

Minutes of the Meeting  
Rules Committee  
November 20, 2017

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On Monday, November 20, 2017, the Rules Committee met in the Supreme Court courtroom from 2:02 p.m. to 3:02 p.m.

Members in attendance were:

HON. RICHARD A. ROBINSON, CHAIR  
HON. MELANIE L. CRADLE  
HON. KEVIN G. DUBAY  
HON. ROBERT L. GENUARIO  
HON. DONNA NELSON HELLER  
HON. BARRY K. STEVENS

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. Judges William H. Bright, Jr., Sheila A. Ozalis and David M. Sheridan were not present. The Honorable Barry K. Stevens joined the meeting during the discussion of Item 3-5.

1. The Committee unanimously approved the minutes of the meeting held on October 16, 2017.

2. 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 government officials and employees.

After brief discussion, the Committee unanimously voted to consider the matter at its December meeting.

3. 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.

After brief discussion, the Committee unanimously voted to consider the matter at its December meeting.

4. The Committee considered an inquiry from Judge Roraback regarding legal interns.

After discussion, the Committee unanimously voted to submit to public hearing the proposed revision to Practice Book Section 3-17, as set forth in Appendix A attached to these minutes.

5. The Committee considered a suggestion by Justice Palmer to consider amending Rule 3.7 (a) (5) of the Code of Judicial Conduct relating to the prohibition against judges making recommendations with respect to the activities of charitable or non-profit organizations not primarily engaged in matters relating to the law, the legal system or the administration of justice in light of *Ethics Ruling JE 2017-06* from the Committee on Judicial Ethics. Judge Stevens joined the meeting during the discussion of this item and participated in the vote on it.

After discussion, the Committee unanimously voted to create a subcommittee to study the matter. Members of the subcommittee are Judges Heller, Dubay and Cradle.

6. 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 (SGC).

After discussion, the Committee unanimously voted to submit to public hearing the proposed amendment to Section 2-27 (d), as revised by the SGC, as set forth in Appendix B attached to these minutes.

7. The Committee considered comments/proposals from Mr. Daniel M. Lynch regarding notice of attorney resignation. Attorney Karyl Carrasquilla, Chief Disciplinary Counsel, was present and addressed the Committee.

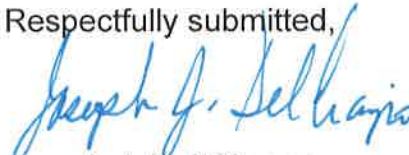
After discussion, the Committee unanimously voted to have Counsel draft a proposed revision of Section 2-52, in collaboration with the Chief Disciplinary Counsel and the Statewide Bar Counsel, for the Committee to consider.

8. The Committee considered a proposal submitted on behalf of Yale Law School Housing Clinic to amend Section 3-8 (b) regarding limited scope representations.

After discussion, the Committee unanimously voted to refer the matter for review and comment to the Chief Administrative Judges of family and civil, to Court Operations, to the Connecticut Bar Association Committee on Limited Scope Representation and to the clinic directors of Yale, Quinnipiac and UConn law schools.

9. Justice Robinson noted Judge Bright's appointment to the Appellate Court and the vacancy on the Rules Committee created by it.

Respectfully submitted,



Joseph J. Del Ciampo  
Counsel to the Rules Committee

## Appendix A (112017)

### Sec. 3-17. —Activities of Legal Intern

[(a) The legal intern, supervised in accordance with these rules, may appear in court or at other hearings in the following situations:

- (1) where the client is financially unable to afford counsel; or
- (2) where the intern is assisting a privately retained attorney; or
- (3) where the intern is assisting an established legal aid bureau or organization, a public defender or prosecutor's office, or a state agency.]

[(b)](a) In each case where a legal intern appears in court or before an administrative tribunal, the written consent and approval referred to in Section 3-14 shall be filed in the record of the case and shall be brought to the attention of the judicial authority or the presiding officer of the administrative tribunal.

[(c)](b) In addition to appearing in court or before an administrative tribunal, an intern may, under the supervision of a member of the bar:

- (1) prepare pleadings and other documents to be filed in any matter;
- (2) prepare briefs, abstracts and other documents.

[(d)](c) Each document or pleading must contain the name of the intern who participated in drafting it and must be signed by the supervising attorney.

COMMENTARY: The change to this section makes it consistent with the general grant of authority given to legal interns in Section 3-14.

## Appendix B (112017)

### Sec. 2-27. Clients' Funds; Lawyer Registration

(a) Consistent with the requirement of Rule 1.15 of the Rules of Professional Conduct, each lawyer or law firm shall maintain, separate from the lawyer's or the firm's personal funds, one or more accounts accurately reflecting the status of funds handled by the lawyer or firm as fiduciary or attorney, and shall not use such funds for any unauthorized purpose.

(b) Each lawyer or law firm maintaining one or more trust accounts as defined in Rule 1.15 of the Rules of Professional Conduct and Section 2-28 (b) shall keep records of the maintenance and disposition of all funds of clients or of third persons held by the lawyer or firm in a fiduciary capacity from the time of receipt to the time of final distribution. Each lawyer or law firm shall retain the records required by Rule 1.15 of the Rules of Professional Conduct for a period of seven years after termination of the representation.

(c) Such books of account and statements of reconciliation, and any other records required to be maintained pursuant to Rule 1.15 of the Rules of Professional Conduct, shall be made available upon request of the statewide grievance committee or its counsel, or the disciplinary counsel for review, examination or audit upon receipt of notice by the statewide grievance committee of an overdraft notice as provided by Section 2-28 (f). Upon the filing of a grievance complaint or a finding of probable cause, such records shall be made available upon request of the statewide grievance committee, its counsel or the disciplinary counsel for review or audit.

(d) Each lawyer shall register with the statewide grievance committee, on a form devised by the committee, the address of the lawyer's office or offices maintained for the practice of law, the lawyer's office e-mail address and business telephone number, the name and address of every financial institution with which the lawyer maintains any account in which the funds of more than one client are kept and the identification number of any such account. Such registrations will be made on an annual basis and at such time as the lawyer changes his or her address or addresses or location or identification number of any such trust account in which the funds of more than one client are kept. The registration forms filed pursuant to this subsection and pursuant to Section 2-26 shall not be public; however, all information obtained by the statewide grievance committee from these forms shall be public, except the following: trust account identification numbers; the lawyer's home address; the lawyer's office e-mail address; and the lawyer's birth date. Unless otherwise ordered by the court, all nonpublic information obtained from these forms shall be available only to the statewide grievance committee and its counsel, the reviewing committees, the grievance panels and their counsel, the bar examining committee, the standing committee on recommendations for admission to the bar, disciplinary counsel, the client security fund committee and its counsel, a judge of the superior court, a judge of the United States District Court for the District of Connecticut, any grievance committee or other disciplinary authority of the United States District Court for the District of Connecticut or, with the consent of the lawyer, to any other person. In addition, the trust account identification numbers on the registration forms filed pursuant to Section 2-26 and this section shall be available to the organization designated by the judges of the superior

court to administer the IOLTA program pursuant to Rule 1.15 of the Rules of Professional Conduct. The registration requirements of this subsection shall not apply to judges of the supreme, appellate or superior courts, judge trial referees, family support magistrates, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges.

(e) The statewide grievance committee or its counsel may conduct random inspections and audits of accounts maintained pursuant to Rule 1.15 of the Rules of Professional Conduct to determine whether such accounts are in compliance with the Rule and this section. If any random inspection or audit performed under this subsection discloses an apparent violation of this section or the Rules of Professional Conduct, the matter may be referred to a grievance panel for further investigation or to the disciplinary counsel for presentment to the superior court. Any lawyer whose accounts are selected for inspection or audit under this section shall fully cooperate with the inspection or audit, which cooperation shall not be construed to be a violation of Rule 1.6 (a) of the Rules of Professional Conduct. Any records, documents or information obtained or produced pursuant to a random inspection or audit shall remain confidential unless and until a presentment is initiated by the disciplinary counsel alleging a violation of Rule 1.15 of the Rules of Professional Conduct or of this section, or probable cause is found by the grievance panel, the statewide grievance committee or a reviewing committee. Contemporaneously with the commencement of a presentment or the filing of a grievance complaint, notice shall be given in writing by the statewide grievance committee to any client or third person whose identity may be publicly disclosed through the disclosure of records obtained or produced in accordance with this subsection.

Thereafter, public disclosure of such records shall be subject to the client or third person having thirty days from the issuance of the notice to seek a court order restricting publication of any such records disclosing confidential information. During the thirty day period, or the pendency of any such motion, any document filed with the court or as part of a grievance record shall refer to such clients or third persons by pseudonyms or with appropriate redactions, unless otherwise ordered by the court.

(f) Violation of this section shall constitute misconduct.

COMMENTARY: The change to this section makes IOLTA trust account information available to the organization designated by the judges of the superior court to administer the IOLTA program. This change will improve the ability to ensure compliance with Rule 1.15 regarding IOLTA accounts.