

On Monday, May 16, 2016, at 10:00 a.m. the Rules Committee conducted a public hearing in the Supreme Court courtroom to receive comments concerning proposed revisions to the Practice Book and, pursuant to subsection (c) of Section 51-14 of the Connecticut General Statutes, to receive comments on any proposed new rule or change in an existing rule that any member of the public deemed desirable. At the conclusion of the public hearing, the Committee met in the Supreme Court courtroom from 10:50 a.m. to 11:45 a.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR  
HON. JON M. ALANDER  
HON. MARSHALL K. BERGER, JR.  
HON. WILLIAM H. BRIGHT, JR.  
HON. HENRY S. COHN  
HON. ROBERT L. GENUARIO  
HON. MARY E. SOMMER  
HON. ROBIN L. WILSON  
HON. ROBERT E. YOUNG

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorneys Denise K. Poncini and Lori A. Petruzzelli of the Judicial Branch's Legal Services Unit.

1. The Committee unanimously approved the minutes of the March 21, 2016, meeting, as amended.

2. The Committee considered comments by Counsel regarding proposed new Practice Book Form 212, *Defendant's Interrogatories-Loss of Consortium*, suggesting that signature and certification sections be added.

After discussion, the Committee unanimously approved the suggested additions to this form and voted to recommend this item, as revised, as set forth in Appendix A attached to these minutes.

3. The Committee considered comments by Judge Shortall regarding the

changes recommended to the standard interrogatories, Practice Book Forms 201 and 202, regarding the use of a cell phone.

After discussion, the Committee decided to make no further changes to the revisions recommended by the Committee.

4. The Committee considered comments from the Connecticut Bar Association and comments from Beth Smith, Associate General Counsel, Hartford HealthCare regarding the changes recommended to Section 2-16 concerning attorneys appearing pro hac vice.

After discussion, the Committee decided to make no further changes to the revisions recommended by the Committee.

5. The Committee considered comments from Ms. Joan L. Zygmunt regarding Sections 1-10 and 19-3 of the Practice Book.

After discussion, the Committee tabled consideration of Section 1-10 to its September meeting, and decided to take no further action regarding Section 19-3.

6. The Committee considered various comments regarding proposed new Section 2-27A concerning Minimum Continuing Legal Education (MCLE).

Specifically, the Committee considered a proposal from the Virgin Islands Bar Association to include the Virgin Islands and other United States territories in the application of the rule. After discussion, the Committee voted to make additional changes to new Section 2-27A to include territories of the United States and the District of Columbia in the application of this rule, as set forth in Appendix B attached to these minutes. Judge Young abstained from this vote.

The Committee further considered a proposal from Attorney James F. Stapleton to exempt from the MCLE requirements attorneys who earn less than a specified amount in compensation for the provision of legal services in a given year. After discussion, the Committee voted to add this exemption to subsection (a) of the section, as set forth in Appendix B attached to these minutes. Judge Alander voted in opposition to the revision; Judge Young abstained.

7. The Committee considered comments by Attorney Kenneth John Laska regarding Section 13-28(g)(2) and General Statutes § 52-148e.

After discussion, the Committee decided to make no further changes to the

revisions recommended by the Committee.

8. The Committee considered comments made by Attorney Sharon Dornfeld at the public hearing concerning proposed amendments to Sections 25-61A, 25-62 and 25-62A. Attorney Dornfeld also submitted written comments at the public hearing.

After discussion, the Committee decided to make no further changes to the revisions recommended by the Committee, and decided to refer Attorney Dornfeld's comments to Judge Bozzutto, Chief Administrative Judge, Family Division, for further consideration.

9. The Committee considered comments by Mr. Michael Nowacki regarding Section 7-19 and various procedural matters.

After discussion, the Committee decided to make no further changes to the revisions to Section 7-19 recommended by the Committee.

10. The Committee considered comments made by Mr. Ethan Book at the public hearing concerning proposed changes to the Appellate Rules. Mr. Book also submitted written comments at the public hearing.

After discussion, the Committee decided to refer Mr. Book's comments to the Advisory Committee on Appellate Rules for consideration.

11. The Committee considered the comments of all other individuals who testified at the public hearing and determined that no further action on the rules or forms as recommended was required of the Committee based on those comments.

Respectfully submitted,



Joseph J. Del Ciampo  
Counsel to the Rules Committee

Appendix A (051616)

(New) Form 212

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

**Defendant's Interrogatories — Loss of Consortium**

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, \_\_\_\_\_, under oath, within thirty (30) days of the filing hereof in compliance with Practice Book Section 13-2.

Definition: "You" shall mean the Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

- (1) Please state your name, address and occupation.
- (2) Please state the date and place of your marriage.
- (3) Do you have any children? If so, state their names and dates of birth.
- (4) Describe the nature of your loss of consortium claim.
- (5) During your marriage, please list your employers, the length of time employed by each, and the average number of hours worked per month.
- (6) Prior to the incident which is the subject of this lawsuit ("the incident"), did your spouse regularly perform work, services and/or chores ("services") in or around the home?
- (7) If the answer to the previous interrogatory is in the affirmative, please describe the nature and frequency of such services.
- (8) Subsequent to the incident, did such services change? If so, state how, and describe the impact of this change on you.
- (9) Subsequent to the incident, did anyone other than your spouse perform the services usually performed by your spouse in and around the home?

(10) If the answer to the previous interrogatory is in the affirmative, please state the name(s) and address(es) of each person(s), the amount paid, the period of time they were hired and what services they performed.

(11) Have you or your spouse ever instituted legal proceedings seeking a divorce or separation? If so, state when.

(12) Did you, at any time during your marriage live apart from or separate yourself from your spouse? If so, state when and for how long such separation occurred, and state the reason for such separation.

(13) Describe any change(s) in the affection your spouse expressed or displayed toward you following the incident.

(14) If claimed, describe any change(s) in the frequency and satisfaction of your sexual relations with your spouse following the incident.

(15) Describe any change(s) in the activities which you and your spouse enjoyed together before the incident that you claim were caused by the incident.

(16) Within two years prior to the year of the incident up to the present, have you and/or your spouse had any marriage counseling? If so, state the name of each person consulted and the dates consulted or treated.

DEFENDANT,

BY \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Plaintiff)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior Court

**CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be

mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

Signed (Signature of filer)                      Print or type name of person signing                      Date Signed

Mailing address (Number, street, town, state and zip code) or E-mail address, if applicable                      Telephone number

COMMENTARY: These standard interrogatories, for use in cases where there is a claim for loss of consortium, were approved by the Rules Committee on March 21, 2016. Signature and certification sections have been added.

## Appendix B (051616)

### **(NEW) Sec. 2-27A. Minimum Continuing Legal Education**

(a) On an annual basis, each attorney admitted in Connecticut shall certify, on the registration form required by Section 2-27 (d), that the attorney has completed in the last calendar year no less than twelve credit hours of appropriate continuing legal education, at least two hours of which shall be in ethics/professionalism. The ethics and professionalism components may be integrated with other courses. This rule shall apply to all attorneys except the following:

(1) Judges and senior judges of the supreme, appellate or superior courts, judge trial referees, family support magistrates, family support magistrate referees, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges;

(2) Attorneys who are disbarred, resigned pursuant to Section 2-52, on inactive status pursuant to Section 2-56 et seq., or retired pursuant to Sections 2-55 or 2-55A;

(3) Attorneys who are serving on active duty in the armed forces of the United States for more than six months in such year;

(4) Attorneys for the calendar year in which they are admitted;

(5) Attorneys who earn less than \$1000 in compensation for the provision of legal services in such year.

[5] (6) Attorneys who, for good cause shown, have been granted temporary or permanent exempt status by the statewide grievance committee.

(b) Attorneys may satisfy the required hours of continuing education:

(1) By attending legal education courses provided by any local, state or special interest bar association in this state or regional or national bar associations recognized in this state or another state or territory of the United States or the District of Columbia (hereinafter referred to as "bar association"); any private or government legal employer; any court of this or any other state or territory of the United States or the District of Columbia; any organization whose program or course has been reviewed and approved by any bar association or organization which has been established in any state or territory of the United States or the District of Columbia to certify and approve continuing

legal education courses; and any other non-profit or for-profit legal education providers, including law schools and other appropriate continuing legal education providers, and including courses remotely presented by video conference, webcasts, webinars, or the like by said providers.

(2) By self-study of appropriate programs or courses directly related to substantive or procedural law or related topics, including professional responsibility, legal ethics, or law office management and prepared by those continuing legal education providers in subsection (b) (1). Said self-study may include viewing and listening to all manner of communication, including, but not limited to, video or audio recordings or taking online legal courses. The selection of self-study courses or programs shall be consistent with the objective of this rule, which is to maintain and enhance the skill level, knowledge, ethics and competence of the attorney and shall comply with the minimum quality standards set forth in subsection (c) (6).

(3) By publishing articles in legal publications that have as their primary goal the enhancement of competence in the legal profession, including, without limitation, substantive and procedural law, ethics, law practice management and professionalism.

(4) By teaching legal seminars and courses, including the participation on panel discussions as a speaker or moderator.

(5) By serving as a full-time faculty member at a law school accredited by the American Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein.

(6) By serving as a part time or adjunct faculty member at a law school accredited by the American Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein at the rate of one hour for each hour of classroom instruction.

(c) Credit Computation:

(1) Credit for any of the above activities shall be based on the actual instruction time, which may include lecture, panel discussion, and question and answer periods. Self-study credit shall be based on the reading time or running time of the selected materials or program.

(2) Credit for attorneys preparing for and presenting legal seminars, courses or programs shall be based on one hour of credit for each two hours of preparation. A maximum of six hours of credit may be credited for preparation of a single program. Credit for presentation shall be on an hour for hour basis. Credit may not be earned more than once for the same course given during a twelve month period.

(3) Credit for the writing and publication of articles shall be based on the actual drafting time required. Each article may be counted only one time for credit.

(4) Continuing legal education courses ordered pursuant to Section 2-37 (a) (5) or any court order of discipline shall not count as credit towards an attorney's obligation under this section.

(5) Attorneys may carry forward no more than two credit hours in excess of the current annual continuing legal education requirement to be applied to the following year's continuing legal education requirement.

(6) To be eligible for continuing legal education credit, the course or activity must: (A) have significant intellectual or practical content designed to increase or maintain the attorney's professional competence and skills as a lawyer; (B) constitute an organized program of learning dealing with matters directly related to legal subjects and the legal profession; and (C) be conducted by an individual or group qualified by practical or academic experience.

(d) Attorneys shall retain records to prove compliance with this rule for a period of seven years.

(e) Violation of this section shall constitute misconduct.

(f) Unless it is determined that the violation of this section was wilful, a non-compliant attorney must be given at least sixty days to comply with this section before he or she is subject to any discipline.

(g) A minimum continuing legal education commission (the "commission") shall be established by the Judicial Branch and shall be composed of four superior court judges and four attorneys admitted to practice in this state, all of whom shall be appointed by the Chief Justice of the Supreme Court or his or her designee and who shall serve without compensation. The charge of the commission will be to provide advice regarding the application and interpretation of this rule and to assist with its

implementation including, but not limited to, the development of a list of frequently asked questions and other documents to assist the members of the bar to meet the requirements of this rule.

COMMENTARY: The changes to subsection (a) recognize an exemption from the minimum continuing legal education requirements for attorneys who earn less than \$1000 in compensation for legal services in the subject calendar year. This exemption is not intended to apply to attorneys who claim that they were not paid as a result of billed fees to a client. All compensation received for the provision of legal services, whether the result of billed fees or otherwise, must be counted.

The changes to subsection (b) clarify that attorneys may satisfy the required hours of continuing education by attending courses in this state or any other state or territory of the United States or the District of Columbia.