Minutes of the Meeting
Rules Committee
Monday, February 10, 2020

On Monday, February 10, 2020, the Rules Committee met in the Supreme Court courtroom from 2:03 p.m. to 4:08 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. JOAN K. ALEXANDER
HON. BARBARA N. BELLIS
HON. SUSAN QUINN COBB
HON. MELANIE L. CRADLE
HON. BARRY K. STEVENS
HON. ANTHONY D. TRUGLIA JR.

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Shanna O'Donnell, Research Attorney, of the Judicial Branch's Legal Services Unit. Judges Donna Nelson Heller and Holly Abery-Wetstone were absent.

1. The Committee approved the minutes of the meeting held on January 13, 2019, with the following revision: the reference in Item 3 to "violations of Rule 8.4" should be changed to "violations of Rules 8.4 and 3.8."

2. The Committee considered a proposal from the Judicial-Media Committee to amend Sections 1-10B and 1-11C concerning media coverage in criminal proceedings. Judge Stevens was present for consideration and discussion of this matter.

After discussion, the Committee revised the proposal to add "provided that no member of the victim's family objects and that the victim's family have been notified" after the first sentence in new subsection (q) of Section 1-11C.

The Committee voted unanimously to submit to public hearing the amendments to Sections 1-10B and 1-11C of the Connecticut Practice Book regarding media coverage in criminal proceedings, as set forth in Appendix A to these minutes. The Rules Committee also voted to retain the Commentary to Section 1-11C on a permanent basis.

3. The Committee considered a proposal from Natasha M. Pierre, State Victim Advocate, to amend various Rules of Professional Conduct and various sections of the Practice Book to ensure the proper treatment and protection of crime victims.

After discussion, the Committee tabled this proposal until the September meeting to allow time to explore administrative options to address the concerns underlying this proposal. Judge Alexander was asked to obtain information about the electronic case management system implementation and SAVIN to determine if those systems will be able to incorporate victim notification options and forms to track the efforts made by prosecutors to notify victims. Justice McDonald noted that the Committee would like to extend its thanks to the Statewide Grievance Committee for its assistance with research related to this proposal.

4. The Committee considered a proposal from Judge Adelman to amend Section 3-8 regarding hybrid appearances and a related proposal from Judge Albis' working group to create a new section regarding hybrid appearances in family cases.

Judge Albis and Judge Abrams were present and addressed the Rules Committee regarding this proposal.

After discussion, the Committee tabled final action on this proposal until the March meeting and instructed Counsel to circulate the revised proposal to the Connecticut Bar Association, Connecticut Trial Lawyers Association, and American Academy of

Matrimonial Attorneys and to request general comments about clarifying the requirements for signature set forth in Section 4-2 (a) of the Connecticut Practice Book.

5. The Committee considered a proposal from Senator Looney, Senator Winfield, and Representative Stafstrom concerning pre-trial discovery procedure in criminal matters.

Kate Casaubon, Counsel, Legal Services, was present and addressed the Committee regarding this proposal.

After discussion, the Committee tabled this proposal until the March meeting to allow for additional review.

6. The Committee considered a proposal regarding standard written discovery in medical malpractice cases.

After discussion, the Committee tabled this proposal to the September meeting to allow time for the subcommittee to complete their redrafted proposal.

7. The Committee considered a proposal from the Connecticut Bar Examining Committee to amend Sections 2-3 et seq.

Former Judge Anne Dranginis, Chair of the Connecticut Bar Examining Committee, and Attorney Fred Ury, Member of the Connecticut Bar Examining Committee, were present and addressed the Committee regarding this proposal.

Attorney Ury asked that appreciation for the assistance of Lisa Valko, Jessica Kallipolites, and Kathleen Harrington of Legal Services be noted for the records.

The Committee voted unanimously to submit to public hearing the amendments to Sections 2-3 et seq. of the Connecticut Practice Book, subject to technical revisions by Counsel, as set forth in Appendix B to these minutes.

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

After discussion, the Committee tabled this proposal until the March meeting to allow for further review. Counsel is to send a reminder to the Connecticut Trial Lawyers Association and Connecticut Defense Lawyers Association reminding them to submit their comments.

9. The Committee considered a proposal from Lori Petruzzelli, Counsel, Legal Services, to amend various Practice Book sections to remove references to court reporters to conform to Public Act 19-64.

After discussion, the Committee voted unanimously to submit to public hearing the amendments to the Connecticut Practice Book to remove references to “court reporters”, as set forth in Appendix C to these minutes.

10. The Committee considered a proposal from Judge Conway to amend Section 33a-1 (b) of the Practice Book to be consistent with Section 46b-129 (a) of the Connecticut General Statutes.

After discussion, the Committee voted unanimously to submit to public hearing the amendments to Section 33a-1 (b) of the Connecticut Practice Book, as set forth in Appendix D to these minutes.

11. The Committee considered a proposal from Judge Abrams to amend Sections 13-8 and 13-10 of the Connecticut Practice Book to provide counsel the opportunity to submit memoranda regarding discovery objections brought by way of affidavit.

Judge Abrams was present and addressed the Committee regarding this proposal.

After discussion, Judge Abrams withdrew his proposal and expressed his intent to submit a different proposal at a later date.

12. The Committee considered a proposal by the Litigation Section of the Connecticut Bar Association to amend Section 7-17 regarding filings received after 5:00 p.m.

Attorney Patrick Klingman, of the Litigation Section of the Connecticut Bar Association, was present and addressed the Committee regarding this proposal.

After discussion, the Committee referred this proposal to the Judges' Advisory Committee on E-Filing for review.

13. The Committee considered a proposal from the Connecticut Bar Association Pro Bono Committee and Standing Committee on Professional Ethics to amend Rule 5.5 of the Connecticut Rules of Professional Conduct to permit pro bono practice in Connecticut by attorneys licensed and in good standing in other jurisdictions.

Attorney Marcy Stovall, Legislative Liaison to the Connecticut Bar Association Standing Committee on Professional Ethics and Attorney Craig Coloumbe, Legislative Liaison to the Connecticut Bar Association Pro Bono Committee, were present and addressed the Committee regarding this proposal.

After discussion, the Committee referred this proposal to the Office of the Chief Court Administrator, Chief Disciplinary Counsel, the Bar Examining Committee, and the Statewide Grievance Committee to seek their comments concerning this proposal. The Committee tabled this proposal until its March meeting.

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

After discussion, the Committee tabled this proposal until the March meeting to allow for additional review and to allow for Judge Heller to be present for the discussion of the matter.

Respectfully submitted,

Approved June 6, 2020

Joseph J. Del Ciampo
Counsel to the Rules Committee

Appendix A (021020)

Sec. 1-10B. Media Coverage of Court Proceedings; In General

(a) The broadcasting, televising, recording or photographing by the media of court proceedings and trials in the Superior Court should be allowed subject to the limitations set out in this section and in Sections 1-11A through 1-11C, inclusive.

(b) No broadcasting, televising, recording or photographing of any of the following proceedings shall be permitted:

(1) Family relations matters as defined in General Statutes § 46b-1;

(2) Juvenile matters as defined in General Statutes § 46b-121;

(3) Except as provided in subsection (q) of Section 1-11C. **[**P**]**proceedings involving sexual assault;

(4) Proceedings involving trade secrets;

(5) In jury trials, all proceedings held in the absence of the jury unless the trial court determines that such coverage does not create a risk to any party's rights or other fair trial risks under the circumstances;

(6) Proceedings which must be closed to the public to comply with the provisions of state law;

(7) Any proceeding that is not held in open court on the record.

(c) No broadcasting, televising, recording or photographic equipment permitted under these rules shall be operated during a recess in the trial.

(d) No broadcasting, televising, recording or photographing of conferences involving counsel and the trial judge at the bench or involving counsel and their clients shall be permitted.

(e) There shall be no broadcasting, televising, recording or photographing of the process of jury selection nor of any juror.

COMMENTARY—2014: The Judicial Branch may provide, at its discretion, within a court facility, a contemporaneous closed-circuit video transmission of any court proceeding for the benefit of media or other spectators, and such a transmission shall not be considered broadcasting or televising by the media under this rule.

COMMENTARY—2020: The changes to this section and to Section 1-11C permit the judicial authority to allow media coverage of a homicide case involving sexual assault provided the victim's family affirmatively consents to such coverage. If any member of the victim's family objects to such coverage or if the victim's family cannot be identified or located, the judicial authority should not allow such coverage.

Sec. 1-11C. Media Coverage of Criminal Proceedings

(a) Except as authorized by Section 1-11A regarding media coverage of arraignments, the broadcasting, televising, recording or photographing by media of criminal proceedings and trials in the Superior Court shall be allowed except as hereinafter precluded or limited and subject to the limitations set forth in Section 1-10B.

(b) Except as provided in subsection (q) of this section, **[**N**]**no broadcasting, televising, recording or photographing of trials or proceedings involving sexual offense charges shall be permitted.

(c) As used in this rule, the word ``trial'' in jury cases shall mean proceedings taking place after the jury has been sworn and in nonjury proceedings commencing with the swearing in of the first witness. ``Criminal proceeding'' shall mean any hearing or

testimony, or any portion thereof, in open court and on the record except an arraignment subject to Section 1-11A.

(d) Unless good cause is shown, any media or pool representative seeking to broadcast, televise, record or photograph a criminal proceeding or trial shall, at least three days prior to the commencement of the proceeding or trial, submit a written notice of media coverage to the administrative judge of the judicial district where the proceeding is to be heard or the case is to be tried. A notice of media coverage submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool. The administrative judge shall inform the judicial authority who will hear the proceeding or who will preside over the trial of the notice, and the judicial authority shall allow such coverage except as otherwise provided.

(e) Any party, attorney, witness or other interested

person may object in advance of electronic coverage of a criminal proceeding or trial if there exists a substantial reason to believe that such coverage will undermine the legal rights of a party or will significantly compromise the safety of a witness or other person or impact significant privacy concerns. In the event that the media request camera coverage and, to the extent practicable, notice that an objection to the electronic coverage has been filed, the date, time and location of the hearing on such objection shall be posted on the Judicial Branch website. Any person, including the media, whose rights are at issue in considering whether to allow electronic coverage of the proceeding or trial, may participate in the hearing to determine whether to limit or preclude such coverage. When such objection is filed by any party, attorney, witness or other interested person, the

burden of proving that electronic coverage of the criminal proceeding or trial should be limited or precluded shall be on the person who filed the objection.

(f) The judicial authority, in deciding whether to limit or preclude electronic coverage of a criminal proceeding or trial, shall consider all rights at issue and shall limit or preclude such coverage only if there exists a compelling reason to do so, there are no reasonable alternatives to such limitation or preclusion, and such limitation or preclusion is no broader than necessary to protect the compelling interest at issue.

(g) If the judicial authority has a substantial reason to believe that the electronic coverage of a criminal proceeding or trial will undermine the legal rights of a party or will significantly compromise the safety or privacy concerns of a party, witness or other interested person, and no party, attorney, witness or other interested person has objected to such coverage, the judicial authority shall schedule a hearing to consider limiting or precluding such coverage. To the extent practicable, notice that the judicial authority is considering limiting or precluding electronic coverage of a criminal proceeding or trial, and the date, time and location of the hearing thereon shall be given to the parties and others whose interests may be directly affected by a decision so that they may participate in the hearing and shall be posted on the Judicial Branch website.

(h) Objection raised during the course of a criminal proceeding or trial to the photographing, videotaping or audio recording of specific aspects of the proceeding or trial, or specific individuals or exhibits will be heard and decided by the judicial authority, based on the same standards as set out in subsection (f) of this section used to determine whether to limit or preclude coverage based on objections raised before the start of a criminal proceeding or trial.

(i) The judge presiding over the proceeding or trial in his or her discretion, upon the judge's own motion or at the request of a participant, may prohibit the broadcasting, televising, recording or photographing of any participant at the trial. The judge shall give great weight to requests where the protection of the identity of a person is desirable in the interests of justice, such as for the victims of crime, police informants, undercover agents, relocated witnesses, juveniles and individuals in comparable situations. “Participant” for the purpose of this section shall mean any party, lawyer or witness.

(j) The judicial authority shall articulate the reasons for its decision on whether or not to limit or preclude electronic coverage of a criminal proceeding or trial, and such decision shall be final.

(k) (1) Only one television camera operator, utilizing one portable mounted television camera, shall be permitted in the courtroom. The television camera and operator shall be positioned in such location in the courtroom as shall be designated by the trial judge. Microphones, related wiring and equipment essential for the broadcasting, televising or recording shall be unobtrusive and shall be located in places designated in advance by the trial judge. While the trial is in progress, the television camera operator shall operate the television camera in this designated location only.

(2) Only one still camera photographer shall be permitted in the courtroom. The still camera photographer shall be positioned in such location in the courtroom as shall be designated by the trial judge. While the trial is in progress, the still camera photographer shall photograph court proceedings from this designated location only.

(3) Only one audio recorder shall be permitted in the courtroom for purposes of recording the proceeding or trial. Microphones, related wiring and equipment essential for

the recording shall be unobtrusive and shall be located in places designated in advance by the trial judge.

(*l*) Only still camera, television and audio equipment which does not produce distracting sound or light shall be employed to cover the proceeding or trial. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom without the approval of the judge presiding over the proceeding or trial and other appropriate authority.

(m) Except as provided by these rules, broadcasting, televising, recording and photographing in areas immediately adjacent to the courtroom during sessions of court or recesses between sessions shall be prohibited.

(n) The conduct of all attorneys with respect to trial publicity shall be governed by Rule 3.6 of the Rules of Professional Conduct.

(o) The judicial authority in its discretion may require pooling arrangements by the media. Pool representatives should ordinarily be used for video, still cameras and radio, with each pool representative to be decided by the relevant media group. Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the proceeding or trial.

(p) To evaluate and resolve prospective problems where broadcasting, televising, recording or photographing by media of a criminal proceeding or trial will take place, and to ensure compliance with these rules during the proceeding or trial, the judicial authority who will hear the proceeding or preside over the trial may require the attendance of attorneys and media personnel at a pretrial conference.

(q) In a homicide case involving sexual assault, the broadcasting, televising, recording or photographing by the media of the trial may be permitted by the judicial authority provided the victim's family affirmatively consents to such coverage, that no member of the victim's family objects to such coverage, and that the victim's family have been notified. As used in this section, "victim's family" shall mean a person's spouse, parent, grandparent, stepparent, aunt, uncle, niece, nephew, child, including a natural born child, stepchild and adopted child, grandchild, brother, sister, half brother or half sister or parent of a person's spouse.

COMMENTARY: The changes to this section and to Section 1-10B permit the judicial authority to allow media coverage of a homicide case involving sexual assault provided the victim's family affirmatively consents to such coverage, that no member of the victim's family objects to such coverage, and that the victim's family has been notified. If any member of the victim's family objects to such coverage or if the victim's family cannot be identified or located, the judicial authority should not allow such coverage. As used in this section, "victim's family" has the same meaning as "relative" in General Statutes Section 54-201 (4).

Appendix B (021020)

Sec. 2-3. Bar Examining Committee

There shall be a**[**n**]** bar examining committee appointed by the judges of the Superior Court consisting of twenty-four members, of whom at least one shall be a judge of said court, and the rest attorneys residing in this state. The term of office of each member shall be three years from the first day of September succeeding appointment, and the terms shall continue to be arranged so that those of eight members shall expire annually. The appointment of any member may be revoked or suspended by the judges or by the executive committee of the Superior Court. In connection with such revocation or suspension, the judges or the executive committee shall appoint a qualified individual to fill the vacancy for the balance of the term or for any other appropriate period. All other vacancies shall be filled by the judges for unexpired terms only, provided that the chief justice may fill such vacancies until the next annual meeting of the judges, and in the event of the foreseen absence or the illness or the disqualification of a member of the committee the chief justice may make a pro tempore appointment to the committee to serve during such absence, illness or disqualification. At any meeting of the committee the members present shall constitute a quorum.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-4. —Regulations by Bar Examining Committee

The bar examining committee shall have the power and authority to implement these rules by regulations relevant thereto and not inconsistent therewith. Such regulations may be adopted at any regular meeting of the committee or at any special

meeting called for that purpose. They shall be effective ninety days after publication in one issue of the Connecticut Law Journal and shall at all times be subject to amendment or revision by the committee or by the judges of the Superior Court. A copy shall be provided to the chief justice.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-4A. —Records of Bar Examining Committee

(a) All **[**The**]** records of the bar examining committee, including **[**and**]** transcripts, if any, of hearings conducted by the **[**state**]** bar examining committee or the several standing committees on recommendations for admission to the bar shall not be public **[**be available only to such committee, to a judge of the Superior Court, to the Statewide Grievance Committee, to disciplinary counsel or, with the consent of the applicant, to any other person, unless otherwise ordered by the court**]**.

(b) Unless otherwise ordered by the court, all records that are not public shall be available only to the bar examining committee and its counsel, disciplinary counsel, the client security fund committee and its counsel, a judge of the Superior Court or, with the consent of the applicant, to any other person.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee and for clarity.

Sec. 2-5. —Examination of Candidates for Admission

The bar examining committee shall further have the duty, power and authority to provide for the examination of candidates for admission to the bar; to determine whether such candidates are qualified as to prelaw education, legal education, good moral

character and fitness to practice law; and to recommend to the court for admission to the bar qualified candidates.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-6. —Personnel of Bar Examining Committee

Such personnel within the legal services division of the Office of the Chief Court Administrator as may be assigned from time to time by the chief court administrator shall assist the bar examining committee in carrying out its duties.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-8. Qualifications for Admission

To entitle an applicant to admission to the bar, except under Section**[**s**]** 2-13 **[**through 2-15**]** of these rules, the applicant must satisfy the bar examining committee that:

(1) The applicant is a citizen of the United States or an alien lawfully residing in the United States, which shall include an individual authorized to work lawfully in the United States.

(2) The applicant is not less than eighteen years of age.

(3) The applicant is a person of good moral character, is fit to practice law, and has either passed an examination in professional responsibility **[**administered under the auspices of the bar examining committee**]** which has been approved or required by the committee or has completed a course in professional responsibility in accordance with the regulations of the **[**bar examining**]** committee. Any inquiries or procedures used by the bar examining committee that relate to physical or mental disability must be narrowly

tailored and necessary to a determination of the applicant's current fitness to practice law, in accordance with the Americans with Disabilities Act and amendment twenty-one of the Connecticut constitution, and conducted in a manner consistent with privacy rights afforded under the federal and state constitutions or other applicable law.

(4) The applicant has met the educational requirements as may be set, from time to time, by the bar examining committee.

(5) The applicant has filed with the administrative director of the bar examining committee an application to take the examination and for admission to the bar, all in accordance with these rules and the regulations of the committee, and has paid such application fee as the committee shall from time to time determine.

(6) The applicant has passed an examination in law in accordance with the regulations of the bar examining committee.

(7) The applicant has complied with all of the pertinent rules and regulations of the bar examining committee.

(8) As an alternative to satisfying the bar examining committee that the applicant has met the committee's educational requirements, the applicant who meets all the remaining requirements of this section may, upon payment of such investigation fee as the committee shall from time to time determine, substitute proof satisfactory to the committee that: (A) the applicant has been admitted to practice before the highest court of original jurisdiction in one or more states, the District of Columbia or the Commonwealth of Puerto Rico or in one or more district courts of the United States for ten or more years and at the time of filing the application is a member in good standing of such a bar; (B) the applicant has actually practiced law in such a jurisdiction for not less than five years

during the seven year period immediately preceding the filing date of the application; and (C) the applicant intends, upon a continuing basis, actively to practice law in Connecticut and to devote the major portion of the applicant's working time to the practice of law in Connecticut.

COMMENTARY: Reference to Practice Book Sections 2-14 and 2-15 has been removed as these sections have been repealed. The change in subdivision (3) clarifies that while there is an ethics requirement for bar admission, the Bar Examining Committee does not administer the Multistate Professional Responsibility Examination (MPRE). The remaining changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-9. Certification of Applicants Recommended for Admission; Conditions of Admission

(a) The bar examining committee shall certify to the clerk of the Superior Court for the Judicial District where the applicant has his or her correspondence address **[**county in which the applicant seeks admission and to the clerk of the Superior Court in New Haven**]** the name of any such applicant recommended by it for admission to the bar and shall notify the applicant of its decision.

(b) The bar examining committee may, in light of the physical or mental disability of a candidate that has caused conduct or behavior that would otherwise have rendered the candidate currently unfit to practice law, determine that it will only recommend an applicant for admission to the bar conditional upon the applicant's compliance with conditions prescribed by the committee relevant to the disability and the fitness of the applicant. Such determination shall be made after a hearing on the record is conducted by the committee or a panel thereof consisting of at least three members appointed by

the chair, unless such hearing is waived by the applicant. Such conditions shall be tailored to detect recurrence of the conduct or behavior which could render an applicant unfit to practice law or pose a risk to clients or the public and to encourage continued treatment, abstinence, or other support. The conditional admission period shall not exceed five years, unless the conditionally admitted attorney fails to comply with the conditions of admission, and the **[**bar examining**]** committee or the court determines, in accordance with the procedures set forth in Section 2-11, that a further period of conditional admission is necessary. The committee shall notify the applicant by mail of its decision and that the applicant must sign an agreement with the **[**bar examining**]** committee under oath affirming acceptance of such conditions and that the applicant will comply with them. Upon receipt of this agreement from the applicant, duly executed, the committee shall recommend the applicant for admission to the bar as provided herein. The committee shall forward a copy of the agreement to the statewide bar counsel, who shall be considered a party for purposes of defending an appeal under Section 2-11A.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee and to conform the section to current practice.

Sec. 2-10. Admission by Superior Court

(a) Each applicant who shall be recommended for admission to the bar shall present himself or herself to the Superior Court, or to either the Supreme Court or the Appellate Court sitting as the Superior Court, at such place and at such time as shall be prescribed by the bar examining committee, or shall be prescribed by the Supreme Court or the Appellate Court, and such court may then, upon motion, admit such person as an

attorney. The administrative director shall give notice to each clerk of the names of the newly admitted attorneys. At the time such applicant is admitted as an attorney the applicant shall be sworn as a Commissioner of the Superior Court.

(b) The administrative judge of said judicial district or a designee or the chief justice of the Supreme Court or a designee or the chief judge of the Appellate Court or a designee may deliver an address to the applicants so admitted respecting their duties and responsibilities as attorneys.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-11. Monitoring Compliance with Conditions of Admission; Removal or Modification of Conditions

(a) If an applicant is admitted to the bar after signing an agreement with the bar examining committee under oath affirming acceptance of the conditions prescribed by the committee pursuant to Section 2-9 (b) and that he or she will comply with them, the statewide bar counsel shall monitor the attorney's compliance with those conditions pursuant to regulations adopted by the Statewide Grievance Committee governing such monitoring. The attorney so admitted or the statewide bar counsel may make application to the **[**bar examining**]** committee to remove or modify the conditions previously agreed to by such attorney as circumstances warrant. The **[**bar examining**]** committee, or a panel thereof consisting of at least three members appointed by its chair, shall conduct a hearing on the application, which shall be on the record, and shall also receive and consider a report from the statewide bar counsel on the matter. Such hearing may be waived by the applicant and the statewide bar counsel. If, upon such application, the **[**bar examining**]** committee modifies such conditions, the attorney shall sign an agreement

with the bar examining committee under oath affirming acceptance of the modified conditions and that he or she will comply with them, and the statewide bar counsel shall monitor the attorney's compliance with them. The statewide bar counsel shall be considered a party for purposes of defending an appeal under Section 2-11A. All information relating to conditional admission of an applicant or attorney shall remain confidential unless otherwise ordered by the court except that a copy of the signed agreement and information related to compliance with the conditions may be made available upon request to disciplinary counsel or, with the consent of the applicant or attorney, to any other agency or person.

(b) Upon the failure of the attorney to comply with the conditions of admission or the monitoring requirements adopted by the Statewide Grievance Committee, the statewide bar counsel shall apply to the court in the judicial district of Hartford for an appropriate order. The court, after hearing upon such application, may take such action as it deems appropriate. Thereafter, upon application of the attorney or of the statewide bar counsel and upon good cause shown, the court may set aside or modify the order rendered pursuant hereto.

COMMENTARY: The change to this section allows Disciplinary Counsel to have access to the fact that a person has been conditionally admitted in order to properly perform his or her duties. Such access is especially relevant when the attorney remains bound by the conditions, and will alert disciplinary counsel that inactive status may be appropriate if the attorney has ongoing disciplinary matters. Information on compliance from the Statewide Bar Counsel is likewise necessary so that Disciplinary Counsel can

determine whether the issue that gave rise to the conditions may be having an impact on the attorney's performance.

Additionally, the attorney should be able to consent to the disclosure of the fact that he or she have been conditionally admitted, and has complied with the conditions. This is typically necessary when the person is applying for admission in another jurisdiction and wants the Bar Examining Committee and/or the Statewide Bar Counsel to disclose information relative to the conditional admission to the other jurisdiction. Absent this change, the attorney would need to obtain a court order authorizing the disclosure. That may result in unnecessary delay of the attorney's admission in the other jurisdiction.

The remaining changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-11A. Appeal from Decision of Bar Examining Committee concerning Conditions of Admission

(a) A decision by the bar examining committee prescribing conditions for admission to the bar under Section 2-9 (b) or on an application to remove or modify conditions of admission under Section 2-11 (a) may be appealed to the Superior Court by the bar applicant or attorney who is the subject of the decision. Within thirty days from the issuance of the decision of the **[**bar examining**]** committee, the appellant shall: (1) file the appeal with the clerk of the Superior Court for the judicial district of Hartford and (2) mail a copy of the appeal by certified mail, return receipt requested or with electronic delivery confirmation, to the Office of the Statewide Bar Counsel and to the Office of the Director of the Bar Examining Committee as agent for the **[**bar examining**]** committee. The

statewide bar counsel shall be considered a party for purposes of defending an appeal under this section.

(b) The filing of an appeal shall not, of itself, stay enforcement of the bar examining committee's decision. An application for a stay may be made to the **[**bar examining**]** committee, to the court or to both. Filing of an application with the **[**bar examining**]** committee shall not preclude action by the court. A stay, if granted, shall be on appropriate terms.

(c) Within thirty days after the service of the appeal, or within such further time as may be allowed by the court, the director of the bar examining committee shall transmit to the reviewing court a certified copy of the entire record of the proceeding appealed from, which shall include a transcript of any testimony heard by the **[**bar examining**]** committee and the decision of the **[**bar examining**]** committee. By stipulation of all parties to such appeal proceedings, the record may be shortened. The court may require or permit subsequent corrections or additions to the record.

(d) The appellant shall file a brief within thirty days after the filing of the record by the bar examining committee. The appellee shall file its brief within thirty days of the filing of the appellant's brief. Unless permission is given by the court for good cause shown, briefs shall not exceed thirty-five pages.

(e) The appeal shall be conducted by the court without a jury and shall be confined to the record. If alleged irregularities in procedure before the bar examining committee are not shown in the record, proof limited thereto may be taken in the court. The court, upon request, shall hear oral argument.

(f) Upon appeal, the court shall not substitute its judgment for that of the bar examining committee as to the weight of the evidence on questions of fact. The court shall affirm the decision of the committee unless the court finds that substantial rights of the appellant have been prejudiced because the committee's findings, inferences, conclusions, or decisions are: (1) in violation of constitutional provisions, rules of practice or statutory provisions; (2) in excess of the authority of the committee; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. If the court finds such prejudice, it shall sustain the appeal and, if appropriate, rescind the action of the **[**bar examining**]** committee or take such other action as may be necessary. For purposes of further appeal, the action taken by the Superior Court hereunder is a final judgment.

(g) In all appeals taken under this section, costs may be taxed in favor of the statewide bar counsel in the same manner, and to the same extent, that costs are allowed in judgments rendered by the Superior Court. No costs shall be taxed against the bar examining committee, except that the court may, in its discretion, award to the appellant reasonable fees and expenses if the court determines that the action of the **[**bar examining**]** committee was undertaken without any substantial justification. “Reasonable fees and expenses” means any expenses not in excess of $7500 which the court finds were reasonably incurred in opposing the committee's action, including court costs, expenses incurred in administrative proceedings, attorney's fees, witness fees of all necessary witnesses, and such other expenses as were reasonably incurred.

(h) All information relating to the conditional admission of an applicant or attorney who is subject to the decision, including information submitted in connection with the appeal under this section, shall be confidential unless otherwise ordered by the court except that information submitted in connection with an appeal and the court's decision on the appeal may be made available upon request to disciplinary counsel or, with the consent of the applicant or attorney who is subject to the decision, to any other person.

COMMENTARY: Inclusion of "applicant or" in subsection (h) recognizes that an appeal under this section can be filed by an applicant (not yet admitted) or an attorney (the applicant after being admitted). The remaining changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-12. County Committees on Recommendations for Admission

[(a)**]** 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 from the date of their appointment and until their successors are appointed. The appointment of any member may be revoked or suspended by the judges or by the executive committee of the Superior Court. In connection with such revocation or suspension, the judges or the executive committee shall appoint a qualified individual to fill the vacancy for the balance of the term or for any other appropriate period. Appointments to fill vacancies which have arisen by reasons other than revocation or suspension may be made by the chief justice until the next annual meeting of the judges of the Superior Court, and, in the event of the foreseen absence or the illness or the

disqualification of a member of the committee, the chief justice may make a pro tempore appointment to the committee to serve during such absence, illness or disqualification.

[(b) Any application for admission to the bar may be referred to the committee for the county through which the applicant seeks admission, which shall investigate the applicant's moral character and fitness to practice law and report to the bar of the county whether the applicant has complied with the rules relating to admission to the bar, is a person of good moral character, is fit to practice law and should be admitted.**]**

COMMENTARY: The deletion of subsection (b) of this section conforms the rule to current practice.

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, and that (i) 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 or (ii) he or she is a full-time faculty member or full-time clinical fellow at an accredited Connecticut law school and admitted in a reciprocal or nonreciprocal jurisdiction, shall satisfy the **[**state bar examining**]** committee that he or she:

(1) is of good moral character, is fit to practice law, 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, or that he or she is a full-time faculty member or full-time clinical fellow at an accredited Connecticut law school and admitted in a reciprocal or nonreciprocal jurisdiction and (A) has lawfully engaged in the practice of law as the applicant's principal means of livelihood for at least five of the ten 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 for at least five of the ten 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, which shall include an individual authorized to work lawfully in the United States**[**; and

(4) intends, upon a continuing basis, to practice law actively in Connecticut**]**, 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 the applicant's qualifications as hereinbefore provided. **[**There shall be filed with such application the following affidavits:**]** <u>The following affidavits shall be filed by the person completing the affidavit:</u>

(A) affidavits from two attorneys who personally know the applicant certifying to his or her good moral character and fitness to practice law and supporting, to the satisfaction of the **[**state bar examining**]** committee, his or her practice of law as defined under subdivision (2) of this subsection;

(B) 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 is fit to practice law; and

(C) 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) For the purpose of this rule, the “practice of law" shall include the following activities, if performed after the date of the applicant's admission to the jurisdiction in which the activities were performed, or if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice:

(1) representation of one or more clients in the practice of law;

(2) service as a lawyer with a state, federal, or territorial agency, including military services;

(3) teaching law at an accredited law school, including supervision of law students within a clinical program;

(4) service as a judge in a state, federal, or territorial court of record;

(5) service as a judicial law clerk;

(6) service as authorized house counsel;

(7) service as authorized house counsel in Connecticut before July 1, 2008, or while certified pursuant to Section 2-15A; or

(8) any combination of the above.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee; to clarify that while there exists an ethics requirement for admission, the Bar Examining Committee does not administer the Multistate Professional Responsibility Examination (MPRE) or any other ethics examination; to remove the requirement that the applicant intends to practice law in Connecticut on a continuing basis, so as not to be an impediment to attorneys who wish to apply for admission in certain jurisdictions; and to reflect the policy of the Bar Examining Committee that the affidavits required to be filed, must be received directly from the affiant, not the applicant.

Sec. 2-13A. Military Spouse Temporary Licensing

(a) **Qualifications.** An applicant who meets all of the following requirements listed in subdivisions (1) through (11) of this subsection may be temporarily licensed and admitted to the practice of law in Connecticut, upon approval of the bar examining committee. The applicant:

(1) is the spouse of an active duty service member of the United States Army, Navy, Air Force, Marine Corps or Coast Guard and that service member is or will be stationed in Connecticut due to military orders;

(2) is licensed to practice law before the highest court in at least one state or territory of the United States or in the District of Columbia;

(3) is currently an active member in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or become inactive or had a license administratively suspended or revoked while in good standing from every jurisdiction without any pending disciplinary actions;

(4) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(5) meets the educational qualifications required to take the examination in Connecticut;

(6) possesses the good moral character and fitness to practice law required of all applicants for admission in Connecticut;

(7) has 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 regulation of the bar examining committee;

(8) is or will be physically residing in Connecticut due to the service member's military orders;

(9) has not failed the Connecticut bar examination within the past five years;

(10) has not had an application for admission to the Connecticut bar or the bar of any state, the District of Columbia or United States territory denied on character and fitness grounds; and

(11) has not failed to achieve the Connecticut scaled score on the uniform bar examination administered within any jurisdiction within the past five years.

(b) **Application Requirements.** Any applicant seeking a temporary license to practice law in Connecticut under this section shall file a written application and payment of such fee as the bar examining committee shall from time to time determine. Such application, duly verified, shall be filed with the administrative director of the **[**bar examining**]** committee and shall set forth the applicant's qualifications as hereinbefore provided. In addition, the applicant shall file with the **[**bar examining**]** committee the following:

(1) a copy of the applicant's military spouse dependent identification and documentation evidencing a spousal relationship with the service member;

(2) a copy of the service member's military orders to a military installation in Connecticut or a letter from the service member's command verifying that the requirement in subsection (a) (8) of this section is met;

(3) certificate(s) of good standing from the highest court of each state, the District of Columbia or United States territory to which the applicant has been admitted, or proof that the applicant has resigned, or become inactive or had a license administratively suspended or revoked while in good standing;

(4) 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; and

(5) affidavits from two attorneys who personally know the applicant certifying to his or her good moral character and fitness to practice law.

(c) **Duration and Renewal.**

(1) A temporary license to practice law issued under this rule will be valid for three years provided that the temporarily licensed attorney remains a spouse of the service member and resides in Connecticut due to military orders or continues to reside in Connecticut due to the service member's immediately subsequent assignment specifying that dependents are not authorized to accompany the service member. The temporary license may be renewed for one additional two year period.

(2) A renewal application must be submitted with the appropriate fee as established by the bar examining committee and all other documentation required by the bar examining committee, including a copy of the service member's military orders. Such renewal application shall be filed not less than thirty days before the expiration of the original three year period.

(3) A temporarily licensed attorney who wishes to become a permanent member of the bar of Connecticut may apply for admission by examination or for admission without examination for the standard application fee minus the application fee paid to the committee for the application for temporary license, not including any fees for renewal.

(d) **Termination.**

(1) Termination of Temporary License. A temporary license shall terminate, and a temporarily licensed attorney shall cease the practice of law in Connecticut pursuant to that admission, unless otherwise authorized by these rules, thirty days after any of the following events:

(A) the service member's separation or retirement from military service;

(B) the service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the dependents are

not authorized to accompany the service member, in which case the attorney may continue to practice law in Connecticut as provided in this rule until the service member departs Connecticut for a permanent change of station where the presence of dependents is authorized;

(C) the attorney's permanent relocation outside of the state of Connecticut for reasons other than the service member's relocation;

(D) upon the termination of the attorney's spousal relationship to the service member;

(E) the attorney's failure to meet the annual licensing requirements for an active member of the bar of Connecticut;

(F) the attorney's request;

(G) the attorney's admission to practice law in Connecticut by examination or without examination;

(H) the attorney's denial of admission to the practice of law in Connecticut; or

(I) the death of the service member.

Notice of one of the events set forth in subsection (d) (1) must be filed with the bar examining committee by the temporarily licensed attorney within thirty days of such event. Notice of the event set forth in subsection (d) (1) (I) must be filed with the **[**bar examining**]** committee by the temporarily licensed attorney within thirty days of the event, and the attorney shall cease the practice of law within one year of the event. Failure to provide such notice by the temporarily licensed attorney shall be a basis for discipline pursuant to the Rules of Professional Conduct for attorneys.

(2) Notice of Termination of Temporary License. Upon receipt of the notice required by subsection (d) (1), the bar examining committee shall forward a request to the statewide bar counsel that the license under this chapter be revoked. Notice of the revocation shall be mailed by the statewide bar counsel to the temporarily licensed attorney.

(3) Notices Required. At least sixty days before termination of the temporary admission, or as soon as possible under the circumstances, the attorney shall:

(A) file in each matter pending before any court, tribunal, agency or commission a notice that the attorney will no longer be involved in the case; and

(B) provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.

(e) **Responsibilities and Obligations.**

An attorney temporarily licensed under this section shall be subject to all responsibilities and obligations of active members of the Connecticut bar, and shall be subject to the jurisdiction of the courts and agencies of Connecticut, and shall be subject to the laws and rules of Connecticut governing the conduct and discipline of attorneys to the same extent as an active member of the Connecticut bar. The attorney shall maintain participation in a mentoring program provided by a state or local bar association in the state of Connecticut.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

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 prior to starting work in the state of Connecticut or three months after the applicant begins work in the state of Connecticut 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.

(5) **Pro Bono Legal Services.** Notwithstanding anything to the contrary in this section, an authorized house counsel may participate in the provision of any and all legal services pro bono public in Connecticut offered under the supervision of an organized

legal aid society or state/local bar association project, or of a member of the Connecticut bar who is also working on the pro bono representation.

(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 changes in subsection (b) of this section clarify that authorized house counsel applications are accepted within three months before or three months after someone begins work in Connecticut. The other changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

Sec. 2-18. —Filings To Become Foreign Legal Consultant

(a) An applicant for a license to practice as a foreign legal consultant shall file with the administrative director of the bar examining committee:

(1) a typewritten application in the form prescribed by the committee;

(2) a certified check, cashier's check, or money order in the amount of $500 made payable to the bar examining committee;

(3) a certificate from the authority in the foreign country having final jurisdiction over professional discipline, certifying to the applicant's admission to practice (or the equivalent of such admission) and the date thereof and to the applicant's good standing as an attorney or counselor at law (or the equivalent of either), together with a duly authenticated English translation of such certificate if it is not in English; and

(4) two letters of recommendation, one from a member in good standing of the Connecticut bar and another from either a member in good standing of the bar of the country in which the applicant is licensed as an attorney, or from a judge of one of the courts of original jurisdiction of said country, together with a duly authenticated English translation of each letter if it is not in English.

(b) Upon a showing that strict compliance with the provisions of Section 2-17 (1) and subdivisions (3) or (4) of subsection (a) of this section is impossible or very difficult for reasons beyond the control of the applicant, or upon a showing of exceptional professional qualifications to practice as a foreign legal consultant, the court may, in its discretion, waive or vary the application of such provisions and permit the applicant to make such other showing as may be satisfactory to the court.

(c) The bar examining committee shall investigate the qualifications, moral character, and fitness of any applicant for a license to practice as a foreign legal consultant and may in any case require the applicant to submit any additional proof or information as the committee may deem appropriate. The committee may also require the applicant to submit a report from the National Conference of Bar Examiners, and to pay the prescribed fee therefor, with respect to the applicant's character and fitness.

COMMENTARY: The changes to this section are made for purposes of consistency when referring to the Bar Examining Committee.

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Sec. 2-29. Grievance Panels

(a) The judges of the Superior Court shall appoint one or more grievance panels in each judicial district, each consisting of two members of the bar who do not maintain an office for the practice of law in such judicial district and one nonattorney who resides in such judicial district, and shall designate as an alternate member a member of the bar who does not maintain an office for the practice of law in such judicial district. Terms shall commence on July 1. Appointments shall be for terms of three years. No person may serve as a member and/or as an alternate member for more than two consecutive three year terms, but may be reappointed after a lapse of one year. The appointment of any member or alternate member may be revoked or suspended by the judges or by the executive committee of the Superior Court. In connection with such revocation or suspension, the judges or the executive committee shall appoint a qualified individual to fill the vacancy for the balance of the term or for any other appropriate period. In the event that a vacancy arises on a panel before the end of a term by reasons other than revocation or suspension, the executive committee of the Superior Court shall appoint an attorney or nonattorney, depending on the position vacated, who meets the appropriate condition set forth above to fill the vacancy for the balance of the term.

(b) Consideration for appointment to these positions shall be given to those candidates recommended to the appointing authority by the administrative judges.

(c) In the event that more than one panel has been appointed to serve a particular judicial district, the executive committee of the Superior Court shall establish the jurisdiction of each such panel.

(d) An attorney who maintains an office for the practice of law in the same judicial district as a respondent may not participate as a member of a grievance panel concerning a complaint against that respondent.

(e) In addition to any other powers and duties set forth in this chapter, each panel shall:

(1) On its own motion or on complaint of any person, inquire into and investigate offenses whether or not occurring in the actual presence of the court involving the character, integrity, professional standing and conduct of members of the bar in this state.

(2) Compel any person by subpoena to appear before it to testify in relation to any matter deemed by the panel to be relevant to any inquiry or investigation it is conducting and to produce before it for examination any books or papers which, in its judgment, may be relevant to such inquiry or investigation.

(3) Utilize an official court reporter or court recording monitor employed by the Judicial Branch to record any testimony taken before it.

(f) The grievance panel may, upon the vote of a majority of its members, require that a disciplinary counsel pursue the matter before the grievance panel on the issue of probable cause.

COMMENTARY: The amendments to this section conform the terminology for official court reporters and court recording monitors to the provisions of No. 19-64 of the 2019 Public Acts.

Sec. 5-3. Administering Oath

The oath or affirmation shall be administered deliberately and with due solemnity, as the witness takes the stand. The official court reporter or court recording monitor shall note by whom it was administered.

COMMENTARY: The amendments to this section conform the terminology for official court reporters and court recording monitors to the provisions of No. 19-64 of the 2019 Public Acts.

Sec. 6-1. Statement of Decision; When Required

(a) The judicial authority shall state its decision either orally or in writing, in all of the following: (1) in rendering judgments in trials to the court in civil and criminal matters, including rulings regarding motions for stay of execution, (2) in ruling on aggravating and mitigating factors in capital penalty hearings conducted to the court, (3) in ruling on motions to dismiss under Sections 41-8 through 41-11, (4) in ruling on motions to suppress under Sections 41-12 through 41-17, (5) in granting a motion to set aside a verdict under Sections 16-35 through 16-38, and (6) in making any other rulings that constitute a final judgment for purposes of appeal under General Statutes § 52-263, including those that do not terminate the proceedings. The judicial authority's decision shall encompass its conclusion as to each claim of law raised by the parties and the factual basis therefor. If oral, the decision shall be recorded by an official court reporter or court recording monitor and, if there is an appeal, the trial judge shall create a memorandum of decision for use in the appeal by ordering a transcript of the portion of the proceedings in which it stated its oral decision. The transcript of the decision shall be signed by the trial judge and filed in the trial court clerk's office.

This section does not apply in small claims actions and to matters listed in subsection (b).

(b) In any uncontested matter where no aspect of the matter is in dispute, in a pendente lite family relations matter whether contested or uncontested, or in any dismissal under Section 14-3, the oral or written decision as provided in subsection (a) is not required, except as provided in subsection (c). The clerk of the trial court shall, however, promptly notify the trial judge of the filing of the appeal.

(c) Within twenty days from the filing of an appeal from a contested pendente lite order or from a dismissal under Section 14-3 in which an oral or written decision has not been made pursuant to subsection (b), each party to the appeal shall file a brief with the trial court discussing the legal and factual issues in the matter. Within twenty days after the briefs have been filed by the parties, the judicial authority shall file a written memorandum of decision stating the factual basis for its decision on the issues in the matter and its conclusion as to each claim of law raised by the parties.

COMMENTARY: The amendments to this section conform the terminology for official court reporters and court recording monitors to the provisions of No. 19-64 of the 2019 Public Acts.

Sec. 16-12. View by Jury of Place or Thing Involved in Case

When the judicial authority is of the opinion that a viewing by the jury of the place or thing involved in the case will be helpful to the jury in determining any material factual issue, it may in its discretion, at any time before the closing arguments, order that the jury be conducted to such place or location of such thing. During the viewing, the jury must be kept together under the supervision of a proper officer appointed by the judicial authority.

The judicial authority and an official court reporter or court recording monitor must be present, and, with the judicial authority's permission, any other person may be present. Counsel and self-represented parties may as a matter of right be present, but the right may be waived. The purpose of viewing shall be solely to permit visual observation by the jury of the place or thing in question and to permit a brief description of the site or thing being viewed by the judicial authority or by any witness or witnesses as allowed by the judicial authority. Any proceedings at the location, including examination of witnesses, shall be at the discretion of the judicial authority. Neither the parties nor counsel nor the jurors while viewing the place or thing may engage in discussion of the significance or the implications of anything under observation or of any issue in the case.

COMMENTARY: The amendments to this section conform the terminology for official court reporters and court recording monitors to the provisions of No. 19-64 of the 2019 Public Acts.

Sec. 42-6. –View by Jury of Place or Thing Involved in Case

When the judicial authority is of the opinion that a viewing by the jury of the place where the offense being tried was committed, or of any other place or thing involved in the case, will be helpful to the jury in determining any material factual issue, it may in its discretion, at any time before the closing arguments, order that the jury be conducted to such place or location of such thing. During the viewing the jury must be kept together under the supervision of a proper officer appointed by the judicial authority. The judicial authority and an official court reporter or court recording monitor must be present, and, with the judicial authority's permission, any other person may be present. The prosecuting authority, the defendant and defense counsel may as a matter of right be present, but the

right may be waived. The purpose of viewing shall be solely to permit visual observation by the jury of the place or thing in question and to permit a brief description of the site or thing being viewed by the judicial authority or by any witness or witnesses as allowed by the judicial authority. Any proceedings at the location, including examination of witnesses, shall be at the discretion of the judicial authority. Neither the parties nor counsel nor the jurors while viewing the place or thing may engage in discussion of the significance or the implications of anything under observation or of any issue in the case.

COMMENTARY: The amendments to this section conform the terminology for official court reporters and court recording monitors to the provisions of No. 19-64 of the 2019 Public Acts.

Sec. 43-10. Sentencing Hearing; Procedures To Be Followed

Before imposing a sentence or making any other disposition after the acceptance of a plea of guilty or nolo contendere or upon a verdict or finding of guilty, the judicial authority shall, upon the date previously determined for sentencing, conduct a sentencing hearing as follows:

(1) The judicial authority shall afford the parties an opportunity to be heard and, in its discretion, to present evidence on any matter relevant to the disposition, and to explain or controvert the presentence investigation report, the alternate incarceration assessment report or any other document relied upon by the judicial authority in imposing sentence. When the judicial authority finds that any significant information contained in the presentence report or alternate incarceration assessment report is inaccurate, it shall order the Office of Adult Probation to amend all copies of any such report in its possession

and in the clerk's file, and to provide both parties with an amendment containing the corrected information.

(2) The judicial authority shall allow the victim and any other person directly harmed by the commission of the crime a reasonable opportunity to make, orally or in writing, a statement with regard to the sentence to be imposed.

(3) The judicial authority shall allow the defendant a reasonable opportunity to make a personal statement in his or her own behalf and to present any information in mitigation of the sentence.

(4) In cases where guilt was determined by a plea, the judicial authority shall, pursuant to Section 39-7, be informed by the parties whether there is a plea agreement, and if so, the substance thereof.

(5) The judicial authority shall impose the sentence in the presence and hearing of the defendant, unless the defendant shall have waived his or her right to be present.

(6) In cases where sentence review is available, the judicial authority shall state on the record, in the presence of the defendant, the reasons for the sentence imposed.

(7) In cases where sentence review is available and where the defendant files an application for such review, the clerk shall promptly notify the official court reporter of such application pursuant to Section 43-24 and the official court reporter or court reporting monitor shall file a copy of the transcript of the sentencing hearing with the review division within sixty days from the date the application for review is filed with the clerk.

COMMENTARY: The amendments to this section conform the terminology for official court reporters and court recording monitors to the provisions of No. 19-64 of the 2019 Public Acts.

Sec. 43-24. –Time for Filing Application for Sentence Review

In cases where sentence review is available pursuant to General Statutes § 51-195, the defendant may file, within thirty days from the date that sentence is imposed or from the date defendant's suspended sentence is revoked, with the clerk of the court for the judicial district or geographical area in which the judgment was rendered, an application for review of sentence by the review division. The clerk shall notify the review division, the judge who imposed the sentence, the official court reporter, and all counsel of record upon the filing of the application for review. The official court reporter or court reporting monitor shall prepare a transcript of the sentencing hearing in accordance with the provisions of Section 43-10.

COMMENTARY: The amendments to this section conform the terminology for official court reporters and court recording monitors to the provisions of No. 19-64 of the 2019 Public Acts.

APPENDIX D (021020)

Sec. 33a-1. Initiation of Judicial Proceeding; Contents of Petitions and Summary of Facts

(a) The petitioner shall set forth with reasonable particularity, including statutory references, the specific conditions which have resulted in the situation which is the subject of the petition.

(b) A summary of the facts substantiating the allegations of the petition, including such facts as bring the child or youth within the jurisdiction of the court, shall be attached thereto and shall be incorporated by reference.

COMMENTARY: The change to this section makes it consistent with General Statutes § 46b-129 (a).