

On Monday, September 19, 2016, the Rules Committee met in the Supreme Court courtroom from 2:00 p.m. to 2:39 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR  
HON. WILLIAM H. BRIGHT, JR.  
HON. KEVIN G. DUBAY  
HON. ROLAND D. FASANO  
HON. ROBERT L. GENUARIO  
HON. SHEILA A. OZALIS  
HON. DAVID M. SHERIDAN  
HON. MARY E. SOMMER

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. The Honorable Jon M. Alander was not in attendance at this meeting.

1. The Committee unanimously approved the minutes of the meeting held on May 16, 2016.

2. The Committee considered comments by Judge Keller regarding the MCLE exemption for judges.

After discussion, the Committee decided to refer the matter to the Chief Court Administrator for review and comment.

3. The Committee considered an inquiry from the Office of the Reporter of Judicial Decisions regarding whether the commentary to Section 2-27A (MCLE) should be retained on a cumulative basis.

After discussion, the Committee unanimously voted to retain the commentary to Section 2-27A on a cumulative basis.

4. The Committee considered a Joint Proposal from the Connecticut Bar Examining Committee (CBEC) and the Connecticut Bar Association (CBA) regarding the licensing of military spouses; comments from Senator Richard Blumenthal on original proposal submitted by the CBA; the original proposal by CBA; a revision by the Connecticut Bar Examining Committee (CBEC) to the jointly proposed military spouse licensing rule; and an article submitted by Judge Cohn: *Operation Amendment Military Spouse Attorneys For Legal Licensing Accommodations*, The Federal Lawyer, Volume 63, Issue 8, pages 35-39.

Monte Frank, President, Connecticut Bar Association; Jonathan Klein, Connecticut Bar Association Veterans' and Military Affairs Section Executive Committee, and Attorney Jessica Kallipollites, Administrative Director, Connecticut Bar Examining Committee were invited to address the questions of the Committee.

After discussion, the Committee unanimously voted to submit to public hearing the proposed new rule regarding the licensing of military spouses, as amended by the Committee, as set forth in Appendix A attached to these minutes.

5. The Committee considered a proposal by Counsel to the Committee to amend Form 201, *Plaintiff's Interrogatories*, to expand its language to capture all of the types of recording identified in interrogatory #6 of those interrogatories.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Form 201, as set forth in Appendix B attached to these minutes.

6. The Committee considered a recommendation by the Legal Specialization Screening Committee (LSSC) that the Connecticut Bar Association be recertified as a certifier of attorneys in the specialty area of Workers' Compensation law.

After discussion, the Committee unanimously voted to approve the recommendation of the LSSC that the Connecticut Bar Association be recertified as a certifier of attorneys in the specialty area of Workers' Compensation law subject to the condition that the Connecticut Bar Association is required to notify promptly the Legal Specialization Screening Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

7. The Committee considered a recommendation by the Legal Specialization Screening Committee (LSSC) that the American Board of Certification be recertified as a certifier of attorneys in the specialty areas of Business Bankruptcy law and Consumer Bankruptcy law subject to the condition that the American Board of Certification is required to notify promptly the Legal Specialization Screen Committee of any material changes in its methodology for certifying lawyers as specialists during the term of its approval.

After discussion, the Committee unanimously voted to approve the recommendation of the LSSC to recertify the American Board of Certification as a certifier of attorneys in the specialty areas of Business Bankruptcy law and Consumer Bankruptcy law.

8. The Committee considered a proposal by Ms. Joan L. Zygmunt to amend Section 1-10 regarding possession of electronic devices in court facilities.

After discussion, the Committee decided to refer the matter to the Chief Court Administrator for review and study as appropriate.

9. The Committee considered a proposal by Attorney Robert S. Kolesnik for a new rule regarding objections to expert opinions.

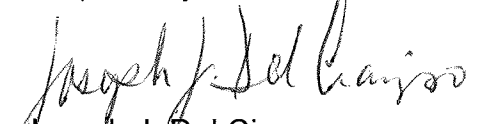
After discussion, the Committee decided to refer the matter to the Civil Commission for review and comment.

10. The Committee considered the proposed Rules Committee Schedule for 2016/2017.

After discussion, the Committee approved the following schedule:

Monday, October 24, 2016	-	2:00 p.m.
Monday, November 21, 2016	-	2:00 p.m.
Monday, December 19, 2016	-	2:00 p.m.
Monday, January 23, 2017	-	2:00 p.m.
Monday, February 27, 2017	-	2:00 p.m.
Monday, March 27, 2017	-	2:00 p.m.
Monday, May 15, 2017	-	10:00 a.m. Public Hearing and Rules Committee Meeting

Respectfully submitted,

  
Joseph J. Del Ciampo  
Counsel to the Rules Committee

## Appendix A (091916)

### **(NEW) Sec. 2-13A. Military Spouse Temporary Licensing**

**(a) Qualifications.** An applicant who meets all of the following requirements listed in (1) through (11) 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 his or her 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 temporary 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 (30) 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 an 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 temporary 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 temporary 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



(l) 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 admitted attorney within thirty (30) days of such event. Notice of the event set forth in subsection (d) (1) (l) must be filed with the bar examining committee by the temporarily admitted attorney within thirty (30) 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 admitted 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 admitted attorney.

(3) Notices Required. At least sixty (60) 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 admitted 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: This rule permits an attorney licensed in another jurisdiction, who is the spouse of an active military member, to be temporarily licensed and admitted to practice law in Connecticut.

## Appendix B (091916)

Form 201

### Plaintiff's Interrogatories

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

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

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

In answering these interrogatories, the Defendant(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) State the following:

(a) your full name and any other name(s) by which you have been known;

(b) your date of birth;

(c) your motor vehicle operator's license number;

(d) your home address;

(e) your business address;

(f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the incidents alleged in the Complaint?

COMMENT:

This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(3) If the answer to Interrogatory #2 is affirmative, state:

(a) the name and address of the person or persons to whom such statements were made;

(b) the date on which such statements were made;

(c) the form of the statement (i.e., whether written, made by recording device or recorded by a stenographer, etc.);

(d) the name and address of each person having custody, or a copy or copies of each statement.

(4) State the names and addresses of all persons known to you who were present at the time of the incident alleged in the Complaint or who observed or witnessed all or part of the incident.

(5) As to each individual named in response to Interrogatory #4, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Section 13-1 concerning the subject matter of the Complaint in this lawsuit. If your answer to this interrogatory is affirmative, state also:

(a) the date on which the statement or statements were taken;

(b) the names and addresses of the person or persons who took such statement or statements;

(c) the names and addresses of any person or persons present when such statement or statements were taken;

(d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;

(e) the names and addresses of any person or persons having custody or a copy or copies of such statement or statements.

(6) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the incident alleged in the Complaint, the scene of the incident, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject [by each photographer], please state:

(a) the name and address of the [photographer]person who took, obtained or prepared such photograph or recording, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken or such recordings were obtained or prepared;

(c) the subject (e.g., "Plaintiff's vehicle," "scene," etc.);

(d) the number of photographs or recordings;

(e) the nature of the recording (e.g., film, video, audio, etc.).

(7) If, at the time of the incident alleged in the Complaint, you were covered by an insurance policy under which an insurer may be liable to satisfy part or all of a judgment or reimburse you for payments to satisfy part or all of a judgment, state the following:

(a) the name(s) and address(es) of the insured(s);

(b) the amount of coverage under each insurance policy;

(c) the name(s) and address(es) of said insurer(s).

(8) If at the time of the incident which is the subject of this lawsuit you were protected against the type of risk which is the subject of this lawsuit by excess umbrella insurance, or any other insurance, state:

- (a) the name(s) and address(es) of the named insured;
  - (b) the amount of coverage effective at this time;
  - (c) the name(s) and address(es) of said insurer(s).
- (9) State whether any insurer, as described in Interrogatories #7 and #8 above, has disclaimed/reserved its duty to indemnify any insured or any other person protected by said policy.
- (10) If applicable, describe in detail the damage to your vehicle.
- (11) If applicable, please state the name and address of an appraiser or firm which appraised or repaired the damage to the vehicle owned or operated by you.
- (12) If any of the Defendants are deceased, please state the date and place of death, whether an estate has been created, and the name and address of the legal representative thereof.
- (13) If any of the Defendants is a business entity that has changed its name or status as a business entity (whether by dissolution, merger, acquisition, name change, or in any other manner) since the date of the incident alleged in the Complaint, please identify such Defendant, state the date of the change, and describe the change.
- (14) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether, at the time of the incident, you were operating that vehicle in the course of your employment with any person or legal entity not named as a party to this lawsuit, and, if so, state the full name and address of that person or entity.
- (15) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.
- (16) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:
- (a) the name and address of the hospital, person or entity performing such test or screen;
  - (b) the date and time;
  - (c) the results.
- (17) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings by film, photograph, videotape, audiotape, or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.
- (18) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you were using a cell phone for any activity including, but not limited to, calling, texting, e-mailing, posting, tweeting, or visiting sites on the Internet for any purpose, at or immediately prior to the time of the incident.

PLAINTIFF,

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.

\_\_\_\_\_  
(Defendant)

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: The changes to this form expand the language in interrogatory # 6 to capture each type of recording identified in that interrogatory.