

Minutes of the Meeting  
Rules Committee  
May 24, 2010

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On Monday, May 24, 2010, at 10:00 a.m. the Rules Committee conducted a public hearing in the Supreme Court Hearing Room to receive comments concerning proposed revisions to the Practice Book. At the conclusion of the public hearing the Committee met in the Attorneys' Conference Room from 12:37 p.m. to 3:31 p.m.

Members in attendance were:

HON. PETER T. ZARELLA, CHAIR  
HON. BARBARA N. BELLIS  
HON. JACK W. FISCHER  
HON. LESLIE I. OLEAR  
HON. ANTONIO C. ROBAINA  
HON. JANE SCHOLL  
HON. MICHAEL R. SHELDON  
HON. CARL E. TAYLOR

Also in attendance were Carl E. Testo, Counsel to the Rules Committee; and Attorneys Denise K. Poncini and Joseph Del Ciampo of the Judicial Branch's Legal Services Unit.

1. The Committee considered a letter from Attorney Cesar A. Noble, on behalf of the Connecticut Defense Lawyers Association, and letters from Attorney Richard J. Kenny and Attorney D. Lincoln Woodard concerning the proposed revision to Section 13-11.

After discussion, the Committee unanimously voted that no further changes be made to the proposed revision to Section 13-11, but tabled the issues raised by Attorneys Kenny and Woodard.

2. The Committee considered a proposal submitted by Attorney Sandy Klebanoff on behalf of the Connecticut Bar Foundation (CBF) to further amend the proposed revisions to Rule 1.15 of the Rules of Professional Conduct concerning IOLTA, and a letter from Attorney Francis J. Brady, President of the Connecticut Bar Association, concerning the CBF's proposal.

After discussion, the Committee unanimously voted to adopt the further revisions proposed by the CBF and a proposal submitted at the public hearing by Attorney Brendan Fox to add wire transfer fees to the list of "allowable reasonable fees" in subsection (a) (1) of the rule, as set forth in Appendix A attached hereto.

3. The Committee noted a letter from Ms. Maureen Canter concerning the proposed new Code of Judicial Conduct.

4. The Committee noted letters from Charles C. Dike, M.D., MRCPsy, on behalf of the Connecticut Psychiatric Society, and from Ms. Jane Thierfeld Brown, Director of Student Services at the University of Connecticut School of Law, concerning the proposed revisions to Sections 2-5 through 2-9 with regard to qualifications for admission to the bar.

5. The Committee considered an e-mail from Judge Christine Keller, Chief Administrative Judge for Juvenile Matters, in which she points out that subsection (a) (1) of the proposed revision to Section 26-1 contains two provisions labeled subdivision (B).

After discussion, the Rules Committee unanimously voted to correct this by further amending Section 26-1 as set forth in Appendix A attached hereto.

6. The Committee tabled a proposal submitted by Attorney Anne C. Dranginis, Chair of the Bar Examining Committee, to further amend proposed new Section 2-5A with regard to fitness to practice law.

After discussion, the Committee tabled Attorney Dranginis' proposal.

7. The Committee considered comments received from Court Operations, Support Enforcement Services, and others concerning the proposed new rules with regard to family support magistrate matters.

After discussion, the Committee unanimously voted to make certain further revisions to the proposed new rules as set forth in Appendix A attached hereto.

8. The members of the Committee unanimously approved the minutes of the April 7, 2010, meeting.

9. The Committee considered proposed rules concerning videoconferencing submitted by Judge Elliot N. Solomon on behalf of the Alternatives to Court Appearances Committee.

After discussion, the Committee tabled the matter.

10. The Committee considered proposed revisions to the camera rules submitted by Judge Barbara M. Quinn, Chief Court Administrator, on behalf of the Judicial Media Committee.

After discussion, the Committee tabled the proposal.

11. The Committee considered a proposal by Attorney M. Dean Montgomery to amend the discovery rules to specifically address metadata.

Justice Zarella reported to the Committee that Attorney Chuck Howard advised him that the federal rules concerning metadata are not working well. The Committee decided to have Attorney Howard attend a future meeting to address the Committee on this issue.

The Committee thereupon tabled this matter.

12. The Committee tabled to its September meeting proposed revisions to the family rules submitted by Judge Lynda Munro.

13. The Committee tabled to its September meeting a submission by Mr. Andrew B. Burns proposing revisions to the Practice Book.

14. The Committee tabled to its September meeting a proposal submitted by Judge Pellegrino on behalf of the Civil Commission to amend the civil pleading rules; a letter from Attorney Edward Maum Sheehy to which he appends a proposed revision to the summary judgment rules; and submissions from Judges Corradino and Scholl concerning this matter.

15. The Committee considered a proposal by Attorney Daniel B. Horwitch to further amend proposed new Section 25A-4 concerning automatic orders and family support magistrate matters.

After discussion, the Committee unanimously voted to further revise proposed new Section 25A-4 as set forth in Appendix A attached hereto.

16. The Committee considered a proposal by Assistant Bar Counsel Christopher Blanchard to further amend the proposed revision to Section 4-7 concerning personal identifying information.

After discussion, the Committee unanimously voted to further amend the proposed revision to Section 4-7 as set forth in Appendix A attached hereto.

17. The Committee considered a proposal by Joseph Greelish, Deputy Director Designee of Support Enforcement Services, to further amend the proposed revision to Section 4-7.

After discussion, the Committee unanimously voted not to approve the proposed further revision.

18. The Committee considered a submission from Attorney Carl E. Testo to further amend proposed new Rule 2.11 of the Rules of Professional Conduct.

After discussion, the Committee unanimously voted to further revise proposed new Rule 2.11 of the Rules of Professional Conduct as set forth in Appendix A attached hereto.

19. The Committee considered a proposal by Attorney Maureen Finn, Chief Clerk, Centralized Small Claims, concerning the proposed revisions to Sections 24-3 and 24-9 of those rules.

After discussion, the Committee unanimously voted to further amend the proposed revisions to Sections 24-3 and 243-9 as set forth in Appendix A attached hereto.

20. The Committee considered comments from various attorneys concerning the proposed revisions to the small claims rules.

After discussion, the Committee unanimously voted to further revise the small claims rules as set forth in Appendix A attached hereto.

21. The Committee unanimously approved the Practice Book revisions that were the subject of the public hearing that morning with the further revisions approved by them at this meeting as set forth in Appendix A attached hereto.

The proposals in Appendix A will be submitted to the Superior Court judges for adoption at the June 21 Annual Meeting.

22. Judge Clifford joined the meeting to discuss with the Rules Committee the proposed revisions to the camera rules that were submitted by Judge Quinn on behalf of the Judicial Media Committee. (The Committee had considered this earlier and tabled Judge Quinn's proposal. See paragraph 10 above.)

Respectfully submitted,

Carl E. Testo  
Counsel to the Rules Committee