

December 18, 2006

Minutes of the Meeting
Rules Committee
December 18, 2006

On Monday, December 18, 2006 the Rules Committee met in the Supreme Court Conference Room from 2:00 p.m. to 5:04 p.m.

Members in attendance were:

HON. PETER T. ZARELLA, CHAIR
HON. JOAN K. ALEXANDER
HON. THOMAS J. CORRADINO
HON. RICHARD W. DYER
HON. ROLAND D. FASANO
HON. BARRY C. PINKUS
HON. PATTY JENKINS PITTMAN
HON. HILLARY B. STRACKBEIN

Judge George N. Thim was not in attendance at this meeting. Also in attendance was Carl E. Testo, Counsel to the Rules Committee.

Agenda

1. The Committee approved the minutes of the meeting held on December 5, 2006.
2. The Committee, by a unanimous vote of those present, denied a request from LexisNexis to reprint the forward, explanatory notes, commentaries, histories, tables and index from the Connecticut Practice Book.
3. The Committee considered a request by Chief Child Protection Attorney Carolyn Signorelli to add child welfare law to the specialty fields in Rule 7.4A(d) of the Rules of Professional Conduct.

After discussion, by a unanimous vote of those present, the Committee voted to submit to public hearing the revision to Rule 7.4A(d) of the Rules of Professional Conduct as set forth in Appendix A attached hereto.

4. The Committee considered proposals submitted by Justice Joette Katz, Chair of the Evidence Oversight Committee, to amend the Code of Evidence.

Justice Zarella distributed to the Committee a letter he received from Senior Assistant State's Attorney Susann E. Gill advising Justice Zarella of the Division of Criminal Justice's opposition to the Evidence Oversight Committee's recommendation that Rule 4-4(a) be amended without a concomitant amendment to Rule 4-4(b).

After discussion, the Committee tabled consideration of these proposals to its next meeting.

5. The Committee discussed the judges meeting to be held on December 19, 2006 at which the Superior Court judges would be asked to vote to open to the public certain Judicial Branch committees, including the Rules Committee.

The Committee thereupon voted to authorize its Chair to advise the judges at the December 19 meeting that the members of the Rules Committee voted to make Rules Committee meetings open to the public and that this was a unanimous vote of those present, with one member not in attendance.

6. The Committee considered a letter to Justice Zarella from Senior Associate Justice David M. Borden requesting that the Rules Committee implement certain Public Access Task Force recommendations by Practice Book rule.

Prior to this meeting, Justice Zarella had asked the undersigned to submit to the Rules Committee for review proposed Practice Book revisions to implement these recommendations. These proposed Practice Book revisions were forwarded to the Rules Committee for consideration at this meeting.

With regard to implementation of Recommendations Twenty-Seven, Thirty, Thirty-One and Thirty-Two, concerning media access to court proceedings, the Rules Committee asked the undersigned to compile the trial court camera rules of other jurisdictions and to request those jurisdictions to provide any policies adopted by them in connection with those rules and any studies that have been conducted regarding the impact of the rules on those jurisdictions. The undersigned will forward this information to the Committee for consideration at its next meeting.

With regard to implementation of the Thirty-Third Recommendation, concerning a record of off-site judicial proceedings, the Committee considered a proposed new Practice Book Section 1-24 and a proposed revision to Section 37-1.

After discussion, the Committee determined that only the proposed new Practice Book Section need be adopted to implement this recommendation and, by a unanimous vote of those

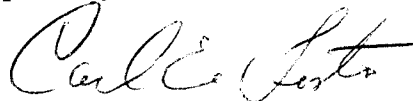
present, voted to submit to public hearing proposed new Practice Book Section 1-24 as set forth in Appendix B attached hereto.

With regard to the Fourteenth Recommendation, which provides that the form requesting the sealing of an arrest warrant affidavit shall be revised to require the insertion by the judge when signing the order of a specific date for the termination of the sealing order, the Rules Committee determined that this is not workable because the date of the defendant's arrest would not be known and therefore setting a specific termination date would not be possible. The Committee, by a unanimous vote of those present, voted that the rules not be amended with regard to this recommendation.

With regard to the Sixteenth Recommendation, concerning public access to police reports used in determining probable cause, the Committee determined that the recommendation can be implemented by rule in cases where probable cause has been found. If probable cause has not been found, a statutory change would be required to permit public access to the police reports. The Committee tabled further consideration of the Sixteenth Recommendation.

The Committee also tabled consideration of Recommendations Fifteen, Twenty and Twenty-One.

Respectfully submitted,



Carl E. Testo
Counsel to the Rules Committee

CET:pt
Attachments

APPENDIX A – (12-18-06 mins)

Rule 7.4A. Certification as Specialist

(a) Except as provided in Rule 7.4, a lawyer shall not state or imply that he or she is a specialist in a field of law unless the lawyer is currently certified as a specialist in that field of law by a board or other entity which is approved by the Rules Committee of the superior court of this state. Among the criteria to be considered by the Rules Committee in determining upon application whether to approve a board or entity as an agency which may certify lawyers practicing in this state as being specialists, shall be the requirement that the board or entity certify specialists on the basis of published standards and procedures which (1) do not discriminate against any lawyer properly qualified for such certification, (2) provide a reasonable basis for the representation that lawyers so certified possess special competence, and (3) require redetermination of the special qualifications of certified specialists after a period of not more than five years.

(b) A lawyer shall not state that he or she is a certified specialist if the lawyer's certification has terminated, or if the statement is otherwise contrary to the terms of such certification.

(c) Certification as a specialist may not be attributed to a law firm.

(d) Lawyers may be certified as specialists in the following fields of law:

(1) Administrative law: The practice of law dealing with states, their political subdivisions, regional and metropolitan authorities and other public entities including, but not limited to, their rights and duties, financing, public housing and urban development, the rights of public employees, election law, school law, sovereign immunity, and constitutional law; practice before federal and state courts and governmental agencies.

(2) Admiralty: The practice of law dealing with all matters arising under the carriage of goods by sea act (COGSA), Harter Act, Jones Act, and federal and state maritime law including, but not limited to, the carriage of goods, collision and other maritime torts, general average, salvage, limitation of liability, ship financing, ship subsidies, the rights of injured sailors and longshoremen; practice before federal and state courts and governmental agencies (including the Federal Maritime Commission).

(3) Antitrust: The practice of law dealing with all matters arising under the Sherman Act, Clayton Act, Federal Trade Commission Act, Hart-Scott-Rodino Antitrust Improvements Act and State Antitrust Statutes including but not limited to, restraints of trade, unfair competition, monopolization, price discrimination, restrictive practices; practice before federal and state courts and governmental agencies.

(4) Appellate practice: The practice of law dealing with all procedural and substantive aspects of civil and criminal matters before federal and state appeals courts including, but not limited to, arguments and the submission of briefs.

(5) Business Bankruptcy: The practice of law dealing with all aspects of the United States Bankruptcy Code when the debtor was engaged in business before the institution of a Chapter 7, 9, or 11 proceeding. This includes, but is not limited to, business liquidations, business reorganizations, and related adversary and contested proceedings.

(6) Child Welfare Law: The practice of law representing children, parents or the government in all child protection proceedings including emergency, temporary custody, adjudication, disposition, foster care, permanency planning, termination, guardianship, and adoption. Child Welfare Law does not include representation in private child custody and adoption disputes where the state is not a party.

~~[(6)](7) Consumer Bankruptcy: The practice of law dealing with all aspects of the United~~

States Bankruptcy Code when the debtor was not engaged in business before the institution of a Chapter 7, 12, or 13 proceeding. This includes, but is not limited to, liquidations, wage earner plans, family farmers and related adversary and contested proceedings.

[(7)](8) Civil rights and discrimination: The practice of law dealing with all matters arising under federal and state law relating to proper treatment in the areas of, among others, public accommodations, voting, employment, housing, administration of welfare and social security benefits; practice before federal and state courts and governmental agencies.

[(8)](9) Civil trial practice: The practice of law dealing with representation of parties before federal or state courts in all noncriminal matters.

[(9)](10) Commercial transactions: The practice of law dealing with all aspects of commercial paper, contracts, sales and financing, including, but not limited to, secured transactions.

[(10)](11) Consumer claims and protection: The practice of law dealing with all aspects of consumer transactions including, but not limited to, sales practices, credit transactions, secured transactions and warranties; all matters arising under the Equal Credit Opportunity Act, the Fair Credit Reporting Act, the Magnuson-Moss Act, the Truth in Lending Act, state statutes such as the "Little FTC" acts, and other analogous federal and state statutes.

[(11)](12) Corporate and business organizations: The practice of law dealing with all aspects of the formation, operation and dissolution of corporations, partnerships (general and limited), agency and other forms of business organizations.

[(12)](13) Corporate finance and securities: The practice of law dealing with all matters arising under the Securities Act of 1933, Securities Exchange Act of 1934, Investment Advisors Act (or the Federal Securities Code, if adopted) and other federal and state securities statutes; financing corporate activities; mergers and acquisitions; practice before the Securities and Exchange Commission and state securities commissions.

[(13)](14) Criminal: The practice of law dealing with the prosecution or representation of persons accused of crimes at all stages of criminal proceedings in federal or state courts, including, but not limited to, the protection of the accused's constitutional rights.

[(14)](15) Environmental: The practice of law dealing with all aspects of the regulation of environmental quality by both federal and state governments; control of air pollution, water pollution, noise pollution, toxic substances, pesticides, and civilian uses of nuclear energy; solid waste/resource recovery; all matters arising under the National Environmental Policy Act, Clean Air Act, Federal Water Pollution Control Act, Noise Control Act, Solid Waste Disposal Act, Toxic Substance Control Act and other federal and state environmental statutes; practice before federal and state courts and governmental agencies.

[(15)](16) Estate planning and probate: The practice of law dealing with all aspects of the analysis and planning for the conservation and disposition of estates, giving due consideration to the applicable tax consequences, both federal and state; the preparation of legal instruments in order to effectuate estate plans; administering estates, including tax related matters, both federal and state.

[(16)](17) Family and matrimonial: The practice of law dealing with all aspects of antenuptial and domestic relationships, separation and divorce, alimony and child support, child custody matters and adoption, giving due consideration to the tax consequences, and court proceedings relating thereto.

[(17)](18) Government contracts and claims: The practice of law dealing with all aspects of the negotiation and administration of contracts with federal and state governmental agencies.

[(18)](19) Immigration and naturalization: The practice of law dealing with obtaining and retaining permission to enter and remain in the United States including, but not limited to, such

matters as visas, change of status, deportation and naturalization; representation of aliens before courts and governmental agencies; protection of aliens' constitutional rights.

[(19)](20) International: The practice of law dealing with all aspects of the relations among states, international business transactions, international taxation, customs and trade law and foreign and comparative law.

[(20)](21) Labor: The practice of law dealing with all aspects of employment relations (public and private) including but not limited to, unfair labor practices, collective bargaining, contract administration, the rights of individual employees and union members, employment discrimination; all matters arising under the National Labor Relations Act (Wagner Act), Labor Management Relations Act (Taft-Hartley Act), Labor Management Reporting and Disclosure Act (Landrum-Griffin Act), Fair Labor Standards Act, Title VII of The Civil Rights Act of 1964, Occupational Safety and Health Act (OSHA), Employee Retirement Income Security Act (ERISA), other federal statutes and analogous state statutes; practice before the national labor relations board, analogous state boards, federal and state courts, and arbitrators.

[(21)](22) Military: The practice of law dealing with the presentation of parties before courts-martial and other military tribunals in disputes arising under the uniform code of military justice; the representation of veterans and their dependents in seeking government benefits due to them on account of military service; handling civil law problems of the military.

[(22)](23) Natural Resources: The practice of law dealing with all aspects of the regulation of natural resources such as coal, oil, gas, minerals, water and public lands; the rights and responsibilities relating to the ownership and exploitation of such natural resources.

[(23)](24) Patent, trademark and copyright: The practice of law dealing with all aspects of the registration, protection and licensing of patents, trademarks or copyrights; practice before federal and state courts in actions for infringement and other actions; the prosecution of applications before the United States Patent and Trademark Office; counseling with regard to the law of unfair competition as it relates to patents, trademarks and copyrights.

[(24)](25) (A) Residential Real Estate: The practice of law dealing with all aspects of real property transactions involving single one-to-four family residential dwellings when the client uses such dwelling or expresses in writing the intent to use such dwelling as the client's primary or other residence, including, but not limited to, real estate conveyances, title searches and property transfers, leases, condominiums, cooperatives, and other common interest communities, planned unit developments, mortgages, condemnation and eminent domain, zoning and land use planning, property taxes, and determination of property rights.

(B) Commercial Real Estate: The practice of law dealing with all aspects of real property transactions except for residential real estate as defined in subparagraph (A) of this subdivision, including, but not limited to, real estate conveyances, title searches and property transfers, leases, condominiums, cooperatives and other common interest communities, planned unit developments, mortgages, condemnation and eminent domain, zoning and land use planning, property taxes, real estate development and financing (with due consideration to tax and securities consequences) and determination of property rights.

[(25)](26) Taxation: The practice of law dealing with all matters arising under the Internal Revenue Code, Employee Retirement Income Security Act (ERISA), state and local tax laws and foreign tax laws, including counseling with respect thereto; practice before federal and state courts and governmental agencies.

[(26)](27) Workers' Compensation: The practice of law dealing with the representation of parties before federal and state agencies, boards and courts in actions to determine eligibility for

workers' compensation, and disability.

AMENDMENT NOTES: The above change adds child welfare law to the fields of law in which lawyers may be certified as specialists.

APPENDIX B (12-18-06 mins)

(New) Sec. 1-24. –Record of Off-Site Judicial Proceedings

Absent exceptional circumstances or except as otherwise provided by court rule, where a transcript or recording is made of an off-site judicial proceeding, such record shall be available to the public. The judicial authority will also state on the record in open court, by the next court day, a summary of what occurred at such proceeding.