

Minutes of the Meeting
Rules Committee
September 22, 2014

On Monday, September 22, 2014, the Rules Committee met in the Supreme Court courtroom from 2:00 p.m. to 3:00 p.m.

Members in attendance were:

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

The Honorable William H. Bright, Jr. was not in attendance at this meeting.

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

1. The Committee unanimously approved the minutes of the meeting held on May 19, 2014.
2. The Committee unanimously approved the Proposed Rules Committee meeting schedule for 2014/2015. That schedule is as follows:

Monday, September 22, 2014	2:00 p.m.
Monday, October 20, 2014	2:00 p.m.
Monday, November 17, 2014	2:00 p.m.
Monday, December 15, 2014	2:00 p.m.
Monday, January 12, 2015	2:00 p.m.
Monday, February 9, 2015	2:00 p.m.
Monday, March 16, 2015	2:00 p.m.
Monday, May 18, 2015	2:00 p.m. Public Hearing and Meeting

3. The Committee considered a proposal by Judge Eddie Rodriguez, Jr. concerning Notice of Administrative Suspension of Attorneys.

After discussion, the Committee unanimously voted to refer the matter to Attorney

Patricia A. King, Chief Disciplinary Counsel, and to Attorney Michael P. Bowler, Statewide Bar Counsel, for review and comment.

4. The Committee considered a proposal by Judge Jon Alander to amend Section 40-13(a) to add to that section the obligation of a prosecutor to make “a reasonable affirmative effort” to obtain the criminal history of a state’s witness, as required by *State v. Siano*, 216 Conn. 273 (1990); and to amend Section 40-11 to eliminate the requirement that the defendant make a written request that the state disclose exculpatory information and materials.

After discussion, the Committee unanimously voted to refer the matter, as further amended by the Committee, to the Criminal Commission for review and comment.

5. The Committee considered a proposal by Attorney Kevin G. Smith to amend the Practice Book to explicitly allow a party to file reply memoranda.

After discussion, the Committee unanimously voted to refer the matter to the Civil Commission for review and comment.

6. The Committee considered proposals by several individuals to revise various Superior Court rules and forms which were referred to the Rules Committee by the Supreme Court from its public hearing on rules and forms held on April 14, 2014. Those proposals are as follows:

A. The Committee considered a proposal by Anon #5 to amend Rule 3.2 of the Code of Judicial Conduct to prohibit judges from appearing at public hearings, other than confirmation or reconfirmation hearings, unless a subpoena has been issued by the Office of the Attorney General.

After discussion, the Committee decided not to refer the matter and not to consider the matter further.

B. The Committee considered a proposal by Attorney Joseph P. Latino to amend the Wage Execution and the Financial Institution Execution forms (JD-CV-3a and JD-CV-24) and a proposal by Attorney Eric H. Opin to amend the Financial Institution Execution form (JD-CV-24).

After discussion, the Committee unanimously voted to refer the matter to the Judicial Branch Legal Services Unit.

C. The Committee considered a proposal by Mr. Daniel M. Lynch seeking to clarify Practice Book Sections 2-49, 2-52, 2-71, 62-4, and 63-10.

After discussion, the Committee unanimously voted to refer the matter to Attorney Patricia A. King, Chief Disciplinary Counsel, and to Attorney Michael P. Bowler, Statewide Bar Counsel, for review and comment.

D. The Committee considered a proposal by Hector Morera seeking the repeal of Practice Book Sections 25-62 and 25-62a, concerning the appointment of GALs and AMCs.

After discussion, the Committee decided not to refer the matter and not to consider the matter further.

E. The Committee considered a proposal by Mr. Eric Stevens to add new subsections to Rules 1.2, 1.5, 1.6 and 1.14 of the Rules of Professional Conduct to require an attorney who has been appointed as a guardian ad litem (GAL) or as attorney for a minor child (AMC) to:

- (1) notify the court if they become aware of threats to the safety of a parent;
- (2) provide to the judicial authority in advance of appointment retainer agreements, hourly fees and payment terms;
- (3) notify the court if they become aware of reports of child abuse or neglect;
- (4) treat minor children in custody disputes in the same manner “as any client who is an unimpaired adult,” and to amend Rule 3.3 of the Rules of Professional Conduct to require that any GAL or AMC who knowingly or willfully does anything dishonest in court be prosecuted for criminal perjury.

After discussion, the Committee unanimously voted to refer items # 1, 2 and 3 above to the Family Commission; to Attorney Patricia A. King, Chief Disciplinary Counsel; and to Attorney Michael P. Bowler, Statewide Bar Counsel, for review and comment. The Committee decided not to refer item #4 and not to consider the matter further.

F. The Committee considered a proposal by Ms. Jane Doe #1 to amend Rule 3.11 of the Code of Judicial Conduct to add a provision requiring a probable cause hearing, when a judge fails to acknowledge having served as a director of a nonprofit corporation and fails to disclose this in awarding contracts to board members.

After discussion, the Committee decided not to refer the matter and not to consider the matter further.

G. The Committee considered a proposal by Ms. Jane Doe #2 that attorneys should be required to co-sign financial affidavits “under threat of sanctions and incarcerations, which is required of all self-represented litigants.”

After discussion, the Committee decided not to refer the matter and not to consider the matter further.

H. The Committee considered a proposal by Ms. Sara Burns suggesting modifications to Practice Book Section 7-19 to “promote [the] same access for self-represented parties to standard discovery within thirty days of the issuance of the subpoena, as is mandated by [Practice Book §] 25-32 (a).”

After discussion, the Committee decided not to refer the matter and not to consider the matter further.

I. The Committee considered a proposal by Ms. Kate Howard for a new rule concerning the foreclosure docket.

After discussion, the Committee decided not to refer the matter and not to consider the matter further.

J. The Committee considered a proposal by Ms. Susan Skipp that the provisions of Practice Book Section 25-60a are inadequate to ensure the confidentiality and privacy of medical records and psychiatric evaluations.

After discussion, the Committee unanimously voted to refer the matter to the Family Commission for review and comment.

K. The Committee considered a proposal by Ms. Sojourner Truth to modify Practice Book Section 23-68 to require an incarcerated self-represented party’s written consent as a prerequisite to ordering a videoconference hearing.

After discussion, the Committee decided not to refer the matter and not to consider the matter further.

L. The Committee considered a proposal by Queen of Sheba concerning Practice Book Section 17-45, pertaining to summary judgment motions.

After discussion, the Committee decided that the matter was not ripe for consideration and no action was taken.

M. The Committee considered a proposal by Ms. Marisa Ringel to adopt new Section 25-70, requiring an evidentiary hearing prior to an order of supervised visitation and providing that orders of supervised visitation will not remain in place for more than three months.

After discussion, the Committee unanimously voted to refer the matter to the Family Commission for review and comment.

7. The Committee considered a proposal by Ms. Anonymous that a new Practice Book Section be adopted requiring that transcripts and memoranda of decisions involving children's medical conditions and treatment be redacted.

After discussion, the Committee unanimously voted to refer the issue in paragraph 3 of this matter to the Family Commission for review and comment. No referral was made of the issues in paragraphs 1 and 2 and those items will not be further considered.

8. The Committee considered a proposal by Attorney Lori Petruzzelli that the Rules Committee consider Section 23-61 in light of Public Act 14-156, An Act Concerning Arbitration in Motor Vehicle Cases.

After discussion, the Committee unanimously voted to refer the matter to the Civil Commission for review and comment.

9. The Committee considered comments from various individuals received during the Rules Committee's Public Hearing held on May 19, 2014, regarding Public Act 14-3, *AAC Guardian Ad Litem and Attorneys for Minor Children in Family Matters*. Additionally, the Committee considered a letter from Judge Bozzuto, Chief Administrative Judge, Family Division, regarding those comments.

After discussion, the Committee decided to contact Judge Bozzuto to ask whether the Family Commission found that any rules changes were required in light of Public Act 14-3, and, if so, what changes would the Family Commission propose.

10. The Committee considered a proposal by Attorney Joanne S. Faulkner regarding boiler plate objections to discovery requests and possible remedies therefor, and a letter from Judge Lager, on behalf of the Civil Commission regarding the proposal.

After discussion, the Committee unanimously voted to accept the recommendation of the Civil Commission that no rule changes are necessary at this time.

Respectfully submitted,



Joseph J. Del Ciampo
Counsel to the Rules Committee