

Minutes of the Meeting  
Rules Committee  
September 18, 2017

---

On Monday, September 18, 2017, the Rules Committee met in the Supreme Court courtroom from 2:03 p.m. to 3:03 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR  
HON. WILLIAM H. BRIGHT, JR.  
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 the Honorable Richard A. Robinson, Associate Justice of the Supreme Court, Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorney Denise K. Poncini of the Judicial Branch's Legal Services Unit.

1. Justice Eveleigh welcomed Judge Cradle, Judge Heller and Judge Stevens as the new members of the Committee and welcomed back the returning members of the Committee. He then introduced Justice Robinson as the next Chair of the Rules Committee effective upon Justice Eveleigh's appointment ending on October 2, 2017.

2. The Committee unanimously approved the minutes of the meeting held on May 15, 2017. The Honorable Robert L. Genuario was not present for this vote.

3. The Committee considered the proposed Rules Committee Meeting Schedule for 2017/2018. The Honorable Robert L. Genuario was not present for this vote.

After discussion, the Committee approved the following schedule:

Monday, October 16, 2017	-	2:00 p.m.
Monday, November 13, 2017	-	2:00 p.m.
Monday, December 18, 2017	-	2:00 p.m.
Monday, January 22, 2018	-	2:00 p.m.
Monday, February 26, 2018	-	2:00 p.m.
Monday, March 26, 2018	-	2:00 p.m.
Monday, May 14, 2018	-	10:00 a.m. Public Hearing and Rules Committee Meeting

4. The Committee considered a proposal by Katharine Casaubon, Counsel, Legal Services, regarding whether the *Index of Official Judicial Branch Forms Used in Civil, Family and Juvenile Matters* should be removed from the Practice Book or, if not, should it be updated. The Honorable Robert L. Genuario joined the meeting during consideration of this proposal.

After discussion, the Committee unanimously voted to refer the proposal to each of the Chief Administrative Judges for review and comment.

5. The Committee considered a proposal by Attorney Michael Herman, Member, Board of Veterans' Appeals, to amend Section 2-27A (a) (1) of the MCLE rules to exempt members of such board from the MCLE requirements.

After discussion, the Committee unanimously voted to refer the matter to the Commission on Minimum Continuing Legal Education and to Michael Bowler, Counsel to the Commission, for comment and for submission of a proposal to the Rules Committee for revisions to the MCLE rules.

6. The Committee tabled to its October meeting a proposal by Ms. Maureen M. Martowska to amend Section 25-60 of the Practice Book. Ms. Martowska was present and addressed the Committee.

After discussion, the Committee unanimously voted to refer the matter to Judge Bozzuto for review and comment by its October meeting.

7. The Committee tabled to its October meeting a proposal by Mr. Hector Morera regarding amendments to Sections 25-50 and 25-60 of the Practice Book and for a new rule concerning limiting the publication of allegations that have been determined to be false and/or unsubstantiated. Mr. Morera was present and addressed the Committee to clarify that this proposal included all matters that were tabled from last year.

After discussion, the Committee unanimously voted to refer the matter to Judge Bozzuto for review and comment by its October meeting.

8. The Committee considered comments from Attorney Sharon Dornfeld regarding the amendments to Section 25-60 recommended by the Rules Committee and adopted by the judges in May, 2017.

After discussion, the Committee unanimously voted to refer the matter to Judge Bozzuto for review and comment by its October meeting.

9. The Committee considered comments/proposals from Mr. Daniel M. Lynch regarding ADA compliance, the availability of an audio record of proceedings, and notice regarding attorney resignation.

After discussion, the Committee unanimously voted to refer the issues regarding ADA compliance and the availability of audio records for review and comment to Court

Operations and the ADA Committee, and to refer the issue regarding attorney resignation to Michael Bowler, Statewide Bar Counsel.

10. The Committee considered a proposal referred to the Committee by Justice Eveleigh regarding whether an automobile's "black box" is included in a discovery order under Section 13-3.

After discussion, the Committee unanimously voted to refer the matter to Judge Bright for review and comment by the appropriate workgroup on civil matters.

11. The Committee considered a proposal by Judge Winslow referred to the Committee by Judge Bozzuto to amend Section 25-32 to allow sixty days rather than thirty days for responses to mandatory disclosure and production in family matters.

After discussion, the Committee unanimously voted to submit to public hearing the proposed amendment to Section 25-32, as set forth in Appendix A, attached to these minutes

12. The Committee considered an inquiry from Judge Roraback regarding legal interns working for municipal law departments.

After discussion, the Committee unanimously voted to refer the inquiry to the Legal Internship Committee. Additionally, the Committee asked Counsel to research this inquiry.

13. The Committee considered a proposal from Lori Petruzzelli, Counsel, Legal Services, to amend Section 23-15 to include self-represented parties and to reference the form that exists by which to make a request for a referral to the Complex Litigation Docket.

After discussion, the Committee unanimously voted to submit to public hearing the proposed amendment to Section 23-15, as set forth in Appendix B, attached to these minutes.

14. The Committee considered a proposal from Lori Petruzzelli, Counsel, Legal Services, to amend Section 16-1 concerning the proper reference to jurors who are deaf or hard of hearing and the provision by the Judicial Branch of interpreters to assist such jurors.

After discussion, the Committee unanimously voted to submit to public hearing the proposed amendment to Section 16-1, as set forth in Appendix C, attached to these minutes.

15. The Committee considered a proposal by the Connecticut Bar Foundation (CBF) to amend Section 2-27 (d) to make available to the CBF the IOLTA trust account identification numbers that are included on attorney registration forms filed with the Statewide Grievance Committee. Judge Bright recused himself from consideration of this proposal. Don Philips, Executive Director, Connecticut Bar Foundation, was present and addressed the Committee concerning this proposal. Michael Bowler, Statewide Bar Counsel, was also present and addressed the Committee concerning this proposal.

After discussion, the Committee unanimously voted to refer the matter for review and comment to the Statewide Grievance Committee.

16. 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

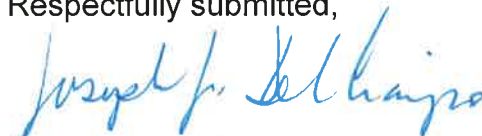
current government officers and employees. Attorney Libbin was present and addressed the Committee concerning this proposal.

After discussion, the Committee decided to table the matter to its October meeting to permit the revision of subsection (e) and to give those entities to which it was previously referred the opportunity to submit comments. Counsel was asked to contact Attorney Jeffrey Tinley who had previously requested time to submit comments on behalf of the Connecticut Bar Association's Professional Discipline Section.

17. The Committee considered a proposal by Attorney Martin R. Libbin, Director of Legal Services, on behalf of Judge Carroll, Chief Court Administrator, to amend the Practice Book concerning disqualification of judicial officials. Attorney Libbin was present and addressed the Committee concerning this proposal.

After discussion, the Committee decided to table the matter to its October meeting to permit further revisions and to give those entities to which it was previously referred the opportunity to submit comments. Counsel was asked to refer the matter to the Connecticut Trial Lawyers Association, (CTLA) the Connecticut Defense Lawyers Association (CDLA), and the Connecticut Criminal Defense Lawyers Association (CCDLA).

Respectfully submitted,



Joseph J. Del Ciampo  
Counsel to the Rules Committee

**Appendix A** (091817)

**Sec. 25-32. Mandatory Disclosure and Production**

(a) Unless otherwise ordered by the judicial authority for good cause shown, upon request by a party involved in an action for dissolution of marriage or civil union, legal separation, annulment or support, or a postjudgment motion for modification of alimony or support, opposing parties shall exchange the following documents within ~~thirty~~ sixty days of such request:

(1) all federal and state income tax returns filed within the last three years, including personal returns and returns filed on behalf of any partnership or closely-held corporation of which a party is a partner or shareholder;

(2) IRS forms W-2, 1099 and K-1 within the last three years including those for the past year if the income tax returns for that year have not been prepared;

(3) copies of all pay stubs or other evidence of income for the current year and the last pay stub from the past year;

(4) statements for all accounts maintained with any financial institution, including banks, brokers and financial managers, for the past 24 months;

(5) the most recent statement showing any interest in any Keogh, IRA, profit sharing plan, deferred compensation plan, pension plan, or retirement account;

(6) the most recent statement regarding any insurance on the life of any party;

(7) a summary furnished by the employer of the party's medical insurance policy, coverage, cost of coverage, spousal benefits, and COBRA costs following dissolution;

(8) any written appraisal concerning any asset owned by either party.

(b) Such duty to disclose shall continue during the pendency of the action should a party appear.

This section shall not preclude discovery under any other provisions of these rules.

COMMENTARY: The change in the time period within which to exchange documents enumerated in this rule is consistent with the recent changes to Section 13-7 and 13-10 that changed from thirty to sixty days the time for responding or objecting to interrogatories and requests for production.



**Appendix B (091817)**

**Sec. 23-15. —Request for Complex Litigation Status**

An attorney [or], judge or self-represented party may request the chief court administrator to make an assignment pursuant to Section 23-13. The request shall be submitted in writing [to] on a form prescribed by the chief court administrator [and the chief administrative judge of the civil division]. When an attorney or self-represented party makes such a request, [the attorney shall serve] a copy of the request shall be served on other parties pursuant to Sections 10-12 through 10-17. Should the chief court administrator deem it appropriate to do so, the chief court administrator may solicit comments on the request by causing a notice to be published in the Connecticut Law Journal.

COMMENTARY: The changes to this section recognize that a self-represented party may request an assignment of a complex litigation case, and that requests for such assignments shall be submitted on a form prescribed by the chief court administrator.

**Appendix C (091817)**

**Sec. 16-1. [Deaf or Hearing Impaired] Jurors Who are Deaf or Hard of Hearing**

At the request of a [deaf or hearing impaired] juror who is deaf or hard of hearing or the judicial authority, an interpreter or interpreters provided by the [Commission on the Deaf and Hearing Impaired] Judicial Branch and qualified under General Statutes § 46a-33a shall assist such juror during the juror orientation program and all subsequent proceedings, and when the jury assembles for deliberation.

COMMENTARY: The changes to this section conform the section to the provisions of No. 17-202 of the 2017 Public Acts and recognize that the Commission on the Deaf and Hearing Impaired was dissolved and no longer provides interpreters to the Branch for people who are deaf or hard of hearing.