENTARY: As officers of the court, attorneys should have access to the record without obtaining prior judicial approval. Parties may require more oversight, as provided in subsection (b).

Sec. 31a-19. Motion for Extension of Delinquency Commitment; Motion for Review of Permanency Plan

(a) The commissioner of the department of children and families may file a motion for an extension of a delinquency commitment beyond the eighteen month or four year period on the grounds that such extension is for the best interests of the child or the community. The clerk shall give notice to the child, the child's parent or guardian, [all] counsel of record for the parent or guardian and child at the time of disposition and, if applicable, the guardian ad litem not later than fourteen days prior to the hearing upon such motion. The judicial authority may, after hearing and upon finding such extension is in the best interests of the child or the community, continue the commitment for an additional period of not more than eighteen months.

(b) Not later than twelve months after a child is committed as a delinquent to the commissioner of the department of children and families, the judicial authority shall hold a permanency hearing. Such a hearing will be held every twelve months thereafter if the child remains committed. Such hearing may include the submission of a motion to the judicial authority by the commissioner to either modify or extend the commitment.

(c) At least sixty days prior to each permanency hearing required under subsection (b) of this section, the commissioner of the department of children and families shall file a permanency plan with the judicial authority. At each permanency hearing, the judicial authority shall review and approve a permanency plan that is in the best interests of the child and takes into consideration the child's need for permanency. The judicial authority shall also determine whether the commissioner of the department of children and families has made reasonable efforts to achieve the permanency plan.

COMMENTARY: Pursuant to Practice Book Section 3-9 (e), counsel has a continuing obligation to represent a child until the commitment to the Department of Children and Families expires.

(NEW) Sec. 31a-21. Petition For Child From a Family With Service Needs At Imminent Risk

(a) When a child who has been adjudicated as a child from a family with service needs is under an order of

supervision or an order of commitment to the commissioner of the department of children and families and is believed to be in imminent risk of physical harm from the child's surroundings or other circumstances, a probation officer, on receipt of a complaint setting forth facts alleging such risk, or on the probation officer's own motion on the basis of his or her knowledge of such risk, may file a petition alleging that the child is in imminent risk of physical harm and setting forth facts claimed to constitute such risk. Service shall be made in accordance with subsection (d) of General Statutes § 46b-149.

(b) If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or made subsequent thereto, that there is probable cause to believe that (1) the child is in imminent risk of physical harm from the child's surroundings, (2) as a result of such condition, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the judicial authority shall enter an order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the Court Support Services Division of the Judicial Branch for a period not to exceed forty-five days, subject to subsection (e) of this section, with review by the judicial authority every fifteen days to consider whether continued placement is appropriate.

(c) The judicial authority will ensure that the child is provided an evidentiary hearing on the allegations contained in the petition and that counsel is assigned for the child pursuant to Section 30a-1 of these rules or that counsel of record is notified of the filing of the imminent risk petition.

(d) Not later than the end of such forty-five day period, the child shall either be (1) returned to the community for appropriate services subject to the supervision of a probation officer or an existing commitment to the commissioner of the department of children and families; or (2) committed to the commissioner of the department of children and families for a period not to exceed eighteen months if a hearing has been held and the judicial authority has found, based on clear and convincing evidence, that (i) the child is in imminent risk of physical harm from the child's surroundings, (ii) as a result of such condition, the child's safety is endangered and removal from such surroundings is necessary to ensure the child's safety, and (iii) there is no less restrictive alternative available. Any such child shall be entitled to the same procedural protections as are afforded to a delinquent child.

(e) No child shall be held prior to a hearing on a petition under this section for more than twenty-four hours, excluding Saturdays, Sundays and holidays.

COMMENTARY: This proposed section implements provisions of Public Act 08-86, Section 3, which amends Gen. Stat. § 46b-149f.

Sec. 32a-7. Records

(a) Except as otherwise provided by statute, all records maintained in juvenile matters brought before the judicial authority, either current or closed, including the transcripts of hearings, shall be kept confidential.

(b) Except as otherwise provided by statute, no material contained in the court record, including the social study, medical or clinical reports, school reports, police reports and the reports of social agencies, may be copied or otherwise reproduced in written form in whole or in part by the parties [or their counsel] without the express consent of the judicial authority.

(c) Each counsel in a child protection matter shall have access to and be entitled to copies, at his or her expense, of the entire court record, including transcripts of all proceedings, without the express consent of the judicial authority.

COMMENTARY: As officers of the court, attorneys should have access to the record without obtaining prior judicial approval. Parties may require more oversight, as provided in subsection (b).

Sec. 33a-2. Service of Summons, Petitions and Ex Parte Orders

(a) A summons accompanying a petition alleging that a child or youth is neglected, uncared for or dependent, along with the summary of facts, shall be served by the petitioner on the respondents and provided to the office of the attorney general at least fourteen days before the date of the initial plea

hearing on the petition, which shall be held not more than forty-five days from the date of filing the petition.

(b) A summons accompanying a petition for termination of parental rights, along with the summary of facts, shall be served by the petitioner on the respondents and provided to the office of the attorney general at least ten days prior to the date of the initial plea hearing on the petition, which shall be held not more than thirty days after the filing of the petition except in the case of a petition for termination of parental rights based on consent which shall be held not more than twenty days after the filing of the petition.

(c) A summons accompanying simultaneously filed coterminous petitions, along with the summary of facts, shall be served by the petitioner on the respondents and provided to the office of the attorney general at least ten days prior to the date of the initial plea hearing on the petition, which shall be held not more than thirty days after the filing of the petitions except in the case of a petition for termination of parental rights based on consent which shall be held not more than twenty days after the filing of the petition.

(d) A summons accompanying any petition filed with an application for order of temporary custody shall be served by the petitioner on the respondents and provided to the office of the attorney general as soon as practicable after the issuance of any ex parte order or order to appear, along with such order, any sworn statements supporting the order, the

summary of facts, the specific steps provided by the judicial authority, and the notice required by Section 33a-6.

(e) Whenever the commissioner of the department of children and families obtains an ex parte order of temporary custody or an order to appear and show cause from the judicial authority, he or she shall provide the clerk with a sealed envelope marked "Attention: Counsel for Child(ren)" containing the following information: the name, phone number and email of the investigation social worker; the name, phone number and email of the treatment supervisor or social worker, if known; and the child(ren)'s placement or home address and phone number, and name of a placement contact person. The clerk shall ensure that counsel assigned to the child is provided with said envelope at the time his or her appearance is filed. In the event the placement information changes prior to the preliminary hearing, the commissioner of the department of children and families shall notify counsel for the child immediately.

COMMENTARY: Having a uniform process for notifying child's counsel of his or her minor client's whereabouts at the earliest stage possible on orders of temporary custody (OTC) is essential to the child's right to counsel and the judicial authority's ability to conduct a productive case management conference and preliminary OTC hearing. The absence of a rule and process requiring this notification leads to inefficient use of attorney time communicating with DCF staff and waiting for

a response and often prevents the attorney from seeing the child before the preliminary OTC hearing.

AMENDMENTS TO THE CRIMINAL RULES

Sec. 36-2. —Affidavit in Support of Application, Filing, Disclosure

(a) All affidavits submitted to the judicial authority in support of the application for an arrest warrant and from which a determination of probable cause for the issuance of an arrest warrant has been made shall be filed with the clerk of the court together with the return of the arrest warrant pursuant to Section 44-11 and thereafter remain a part of the court file.

(b) At the time the arrest warrant is issued, upon written request of the prosecuting authority and for good cause shown, the judicial authority may order that the supporting affidavits be sealed from public inspection or that disclosure be limited under such terms and conditions as it finds reasonable, subject to the further order of any judicial authority thereafter having jurisdiction of the matter. No such order shall limit their disclosure to the attorney for the accused, but the judicial authority may place reasonable restrictions on the attorney's further disclosure of the contents of the affidavits.

(c) Any order sealing such affidavits from public inspection or limiting their disclosure shall be for a specific period of time, not to exceed two weeks from the date of arrest, and within that time period the prosecuting authority may by written motion seek an extension of the period. The

APPENDIX B

CLERKS FOR JUDICIAL DISTRICTS AND FOR GEOGRAPHICAL AREAS

(Section 51-51v of the General Statutes. Terms of office are for one year commencing July 1, 2009 for Judicial District Chief Clerks , Deputy Chief Clerks for JD Matters, First Assistant Clerks, Deputy Chief Clerks for GA Matters, and the Clerk of C.I.B.)

ANSONIA-MILFORD JUDICIAL DISTRICT

Vacant	JD Chief Clerk
Valerie A. Shingara	Deputy Chief Clerk for JD Matters
G.A. 5 at DERBY	
Lisa C. Groody	Deputy Chief Clerk for GA Matters
G.A. 22 at MILFORD	
Vacant	Deputy Chief Clerk for GA Matters

DANBURY JUDICIAL DISTRICT

Therese A. Servas	Judicial District Chief Clerk
Robin Johnson Smith	Deputy Chief Clerk for JD Matters
G.A. 3 at DANBURY	
Louis A. Pace, Jr.	Deputy Chief Clerk for GA Matters

FAIRFIELD JUDICIAL DISTRICT

Donald J. Mastrony	Judicial District Chief Clerk
Pasquale V. Spinelli	Deputy Chief Clerk for JD Matters

CLERKS FOR JUDICIAL DISTRICTS AND FOR GEOGRAPHICAL AREAS

G.A. 2 at BRIDGEPORT

Marcella I. Young	Deputy Chief Clerk for GA Matters

HARTFORD JUDICIAL DISTRICT

Robin C. Smith	Judicial District Chief Clerk
Vacant	Deputy Chief Clerk for JD Matters
Vacant	Deputy Chief Clerk for JD Matters
Karen G. Picker	First Assistant Clerk
Delinda C. Walden	First Assistant Clerk

G.A. 12 at MANCHESTER

Antonio D'Addeo	Deputy Chief Clerk for GA Matters

G.A. 13 at ENFIELD

Maria L. Reed-Cook	Deputy Chief Clerk for GA Matters

G.A. 14 at HARTFORD

Loreen Canter	Deputy Chief Clerk for GA Matters
Lorin Himmelstein	First Assistant Clerk

LITCHFIELD JUDICIAL DISTRICT

Brian J. Murphy	Judicial District Chief Clerk

G.A. 18 at BANTAM

Eric Groody	Deputy Chief Clerk for GA Matters

CLERKS FOR JUDICIAL DISTRICTS AND FOR GEOGRAPHICAL AREAS

MIDDLESEX JUDICIAL DISTRICT

Michael Kokoszka	Judicial District Chief Clerk
Jonathan W. Field	Deputy Chief Clerk for JD Matters
G.A. 9 at MIDDLETOWN	
Vacant	Deputy Chief Clerk for GA Matters

NEW BRITAIN JUDICIAL DISTRICT

JD at NEW BRITAIN

Cynthia A. DeGoursey	Judicial District Chief Clerk
Patricia K. Lindlauf	Deputy Chief Clerk for JD Matters
G.A. 15 at NEW BRITAIN	
Ralph C. Dagostine	Deputy Chief Clerk for GA Matters
G.A. 17 at BRISTOL	
Laura Leigh	Deputy Chief Clerk for GA Matters

NEW HAVEN JUDICIAL DISTRICT

JD at NEW HAVEN

William Sadek	Judicial District Chief Clerk
Louis P. Fagnani, Jr.	Deputy Chief Clerk for JD Matters
Alice A. Bruno	Deputy Chief Clerk for JD Matters
John A. Dziekan	First Assistant Clerk
Stephen J. Zehalla	First Assistant Clerk

CLERKS FOR JUDICIAL DISTRICTS AND FOR GEOGRAPHICAL AREAS

G.A. 23 at NEW HAVEN

Kathleen Naumann	Deputy Chief Clerk for GA Matters

JD at MERIDEN

Vacant	Judicial District Chief Clerk
Robert A. Axelrod	Deputy Chief Clerk for JD Matters

G.A. 7 at MERIDEN

Gerri P. Duggan	Deputy Chief Clerk for GA Matters

NEW LONDON JUDICIAL DISTRICT

JD at NEW LONDON

Jeffrey W. Feldman	Judicial District Chief Clerk
Kimberly McGee	Deputy Chief Clerk for JD Matters

G.A. 10 at NEW LONDON

Linda S. Worobey	Deputy Chief Clerk for GA Matters

JD at NORWICH

Jorene Couture	Judicial District Chief Clerk
David S. Gage	Deputy Chief Clerk for JD Matters

G.A. 21 at NORWICH

Cara C. Parkinson	Deputy Chief Clerk for GA Matters

CLERKS FOR JUDICIAL DISTRICTS AND FOR GEOGRAPHICAL AREAS

STAMFORD-NORWALK JUDICIAL DISTRICT

Vacant	Judicial District Chief Clerk
Ann-Margaret Archer	Deputy Chief Clerk for JD Matters
G.A. 1 at STAMFORD	
Helen Kalmanides	Deputy Chief Clerk for GA Matters
G.A. 20 at NORWALK	
Cynthia Dillon	Deputy Chief Clerk for GA Matters

TOLLAND JUDICIAL DISTRICT

Vacant Judicial District Chief Clerk	
Stephen J. Santoro	Deputy Chief Clerk for JD Matters
G.A. 19 at ROCKVILLE	
Roy Smith, Jr.	Deputy Chief Clerk for GA Matters
William J. Salvatore	First Assistant Clerk

WATERBURY JUDICIAL DISTRICT

Philip Groth	Judicial District Chief Clerk
Richard L. Haas	Deputy Chief Clerk for JD Matters
G.A. 4 at WATERBURY	
Vacant	Deputy Chief Clerk for GA Matters

CLERKS FOR JUDICIAL DISTRICTS AND FOR GEOGRAPHICAL AREAS

WINDHAM JUDICIAL DISTRICT

Francis Orszulak	Judicial District Chief Clerk
Debora Kaszuba-Neary	Deputy Chief Clerk for JD Matters
G.A. 11 at DANIELSON	
Gina Pickett	Deputy Chief Clerk for GA Matters

CENTRALIZED INFRACTIONS BUREAU

Stacey B. Manware	Clerk

CHIEF CLERK AND CLERKS FOR HOUSING MATTERS

(Section 51-51v of the General Statutes. Terms of office are for one year commencing July 1, 2009.)

STATEWIDE

Suzanne Colasanto	Chief Clerk

HARTFORD JUDICIAL DISTRICT

Jeffery S. Hammer	Deputy Chief Clerk for Housing Matters

NEW BRITAIN JUDICIAL DISTRICT

Michael J. Flynn	Deputy Chief Clerk for Housing Matters

FAIRFIELD JUDICIAL DISTRICT

Beth Duffy Burns	Deputy Chief Clerk for Housing Matters

NEW HAVEN JUDICIAL DISTRICT

Suzanne Colasanto	Deputy Chief Clerk for Housing Matters

STAMFORD-NORWALK JUDICIAL DISTRICT

Natale George Papallo	Deputy Chief Clerk for Housing Matters

WATERBURY JUDICIAL DISTRICT

Dana M. Guiliano	Deputy Chief Clerk for Housing Matters

LOCAL GRIEVANCE PANELS

(Section 2-29 of the Practice Book. Terms shall commence on July 1, 2009 and appointments shall be for terms of three years. No person shall serve for more than two consecutive three-year terms. **ONLY THOSE INDIVIDUALS WHOSE NAMES ARE UNDERLINED ARE BEING CONSIDERED FOR APPOINTMENT OR REAPPOINTMENT.)**

ANSONIA-MILFORD JUDICIAL DISTRICT		**First Commenced Service On Grievance Panel**	**Term**
James Dorney	55 Point Beach Drive Milford, CT 06460	07/01/05	07/01/08-11
Atty. Tara L. Knight	7 Elm Street New Haven, CT 06510-4014	07/01/06	07/01/09-12
Atty. David J. Crotta	83 Trumbull Street New Haven, CT 06511-3774	07/01/04	07/01/07-10
Atty. C. Christian Young (Alternate)	350 Fairfield Avenue, 7th Floor Bridgeport, CT 06604	07/01/07	07/01/07-10
DANBURY JUDICIAL DISTRICT			
Mary Jane Wood	152 Limekiln Road Redding, CT 06896	07/01/08	07/01/08-11
Atty. Peter J. Ottomano	Ottomano & Johnson LLC 111 Saugatuck Avenue Westport, CT 06880-5729	07/01/06	07/01/09-12
Atty. Amy J. LiVolsi	Kerschner Development Co. 5 Eversley Avenue Norwalk, CT 06851	07/01/04	07/01/07-10
Atty. James M. Lamontagne	Office of the Public Defender 17 Belden Avenue Norwalk, CT 06850	02/08/08	07/01/07-10

FAIRFIELD JUDICIAL DISTRICT		**First Commenced Service On Grievance Panel**	**Term**
Thomas D'Aulizio	250 Manor Hill Stratford, CT 06614	02/01/08	07/01/08-11
Atty. Michael R. Corsillo	10 Byington Place Norwalk, CT 06850	07/01/07	07/01/09-12
Atty. Kara T. Murphy (Alternate)	P.O. Box 2028 Norwalk, CT 06852-2028	07/23/04	07/01/07-10
Atty. Heidi Avila	396 Orange Street Suite 2 New Haven, CT 06511	07/01/07	07/01/07-10

HARTFORD JUDICIAL DISTRICT

For G.A.13 and the town of Hartford

Atty. Kristin Connors	P.O. Box 1110 Waterbury, CT 06721-1110	07/01/05	07/01/08-11
William B. Grothaus	One East Normandy Drive West Hartford, CT 06107	07/01/06	07/01/09-12
Atty. Paul A. Morello, Jr.	154 West Street Cromwell, CT 06416-2446	07/01/05	07/01/08-11
Atty. Thomas L. Brayton, III (Alternate)	678 Chase Parkway Waterbury, CT 06708	07/01/04	07/01/07-10

NEW BRITAIN JUDICIAL DISTRICT FOR G.A. 12 AND THE TOWNS OF AVON, BLOOMFIELD, CANTON, FARMINGTON AND WEST HARTFORD		**First Commenced Service On Grievance Panel**	**Term**
Atty. Richard J. Lynch	(Home Address) 12 Kingsbridge Avon, CT 06001	07/01/09	07/01/09-12
Atty. Leslie J. Cunningham	20 Park Street Rockville, CT 06066-3212	07/01/04	07/01/07-10
Richard Eichenhorst	17 Shingle Mill Road Canton, CT 06019	02/20/09	07/01/08-11
Atty. Elizabeth C. Foran (Alternate)	62 Hyde Avenue Vernon, CT 06066-4503	08/18/06	07/01/07-10
LITCHFIELD JUDICIAL DISTRICT			
J. Thomas Bouchard	P.O. Box 1855 Litchfield, CT 06759	7/01/08	07/01/08-11
Atty. Haley Veller	P.O. Box 832 Shelton, CT 06484	07/01/06	07/01/09-12
Atty. Sharon Wicks Dornfield (Alternate)	70 North Street Suite 104 Danbury, CT 06810-5609	07/07/07	07/01/07-10
Atty. Mary E. Reid	17 Belden Avenue Norwalk, CT 06852	08/11/06	07/01/07-10

MIDDLESEX JUDICIAL DISTRICT		First Commenced Service On Grievance Panel	Term
Pamela B. Gourlie	96 Stockburger Road Moodus, CT 06469	08/29/08	07/01/08-11
Atty. Maureen O'Connor	The Travelers Companies One Tower Square MS4A Hartford, CT 06183-1050	07/01/09	07/01/09-12
Atty. Stephen E. Ronai	Two Whitney Avenue P.O. Box 0704 New Haven, CT 06503-0704	03/19/04	07/01/07-10
Attorney Susan L. Miller (Alternate)	433 South Main Street –Suite 305 West Hartford, CT 06110	07/01/07	07/01/07-10

NEW HAVEN JUDICIAL DISTRICT

For the towns of Bethany, New Haven and Woodbridge

Dr. Vinata Parkash	551 Amity Road Woodbridge, CT 06525	07/01/06	07/01/08-11
Atty. Robert Chesson	215 Broad Street Milford, CT 06460-4760	07/23/04	07/01/09-12
Atty. Edward Sheehy	799 Silver Lane Trumbull, CT 06611-0753	07/01/04	07/01/07-10
Atty. Robert Sheldon (Alternate)	64 Lyon Terrace Bridgeport, CT 06604-4022	07/01/04	07/01/07-10

NEW HAVEN JUDICIAL DISTRICT		First Commenced Service On Grievance Panel	Term
For G.A. 7 and the towns of Branford, East Haven, Guilford, Madison and North Branford.			
Gary W. Tracey	7 Rustic Lane Madison, CT 06443	07/01/05	07/01/08-11
Atty. Karen A. Goodrow	Office of the Public Defender 20 Park Street Rockville, CT 06066	07/01/04	07/01/07-10
Atty. Brian E. Spears	33 Riverside Avenue Westport, CT 06880	07/01/09	07-01-09-12
Atty. James W. Bergenn (Alternate)	One Constitution Plaza Hartford, CT 06103-1919	07/01/04	07/01/07-10
NEW LONDON JUDICIAL DISTRICT			
Bruce Joseph	43 Coult Lane Old Lyme, CT 06371	07/01/08	07/01/08-11
Atty. Thomas Cloutier	29 Elm Street Old Saybrook, CT 06475	07/01/09	07/01/09-12
Atty. Robert B. Young	559 Hartford Pike, #206 Dayville, CT 06241-2153	07/01/06	07/01/07-10
Atty. Lisa A. Faccadio (Alternate)	547 Main Street Middletown, CT 06457-2806	07/01/07	07/01/07-10

STAMFORD-NORWALK JUDICIAL DISTRICT		**First Commenced Service On Grievance Panel**	**Term**
Thomas McKiernan	Abercrombie, Burns & McKiernan 581 Post Road Darien, CT 06820	07/01/08	07/01/08-11
Atty. Karen Reynolds	1335 Wood Avenue Bridgeport, CT 06604-1425	07/01/06	07/01/09-12
Atty. Raymond Kelly	2452 Black Road Turnpike Fairfield, CT 06825-2407	07/01/07	07/01/07-10
Atty. Neal Moskow (Alternate)	883 Black Rock Turnpike Fairfield, CT 06825	07/01/07	07/01/07-10
TOLLAND JUDICIAL DISTRICT			
Rev. Charles Erickson	14 Watrous Road Bolton, CT 06043	7/01/08	07/01/08-11
Atty. Jeffrey Mickelson	433 South Main Street Suite 313 West Hartford, CT 06110	7/01/09	07/01/09-12
Atty. Carol A. Brigham	69 Broad Street Danielson, CT 06239	07/01/07	07/01/07-10
Atty. Milton I. Walsh (Alternate)	Office of the Public Defender 410 Center Street Manchester, CT 06040	07/01/07	07/01/07-10

WATERBURY JUDICIAL DISTRICT		**First Commenced Service On Grievance Panel**	**Term**
Ralph Biondi	47 Holmes Avenue Waterbury, CT 06702	07/01/05	07/01/08-11
Atty. Kathleen Allsup	25 Audubon Lane Shelton, CT 06484	07/01/09	07/01/09-12
Atty. Michael S. McKenna	9 South Main Street New Milford, CT 06776-0786	07/01/07	07/01/07-10
Atty. Jean S. Ferlazzo (Alternate)	72 North Street Danbury, CT 06810-5652	07/01/04	07/01/07-10
WINDHAM JUDICIAL DISTRICT			
Joseph J. Nash	263 Kennedy Drive Putnam, CT 06260	07/01/05	07/01/08-11
Atty. Michael A. Blanchard	P.O. Box 1591 New London, CT 06320-1591	07/01/06	07/01/09-12
Atty. Beth Steele (Alternate)	811 Boswell Avenue Norwich, CT 06360	07/01/07	07/01/07-10
Atty. Douglas K. Manion	220 Hartford Turnpike Vernon, CT 06066	07/01/07	07/01/07-10

STATEWIDE GRIEVANCE COMMITTEE

(* - indicates this person is a non-attorney)

(Section 2-33 of the Practice Book. Terms shall commence on July 1, 2009 and appointments shall be for terms of three years. One member shall be designated as chair and another as vice chair. No member shall serve for more than two consecutive three year terms excluding any appointments for less than a full term. **ONLY THOSE INDIVIDUALS WHOSE NAMES ARE UNDERLINED ARE BEING CONSIDERED FOR APPOINTMENT OR REAPPOINTMENT.)**

Member	Address	Judicial District	First Commenced Service Under 7/1/86 Rules	Term
Atty. Margarita Moore	74 Cherry Street Milford, CT 06460	Ansonia/ Milford	07/01/03	07/01/07-10
Atty. Frank J. Riccio II	P.O. Box 491 Bridgeport, CT 06601	Danbury	03/13/09	07/01/07-10
* William Murphy	91 Stadley Rough Road Danbury, CT 06811	Danbury	07/01/04	07/01/07-10
Atty. Salvatore C. DePiano **Chair**	56 Lyon Terrace Bridgeport, CT 06604-4022	Fairfield	07/01/06	07/01/09-12
Atty. Dominick J. Rutigliano	3321 Main Street Bridgeport, CT 06606-4234	Fairfield	08/03/01	07/01/07-10
* William Carroll **Vice-Chair**	438 Wakelee Avenue Stratford, CT 06497	Fairfield	08/24/01	07/01/07-10
Vacant		Hartford	07/01/09	07/01/09-12
Vacant		Hartford	07/01/09	07/01/09-12

STATEWIDE GRIEVANCE COMMITTEE

(* - indicates this person is a non-attorney)

Member	Address	Judicial District	First Commenced Service Under 7/1/86 Rules	Term
* Malcolm Forbes	109 Shear Shop Road Litchfield, CT 06759	Litchfield	07/01/05	07/01/08-11
Atty. Howard M. Gould	222 Old Boston Post Road P.O. Box 524 Old Saybrook, CT 06475-0524	Middlesex	07/01/05	07/01/08-11
Atty. Shari Bornstein	P.O. Box 874 Southington, CT 06489-0874	New Britain	07/01/04	07/01/07-10
Atty. Hugh W. Cuthbertson	59 Elm Street, #200 P.O. Drawer 906 New Haven, CT 06504-0906	New Haven	07/01/06	07/01/09-12
* Dr. Romeo A. Vidone	880 Race Brook Road Orange, CT 06477	New Haven	07/01/06	07/01/08-11
* Peter M. Jenkins	P.O. Box 724 New London, CT 06320	New London	12/09/05	07/01/09-12
Atty. Jorene M. Couture	Superior Court One Courthouse Square Norwich, CT 06360-5755	New London	07/01/04	07/01/07-10
* Dahlia Johnston	59 Lanark Road Stamford, CT 06902	Stamford/ Norwalk	07/01/04	07/01/07-10
Atty. Thomas Maxwell, Jr.	850 Main Street Bridgeport, CT 06604	Stamford/ Norwalk	07/01/07	07/01/07-10

STATEWIDE GRIEVANCE COMMITTEE

(* - indicates this person is a non-attorney)

Member	Address	Judicial District	First Commenced Service Under 7/1/86 Rules	Term
Atty. Evelyn Gryk Frolich	333 East Center Street Manchester, CT 06040	Tolland	07/01/07	07/01/07-10
*Mary Culhane	15 Kimberwick Court Middlebury, CT 06762	Waterbury	07/01/08	07/01/08-11
Atty. David Channing	1661 Hartford Turnpike North Haven, CT 06473	Waterbury	01/14/05	07/01/07-10
Atty. Nancy E. Fraser	P.O. Box 166 Putnam, CT 06260	Windham	07/01/08	07/01/08-11

STATEWIDE BAR COUNSEL

(Section 2-34 of the Practice Book provides for the appointment of a statewide bar counsel and such additional attorneys to act as assistant bar counsel for a term of one year commencing July 1, 2009.)

Attorney Michael P. Bowler, Statewide Bar Counsel

Attorney Christopher G. Blanchard, First Assistant Bar Counsel

Attorney Christopher L. Slack, First Assistant Bar Counsel

Attorney Frances Mickelson-Dera, First Assistant Bar Counsel

Attorney Darlene F. Reynolds, Assistant Bar Counsel

Attorney Cathy A. Dowd, Assistant Bar Counsel

Attorney Maureen A. Horgan, Assistant Bar Counsel

Attorney Elizabeth M. Rowe, Assistant Bar Counsel

Attorney Kerry Johnson O'Connell, Assistant Bar Counsel

Any other lawyer in the Legal Services Division, except Disciplinary Counsel, to act as Assistant Bar Counsel.

BAR COUNSEL
FOR LOCAL GRIEVANCE PANELS

(Section 2-30 of the Practice Book. Terms are for one year commencing July 1, 2009. Appointees may serve any grievance panel. Panels to be principally served by each counsel are noted below.)

BAR COUNSEL

Name	Address	
Atty. George J. Ferrio	1087 Broad Street Bridgeport, 06604-4241	J.D. of Fairfield
Atty. John J. Quinn	248 Hudson Street Hartford, 06106-1777	J.D. of Hartford (for G.A.13 and the town of Hartford)
Atty. Richard T. Florentine	407 Old Toll road Madison, CT 06443	J.D.'s of New Britain and Hartford (for GA 12 and the towns of Avon, Bloomfield, Canton, Farmington, and West Hartford) and the J.D. of Tolland
Atty. Michael A. Georgetti	67 Russ Street Hartford, CT 06106	J.D. of New Haven (for the towns of Bethany, New Haven and Woodbridge)
Attorney Jose Adrian Rebollo	1115 Main Street – Suite 507 Bridgeport, CT 06604	J.D.of New Haven (for GA 7 and the towns of Branford, East Haven, Guilford, Madison, and North Branford) and the J.D. of Ansonia-Milford
Atty. Gail S. Kotowski	397 Church Street Guilford, 06437-0037	J.D.'s of Danbury, Litchfield and Waterbury
Atty. Gregory A. Benoit	P.O. Box 270 Waterford, 06385	J.D.'s of Middlesex, New London and Windham
Eugene J. Riccio	P.O. Box 9118 Bridgeport, CT 06604	J.D. Stamford-Norwalk

BAR COUNSEL AND INVESTIGATORS
FOR LOCAL GRIEVANCE PANELS

INVESTIGATORS
(Statewide Duties)

Paul J. Piasecki, Jr., C.P.A.
Piasecki and Company/Suite 203
53 Old Kings Highway North
Darien, CT 06820

CHIEF DISCIPLINARY COUNSEL AND DISCIPLINARY COUNSEL

(Section 2-34A of the Practice Book provide for the appointment of a chief disciplinary counsel and such disciplinary counsel as are necessary for a term of one year commencing July 1, 2009)

Attorney Mark A. DuBois, Chief Disciplinary Counsel

Attorney Patricia King, First Assistant Chief Disciplinary Counsel

Attorney Suzanne B. Sutton, Assistant Chief Disciplinary Counsel

Attorney Karyl L. Carrasquilla, Assistant Chief Disciplinary Counsel

Attorney Beth L. Baldwin, Temporary Assistant Chief Disciplinary Counsel

STATE BAR EXAMINING COMMITTEE, SUPERIOR COURT

(Section 2-3 of the Practice Book provides the term of office of each member, one of whom must be a judge, shall be three years from the first day of September succeeding his appointment, and terms shall be continued to be arranged so that those of eight members shall expire annually. Vacancies shall be filled by the judges for unexpired terms only. **ONLY THOSE INDIVIDUALS WHOSE NAMES ARE UNDERLINED ARE BEING CONSIDERED FOR APPOINTMENT OR REAPPOINTMENT.)**

Name		Initial Appointment	3-Year Term
FAIRFIELD COUNTY			
Hon. Arthur A. Hiller	Bridgeport	08/31/96	09/01/08 - 08/31/11
Atty. T. R. Rowe	Trumbull	09/01/09	09/01/09 - 08/31/12
Atty. Karen L. Karpie	Bridgeport	09/01/09	09/01/09 - 08/31/12
Atty. Eric M. Gross	Bridgeport	09/01/07	09/01/07 - 08/31/10
HARTFORD COUNTY			
Hon. Aaron Ment	E. Hartford	01/09/95	09/01/09 - 08/31/12
Atty. Matthew Wax Krell	Hartford	09/01/06	09/01/09 - 08/31/12
Atty. Michael J. Whelton	E. Hartford	10/25/84	09/01/09 - 08/31/12
Atty. Denise Martino Phelan	Hartford	9/01/92	09/01/07 - 08/31/10
Atty. Richard Banbury	Hartford	09/01/80	09/01/07 - 08/31/10

Atty. Deborah L. Bradley	Hartford	03/15/94	09/01/08 - 08/31/11
Hon. John J. Langenbach	Hartford	07/01/98	09/01/08 - 08/31/11

STATE BAR EXAMINING COMMITTEE, SUPERIOR COURT

Name		Initial Appointment	3-Year Term
LITCHFIELD COUNTY			
Atty. David A. Moraghan	Torrington	09/01/90	09/01/08 - 08/31/11
Atty. Anne C. Dranginis	Litchfield	09/21/78	09/01/07 - 08/31/10
MIDDLESEX COUNTY			
Atty. Sharon A. Peters	Portland	09/01/97	09/01/09 - 08/31/12
Hon. Barbara M. Quinn	Chester	06/23/86	09/01/08 – 08/31/11
Hon. C. Ian McLachlan	Chester	06/05/07	09/01/08 – 08/31/11
NEW HAVEN COUNTY			
Atty. John W. Barnett	New Haven	10/24/73	09/01/08 - 08/31/11
Atty. Adam Mantzaris	Wallingford	09/01/91	09/01/09 - 08/31/12
Atty. Alix Simonetti	New Haven	10/02/00	09/01/09 - 08/31/12
Atty. Gail E. McTaggart	Waterbury	09/01/89	09/01/07 - 08/31/10
Atty. Irving H. Perlmutter	New Haven	09/01/83	09/01/07 - 08/31/10
Atty. Earl F. Dewey, II	Wallingford	09/27/00	09/01/07 - 08/31/10

STATE BAR EXAMINING COMMITTEE, SUPERIOR COURT

Name		Initial Appointment	3-Year Term
NEW LONDON COUNTY			
Atty. Mary E. Driscoll	New London	09/01/97	09/01/07 - 08/31/10
WINDHAM COUNTY			
Atty. Kevin C. Connors	Willimantic	09/01/05	09/01/08 - 08/31/11

STANDING COMMITTEE ON RECOMMENDATIONS FOR ADMISSION TO THE BAR, SUPERIOR COURT

(Section 2-12 of the Practice Book provides there shall be in each county a standing committee on recommendations for admission, consisting of not less than three nor more than seven members of the bar of that county, who shall be appointed by the judges of the superior court to hold office for three years and until successors are appointed. **ONLY THOSE INDIVIDUALS WHOSE NAMES ARE UNDERLINED ARE BEING CONSIDERED FOR APPOINTMENT OR REAPPOINTMENT.)**

County	Term: 3 Years
FAIRFIELD COUNTY	
Atty. Douglas P. Mahoney	07/01/09 - 12
Atty. Carolyn R. Linsey	07/01/07 - 10
Atty. Edward F. Czepiga	07/01/09 - 12
Atty. Robert W. Lotty	07/01/07 - 10
Atty. Cindy L. Robinson	07/01/07 - 10
Atty. Auden Grogins	07/01/08 – 11
HARTFORD COUNTY	
Atty. Rene Rosado	07/01/09 - 12
Atty. Gary Friedle	07/01/07 - 10
Atty. Richard R. Brown	07/01/07 - 10
Atty. Monica Lafferty Harper	07/01/07 - 10
Atty. Vincent L. Diana	07/01/07 - 10
Atty. Michael P. Shea	07/01/08 - 11
Atty. David Curry	07/01/08 - 11

STANDING COMMITTEE ON RECOMMENDATIONS FOR ADMISSION TO THE BAR, SUPERIOR COURT

County	Term: 3 Years
LITCHFIELD COUNTY	
Atty. Jill Brakeman	07/01/09 - 12
Atty. Louise F. Brown	07/01/07 - 10
Atty. Frank H. Finch, Jr.	07/01/07 - 10
MIDDLESEX COUNTY	
Atty. William Howard	07/01/07 - 10
Atty. Myron Poliner	07/01/08 - 11
Atty. Linda T. Douglas	07/01/08 - 11
NEW HAVEN COUNTY	
Atty. Donald J. Zehnder, Jr.	07/01/09 - 12
Atty. W. Fielding Secor	07/01/09 - 12
Atty. Howard K. Levine	07/01/07 - 10
Atty. John R. Donovan	07/01/07 - 10
Atty. Steven J. Errante	07/01/08 - 11
Atty. Timothy P. Dillon	07/01/09 - 12
Atty. Cynthia C. Bott	07/01/09 - 12

STANDING COMMITTEE ON RECOMMENDATIONS
FOR ADMISSION TO THE BAR, SUPERIOR COURT

County	Term: 3 Years
NEW LONDON COUNTY	
Atty. Kerin M. Woods	07/01/07 - 10
Atty. Beth Steele	07/01/07 - 10
Atty. Lonnie Braxton	07/01/08 - 11
TOLLAND COUNTY	
Atty. Timothy J. Johnston	07/01/09 - 12
Atty. Caryl E. Walker	07/01/09 - 12
Atty. Kerry Tarpey	07/01/08 - 11
WINDHAM COUNTY	
Atty. B. Paul Kaplan	07/01/08 - 11
Atty. Gina Mancini Pickett	07/01/08 - 11
Atty. Rachel L. Sarantopoulos	07/01/08 - 11

MISCELLANEOUS

The Executive Committee is empowered to make any appointments which may have been inadvertently omitted from the lists submitted herein.