

Minutes of the Meeting  
Rules Committee  
Monday, January 12, 2015

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On Monday, January 12, 2015, the Rules Committee met in the Supreme Court courtroom from 2:02 p.m. to 3:39 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR  
HON. JON M. ALANDER  
HON. MARSHALL K. BERGER, JR.  
HON. WILLIAM H. BRIGHT, JR.  
HON. HENRY S. COHN  
HON. ROBERT L. GENUARIO  
HON. MARY E. SOMMER  
HON. ROBERT E. YOUNG

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorneys Denise K. Poncini and Lori Petruzzelli of the Judicial Branch's Legal Services Unit. The Honorable Robin L. Wilson was not in attendance at this meeting.

1. The Committee unanimously approved the minutes of the meeting held on December 15, 2014. Judges Alander and Young were not present for this vote, but arrived during the discussion of the next matter.

2. The Committee considered correspondence from Attorney Chris Blanchard on behalf of the Client Security Fund Committee regarding the proposal by Judge Eddie Rodriguez, Jr. to add additional information to the list of attorneys suspended for non-payment of the Client Security Fund fee and considered the response from the Client Security Fund Committee that it would not change its current practice regarding the list.

After discussion, the Committee determined that no further action by the Committee was necessary on this matter.

3. The Committee considered a proposal by Patricia King, Chief Disciplinary Counsel, to adopt new Practice Book Section 2-47B regarding placing restrictions on the employment of suspended, disbarred, inactive or resigned ("deactivated") attorneys,

additional materials and a redraft of the proposal from Attorney King. Attorney King and First Assistant Chief Disciplinary Counsel Suzanne Sutton were present and addressed questions from the Committee regarding the proposal.

After discussion, Attorney King was asked to submit a redraft of the proposal for consideration by the Committee at its February meeting. Additionally, the Committee determined that any proposed amendments submitted for public hearing will, if recommended for adoption, be submitted with a proposed effective date of October 1, 2015.

4. The Committee considered a proposal by Attorney Kevin F. Smith to amend the Practice Book to explicitly allow a party to file reply memoranda and a response on the proposal from the Civil Commission.

After discussion, the Committee unanimously voted to submit to public hearing the amendments to Practice Book §§ 4-6 and 11-10, as set forth in Appendix A attached to these minutes.

5. The Committee considered a proposal by Judge Lager on behalf of the Civil Commission to amend Section 4-7 to facilitate the protection of the name of a party when the court has entered an order allowing the use of a pseudonym.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Section 4-7, as set forth in Appendix B attached to these minutes.

6. The Committee considered a Proposal by Attorney Denise Poncini on behalf of the Legal Specialization Screening Committee (LSSC) to amend 7.4C to permit the electronic submission of applications.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to 7.4C, as set forth in Appendix C attached to these minutes.

7. The Committee considered a proposal by Attorney Katharine Casaubon on behalf of the Legal Specialization Screening Committee (LSSC) to amend the *Application for Authority to Certify Lawyers as Specialists*, form JD-ES-63.

After discussion, the Committee unanimously voted to approve the amendments to form JD-ES-63, as requested by the LSSC.

8. The Committee considered a proposal by Attorney Fred Ury to implement

Minimum Continuing Legal Education (MCLE). Attorney Ury and Attorney Louis Pepe were present and addressed questions from the Committee.

After discussion, Attorney Ury was asked to submit a redraft of the proposal for consideration by the Committee at its February meeting. Additionally, the Committee decided to refer the matter for review and comment to appropriate bar associations and commissions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph J. Del Ciampo". The signature is written in a cursive, flowing style.

Joseph J. Del Ciampo  
Counsel to the Rules Committee

**Appendix A (011215mins)**

**Sec. 4-6. Page Limitations for Briefs, Memoranda of Law and Reply Memoranda**

(a) The text of any trial brief or any other brief concerning a motion in any case shall not exceed thirty-five pages without permission of the judicial authority. The judicial authority may also permit the filing of a supplemental brief of a particular number of pages. The text of any brief shall be double-spaced and the type font shall be no smaller than 12 point. The judicial authority may in its discretion limit the number of pages of any brief to less than thirty-five.

(b) Any reply memorandum filed pursuant to Sec. 11-10 (b) shall not exceed ten pages without the permission of the judicial authority.

COMMENTARY: The above change sets the page limitations for reply memoranda filed under Section 11-10 (b).

**Sec. 11-10. Requirement That Memorandum of Law Be Filed with Certain Motions**

(a) A memorandum of law briefly outlining the claims of law and authority pertinent thereto shall be filed and served by the movant with the following motions and requests: (1) motions regarding parties filed pursuant to Sections 9-18 through 9- 22 and motions to implead a third party defendant filed pursuant to Section 10-11; (2) motions to dismiss except those filed pursuant to Section 14-3; (3) motions to strike; (4) motions to set aside judgment filed pursuant to Section 17-4; and (5) motions for summary judgment. Memoranda of law may be filed by other parties on or before the time the matter appears on the short calendar.

(b) A reply memorandum is not required and the absence of such memoranda will not prejudice any party. A reply memorandum shall be strictly confined to a discussion of matters raised by the responsive memorandum, and shall be filed within fourteen days of the filing of the responsive memorandum to which such reply memoranda is being made.

(c) Surreply memoranda cannot be filed without the permission of the judicial authority.

COMMENTARY: The above change is intended to make clear that a reply memorandum by the proponent of a motion or request is permitted, but not required. The memorandum must discuss only matters contained in the responsive memorandum, and it must be filed within fourteen days. This change eliminates the current practice of filing a motion for permission to file a reply memorandum, which can extend the time for a resolution of a motion or request. No surreply memoranda can be filed without the permission of the judicial authority.

**Appendix B (011215mins)**

**Sec. 4-7. Personal Identifying Information to Be Omitted or Redacted from Court Records in Civil and Family Matters**

(a) As used in this section, “personal identifying information” means: an individual’s date of birth; mother’s maiden name; motor vehicle operator’s license number; Social Security number; other government issued identification number except for juris, license, permit or other business related identification numbers that are otherwise made available to the public directly by any government agency or entity; health insurance identification number; or any financial account number, security code or personal identification number (PIN). For purposes of this section, a person’s name is specifically excluded from this definition of personal identifying information unless the judicial authority has entered an order allowing the use of a pseudonym in place of the name of a party. If such an order has been entered, the person’s name is included in this definition of “personal identifying information.”

(b) Persons who file documents with the court shall not include personal identifying information, and if any such personal identifying information is present, shall redact it from any documents filed with the court, whether filed in electronic or paper format, unless otherwise required by law or ordered by the court. The party filing the redacted documents shall retain the original unredacted documents throughout the pendency of the action, any appeal period, and any applicable appellate process.

(c) The responsibility for omitting or redacting personal identifying information rests solely with the person filing the document. The court or the clerk of the court need not review any filed document for compliance with this rule.

COMMENTARY: The revision to this section is to include a person’s name in the definition of personal identifying information if the judicial authority has entered an order permitting the person to use a pseudonym in an action. By including the name in the definition of personal identifying information, the rule permits a party,

the person identified by name or the judicial authority on its own motion to proceed under Section 11-20B to move quickly to protect the identity of the person in accordance with the existing order of the judicial authority.

## Appendix C (011215mins)

### **Rule 7.4C. Application by Board or Entity to Certify Lawyers as Specialists**

Any board or entity seeking the approval of the Rules Committee of the superior court for authority to certify lawyers practicing in this state as being specialists in a certain field or fields of law as set forth in Rule 7.4A (e), shall file an original and six copies of its application with the Legal Specialization Screening Committee pursuant to Rule 7.4B on form JD-ES-63. The application materials shall be filed in a format prescribed by the Legal Specialization Screening Committee, which may require them to be filed electronically.

COMMENTARY: The amendment to this rule gives the Legal Specialization Screening Committee the option to require that applications be filed electronically, since applications are voluminous and are required to be filed in multiple copies for further distribution by the Judicial Branch. Having the ability to further distribute an electronic copy for the consideration of Committee members, will increase efficiency and cut costs.