

Minutes of the Meeting
Rules Committee of the Superior Court
Monday, February 26, 2024

On February 26, 2024, the Rules Committee met using Microsoft Teams from 2:01 p.m. to 3:21 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. BARRY F. ARMATA
HON. COURTNEY M. CHAPLIN
HON. ERNEST GREEN
HON. W. GLEN PIERSON
HON. ELIZABETH J. STEWART

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, James T. O'Connor, Assistant Counsel to the Rules Committee, and Lori Petruzzelli, Assistant Counsel to the Rules Committee. Judges Jennifer Macierowski, Stephanie A. McLaughlin, and Sheila M. Prats were absent.

1. The Committee approved the minutes of the meeting held on January 22, 2024, with no revisions. Judge Chaplin abstained from voting.

2. The Committee considered a revised proposal from the Connecticut Bar Association to amend Practice Book Section 2-27A to allow attorneys to earn up to two hours per year of MCLE credit by judging or coaching mock trial or moot court competitions at the undergraduate or high school level (RC ID # 2023-002).

Attorney Jonathan Weiner from the Connecticut Bar Association, Attorney Fred Ury from the MCLE Commission, and Attorney Elizabeth Rowe from the Statewide Bar Grievance were present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal to its March meeting to give Judge Armata and Judge McLaughlin an opportunity to discuss their experiences at that meeting having participated in such events and to give Committee members an opportunity to attend the March 8th mock trial event.

3. The Committee considered a revised proposal from Judge Leo Diana, Chief Administrative Judge, Family Matters, to amend various Practice Book Sections to conform to the Pathways process in Family Matters (RC ID # 2023-008).

Judge Diana and Attorney Raphael Podolsky were present and addressed the Committee on this matter.

After discussion, the Committee voted unanimously to submit to public hearing the revisions to Practice Book Sections 25-17 and 25-23, as set forth in Appendix A, attached to these minutes. The Committee tabled discussion concerning the remaining sections of the proposal, Sections 25-34, 25-50, and 25-51, to its March meeting.

4. The Committee considered a proposal from Attorney Donna M. Lattarulo to amend the Practice Book to require all attorneys and self-represented parties subject to e-filing requirements to accept service of documents electronically (RC ID # 2023-016).

After discussion, the Committee voted unanimously to submit to public hearing the proposed revisions to Practice Book Section 10-13, as set forth in Appendix B, attached to these minutes.

5. The Committee considered a revised proposal from Judge Tammy Nguyen-O'Dowd, Chief Administrative Judge, Juvenile Matters, to amend Practice Book Section 30a-5 to include the requirement that a current predispositional study (PDS) be provided to the court for a child being placed on probation with residential placement in a secure

or staff secure facility, in alignment with the requirements of C.G.S. 46b-140 (g) (RC ID # 2023-019).

Judge Nguyen-O'Dowd, Attorney Renee Cimino of the Office of the Chief Public Defender, and Attorney Vincent Duva of the Division of Criminal Justice were present and addressed the Committee on this matter.

After discussion, the Committee voted unanimously to submit to public hearing the proposal to amend Practice Book Section 30a-5, as set forth in Appendix C, attached to these minutes.

6. The Committee considered a proposal from Attorney Dina S. Fisher to adopt a new rule which would require the state to provide detailed pretrial notice of an intent to present prior uncharged sexual misconduct, bringing Connecticut into alignment with the federal rules and a number of state jurisdictions that allow such evidence (RC ID # 2023-023).

Attorney Dina S. Fisher, and Deputy Chief State's Attorney Kevin Lawlor were present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal to its March meeting and asked Attorneys Fisher and Lawlor to work together on proposed language for the Committee to consider and vote on.

7. The Committee considered a proposal from Mr. Robert Berriault to amend Practice Book Section 2-8 (5) to allow for a waiver of the bar application fee (RC ID # 2023-024).

Attorney Kathleen Harrington and Mr. Berriault were present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal and asked Mr. Berriault to obtain more information concerning what other jurisdictions are doing about bar applicants who are indigent and report back to the Committee.

8. The Committee considered a proposal from Attorney James Sullivan regarding the Principles of Professionalism (RC ID # 2024-001).

Attorney Sullivan was present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal until the fall and asked Attorney Sullivan to work with the Connecticut Bar Association (CBA) on language for the Preamble to the Rules of Professional Conduct that would incorporate in appropriate fashion the principles of professionalism for the Committee to review and vote on.

9. The Committee considered a proposal from Judge Tammy Nguyen-O'Dowd, Chief Administrative Judge for Juvenile Matters, and Judge Leo Diana, Chief Administrative Judge for Family Matters to amend various Practice Book rules, to comport with the Connecticut Parentage Act, Public Law 21-15 (RC ID # 2024-002).

Judge Nguyen-O'Dowd was present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal to its March meeting.

10. The Committee considered a proposal from Judge Barbara Bellis, Chief Administrative Judge for Civil Matters, to amend Practice Book Section 3-10 (b) to reflect current practice with remote hearings in civil and family matters (RC ID # 2024-003).

After discussion, the Committee tabled this proposal to its March meeting.

11. The Committee considered the reappointment of two members of the Legal Specialization Screening Committee (LSSC) and designating the chair of that committee (RC ID # 2024-LSS).

After discussion, the Committee voted unanimously to recommend to the Chief Justice the reappointment of Attorneys Rosemarie Paine and Robert Dwyer as members of the LSSC for another 3-year term, and to designate Attorney Paine to continue to serve as chair of that committee.

12. The Committee discussed scheduling an in-person meeting with the leadership of the Judiciary Committee, as called for in the Practice Book and statute. The Committee asked Counsel to facilitate scheduling the meeting (RC ID # 2024-CGA).

13. Justice McDonald asked the Committee to read the editorial in the Connecticut Law Tribune from February 20, 2024, concerning extensions of time to rule on motions and a suggestion that there should be outer parameters of how to deal with situations where there are excessive extensions.

14. Judge Elizabeth Stewart discussed the Interstate Depositions and Discovery Act and its impact on various Practice Book rules. Judge Stewart offered to work with Judges Pierson and Armata on drafting amendments to the rules and was asked to involve Judge Barbara Bellis, Chief Administrative Judge for Civil Matters, in the matter.

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

(022624)

Sec. 25-17. —Date for Hearing

The hearing on the motion shall be [placed on the short calendar to be] held not less than fifteen days following the filing of the motion[,], unless the judicial authority otherwise directs.

COMMENTARY: Reference to placing the matter on the short calendar has been removed from this section.

Sec. 25-23. Motions, Requests[,], and Orders of Notice [and Short Calendar]

The provisions of Sections 11-1, 11-2, 11-4, 11-5, 11-6, 11-8, 11-10, 11-11, 11-12, 11-19, 12-1, 12-2 and 12-3 of the rules of practice shall apply to family matters as defined in Section 25-1.

COMMENTARY: Reference to “short calendar” has been removed from the title of this section.

APPENDIX B

(022624)

Sec. 10-13. —Method of Service

Service upon the attorney or upon a self-represented party, except service pursuant to Section 10-12 (c), may be by delivering a copy or by mailing it to the last known address of the attorney or party. Delivery of a copy within this section means handing it to the attorney or to the party; or leaving it at the attorney's office with a person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the usual place of abode. Delivery of a copy within this rule may also mean electronic delivery to the last known electronic address of the attorney or party, provided that electronic delivery to a self-represented party was consented to in writing by that party [the person served]. An attorney or self-represented party who files a document electronically with the court must serve it electronically on (1) any [attorney or] self-represented party who consented in writing to electronic delivery under this section and (2) all attorneys who are not exempt from e-filing. Any attorney who is not exempt from e-filing is required to accept electronic delivery. Service by mail is complete upon mailing. Service by electronic delivery is complete upon sending the electronic notice unless the party making service learns that the attempted service did not reach the electronic address of the person to be served. Service pursuant to Section 10-12 (c) shall be made in the same manner as an original writ and complaint is served or as ordered by the judicial authority.

APPENDIX C

(022624)

Sec. 30a-5. Dispositional Hearing

(a) The dispositional hearing may follow immediately upon an adjudication.

(b) The judicial authority may admit into evidence any testimony that is considered relevant to the issue of the disposition, in any form the judicial authority finds of probative value, but no disposition shall be made by the judicial authority until the predispositional study, unless waived, has been submitted. A written predispositional study may be waived by the judicial authority for good cause shown upon the request of the parties, provided that the basis for the waiver and the probation officer's oral summary of any investigation are both placed on the record. The predispositional study shall be presented to the judicial authority and copies thereof shall be provided to all counsel in sufficient time for them to prepare adequately for the dispositional hearing, and, in any event, no less than forty-eight hours prior to the date of the disposition.

(c) No disposition for probation supervision with residential placement in either a secure or staff-secured facility shall be made by the court until the written predispositional study and service memorandum have been submitted and reviewed by the judicial authority and a finding has been made by the judicial authority that (1) such placement is indicated by the child's clinical and behavioral needs; or (2) the level of risk the child poses to public safety cannot be managed in a less restrictive setting. The written predispositional study and service memorandum shall be presented to the judicial

authority and copies thereof shall be provided to all counsel in sufficient time to prepare adequately for the dispositional hearing.

(d) In cases in which the disposition is probation supervision with residential placement, the child's length of stay in a residential facility shall be dependent on the child's treatment progress and attainment of treatment goals, for an indeterminate period not to exceed 18 months, exclusive of any request made for an extension of probation.

~~[(c)]~~ (e) The prosecutor, the attorney for the child or youth, ~~[and]~~ the child or youth, and parent or guardian for the child or youth shall have the right to produce witnesses and evidence, including an independent evaluation, on behalf of any dispositional plan they may wish to offer.

~~[(d)]~~ (f) Prior to any disposition, the child shall be allowed a reasonable opportunity to make a personal statement to the judicial authority in mitigation of any disposition.

~~[(e)]~~ (g) The judicial authority shall determine an appropriate disposition upon adjudication of a child as delinquent in accordance with General Statutes § 46b-140.