

Minutes of the Meeting  
Rules Committee  
April 7, 2009

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On Tuesday, April 7, 2009, the Rules Committee met in the Attorneys' Conference Room from 1:20 p.m. to 3:47 p.m. This was a continuation of the March 30, 2009 meeting.

Members in attendance were:

HON. PETER T. ZARELLA, CHAIR  
HON. BARBARA N. BELLIS  
HON. THOMAS J. CORRADINO  
HON. JACK W. FISCHER  
HON. C. IAN MCLACHLAN  
HON. LESLIE I. OLEAR  
HON. JANE S. SCHOLL  
HON. MICHAEL R. SHELDON

Judge Antonio C. Robaina was not in attendance at this meeting. Also in attendance were Carl E. Testo, Counsel to the Rules Committee, and Joseph Del Ciampo of Legal Services.

Agenda

1. At its meeting on March 30, 2009 the Committee considered proposals submitted on behalf of the Criminal Practice Commission by Judge Patrick L. Carroll, III, Deputy Chief Court Administrator, regarding the release of certain information including law enforcement reports, affidavits and statements, by the prosecuting authority in a criminal prosecution. At that meeting Judge Patrick J. Clifford, Justice Joette Katz, Chief State's Attorney Kevin Kane, Thomas Ullmann, Public Defender, and Attorney Tara Knight addressed the Committee concerning this matter. After discussion, the Committee made certain revisions to the proposals and asked the undersigned to forward the revised proposals to these individuals for comment.

At this meeting the Committee made certain further revisions to the proposals and unanimously voted to submit to public hearing the revisions to Sections 40-10, 40-11, 40-13, 40-14 and proposed new Section 40-13A as set forth in Appendix A attached hereto.

2. The Committee considered the proposed revisions to the small claims rules submitted by Judge Barbara M. Quinn, Chief Court Administrator on behalf of the Bench/Bar Centralized Small Claims Committee.

The Committee further revised some of the proposals and raised various issues concerning them. At the Committee's request, Justice Zarella will invite members of the Bench/Bar Centralized Small Claims Committee to attend the next meeting to address the Committee concerning these proposals.

3. The Committee tabled a proposal submitted by Judge Pellegrino on behalf of the Civil Commission to amend the civil pleading rules, a proposal by Attorney Edward Maum Sheehy to revise the summary judgment rules, and submissions from Judges Corradino and Scholl concerning this matter.

4. The Committee considered a proposal by Attorney Denise K. Poncini to amend Section 7-13 concerning the retention of criminal records to adopt the provisions of CGS § 51-36 as amended by § 11 of Public Act 03-202.

After discussion, the Committee unanimously voted to submit to public hearing the revision to Section 7-13 as set forth in Appendix B attached hereto.

5. The Committee considered a request by Judge Douglas S. Lavine and G. Claude Albert, Co-chairs of the Judicial-Media Committee, that the Rules Committee submit to the Superior Court judges at the Annual Meeting a recommendation that the operation of Section 1-11C, concerning the pilot program for media coverage of criminal proceedings, be extended from December 31, 2009 through June 30, 2010.

After discussion, the Committee noted that since there is no sunset provision in that rule an extension of the rule is not necessary. Justice Zarella will so advise Judge Lavine.

The Committee noted that the word "civil" in the last sentence of paragraph (d) of Section 1-11C should be changed to "criminal." Since this would be a technical amendment, the Committee requested that the undersigned advise the Reporter of Judicial Decisions to make the change at the next printing of the Practice Book.

6. The undersigned advised the Committee that on July 1, 2009 the terms on the Legal Specialization Screening Committee (LSSC) of Maureen M. Murphy (Vice-Chair) and Anthony M. Fitzgerald, will expire. Rule 7.4B (a) of the Rules of Professional Conduct provides that the

Chief Justice, upon recommendation of the Rules Committee, shall appoint members of the bar of this state to the LSSC.

At this meeting the Rules Committee agreed to recommend to the Chief Justice that Attorneys Murphy and Fitzgerald be reappointed if they are willing to serve another term. The Committee asked the undersigned to find out from them if they would like another term on this Committee.

7. The Committee discussed a letter from the American Bar Association to Senior Associate Justice David M. Borden concerning the ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster. At the November meeting Justice McLachlan and Judges Sheldon and Fischer agreed to be a subcommittee concerning this matter.

At this meeting Judge Sheldon stated that the Chief Court Administrator plans to appoint approximately nine judges to deal with emergency issues. He also noted that the Governor has created a task force on this issue.

Justice Zarella stated that if there is a major disaster, a way to amend the rules is needed without a judges' meeting or a quorum of the Rules Committee. He suggested that a rule should be developed that deals with the process of rulemaking when an emergency has been declared.

The subcommittee agreed to report to the Rules Committee concerning this matter at the September meeting.

8. At the March 30 meeting the Committee considered a proposal by the Deans of the Law Schools of Yale, University of Connecticut, and Quinnipiac University to amend Section 2-13 with regard to the admission without examination of attorneys who have supervised law students within a clinical law program of an accredited law school in another jurisdiction or jurisdictions. At that meeting the Committee asked the undersigned to further revise the proposal and submit it for their consideration at this meeting.

Justice Zarella advised the Committee that he forwarded the rule as further revised to the three Deans, who found it acceptable.

After discussion, the Committee unanimously voted to submit to public hearing the revisions to Section 2-13 as set forth in Appendix C attached hereto.

9. The Committee considered proposal submitted by Attorney Kathryn Emmett, President of the Connecticut Trial Lawyers Association, to amend Sections 13-4, 13-27a, 10-13, 13-11 and Form 203 concerning discovery in civil cases.

Justice Zarella stated that he discussed this proposal with Attorney Emmett and advised her that, because the revision to Section 13-4 became effective on January 1, 2009, there has been little experience with the operation of this rule. He asked Attorney Emmett to forward her proposal to the defense lawyers and obtain their agreement on the changes. She agreed to do so and will forward a report to Justice Zarella concerning this matter.

10. The Committee considered a proposal by the Connecticut Bar Foundation (CBF) to amend Section 2-27 (d) to allow the CBF to receive non-public information obtained from attorney registration forms. Specifically, the CBF would like access to the account numbers of attorneys who participate in IOLTA so that they can determine if such accounts have been properly coded as IOLTA accounts by the banks. The CBF states that it routinely discovers IOLTA accounts that have not been properly coded by banks and therefore do not remit interest to the IOLTA program.

It was pointed out by a Rules Committee member that even if the CBF was allowed to obtain this information, there may be a statute that prohibits banks from discussing this information with the CBF.

Instead of allowing the CBF to have access to this account information, the Rules Committee suggested that the Statewide Bar Counsel's Office could ask each bank that participates in IOLTA to provide it with all the IOLTA account numbers in that bank so that it may check its records against the account numbers reported by the bank to determine if any IOLTA accounts are missing from the bank report. The Statewide Bar Counsel's Office could then advise the CBF of the names of attorneys who have IOLTA accounts with the various banks that are not listed as IOLTA accounts by the banks. The Committee asked the undersigned to bring this proposal to the attention of the Statewide Bar Counsel for his comments.

11. The Committee discussed an article submitted by Justice Zarella concerning depositions.

12. The Committee considered a proposal submitted by Statewide Bar Counsel Michael Bowler on behalf of the Statewide Grievance Committee to amend Sections 2-34 and 2-50 to provide for the establishment by the Chief Court Administrator of fees that may be charged by the Statewide Bar Counsel's Office for copies and for the issuance of certificates of good standing.

After discussion, the Committee unanimously voted to submit to public hearing the revision to Section 2-34 as set forth in Appendix D attached hereto.

The Committee unanimously denied the proposed revision to Section 2-50.

The Committee decided that the phrase “certified to the status” that appears in Section 2-34 should be changed to “certify the status” wherever it appears in that section. The Committee determined that this is a technical change and asked the undersigned to advise the Reporter of Judicial Decisions to make the amendment at the next printing of the Practice Book.

13. The Committee unanimously denied a proposal by Assistant Attorney General Lawrence G. Widem to amend Sections 13-6 and 13-9 concerning the applicability of those discovery sections to intervening workers’ compensation lien holders.

14. The Committee unanimously denied a proposal by Attorney Claire Ancona-Berk to revise Section 2-15A to include within the purview of that section attorneys who work as contractors for an organization to which they provide legal services.

15. The Rules Committee agreed that it will continue this meeting to April 16 at 1:30 p.m.

Respectfully submitted,



Carl E. Testo  
Counsel to the Rules Committee

CET:pt  
Attachments

## APPENDIX A (040709 mins)

### Sec. 40-10. — Custody of Materials

(a) Any materials furnished to counsel pursuant to this chapter, including statements, reports and affidavits disclosed pursuant to Section 40-13A, shall be used only for the purposes of conducting such counsel's side of the case or for the performance of his or her official duties, and shall be subject to such other terms and conditions as the judicial authority may provide. Without the prior approval of the prosecuting authority or the court, defense counsel and his or her agents shall not provide copies of materials disclosed pursuant to Section 40-13A to any person except to persons employed by defense counsel in connection with the investigation or defense of the case.

(b) The prosecuting authority is not required to disclose to an unrepresented defendant the names and addresses required by Section 40-13 unless the court orders disclosure upon a finding of need which cannot reasonably be met by other means. When Before other materials are disclosed or provided to an unrepresented defendant pursuant to this chapter, the prosecuting authority may request and the court may ~~shall~~ order that the materials remain in the defendant's exclusive custody, to be used only for the purpose of conducting the case, and be subject to other such terms, conditions and restrictions that the court, in its discretion, may impose. The court shall also inform the unrepresented defendant that violation of an order issued under this subsection is punishable as a contempt of court.

### Sec. 40-11. Disclosure by the Prosecuting Authority[; Information and Materials Discoverable by Defendant as of Right]

(a) Upon written request by a defendant filed in accordance with Section 41-5 and without requiring any order of the judicial authority, the prosecuting authority, subject to Section 40-40 et seq., shall promptly, but no later than forty-five days from the filing of the request, unless such time is extended by the judicial authority for good cause shown, disclose in writing the existence of, provide photocopies of, and allow the defendant in accordance with Section 40-7, to inspect, copy, photograph and have reasonable tests made on any of the following items:

- (1) Exculpatory information or materials;

(2) Any books, tangible objects, papers, photographs, or documents within the possession, custody or control of any governmental agency, which the prosecuting authority intends to offer in evidence in chief at trial or which are material to the preparation of the defense or which were obtained from or purportedly belong to the defendant;

(3) Copies of the defendant's prior criminal record, if any, which are within the possession, custody, or control of the prosecuting authority, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting authority;

(4) Any reports or statements of experts made in connection with the offense charged including results of physical and mental examinations and of scientific tests, experiments or comparisons which are material to the preparation of the defense or are intended for use by the prosecuting authority as evidence in chief at the trial;

(5) Any warrant executed for the arrest of the defendant for the offense charged, and any search and seizure warrants issued in connection with the investigation of the offense charged;

(6) (i) Any written, recorded or oral statements made by the defendant or a codefendant, before or after arrest to any law enforcement officer or to a person acting under the direction of or in cooperation with a law enforcement officer concerning the offense charged; or

(ii) Any relevant statements of coconspirators which the prosecuting authority intends to offer in evidence at any trial or hearing.

(b) In addition to the foregoing, the defendant shall be entitled to disclosure of exculpatory materials in accordance with any applicable constitutional and statutory provisions.

**Sec. 40-13. Names of Witnesses; Prior Record of Witnesses; Statements of Witnesses  
[Discoverable by the Parties as of Right]**

(a) Upon written request by a defendant filed in accordance with Section 41-5 and without requiring any order of the judicial authority, the prosecuting authority, subject to Section 40-40 et seq., shall promptly, but no later than forty-five days from the filing of the request, unless such time is extended by the judicial authority for good cause shown,

disclose to the defendant the names and, subject to the provisions of subsections [(g)] (f) and [(h)] (g) of this section, the addresses of all witnesses that the prosecuting authority intends to call in his or her case in chief and shall additionally disclose to the defendant[:]

[(1) Any statements of the witnesses in the possession of the prosecuting authority or his or her agents, including state and local law enforcement officers, which statements relate to the subject matter about which each witness will testify; and]

[(2) A]any record of felony convictions of the witnesses known to the prosecuting authority and any record of felony or misdemeanor charges pending against the witnesses known to the prosecuting authority.

(b) Upon written request by the prosecuting authority, filed in accordance with Section 41-5 and without requiring any order of the judicial authority, the defendant, subject to Section 40-40 et seq., shall promptly, but no later than forty-five days from the filing of the request, unless such time is extended by the judicial authority for good cause shown, disclose to the prosecuting authority the names and, subject to the provisions of subsection [(h)] (g) of this section, the addresses of all witnesses ~~that~~ whom the defendant intends to call in the defendant's case in chief and shall additionally disclose to the prosecuting authority any statements of the witnesses other than the defendant in the possession of the defendant or his or her agents which statements relate to the subject matter about which each witness will testify.

[(c) If the entire contents of a statement under subdivision (1) of subsections (a) and (b) of this section relate to the subject matter of the anticipated testimony of the witness the statement shall be delivered directly to the opposing party or his or her counsel for his or her examination and use. If the party calling the witness claims that any statement to be produced under subdivision (1) of subsections (a) and (b) of this section contains matter which does not relate to the anticipated subject matter of the testimony of the witness, the judicial authority shall order the party calling the witness to deliver such statement for the inspection of the judicial authority in camera. Upon delivery the judicial authority shall not disclose the portions of such statement which it is claimed do not relate to the anticipated subject matter of the testimony of the witness. The judicial authority shall determine whether any such material should be excised. The judicial authority shall then direct delivery of such statement to the opposing party for his or her use and shall further review the contents of such statement after the direct testimony of such witness

and may provide to the opposing party any additional portions of such statement which the judicial authority determines relate to the subject matter of the direct testimony of such witness. If, pursuant to this procedure, any portion of such statement is withheld from the party and that party objects to such withholding, the entire text of such statement shall be sealed and preserved as a court's exhibit in the case.]

[(d)] (c) No witness shall be precluded from testifying for any party because his or her name or statement or criminal history was not disclosed pursuant to this rule if the party calling such witness did not in good faith intend to call the witness at the time that he or she provided the material required by this rule. In the interests of justice the judicial authority may in its discretion permit any undisclosed individual to testify.

[(e)] (d) The provisions of this section shall apply to any additional testimony presented by any party as rebuttal evidence pursuant to Section 42-35(3) and the statements and criminal histories of such witnesses shall be provided to the opposing party before the commencement of any such rebuttal testimony.

[(f)] (e) The fact that a witness' name or statement is provided under this section shall not be a ground for comment upon a failure to call a witness.

[(g)] (f) Notwithstanding any provision of this section, the personal residence address of a police officer or correction officer shall not be required to be disclosed except pursuant to an order of the judicial authority after a hearing and a showing that good cause exists for the disclosure of the information.

[(h)] (g) Upon written request of a party and for good cause shown, the judicial authority may order that the address of any witness whose name was disclosed pursuant to subsections (a) or (b) of this section not be disclosed to the opposing party.

**(NEW) Sec. 40-13A. Law Enforcement Reports, Affidavits and Statements**

Upon written request by a defendant and without requiring any order of the judicial authority the prosecuting authority shall no later than forty-five days from receiving the request provide photocopies of all statements, law enforcement reports and affidavits within the possession of the prosecuting authority and his or her agents, including state and local law enforcement officers, which statements, reports and affidavits were prepared concerning the offense charged, subject to the provisions of Sections 40-10 and 40-40 et seq.

**Sec. 40-14. Information Not Subject to Disclosure by Prosecuting Authority**

Subject to Sections 40-13 and 40-13A and except for the substance of any exculpatory material contained herein, Sections 40-11 through 40-14 do not authorize or require disclosure or inspection of:

(1) Reports, memoranda or other internal documents made by a prosecuting authority or by law enforcement officers in connection with the investigation or prosecution of the case;

[(2) Statements made to prosecuting authorities or law enforcement officers except as provided in Section 40-11(a) (6);]

[(3)] (2) Legal research;

[(4)] (3) Records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of a prosecuting authority.

## APPENDIX B (040709 mins)

### Sec. 7-13. —Criminal/Motor Vehicle Files and Records

(a) Upon the disposition of any criminal case, except a case in which a felony or a capital felony conviction resulted, or any motor vehicle case, including any matter brought pursuant to the commission of an infraction or a violation, the file may be stripped of all papers except (1) the executed arrest warrant and original affidavit in support of probable cause, the misdemeanor/motor vehicle summons, prosecutorial summons or the complaint ticket, (2) the uniform arrest report, (3) the information or indictment and any substitute information, (4) a written plea of nolo contendere, (5) documents relating to programs for adjudication and treatment as a youthful offender, programs relating to family violence education, community service labor, accelerated pretrial rehabilitation, pretrial drug education, pretrial alcohol education and treatment, determination of competency to stand trial or suspension of prosecution or any other programs for adjudication or treatment which may be created from time to time, (6) any official receipts, (7) the judgment mittimus, (8) any written notices of rights, (9) orders regarding probation, (10) any exhibits on file, (11) any transcripts on file of proceedings held in the matter, and (12) the transaction sheet.

(b) Unless otherwise ordered by the court, the copy of the application for a search warrant and affidavits filed pursuant to General Statutes § 54-33c shall be destroyed upon the expiration of three years from the filing of the copy of the application and affidavits with the clerk.

(c) Except as otherwise provided, the papers stripped from the court file may be destroyed upon the expiration of ninety days from the date of disposition of the case.

(d) Upon the disposition of any criminal or motor vehicle case in which the defendant has been released pursuant to a bond, the clerk shall remove the bond form from the file and maintain it in the clerk's office for such periods as determined by the chief court administrator.

(e) Upon the disposition of any criminal or motor vehicle case in which property is seized, whether pursuant to a search warrant, an arrest, an in rem proceeding or otherwise, the clerk shall remove the executed search warrant, if any, papers relating to any in rem proceedings, if any, and the inventory of the seized property from the court file

and maintain them in the clerk's office during the pendency of proceedings to dispose of the property and for such further periods as determined by the chief court administrator.

(f) In cases in which there has been neither a conviction nor the payment of a fine on any charge, the file shall be destroyed upon the expiration of three years from the date of disposition.

(g) In cases in which a fine has been paid pursuant to an infraction or a violation, the file shall be destroyed upon the expiration of five years from the date of disposition.

(h) In cases in which there has been a conviction of a misdemeanor charge but not a conviction of a felony charge, the file shall be destroyed upon the expiration of ten years from the date of disposition.

(i) In cases in which there has been a conviction of a felony charge but not a conviction of a capital felony charge, the file, all exhibits and the transcripts of all proceedings held in the matter shall be destroyed upon the expiration of twenty years from the date of disposition or upon the expiration of the sentence, whichever is later.

(j) In cases in which there has been a conviction of a capital felony charge, the file, all exhibits and the transcripts of all proceedings held in the matter shall be destroyed upon the expiration of [twenty five] seventy-five years from [the death of the person convicted] such conviction.

(k) The file and records in any case in which an individual is adjudged a youthful offender shall be retained for ten years.

(l) The file in any case in which the disposition is not guilty by reason of mental disease or defect shall be retained for seventy-five years.

(m) Investigatory grand jury records shall be retained permanently.

COMMENTARY: The amendment to this section adopts the revision of Gen. Stat. § 51-36 as amended by Section 11 of Public Act 03-202.

## APPENDIX C (040709 mins)

### Sec. 2-13. Attorneys of Other Jurisdictions; Qualifications and Requirements for Admission

(a) Any member of the bar of another state or territory of the United States or the District of Columbia, who, after satisfying the state bar examining committee that his or her educational qualifications are such as would entitle him or her to take the examination in Connecticut or would have entitled him or her to take the examination in Connecticut at the time of his or her admission to the bar of which he or she is a member, and that at least one jurisdiction in which he or she is a member of the bar is reciprocal to Connecticut in that it would admit a member of the bar of Connecticut to its bar without examination under provisions similar to those set out in this section, shall satisfy the appropriate standing committee on recommendations for admission that he or she (1) is of good moral character and has either passed an examination in professional responsibility administered under the auspices of the bar examining committee or has completed a course in professional responsibility in accordance with the regulations of the bar examining committee; (2) has been duly licensed to practice law before the highest court of a reciprocal state or territory of the United States or in the District of Columbia if reciprocal to Connecticut and (A) has lawfully engaged in the practice of law as the applicant's principal means of livelihood in such reciprocal jurisdiction for at least five of the seven years immediately preceding the date of the application and is in good standing, or (B) if the applicant has taken the bar examinations of Connecticut and failed to pass them, the applicant has lawfully engaged in the practice of law as his or her principal means of livelihood in such reciprocal jurisdiction for at least five of the seven years immediately preceding the date of the application and is in good standing, provided that such five years of practice shall have occurred subsequent to the applicant's last failed Connecticut examination; (3) is a citizen of the United States or an alien lawfully residing in the United States; (4) intends, upon a continuing basis, to practice law actively in Connecticut and to devote the major portion of his or her working time to the practice of law in Connecticut, and/or to supervise law students within a clinical law program at an accredited Connecticut law school while a member of the faculty of such school may be admitted by the court as an attorney without examination upon written application and the payment of such fee as the examining committee shall from time to time determine, upon compliance with the

following requirements: Such application, duly verified, shall be filed with the administrative director of the bar examining committee and shall set forth his or her qualifications as hereinbefore provided. There shall be filed with such application the following certificates or affidavits: Affidavits from two attorneys who personally know the applicant certifying to his or her good moral character and supporting, to the satisfaction of the standing committee on recommendations for admission to the bar, his or her practice of law as defined under (2) of this section; where applicable, an affidavit from the dean of the accredited Connecticut law school at which the applicant has accepted employment attesting to the employment relationship and term; affidavits from two members of the bar of Connecticut of at least five years' standing certifying that the applicant is of good moral character and a certificate from the state bar examining committee that his or her educational qualifications are such as would entitle the applicant to take the examination in Connecticut or would have entitled the applicant to take the examination in Connecticut at the time of his or her admission to the bar of which the applicant is a member; and an affidavit from the applicant certifying whether such applicant has a grievance pending against him or her, has ever been reprimanded, suspended, placed on inactive status, disbarred, or has ever resigned from the practice of law, and, if so, setting forth the circumstances concerning such action. Such an affidavit is not required if it has been furnished as part of the application form prescribed by the state bar examining committee.

(b) An attorney who, within the 7 years immediately preceding the date of application, was engaged in the supervision of law students within a clinical law program of one or more accredited law schools in another jurisdiction or jurisdictions while a member of the faculty of such school or schools, whether or not any such jurisdiction is a reciprocal jurisdiction, may apply such time toward the satisfaction of the requirement of subdivision (a) (2) (A) of this section. If such time is so applied, the attorney shall file with his or her application an affidavit from the dean of the law school or schools of each such other jurisdiction attesting to the employment relationship and the period of time the applicant engaged in the supervision of law students within a clinical program at such school. An attorney so engaged for 5 of the 7 years immediately preceding the date of application will be deemed to satisfy the threshold requirement of subdivision (a) (2) of this section if such attorney is duly licensed to practice law before the highest court of any

state or territory of the United States or in the District of Columbia whether or not such jurisdiction is reciprocal to Connecticut.

COMMENTARY: The above changes would allow an attorney who during the 7 years immediately preceding the date of the attorney's application under this section was engaged in the supervision of law students within a clinical law program of one or more accredited law schools in another jurisdiction while a member of the faculty of such school or schools to apply such time toward satisfaction of the requirement of (a) (2) (A) of this section whether or not the jurisdiction or jurisdictions are reciprocal to Connecticut. It is intended that if the 5 year requirement is not fully met by the attorney's engagement in supervising law students in a clinical law program, the requirements of subdivision (a) (2) (A) must be complied with concerning the balance of the 5 years as must the reciprocity provision of the threshold requirement of subdivision (a) (2).

## APPENDIX D (040709 mins)

### Sec. 2-34. Statewide Bar Counsel

(a) The judges of the superior court shall appoint an attorney to act as statewide bar counsel, and such additional attorneys to act as assistant bar counsel as are necessary, for a term of one year commencing July 1. In the event that a vacancy arises in any such position before the end of a term, the executive committee of the superior court shall appoint an attorney to fill the vacancy for the balance of the term. Compensation for these positions shall be paid by the judicial branch. Such individuals shall be in the legal services division of the office of the chief court administrator and shall perform such other duties as may be assigned to them in that capacity.

(b) In addition to any other powers and duties set forth in this chapter, the statewide bar counsel or an assistant bar counsel shall:

(1) Report to the national disciplinary data bank such requested information as is officially reported to the statewide bar counsel concerning attorneys who have resigned pursuant to Section 2-52, or whose unethical conduct has resulted in disciplinary action by the court or by the statewide grievance committee, or who have been placed on inactive status pursuant to Sections 2-56 through 2-62.

(2) Receive and maintain information forwarded to the statewide bar counsel by the national disciplinary data bank.

(3) Receive and maintain records forwarded to the statewide bar counsel by the clerks of court pursuant to Sections 2-23 and 2-52 and by complainants pursuant to Section 2-32.

(4) For a fee established by the chief court administrator, [C]certify to the status of individuals who are or were members of the bar of this state at the request of bar admission authorities of other jurisdictions or at the request of a member of the bar of this state with respect to such member's status. In certifying to the status of an individual, no information shall be provided to the requesting entity, other than public information, without a waiver from that individual.

(5) Assist the statewide grievance committee and the reviewing committees in carrying out their duties under this chapter.

COMMENTARY: The above change would allow the Chief Court Administrator to establish a fee for the certification by the Statewide Bar Counsel of the status of individuals as members of the bar of this state.