

Minutes of the Meeting  
Rules Committee  
February 27, 2017

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On Monday, February 27, 2017, the Rules Committee met in the Supreme Court courtroom from 2:03 p.m. to 2:40 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR  
HON. JON M. ALANDER  
HON. WILLIAM H. BRIGHT, JR.  
HON. KEVIN G. DUBAY  
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 Roland D. Fasano was not in attendance.

1. The Committee unanimously approved the minutes of the meeting held on January 23, 2017, as amended. The Honorable David M. Sheridan was not present for the discussion or the vote on this matter, but was present for the remainder of the meeting and voted on all other items.

2. The Committee unanimously voted to recommend to the Chief Justice pursuant to Rule 7.4B of the Rules of Professional Conduct the reappointment of the following members of the Legal Specialization Screening Committee in their current capacities for new three-year terms: Attorneys Salvator DePiano, Chair;

Jeffrey Low, Vice Chair; and Patrick Kennedy, Member.

3. The Committee considered a proposal by Attorney Katharine Casaubon to amend Section 7-11(d)(5) to make the retention period of UIFSA and URESA cases 75 years.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Section 7-11(d)(5), as set forth in Appendix A, attached to these minutes.

4. The Committee considered a proposal by Attorney James T. O'Connor to amend Sections 25-12, 25-13, 34a-10 and 34a-11 to remove "improper venue" as a ground for motions to dismiss in family and juvenile matters.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Sections 25-12, 25-13, 34a-10 and 34a-11, as set forth in Appendix B, attached to these minutes.

5. The Committee considered a proposal on behalf of Judge Bozzuto, Chief Administrative Judge, Family, and Chief Family Support Magistrate John Colella to amend Section 25a-1(a)(1)(D) to provide that chapter 7, in its entirety, is incorporated into Chapter 25a, concerning the procedure in family support magistrate matters. The Honorable Elliot N. Solomon, Deputy Chief Court Administrator, was present and addressed the Committee concerning this proposal.

After discussion, the Committee, unanimously voted to submit to public hearing the amendment to Section 25a-1(a)(1)(D), as set forth in Appendix C, attached to these minutes.

6. The Committee considered a proposal by Judge Bozzuto, Chief

Administrative Judge, Family Division, to amend Section 25-60 concerning evaluations, studies, Family Services mediation reports, and Family Services conflict resolution reports, to clarify what information from Family Services files compiled in connection with such reports, evaluations and studies are subject to inspection and copying.

After discussion, the Committee decided to table the matter to its March meeting.

7. The Committee considered a proposal by Judge Bright on behalf of the Civil Commission to revise Section 11-20A regarding pseudonyms.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Section 11-20A, as set forth in Appendix D, attached to these minutes. Judge Bright agreed to review this matter again with Judge Bozzuto to determine its effect in other areas of the law.

8. The Committee considered a proposal by Attorney Martin R. Libbin on behalf of Judge Carroll to amend Sections 2-68, 2-70, 2-73 and 2-77 concerning the Client Security Fund, to conform those sections to the provisions of Public Act 16-26 which establishes an additional purpose of the fund, i.e., to "make grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor." Kathleen B. Harrington, Deputy Director of the Attorney Services Section of the Legal Services Unit of the Judicial Branch, was present and addressed the Committee concerning this proposal.

After discussion, the Committee unanimously voted to submit to public hearing

the amendments to Sections 2-68, 2-73, 2-77 as proposed and the amendment to Section 2-70, as revised by the Committee, as set forth in Appendix E, attached to these minutes.

9. The Committee considered a proposal by Martin R. Libbin, Director of Legal Services, on behalf of Judge Carroll, Chief Court Administrator, to amend Rule 1.11 of the Rules of Professional Conduct regarding special conflicts of interest for former and current government officers and employees. Kathleen B. Harrington, Deputy Director of the Attorney Services Section of the Legal Services Unit of the Judicial Branch, was present and addressed the Committee concerning this proposal.

After discussion, the Committee decided to table the matter to its March meeting.

10. Justice Eveleigh reminded all present that the March meeting will be the last meeting for new business during the 2016/2017 Rules Committee year.

Respectfully submitted,



Joseph J. Del Ciampo  
Counsel to the Rules Committee

Attachments

## Appendix A (022717)

### Sec. 7-11. —Judgments on the Merits— Stripping and Retention

(a) With the exception of actions which affect the title to land and actions which have been disposed of pursuant to Section 7-10, the files in civil, family and juvenile actions in which judgment has been rendered may be stripped and destroyed pursuant to the schedule set forth in subsection (d) below, except that requests relating to discovery, responses and objections thereto may be stripped after the expiration of the appeal period.

(b) When a file is to be stripped, all papers in the file shall be destroyed except:

(1) The complaint, including any amendment thereto, substituted complaint or amended complaint;

(2) All orders of notice, appearances and officers' returns;

(3) All military or other affidavits;

(4) Any cross complaint, third-party complaint, or amendment thereto;

(5) All responsive pleadings;

(6) Any memorandum of decision;

(7) The judgment file or notation of the entry of judgment, and all modifications of judgment;

(8) All executions issued and returned.

(c) Upon the expiration of the stripping date, or at any time if facilities are not available for local retention, the file in any action set forth in subsection (d) may be transferred to the records center or other proper designated storage area, where it shall be retained for the balance of the retention period. Files in actions concerning dissolution of marriage or civil union, legal separation, or annulment may, upon agreement with officials of the state library, be transferred to the state library at the expiration of their retention period.

(d) The following is a schedule which sets forth when a file may be stripped and the length of time the file shall be retained. The time periods indicated below shall run from the date judgment is rendered, except receivership actions or actions for injunctive relief, which shall run from the date of the termination of the receivership or injunction.

<i>Type of Case</i>	<i>Stripping Date</i>	<i>Retention Date</i>
(1) Administrative appeals		3 years
(2) Contracts (where money damages are not awarded)	1 year	20 years
(3) Eminent domain (except as provided in Section 7-12)		10 years
(4) Family		
-Dissolution of marriage or civil union, legal separation, annulment and change of name	5 years	75 years
-Delinquency		Until subject is 25 years of age
-Family with service needs		Until subject is 25 years of age
-Termination of parental rights		Permanent
-Neglect and uncared for		75 years
-Emancipation of minor		5 years
-Orders in relief from physical abuse (General Statutes § 46b-15)		5 years
-Other		75 years

(5) Family support magistrate matters		75 years
-Uniform reciprocal enforcement of support		[6 years after youngest child reaches majority age or after activity ceases, whichever is shorter, subject to federal law on filing an amended tax return] <u>75 years</u>
-Uniform Interstate Family Support Act		[6 years after youngest child reaches majority age or after activity ceases, whichever is shorter, subject to federal law on filing an amended tax return] <u>75 years</u>
(6) Landlord/Tenant		
-Summary process		3 years
-Housing code enforcement (General Statutes § 47a-14h)		5 years
-Contracts/Leases (where money damages are not awarded)	1 year	20 years
-Money damages (except where a satisfaction of judgment has been filed)	1 year	26 years
(7) Miscellaneous		
-Bar discipline		50 years
-Money damages (except where a satisfaction of judgment has been filed)	1 year	26 years
-Mandamus, habeas corpus, arbitration, petition for new trial, action for an accounting, interpleader		10 years
-Injunctive relief (where no other relief is requested)		5 years
(8) Property (except as provided in Section 7-12)	5 years	26 years
(9) Receivership		10 years
(10) Small Claims		15 years
(11) Torts (except as noted below)	1 year	26 years
-Money damages if the judgment was rendered in an action to recover damages for personal injury caused by sexual assault where the party at fault was convicted under General Statutes § 53a-70 or § 53a-70a (except where a satisfaction of judgment has been filed)		Permanent
(12) Wills and estates		10 years
(13) Asset forfeiture (General Statutes § 54-36h)		10 years
(14) Alcohol and drug commitment (General Statutes § 17a-685)		10 years
(15) All other civil actions (except as provided in Section 7-12)		75 years

COMMENTARY: The changes to this section make the retention period for UIFSA and URESA cases 75 years to conform the retention of those case types with the retention of other Family Support Magistrate matters.

## Appendix B (022717)

### Sec. 25-12. Motion to Dismiss

(a) Any defendant, wishing to assert grounds to dismiss the action under Section 25-13 (2), (3)[,] or (4) [or (5)] must do so by filing a motion to dismiss within thirty days of the filing of an appearance.

(b) Any claim based on Section 25-13 (2), (3)[,] or (4) [or (5)] is waived if not raised by a motion to dismiss filed in the sequence provided in Section 25-11, within the time provided in this section.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that “[n]o cause shall fail on the ground that it has been made returnable to an improper location.” Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, makes it clear that improper venue is not waivable because it is not a ground for filing a motion to dismiss.

### Sec. 25-13. —Grounds on Motion to Dismiss

(a) The motion to dismiss shall be used to assert (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) [improper venue, (4)] insufficiency of process and [(5)] (4) insufficiency of service of process. This motion shall always be filed with a supporting memorandum of law and, where appropriate, with supporting affidavits as to facts not apparent on the record.

(b) If an adverse party objects to this motion he or she shall, at least five days before the motion is to be considered on the short calendar, file and serve in accordance with Sections 10-Appendix B (022717) Sections 25-12, 25-13, 34a-10 and 34a-11

12 through 10-17 a memorandum of law and, where appropriate, supporting affidavits as to facts not apparent on the record.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that “[n]o cause shall fail on the ground that it has been made returnable to an improper location.” Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, removes improper venue as grounds for filing a motion to dismiss.

#### **Sec. 34a-10. Grounds of Motion to Dismiss**

(a) The motion to dismiss shall be used to assert: (1) lack of jurisdiction over the subject matter; (2) lack of jurisdiction over the person; (3) [improper venue; (4)] insufficiency of process; and [(5)] (4) insufficiency of service of process. A motion to dismiss shall always be filed with a supporting memorandum of law, and where appropriate, with supporting affidavits as to facts not apparent on the record.

(b) Any adverse party who objects to a motion to dismiss shall, at least five days before the motion is to be considered on the short calendar, file and serve in accordance with Sections 10-12 (a) and (c), 10-13, 10-14 and 10-17 a memorandum of law and, where appropriate, supporting affidavits as to facts not apparent on the record.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that “[n]o cause shall fail on the ground that it has been made returnable to an improper location.” Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the



court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, removes improper venue as grounds for filing a motion to dismiss.

**Sec. 34a-11. Waiver Based on Certain Grounds**

Any claim of lack of jurisdiction over the person, [improper venue,] insufficiency of process, or insufficiency of service of process is waived if not raised by a motion to dismiss filed in the sequence provided in Sections 34a-6 and 34a-7 and within the time provided by Section 34a-9.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that “[n]o cause shall fail on the ground that it has been made returnable to an improper location.” Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, makes it clear that improper venue is not waivable because it is not a ground for filing a motion to dismiss.

## APPENDIX C (022717)

### Sec. 25a-1. Family Support Magistrate Matters; Procedure

(a) In addition to the specific procedures set out in this chapter, the following provisions shall govern the practice and procedure in all family support magistrate matters, whether heard by a family support magistrate or any other judicial authority. The term “judicial authority” and the word “judge” as used in the rules referenced in this section shall include family support magistrates where applicable, unless specifically otherwise designated. The word “complaint” as used in the rules referenced in this section shall include petitions and applications filed in family support magistrate matters.

(1) General Provisions:

(A) Chapters 1, 2, 5 and 6, in their entirety;

(B) Chapter 3, in its entirety except subsection (b) of Section 3-2 and Section 3-9;

(C) Chapter 4, in its entirety except subsections (a) and (b) of Section 4-2;

(D) Chapter 7, [Section 7-19] in its entirety.

(2) Procedures in Civil Matters:

(A) Chapter 8, Sections 8-1 and 8-2;

(B) Chapter 9, Sections 9-1 and 9-18 through 9-20;

(C) Chapter 10, Sections 10-1, 10-3 through 10-5, 10-7, 10-10, 10-12 through 10-14, 10-17, 10-26, 10-28, subsections (a) and (c) of Section 10-30, 10-31 through 10-34, subsection (b) of Section 10-39, 10-40, 10-43 through 10-45 and 10-59 through 10-68;

(D) Chapter 11, Sections 11-1 through 11-8, 11-10 through 11-12 and 11-19;

(E) Chapter 12, in its entirety;

(F) Chapter 13, Sections 13-1 through 13-3, 13-5, 13-8, 13-10 except subsection (c), 13-11A, 13-21 except subdivision (13) of subsection (a), subsections (a), (e), (f), (g) and (h) of Sections 13-27, 13-28 and 13-30 through 13-32;

(G) Chapter 14, Sections 14-1 through 14-3, 14-9, 14-15, 14-17, 14-18, 14-24 and 14-25;

(H) Chapter 15, Sections 15-3, 15-5, 15-7 and 15-8;

(I) Chapter 17, Sections 17-1, 17-4, 17-5, 17-19, 17-21, subsection (a) of Sections 17-33 and 17-41;

(J) Chapter 18, Section 18-19;

(K) Chapter 19, Section 19-19;

(L) Chapter 20, Sections 20-1 and 20-3;

(M) Chapter 23, Sections 23-20, 23-67 and 23-68.

(3) Procedure in Family Matters:

Chapter 25, Sections 25-1, 25-9, 25-12 through 25-22, 25-27, 25-33, 25-48, 25-54, 25-59, 25-59A, 25-61, 25-62 through 25-64 and 25-68.

(b) Any pleading or motion filed in a family support magistrate matter shall indicate, in the lower right hand corner of the first page of the document, that it is a family support magistrate matter.

(c) Family support magistrate matters shall be placed on the family support magistrate matters list for hearing and determination.

(d) Family support magistrate list matters shall be assigned automatically by the clerk without the necessity of a written claim. No such matters shall be so assigned

unless filed at least five days before the opening of court on the day the list is to be called.

(e) Family support magistrate list matters shall not be continued except by order of a judicial authority.

COMMENTARY: The change to this section makes Chapter 7 of the Practice Book, in its entirety, applicable to Family Support Magistrate matters.

## **Appendix D (022717)**

### **Sec. 11-20A. Sealing Files or Limiting Disclosure of Documents in Civil Cases**

(a) Except as otherwise provided by law, there shall be a presumption that documents filed with the court shall be available to the public.

(b) Except as provided in this section and except as otherwise provided by law, including Section 13-5, the judicial authority shall not order that any files, affidavits, documents, or other materials on file with the court or filed in connection with a court proceeding be sealed or their disclosure limited.

(c) Upon written motion of any party, or upon its own motion, the judicial authority may order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. An agreement of the parties to seal or limit the disclosure of documents on file with the court or filed in connection with a court proceeding shall not constitute a sufficient basis for the issuance of such an order.

(d) In connection with any order issued pursuant to subsection (c) of this section, the judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record. The time, date, scope and duration of any such order

shall be set forth in a writing signed by the judicial authority which upon issuance the court clerk shall immediately enter in the court file and publish by posting both on the Judicial Branch website and on a bulletin board adjacent to the clerk's office and accessible to the public. The judicial authority shall order that a transcript of its decision be included in the file or prepare a memorandum setting forth the reasons for its order.

(e) Except as otherwise ordered by the judicial authority, a motion to seal or limit the disclosure of affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding shall be calendared so that notice to the public is given of the time and place of the hearing on the motion and to afford the public an opportunity to be heard on the motion under consideration. The procedures set forth in Sections 7-4B and 7-4C shall be followed in connection with a motion to file affidavits, documents or other materials under seal or to limit their disclosure.

(f) (1) A motion to seal the contents of an entire court file shall be placed on the short calendar to be held not less than fifteen days following the filing of the motion, unless the judicial authority otherwise directs, so that notice to the public is given of the time and place of the hearing on the motion and to afford the public an opportunity to be heard on the motion under consideration. The procedures set forth in Sections 7-4B and 7-4C shall be followed in connection with such motion. (2) The judicial authority may issue an order sealing the contents of an entire court file only upon a finding that there is not available a more narrowly tailored method of protecting the overriding interest, such as redaction, sealing a portion of the file or authorizing the use of pseudonyms. The judicial authority shall state in its decision or order each of the more narrowly

tailored methods that was considered and the reason each such method was unavailable or inadequate.

(g) With the exception of any provision of the General Statutes under which the court is authorized to seal or limit the disclosure of files, affidavits, documents, or other materials, whether at a pretrial or trial stage, any person affected by a court order that seals or limits the disclosure of any files, documents or other materials on file with the court or filed in connection with a court proceeding, shall have the right to the review of such order by the filing of a petition for review with the appellate court within seventy-two hours from the issuance of such order. Nothing under this subsection shall operate as a stay of such sealing order. Any party requesting the use of a pseudonym pursuant to this section shall lodge the original documents with the true identity of the party or parties with the clerk of the court in accordance with Sections 7-4B and 7-4C.

(h) (1) Pseudonyms may be used in place of the name of a party or parties only with the prior approval of the judicial authority and only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in knowing the name of the party or parties. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. The judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record. The time, date, scope and duration of any such order shall forthwith be reduced to writing and be signed by the judicial authority and be entered by the court clerk in the

court file. The judicial authority shall order that a transcript of its decision be included in the file or prepare a memorandum setting forth the reasons for its order. An agreement of the parties that pseudonyms be used shall not constitute a sufficient basis for the issuance of such an order. The authorization of pseudonyms pursuant to this section shall be in place of the names of the parties required by Section 7-4A.

(2) The judicial authority may grant prior to the commencement of the action a temporary ex parte application for permission to use pseudonyms pending a hearing on continuing the use of such pseudonyms to be held not less than fifteen days after the return date of the complaint.

(3) After commencement of the action, a motion for permission to use pseudonyms shall be placed on the short calendar to be held not less than fifteen days following the filing of the motion, unless the judicial authority otherwise directs, so that notice to the public is given of the time and place of the hearing on the motion and to afford the public an opportunity to be heard on the motion under consideration. Leave of the court may be sought to file the motion under seal pending a disposition of the motion by the judicial authority.

(4) Any order allowing the use of a pseudonym in place of the name of a party shall also require the parties to use such pseudonym in all documents filed with the court.

(i) The provisions of this section shall not apply to settlement conferences or negotiations or to documents submitted to the court in connection with such conferences or negotiations. The provisions of this section shall apply to settlement



agreements which have been filed with the court or have been incorporated into a judgment of the court.

(j) When placed on a short calendar, motions filed under this rule shall be listed in a separate section titled "Motions to Seal or Close" and shall also be listed with the time, date and place of the hearing on the Judicial Branch website. A notice of such motion being placed on the short calendar shall, upon issuance of the short calendar, be posted on a bulletin board adjacent to the clerk's office and accessible to the public.

COMMENTARY: The change to this section clarifies that a party requesting the approval of the judicial authority to use a pseudonym must lodge the original documents identifying the party or parties by name with the clerk of the court.

## APPENDIX E (022717)

### Sec. 2-68. Client Security Fund Established

(a) A client security fund is hereby established to promote public confidence in the judicial system and the integrity of the legal profession by reimbursing clients, to the extent provided for by these rules, for losses resulting from the dishonest conduct of attorneys practicing law in this state in the course of the attorney-client relationship [and], by providing crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems and by making grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to General Statute § 51-81c, for the purpose of funding the delivery of legal services to the poor.

(b) It is the obligation of all attorneys admitted to the practice of law in this state to participate in the collective effort to reimburse clients who have lost money or property as the result of the unethical and dishonest conduct of other attorneys [and], to provide crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems and to fund the delivery of legal services to the poor.

(c) The client security fund is provided as a public service to persons using the legal services of attorneys practicing in this state and as a means of providing crisis intervention and referral assistance to impaired attorneys, and grants-in-aid for the purpose of funding the delivery of legal services to the poor. All moneys and assets of the fund shall constitute a trust.

(d) The establishment, administration and operation of the fund shall not impose or create any obligation, expectation of recovery from or liability of the fund to any claimant [or], attorney or organization, and all reimbursements therefrom shall be a matter of grace and not of right.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the

organization administering the program for the use of interest on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.

**Sec. 2-70. —Client Security Fund Fee**

(a) The judges of the superior court shall assess an annual fee in an amount adequate for the proper payment of claims, ~~[and]~~ the provision of crisis intervention and referral assistance, and for making grants-in-aid for the purpose of funding the delivery of legal services to the poor under these rules and the costs of administering the client security fund. Such fee, which shall be \$75, shall be paid by each attorney admitted to the practice of law in this state and each judge, judge trial referee, state referee, family support magistrate, family support referee and workers' compensation commissioner in this state. Notwithstanding the above, an attorney who is disbarred, retired, resigned, or serving on active duty with the armed forces of the United States for more than six months in such year shall be exempt from payment of the fee, and an attorney who does not engage in the practice of law as an occupation and receives less than ~~[\$450]~~ \$1000 in legal fees or other compensation for services involving the practice of law during the calendar year shall be obligated to pay one-half of such fee. No attorney who is disbarred, retired or resigned shall be reinstated pursuant to Sections 2-53 or 2-55 until such time as the attorney has paid the fee due for the year in which the attorney retired, resigned or was disbarred.

(b) An attorney or family support referee who fails to pay the client security fund fee in accordance with this section shall be administratively suspended from the practice of law in this state pursuant to Section 2-79 of these rules until such payment, along with a reinstatement fee of \$75, has been made. An attorney or family support referee who is under suspension for

another reason at the time he or she fails to pay the fee, shall be the subject of an additional suspension which shall continue until the fee and reinstatement fee are paid.

(c) A judge, judge trial referee, state referee, family support magistrate or workers' compensation commissioner who fails to pay the client security fund fee in accordance with this section shall be referred to the judicial review council.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the organization administering the program for the use of interest on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.

**Sec. 2-73. —Powers and Duties of Client Security Fund Committee**

In addition to any other powers and duties set forth in Sections 2-68 through 2-81, the client security fund committee shall:

(a) Publicize its activities to the public and bar, including filing with the chief justice and the executive committee of the superior court an annual report on the claims made and processed and the amounts disbursed.

(b) Receive, investigate and evaluate claims for reimbursement.

(c) Determine in its judgment whether reimbursement should be made and the amount of such reimbursement.

(d) Prosecute claims for restitution against attorneys whose conduct has resulted in disbursements.

(e) Employ such persons and contract with any public or private entity as may be reasonably necessary to provide for its efficient and effective operations, which shall include, but not be

limited to, the investigation of claims and the prosecution of claims for restitution against attorneys.

(f) Pay to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems, any amounts required pursuant to Section 2-77.

(g) Pay to the chief court administrator for making grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, any amounts required pursuant to Section 2-77.

~~[(g)]~~(h) Perform all other acts necessary or proper for the fulfillment of the purposes and effective administration of the fund.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the organization administering the program for the use of interest on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.

#### **Sec. 2-77. —Review of Status of Fund**

The client security fund committee shall periodically analyze the status of the fund, the approved claims and the pending claims, [and] the cost to the fund of providing crisis intervention and referral assistance to attorneys, and the cost to the fund of funding the delivery of legal services to the poor, to ensure the integrity of the fund for its intended purposes. Based upon the analysis and recommendation of the client security fund committee, the judges of the

superior court may increase or decrease the amount of the client security fund fee and the superior court executive committee may fix a maximum amount on reimbursements payable from the fund.

The amount paid from the fund in any calendar year to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys shall not exceed 15.9 percent of the amount received by the fund from payments of the client security fund fee in the prior calendar year. If less than the 15.9 percent maximum amount is paid from the fund in any calendar year for the provision of crisis intervention and referral assistance to attorneys, the remaining amount may not be carried over and added to the amount that may be paid from the fund for that purpose in any other year.

By April 1 of each year, the client security fund committee shall recommend to the chief court administrator the amount of funds available to be paid for making grants-in-aid for the purpose of funding the delivery of legal services to the poor. The chief court administrator shall review the recommendation of the client security fund committee and any other relevant information and determine and advise the client security fund committee of the amount of funds to be used for making grants-in-aid for the purpose of funding the delivery of legal services to the poor.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the organization administering the program for the use of interest on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.