

Minutes of the Meeting
Rules Committee of the Superior Court
Monday, November 18, 2024

On November 18, 2024, the Rules Committee met using Microsoft Teams from 2:00 p.m. to 2:54 p.m.

Members in attendance were:

HON. JOAN K. ALEXANDER, CHAIR
HON. BARBARA AARON
HON. BARRY F. ARMATA
HON. COURTNEY M. CHAPLIN
HON. ERNEST GREEN
HON. JENNIFER MACIEROWSKI
HON. STEPHANIE A. MCLAUGHLIN
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 W. Glen Pierson was absent. Judge Chaplin joined the meeting at 2:39 p.m.

1. The Committee approved the minutes of the meeting held on October 21, 2024, with no revisions. Judge Macierowski abstained from voting.

2. The Committee considered a proposal from Attorney James Sullivan to add to the Practice Book the Principles of Professionalism adopted by the Connecticut Bar Association (CBA) (RC ID # [2024-001](#)).

Attorney Sullivan addressed the Committee on this matter.

After discussion, the Committee tabled this proposal to its December meeting and asked Attorney Sullivan to verify with the CBA its permission for the Judicial Branch to adapt the Lawyers' Principles of Professionalism for publication in the Practice Book.

3. The Committee considered a proposal from the Deposition Subpoena Rules Task Force to amend Practice Book Sections 13-26, 13-28, 13-29, and 13-31, and to add new Section 13-28A, to reflect the adoption of the Interstate Depositions and Discovery Act in Connecticut (RC ID # [2024-014](#)).

Judges Armata and Stewart were present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal to its January meeting and referred it for comment to the Connecticut Bar Association, the Connecticut Defense Lawyers Association, the Connecticut Trial Lawyers Association, the Connecticut American Academy of Matrimonial Lawyers, and legal aid organizations.

4. The Committee considered a proposal from Judge Elizabeth A. Bozzuto to amend Practice Book Sections 2-30, 2-34, and 2-34A, to comport with Public Act 24-108 concerning the authority of the Chief Court Administrator in various administrative and personnel matters (RC ID # [2024-015](#)).

After discussion, the Committee voted unanimously to submit to public hearing the proposal to amend Practice Book Sections 2-30, 2-34, and 2-34A, as set forth in Appendix A, attached to these minutes.

5. The Committee considered a proposal from Justice Andrew McDonald for a new rule to address the misgendering in Connecticut courts of individuals who are nonbinary or transgender (RC ID # [2024-016](#)).

Attorney Lori Petruzzelli, Assistant Counsel to the Committee, was present and addressed the Committee on this matter.

After discussion, the Committee tabled this proposal to its December meeting and referred it for comment to the Judicial Branch's Diversity, Equity, and Inclusion Unit and to the LGBT Section of the Connecticut Bar Association.

6. The Committee considered a proposal from Carl Cicchetti, Chief Clerk for the Supreme and Appellate Courts, to amend Practice Book Sections 3-16 and 3-21 concerning Certified Legal Interns (RC ID # 2024-017).

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

After discussion, the Committee tabled this proposal to its February meeting and referred it for comment to the Office of the Chief Disciplinary Counsel, the Statewide Bar Counsel's Office, and the Deans for UCONN Law School, Yale Law School, Quinnipiac School of Law, and Western New England Law School.

7. The Committee considered a proposal from Attorney James Sullivan to amend Practice Book Section 2-36 to require that disciplinary authorities specifically identify in a presentment complaint the specific Rules of Professional Conduct that are alleged to have been violated (RC ID # 2024-018).

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

After discussion, the Committee tabled this proposal to its February meeting and referred it for comment to the Office of the Chief Disciplinary Counsel, the Statewide Bar Counsel's Office, and the Connecticut Bar Association.

Respectfully submitted,



Joseph J. Del Ciampo
Counsel to the Rules Committee

APPENDIX A

(111824)

Sec. 2-30. Grievance Counsel for Panels and Investigators

(a) The [judges of the Superior Court] chief court administrator shall appoint, as set forth below, attorneys to serve either on a part-time or full-time basis as grievance counsel for grievance panels, and shall appoint one or more investigators either on a full-time or part-time basis. The investigators so appointed shall serve the Statewide Grievance Committee, the reviewing committees and the grievance panels and shall be under the supervision of the statewide bar counsel. [These appointments shall be for a term of one year commencing July 1. In the event that a vacancy arises in any of these positions before the end of a term, the executive committee of the Superior Court shall appoint a qualified individual to fill the vacancy for the balance of the term.] Compensation for these positions shall be paid by the Judicial Branch. [Such appointees may be placed on the Judicial Branch payroll or be paid on a contractual basis.]

(b) [Consideration for appointment to the position of grievance counsel for a grievance panel shall be given to those candidates recommended to the appointing authority by the resident judges in the judicial district or districts to which the appointment is to be made.

(c) The [executive committee of the Superior Court] chief court administrator shall determine the number of grievance counsel to serve one or more grievance panels.

COMMENTARY: Public Act 24-108, *An Act Concerning Court Operations and Administrative Proceedings*, among other things, consolidated under the Chief Court

Administrator the responsibility for many personnel and administrative matters that historically were acted on by the Executive Committee and/or the judges of the Superior Court but which now are consistent with the current duties and responsibilities of and properly undertaken by the Chief Court Administrator. The changes to this section conform to the provisions of that public act.

Sec. 2-34. Statewide Bar Counsel

(a) The [judges of the Superior Court] chief court administrator 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] chief court administrator 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, certify 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 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: Public Act 24-108, *An Act Concerning Court Operations and Administrative Proceedings*, among other things, consolidated under the Chief Court Administrator the responsibility for many personnel and administrative matters that historically were acted on by the Executive Committee and/or the judges of the Superior Court but which now are consistent with the current duties and responsibilities of and properly undertaken by the Chief Court Administrator. The changes to this section conform to the provisions of that public act.

Sec. 2-34A. Disciplinary Counsel

(a) There shall be a chief disciplinary counsel and such disciplinary counsel and staff as are necessary. The chief disciplinary counsel and the disciplinary counsel shall be appointed by the [judges of the Superior Court for a term of one year commencing July 1, except that initial appointments shall be from such date as the judges determine through the following June 30] chief court administrator. In the event that a vacancy arises in any of these positions [before the end of a term, the executive committee of the Superior Court may appoint a qualified individual to fill] the chief court administrator will fill the vacancy [for the balance of the term]. The chief disciplinary counsel and disciplinary counsel shall be assigned to the Office of the Chief court administrator for administrative purposes and shall not engage in the private practice of law. The term “disciplinary counsel” as used in the rules for the Superior Court shall mean the chief disciplinary counsel or any disciplinary counsel.

(b) In addition to any other powers and duties set forth in this chapter, disciplinary counsel shall:

(1) Investigate each complaint which has been forwarded, after a determination that probable cause exists that the respondent is guilty of misconduct, by a grievance panel to the Statewide Grievance Committee for review pursuant to Section 2-32 (i) and pursue such matter before the Statewide Grievance Committee or reviewing committee. When, after a determination of no probable cause by a grievance panel, a complaint is forwarded to the Statewide Grievance Committee because it contains an allegation that the respondent committed a crime, and the Statewide Grievance Committee or a reviewing committee determines that a hearing shall be held concerning the complaint

pursuant to Section 2-35 (c), the disciplinary counsel shall present the matter to such committee.

(2) Pursuant to Section 2-82, discuss and may negotiate a disposition of the complaint with the respondent or, if represented by an attorney, the respondent's attorney, subject to the approval of the Statewide Grievance Committee or a reviewing committee or the court.

(3) Remove irrelevant information from the complaint file and thereafter permit discovery of information in the file.

(4) Pursuant to Section 2-35, add additional allegations of misconduct to the grievance panel's determination that probable cause exists that the respondent is guilty of misconduct.

(5) Have the power to subpoena witnesses for any hearing before a grievance panel, a reviewing committee or the Statewide Grievance Committee convened pursuant to these rules.

(6) In his or her discretion, recommend dispositions to the Statewide Grievance Committee or the reviewing committee after the hearing on a complaint is concluded.

(7) At the request of the Statewide Grievance Committee or a reviewing committee, prepare and file complaints initiating presentment proceedings in the Superior Court, whether or not the alleged misconduct occurred in the actual presence of the court, and prosecute same.

(8) At the request of a grievance panel made pursuant to Section 2-29, pursue the matter before the grievance panel on the issue of probable cause.

(9) Investigate and prosecute complaints involving the violation by any person of General Statutes § 51-88.

COMMENTARY: The changes to this section are consistent with the current duties and responsibilities of and properly undertaken by the Chief Court Administrator, and are consistent with the provisions of Public Act 24-108, *An Act Concerning Court Operations and Administrative Proceedings*, which, among other things, consolidated under the Chief Court Administrator the responsibility for many personnel and administrative matters that historically were acted on by the Executive Committee and/or the judges of the Superior Court.