

Minutes of the Meeting  
Rules Committee  
October 19, 2009

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On Monday, October 19, 2009, the Rules Committee met in the Attorneys' Conference Room from 2:08 p.m. to 4:46 p.m.

Members in attendance were:

HON. PETER T. ZARELLA, CHAIR  
HON. BARBARA N. BELLIS  
HON. THOMAS J. CORRADINO  
HON. JACK W. FISCHER  
HON. ANTONIO C. ROBAINA  
HON. JANE S. SCHOLL  
HON. MICHAEL R. SHELDON

Judges Leslie I. Olear and Carl E. Taylor were not in attendance at this meeting. Also in attendance were Carl E. Testo, Counsel to the Rules Committee, and Attorney Denise K. Poncini of the Judicial Branch's Legal Services Unit.

Agenda

1. The members of the Committee who were present for the September 28, 2009, meeting unanimously approved with revisions the minutes of that meeting.
2. The Committee considered a proposal by Attorney Denise K. Poncini to amend Rule 1.15 of the Rules of Professional Conduct to adopt provisions of Section 6 of P.A. 09-152 concerning IOLTA.

After discussion, the Committee tabled this matter in order to review the legislative history of the public act.

3. The Committee considered letters from Attorney Franklin Drazen, Director of the Connecticut Chapter of Elder Law Attorneys, and Lori Barbee, Executive Director of the National Elder Law Foundation, requesting that Rule 7.4A(d) of the Rules of Professional Conduct be amended to include "Elder Law" as a field of law in which attorneys may be certified as specialists in this state.

After discussion, the Committee decided to refer the proposal to Attorney Judith Hoberman for a report from the Elder Law Section of the Connecticut Bar Association (CBA).

4. The Committee considered a proposal by Attorney David Stamm, then Administrative Director of the Bar Examining Committee, to amend the rules concerning fitness to practice law; a report submitted by Attorney Anne Dranginis, Chair of the Bar Examining Committee, containing recommended Practice Book revisions implementing Attorney Stamm's proposal; and proposals and other materials submitted by John Bauer, a Clinical Professor of Law at the University of Connecticut School of Law, concerning this matter.

After discussion, the Committee made further revisions to the proposals and asked the undersigned to submit to the Committee, for consideration at a future meeting, a draft which incorporates their revisions.

5. The Committee considered proposed new rules for Family Support Magistrates, submitted by Judge Lynda B. Munro on behalf of the Family Support Magistrate Rules Subcommittee.

After discussion, Justice Zarella agreed to talk with Judge Munro about working with the undersigned to revise the draft so that all the family support magistrate rules are in one chapter.

6. The Committee continued its consideration of proposals submitted by Judge Barbara M. Quinn on behalf of the Civil Commission to amend the discovery rules concerning electronically stored information; comments by Judge Barbara Bellis concerning the proposals; and Uniform Rules Relating to Discovery of Electronically Stored Information, submitted by Uniform State Law Commissioner David Biklen.

After discussion, the Committee decided to refer this matter to the Civil Commission for further review and comment.

7. The Committee continued its consideration of a letter from the American Bar Association (ABA) to Sr. Associate Justice David M. Borden concerning the ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster.

After discussion, it was decided that Justice Zarella and the undersigned will draft a proposed new rule that would give the Rules Committee interim authority to adopt rules on an expedited basis to address situations that arise after a declaration of disaster or emergency by the Governor and the Chief Justice.

8. The Committee considered a proposal by Attorney James H. Lee to amend Section 2-64 concerning the procedure by which attorneys are appointed trustees to close the law practices of deceased attorneys, and comments thereon from the CBA Task Force on Attorney Trust

Accounts, Chief Disciplinary Counsel Mark Dubois, Statewide Bar Counsel Michael Bowler, and Attorney Richard S. Fisher.

After discussion, Judge Sheldon agreed to talk with Chief Disciplinary Counsel Dubois about whether he believes rules changes are needed in this area. Judge Sheldon will report back to the Rules Committee at a future meeting.

9. The Committee considered a proposed new rule submitted by Justice C. Ian McLachlan and Attorney Nancy A. Porter to adopt provisions of Section 1 of Public Act 08-67 concerning the protection of family violence victims in family relations matters.

After discussion, the Committee tabled the proposal.

10. The Committee considered proposed revisions to the Practice Book submitted by Mr. Andrew B. Burns.

After discussion, the Committee unanimously voted, with Judge Bellis abstaining, not to submit the proposed revisions to public hearing.

11. At its last meeting, in response to concerns expressed by Judge Bellis regarding Practice Book rules that are specifically tailored to paper as opposed to electronic filing, the Committee asked the undersigned to review the Practice Book for rules that contain such references and to report back to the Committee at its October meeting with a listing of such rules.

At this meeting the Committee reviewed the list provided by the undersigned and asked him to draft proposed revisions to those rules so that they are consistent with electronic filing and to submit his proposals to the Committee for review at a future meeting.

The Committee also asked the undersigned to submit to the Committee for review a proposed revision to Section 7-17 that provides a grace period for the filing of documents with the clerk in the event the Judicial Branch's e-filing system is down.

12. The Committee tabled to its November meeting consideration of the proposed revisions to the Code of Judicial Conduct submitted by Justice Barry R. Schaller, on behalf of the Judicial Code Committee, and various comments received by the Rules Committee concerning this proposal.

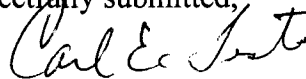
13. The Committee changed the date of its November meeting from Monday, November 23, 2009, to Tuesday, November 24, 2009, at 10:00 a.m.

14. At the last Rules Committee meeting Justice Zarella advised the Committee that he would be adding a new appendix to the upcoming edition of the Practice Book that will set forth

the statewide standing orders that have been issued for civil, family, and juvenile matters in the Superior Court.

At this meeting Justice Zarella asked the Committee to review these standing orders to determine if any of them require a Practice Book revision.

Respectfully submitted,



Carl E. Testo  
Counsel to the Rules Committee

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