

Minutes of the Meeting
Rules Committee
May 14, 2018

On Monday, May 14, 2018, 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 10:28 a.m. to 10:57 a.m.

Members in attendance were:

HON. RICHARD A. ROBINSON, CHAIR
HON. JOAN K. ALEXANDER
HON. MELANIE L. CRADLE
HON. KEVIN G. DUBAY
HON. ROBERT L. GENUARIO
HON. DONNA NELSON HELLER
HON. SHEILA A. OZALIS
HON. DAVID M. SHERIDAN
HON. BARRY K. STEVENS

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 meeting held on March 26, 2018, as amended.

2. The Committee noted comments received from the Judicial Review Council on

the proposal by Attorney Martin R. Libbin, Temporary Administrator, Legal Services, on behalf of Judge Carroll, Chief Court Administrator, to amend Section 1-22. The amendment was submitted to public hearing immediately preceding the meeting.

3. The Committee noted comments received from Attorney Michael H. Agranoff in support of the revisions to Section 34a-21 and Section 35a-12 of the Juvenile Matters rules. The amendments were submitted to public hearing immediately preceding the meeting.

4. The Committee considered certain technical amendments to Section 4-8 offered by Attorney Joseph Del Ciampo. After discussion, the Committee approved the technical amendments, as set forth in Appendix A, attached to these minutes.

5. The Committee considered a recommendation by the Legal Specialization Screening Committee (LSSC) that the National Association of Counsel for Children be approved for recertification, retroactively.

After discussion, the Committee unanimously approved the recertification of the National Association of Counsel for Children as a certifier of attorneys in the area of Child Welfare Law, retroactive to January 15, 2018, for a period of five years, expiring on January 15, 2023.

6. The Committee considered a proposal by Attorney Michael H. Agranoff to revise Section 34a-1 to require fact pleading in juvenile matters.

After discussion, the Committee tabled the matter and referred it to Judge Conway, Chief Administrative Judge, Juvenile Matters, and the Department of Children and Families for further study.

7. The Committee considered a proposal by the Connecticut Chapter of the American Academy of Matrimonial Lawyers (AAML) to amend Section 25-5 regarding the purchase or sale of securities in light of *O'Brien v. O'Brien*, 326 Conn. 81, 161 A.3d 1236 (2017). The Committee also considered comments on the proposal from Judge Bozzuto, Chief Administrative Judge, Family Matters.

After discussion, the Committee tabled the matter to its next meeting and referred it to the Connecticut Bar Association for comment.

8. The Committee considered a proposal by Judge Newson concerning withdrawal of an appearance in criminal matters under Section 3-9.

After discussion, the Committee tabled the matter and referred it to Judge Alexander, Chief Administrative Judge, Criminal Matters, for further study.

9. The Committee considered a suggestion by Justice Richard N. Palmer to amend Rule 3.7 (a) (5) of the Code of Judicial Conduct.

After discussion, the Committee tabled the matter and referred it to Justice Palmer to request that he provide the Committee with recommended language for a proposed amendment. Upon submission of such language from Justice Palmer, the Committee will then refer the proposed amendment to the Judicial Ethics Committee for comment.

10. The Committee noted comments from faculty members of the CUNY School of Law on proposed revisions to Sections 2-8 and 2-13. The amendments were submitted to public hearing immediately preceding the meeting.

11. The Committee unanimously voted to recommend to the judges of the Superior Court that they waive, in the interests of justice, the sixty days after

promulgation provisions of Section 1-9 (a), in connection with the effective date of Sections 2-8 and 2-13, so that those sections would be effective immediately upon promulgation.

12. All matters recommended by the Committee will be submitted to the judges for a vote on adoption.

Respectfully submitted,



Joseph J. Del Ciampo
Counsel to the Rules Committee

Attachment

APPENDIX A (051418)

(NEW) Sec. 4-8. Notice of Complaint or Action Filed Against Judicial Authority

An attorney or party who has filed an action with the judicial review council or an administrative agency or has filed a lawsuit against any judicial authority other than a small claims magistrate, shall give notice of the filing of such complaint or action to the judicial authority and to all other attorneys and parties of record in any matter pending before the judicial authority or, if the attorney or party has no matter pending before the judicial authority, shall mail such notice by certified mail, return receipt requested or with electronic delivery confirmation, to the judicial authority at the location at which such judicial authority is assigned.

COMMENTARY: The purpose of this new section and the amendments to Section 1-22 of the Practice Book and to Rule 2.11 of the Code of Judicial Conduct is to place an affirmative obligation on the attorneys and parties who have filed a complaint or an action against a judicial authority to give notice of those filings so that the judicial authority is alerted and can proceed in accordance with their ethical and procedural responsibilities.

TECHNICAL AMENDMENT: On May 14, 2018, the Rules Committee considered certain technical amendments to Section 4-8 offered by Counsel. After discussion, the Committee substituted the term "action" for the term "lawsuit" throughout the proposal.