

Minutes of the Meeting
Rules Committee of the Superior Court
Monday, September 18, 2023

On September 18, 2023, the Rules Committee met using Microsoft Teams from 2:00 p.m. to 2:56 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. BARRY F. ARMATA
HON. COURTNEY M. CHAPLIN
HON. ERNEST GREEN
HON. JENNIFER MACIEROWSKI
HON. STEPHANIE A. MCLAUGHLIN
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. Judge Sheila M. Prats was absent. Judge Chaplin arrived at the meeting at 2:23 p.m. and Judge Pierson left the meeting at 2:27 p.m.

1. The Committee approved the minutes of the meeting held on May 8, 2023, with no revisions. Judges Barry Armata, Ernest Green, and Jennifer Macierowski abstained from voting.

2. The Committee considered a proposal from Legal Services Associations to amend Practice Book Section 7-10 and 7-11 regarding retention and destruction of summary process records (RC ID # 2021-023).

Attorney Raphael Podolsky was present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal until its October meeting and referred it for comment to Judge Barbara Bellis, the Judicial Branch's Chief Administrative Judge for Civil Matters, and to the Judicial Branch's Court Operations Division.

3. The Committee considered a proposal from Judge Elizabeth Stewart to amend Practice Book Sections 17-44 and 17-51 to explicitly permit the entry of summary judgment based on a defense when that defense only affects part of a claim (RC ID # 2022-020).

Judge Stewart was present and addressed the Committee on this matter.

After discussion, the Committee voted unanimously to submit to public hearing the revisions to Practice Book Section 17-44, as set forth in Appendix A, attached to these minutes. The Committee tabled discussion concerning revisions to Practice Book Section 17-51.

4. 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).

Attorneys Jonathan Weiner and Elizabeth Rowe were present and addressed the Committee on this matter.

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

5. The Committee considered a proposal from Judge Michael Albis, former Chief Administrative Judge, Family Matters, to amend various Practice Book Sections regarding the Pathways process in Family Matters (RC ID # 2023-008).

Judge Albis, former Chief Administrative Judge, Family Matters, and Judge Leo Diana, Chief Administrative Judge, Family Matters, were present and addressed the Committee on this matter.

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

6. The Committee considered a proposal from Attorney Lori Petruzzelli to change the judicial district of Fairfield to the judicial district of Bridgeport, consistent with Public Acts 2023, No. 23-46, § 59, and to change the judicial district of Litchfield at Litchfield to the judicial district of Litchfield at Torrington, consistent with Public Acts No. 19-64, § 20. (RC ID # 2023-012).

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

7. The Committee considered a proposal from Attorney Lori Petruzzelli to amend Practice Book Section 2-13A to add a reference to the United States Space Force as a recognized branch of the United States armed forces, consistent with Public Acts 2023, No. 23-71. (RC ID # 2023-013).

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

8. The Committee considered an informational memorandum from Attorney Kevin DiAdamo concerning Public Acts 2023, No. 23-16, and Artificial Intelligence (AI) technology generally. (RC ID # 2023-014).

After discussion, Judge Barry Armata volunteered to look into the issues involved

and to contact the Connecticut Bar Association and the Connecticut Bar Foundation to discuss it. The Committee tabled this proposal to its October meeting.

Respectfully submitted,



Joseph J. Del Ciampo
Counsel to the Rules Committee

APPENDIX A

(091823)

Sec. 17-44. Summary Judgments; Scope of Remedy

In any action, including administrative appeals which are enumerated in Section 14-7 (c), any party may move for a summary judgment as to any [claim] cause of action or defense as a matter of right at any time if no scheduling order exists and the case has not been assigned for trial. If a scheduling order has been entered by the court, either party may move for summary judgment as to any [claim] cause of action or defense as a matter of right by the time specified in the scheduling order. If no scheduling order exists but the case has been assigned for trial, a party must move for permission of the judicial authority to file a motion for summary judgment. These rules shall be applicable to counterclaims and cross complaints, so that any party may move for summary judgment upon any counterclaim or cross complaint as if it were an independent action. The pendency of a motion for summary judgment shall delay trial only at the discretion of the trial judge.

COMMENTARY: The changes to this section replace the term “claim” with the term “cause of action.” These changes make this Practice Book section, the first of a series of summary judgment rules, consistent with the rules on pleadings and motions in Chapter 10, which use the term “cause of action.” These changes are not intended to alter summary judgment practice in any respect.

APPENDIX B

(091823)

Sec. 2-1. County Court Designations concerning Bar Admission Process

(a) For the purposes of this chapter, each Superior Court location designated below shall be the Superior Court for the county in which it is situated: the Superior Court for the judicial district of [Fairfield at] Bridgeport shall be the Superior Court for Fairfield county; the Superior Court for the judicial district of New Haven at New Haven shall be the Superior Court for New Haven county; the Superior Court for the judicial district of Litchfield at [Litchfield] Torrington shall be the Superior Court for Litchfield county; the Superior Court for the judicial district of Hartford at Hartford shall be the Superior Court for Hartford county; the Superior Court for the judicial district of Middlesex at Middletown shall be the Superior Court for Middlesex county; the Superior Court for the judicial district of Tolland at Rockville shall be the Superior Court for Tolland county; the Superior Court for the judicial district of New London at Norwich shall be the Superior Court for New London county; and the Superior Court for the judicial district of Windham at Putnam shall be the Superior Court for Windham county.

(b) The chief clerk for each judicial district court location mentioned above shall be the clerk for the corresponding Superior Court county location.

COMMENTARY: The revisions to this section change the judicial district of Fairfield to the Judicial District of Bridgeport, consistent with Public Acts 2023, No. 23-46, § 26, and the judicial district of Litchfield at Litchfield to the judicial district of Litchfield at Torrington, consistent with Public Acts No. 19-64, § 20.

APPENDIX C

(091823)

Sec. 2-13A. Military Spouse Temporary Licensing

(a) **Qualifications.** An applicant who meets all of the following requirements listed in subdivisions (1) through (11) of this subsection may be temporarily licensed and admitted to the practice of law in Connecticut, upon approval of the bar examining committee. The applicant:

(1) is the spouse of an active duty service member of the United States Army, Navy, Air Force, Marine Corps, [or] Coast Guard or Space Force and that service member is or will be stationed in Connecticut due to military orders;

(2) is licensed to practice law before the highest court in at least one state or territory of the United States or in the District of Columbia;

(3) is currently an active member in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or become inactive or had a license administratively suspended or revoked while in good standing from every jurisdiction without any pending disciplinary actions;

(4) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(5) meets the educational qualifications required to take the examination in Connecticut;

(6) possesses the good moral character and fitness to practice law required of all applicants for admission in Connecticut;

(7) has passed an examination in professional responsibility or has completed a course in professional responsibility in accordance with the regulation of the bar examining committee;

(8) is or will be physically residing in Connecticut due to the service member's military orders;

(9) has not failed the Connecticut bar examination within the past five years;

(10) has not had an application for admission to the Connecticut bar or the bar of any state, the District of Columbia or United States territory denied on character and fitness grounds; and

(11) has not failed to achieve the Connecticut scaled score on the uniform bar examination administered within any jurisdiction within the past five years.

(b) **Application Requirements.** Any applicant seeking a temporary license to practice law in Connecticut under this section shall file an application and payment of such fee as the bar examining committee shall from time to time determine. Such application shall be filed with the director of the committee and shall set forth the applicant's qualifications as hereinbefore provided, and shall certify whether the 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. In addition, the applicant shall file with the committee the following:

(1) a copy of the applicant's military spouse dependent identification and documentation evidencing a spousal relationship with the service member;

(2) a copy of the service member's military orders to a military installation in Connecticut or a letter from the service member's command verifying that the requirement in subsection (a) (8) of this section is met;

(3) certificate(s) of good standing from the highest court of each state, the District of Columbia or United States territory to which the applicant has been admitted, or proof that the applicant has resigned, or become inactive or had a license administratively suspended or revoked while in good standing; and

(4) recommendations from two attorneys who personally know the applicant certifying to his or her good moral character and fitness to practice law.

(c) Duration and Renewal.

(1) A temporary license to practice law issued under this rule will be valid for three years provided that the temporarily licensed attorney remains a spouse of the service member and resides in Connecticut due to military orders or continues to reside in Connecticut due to the service member's immediately subsequent assignment specifying that dependents are not authorized to accompany the service member. The temporary license may be renewed for one additional two year period.

(2) A renewal application must be submitted with the appropriate fee as established by the bar examining committee and all other documentation required by the bar examining committee, including a copy of the service member's military orders. Such

renewal application shall be filed not less than thirty days before the expiration of the original three year period.

(3) A temporarily licensed attorney who wishes to become a permanent member of the bar of Connecticut may apply for admission by examination or for admission without examination for the standard application fee minus the application fee paid to the committee for the application for temporary license, not including any fees for renewal.

(d) Termination.

(1) Termination of Temporary License. A temporary license shall terminate, and a temporarily licensed attorney shall cease the practice of law in Connecticut pursuant to that admission, unless otherwise authorized by these rules, thirty days after any of the following events:

(A) the service member's separation or retirement from military service;

(B) the service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the dependents are not authorized to accompany the service member, in which case the attorney may continue to practice law in Connecticut as provided in this rule until the service member departs Connecticut for a permanent change of station where the presence of dependents is authorized;

(C) the attorney's permanent relocation outside of the state of Connecticut for reasons other than the service member's relocation;

(D) upon the termination of the attorney's spousal relationship to the service member;

(E) the attorney's failure to meet the annual licensing requirements for an active member of the bar of Connecticut;

(F) the attorney's request;

(G) the attorney's admission to practice law in Connecticut by examination or without examination;

(H) the attorney's denial of admission to the practice of law in Connecticut; or

(I) the death of the service member.

Notice of one of the events set forth in subsection (d) (1) must be filed with the bar examining committee by the temporarily licensed attorney within thirty days of such event. Notice of the event set forth in subsection (d) (1) (I) must be filed with the committee by the temporarily licensed attorney within thirty days of the event, and the attorney shall cease the practice of law within one year of the event. Failure to provide such notice by the temporarily licensed attorney shall be a basis for discipline pursuant to the Rules of Professional Conduct for attorneys.

(2) Notice of Termination of Temporary License. Upon receipt of the notice required by subsection (d) (1), the bar examining committee shall forward a request to the statewide bar counsel that the license under this chapter be revoked. Notice of the revocation shall be mailed by the statewide bar counsel to the temporarily licensed attorney.

(3) Notices Required. At least sixty days before termination of the temporary admission, or as soon as possible under the circumstances, the attorney shall:

(A) file in each matter pending before any court, tribunal, agency or commission a notice that the attorney will no longer be involved in the case; and

(B) provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.

(e) Responsibilities and Obligations.

An attorney temporarily licensed under this section shall be subject to all responsibilities and obligations of active members of the Connecticut bar, and shall be subject to the jurisdiction of the courts and agencies of Connecticut, and shall be subject to the laws and rules of Connecticut governing the conduct and discipline of attorneys to the same extent as an active member of the Connecticut bar. The attorney shall maintain participation in a mentoring program provided by a state or local bar association in the state of Connecticut.

COMMENTARY: The revisions to this section add a reference to the United States Space Force, as a recognized branch of the United States armed forces, consistent with Public Acts 2023, No. 23-71.