

STATE OF CONNECTICUT
JUDICIAL BRANCH
EMERGENCY MEETING OF THE RULES COMMITTEE
HELD VIA TELEPHONE CONFERENCE
MAY 11, 2020

Present Committee Members:

The Honorable Andrew McDonald, Chair
The Honorable Holly Abery-Wetstone
The Honorable Joan Alexander
The Honorable Barbara Bellis
The Honorable Susan Quinn Cobb
The Honorable Melanie Cradle
The Honorable Donna Nelson Heller
The Honorable Barry Stevens
The Honorable Anthony Truglia

Also Present:

Attorney Joseph Del Ciampo
Attorney James O'Connor
Attorney Lori Petruzzelli
Attorney Shanna O'Donnell
Melissa Farley
Alison M. Chandler
Dean Timothy Fisher
Dean Brad Saxton
Anne C. Dranginis (Retired Judge)
Denise Phelan
Matthew Wax-Krell
The Honorable Nina Elgo
Deborah Bradley
David Moraghan
Frederic Ury
Kathleen B. Harrington
Jessica F. Kallipolites
Lisa Valko

Transcribed by:
Amy Anderson,
Official Court Reporter

1 JUSTICE McDONALD: Okay. This is Justice
2 McDonald. The first thing I would ask everybody to
3 do is please put your phone on mute if you are not
4 speaking. That's the only way this is going to
5 possibly work.

6 I appreciate everybody participating and I will
7 call the meeting - the Emergency Meeting of the
8 Rules Committee - to order. Obviously we are doing
9 this by telephone conference call and I appreciate
10 everybody's participation.

11 I believe if I have been given accurate
12 information, we have approximately 30 people on this
13 call and for the purposes of the minutes - and I
14 apologize for this - but I need to go through the
15 list so that our staff knows who is participating in
16 the meeting.

17 So first we'll start again and when I say your
18 name, please -- please say here.

19 So first is Judge Abery-Wetstone.

20 JUDGE ABERY-WETSTONE: Here.

21 JUSTICE McDONALD: Judge Alexander.

22 JUDGE ALEXANDER: Here.

23 JUSTICE McDONALD: Judge Bellis.

24 JUDGE BELLIS: Here.

25 JUSTICE McDONALD: Judge Cobb.

26 JUDGE COBB: Here.

27 JUSTICE McDONALD: Judge Cradle.

1 JUDGE CRADLE: Here.

2 JUSTICE McDONALD: Judge Heller.

3 JUDGE HELLER: Here.

4 JUSTICE McDONALD: Judge Stevens.

5 JUDGE STEVENS: Here.

6 JUSTICE McDONALD: Judge Truglia.

7 JUDGE TRUGLIA: Here.

8 JUSTICE McDONALD: All right. Thank you. And
9 I believe we have several participants. I'd like
10 the first -- start with I think Dean Tim Fisher from
11 UConn School of Law.

12 DEAN FISHER: Here.

13 JUSTICE McDONALD: Dean Brad Saxton from
14 Quinnipiac School of Law.

15 DEAN SAXTON: Here.

16 JUSTICE McDONALD: Dean Setty from Western New
17 England University School of Law.

18 (No response)

19 JUSTICE McDONALD: Okay. And then from the
20 Connecticut Bar Examining Committee, I believe we
21 have Judge Dranginis.

22 JUDGE DRANGINIS: Here.

23 JUSTICE McDONALD: Denise Phelan.

24 MS. PHELAN: Here.

25 JUSTICE McDONALD: Matt Wex-Crell -- Wax-Crell,
26 sorry.

27 ATTY. WAX-CRELL: Here. Here.

1 JUSTICE McDONALD: Deborah Bradley.

2 MS. BRADLEY: Here.

3 JUSTICE McDONALD: Judge Elgo.

4 JUDGE ELGO: Here.

5 JUSTICE McDONALD: Eric Brose.

6 (No response)

7 JUSTICE McDONALD: David Moraghan.

8 MR. MORAGHAN: Here.

9 JUSTICE McDONALD: Sharon Peters.

10 UNIDENTIFIED FEMALE: I think she was unable to
11 join the call at the last minute, Your Honor.

12 UNIDENTIFIED MALE: Right.

13 JUSTICE McDONALD: Okay. Fred Ury.

14 MR. URY: Here.

15 JUSTICE McDONALD: Abby Warren.

16 (No response)

17 JUSTICE McDONALD: And then from the
18 administrative office of the Bar Examining
19 Committee, Kathy Harrington.

20 MS. HARRINGTON: Here.

21 JUSTICE McDONALD: Jessica Kallipolites.

22 MS. KALLIPOLITES: Here.

23 JUSTICE McDONALD: Lisa Valko.

24 MS. VALKO: Here.

25 JUSTICE McDONALD: And from the Judicial
26 Branch, Attorney Joseph Del Ciampo.

27 ATTY. DEL CIAMPO: Here.

1 JUSTICE McDONALD: James O'Connor.

2 ATTY. O'CONNOR: Here.

3 JUSTICE McDONALD: Laura Petruzzelli.

4 ATTY. PETRUZZELLI: Here.

5 JUSTICE McDONALD: Shanna O'Donnell.

6 ATTY. O'DONNELL: Here.

7 JUSTICE McDONALD: And from External Affairs,
8 Melissa Farley.

9 MS. FARLEY: Here.

10 JUSTICE McDONALD: And Alison Chandler.

11 MS. FARLEY: You won't be able to hear her
12 because she has the microphone on, but she is
13 recording the conference call.

14 JUSTICE McDONALD: Right. Thank you.

15 Is there anybody else on the phone call that I
16 have not announced?

17 (No response)

18 Okay. Thank you very much. The first thing
19 that we will do is the approval of the Minutes of
20 the March 24th, 2020 meeting.

21 From the members of the committee, is there a
22 motion to approve?

23 JUDGE BELLIS: Judge Bellis, so move.

24 JUSTICE McDONALD: And say your name.

25 JUDGE ABERY-WETSTONE: Judge Abery-Wetstone.

26 JUSTICE McDONALD: And moved by Judge Abery-
27 Wetstone and who's seconding it?

1 JUDGE BELLIS: Judge Bellis, second.

2 JUSTICE McDONALD: Thank you. All in favor,
3 say aye.

4 MEETING PARTICIPANTS: Aye.

5 JUSTICE McDONALD: Are there any opposed?
6 (No response)

7 JUSTICE McDONALD: If not, that passes
8 unanimously.

9 The second item is the main reason for the
10 meeting. It's the proposal from the Connecticut Bar
11 Examining Committee that under Practice Book Section
12 1-9B, that the Rules Committee modify certain rules
13 related to the practice of law in light of the
14 public health and civil preparedness emergency that
15 has been declared by the Governor.

16 And I first want to acknowledge that a great
17 deal of effort has gone into this proposal from many
18 stakeholders. We're going to hear from Judge
19 Dranginis in a minute about it. But I want to say
20 that I very much appreciate the work that everybody
21 has done in putting this proposal together. I have
22 shared the proposal with both the Chief Justice and
23 the Chief Court Administrator and both have
24 expressed their support for this proposal.

25 And so with that, I would turn it over to Judge
26 Dranginis so that she can sort of frame the
27 situation and what the proposal accomplishes. I

1 should also say that all of the proposals have
2 previously been circulated to the members of the
3 committee.

4 Judge Dranginis.

5 JUDGE DRANGINIS: Thank you very much, Justice
6 McDonald. And I want to thank you and the members
7 and staff of the Rules Committee for your prompt
8 attention to what is, as you can well imagine, a
9 monumental issue to the students who face graduation
10 from law school during this period of time.

11 I also wanted to thank, on behalf of the Bar
12 Examining Committee, the deans from law schools in
13 Connecticut and our area for their very collegial
14 assistance, both to their students and to us and the
15 Bar Examining Committee such that we could address
16 the challenges and disappointments wrought by the
17 current pandemic and our need to protect each other
18 from its danger.

19 The Bar Examining Committee has been very
20 active and from early on and I want to thank
21 everyone who has made comments and edits to
22 proposals in the proposal that is before the Rules
23 Committee today, especially the working group
24 comprised of Judge Elgo, Matt Wax-Crell, Fred Ury,
25 and David Moraghan.

26 I tried to review all of the emails that we
27 exchanged since March 26th on this matter and it

1 really was a yeoman's task. We worked very
2 competently and powerfully, assisted by Attorney
3 Kathleen Harrington, Deputy Director of Attorney
4 Services Jessica Kallipolites and director of the
5 CBEC, and Lisa Valko, Program Manager.

6 And I think it's important for me to point out
7 to the Rules Committee and for them to know that
8 Attorney Harrington is currently serving as the
9 Chair of the Counsel of Bar Admission
10 Administrators, which is a counsel of nationwide Bar
11 administrators and all of whom have been dealing
12 with the issue of the pandemic and how it is
13 impacting the Bar examination.

14 Because of her position, on March 18th, she
15 became aware of the rumblings about the potential
16 need to reschedule the July Bar examination and we
17 exchanged emails about that.

18 Also, I'm on the National Committee for Uniform
19 Bar Exam and about the 20th of March was informed
20 that there would be, because of postponements in
21 certain jurisdictions, the offering of another Bar
22 exam later in the fall.

23 We did report to the full committee on March
24 26th the uncertainty of the Bar exam and thereafter,
25 I convened a working group such that we could
26 respond in an efficient way to the variety of
27 challenges to the delay of the July Bar exam.

1 The Bar Examining Committee as a whole was kept
2 up to date with respect to that and by mid-April,
3 Kathy Harrington and I participated with a town hall
4 with the 3L students at UConn Law School --

5 JUSTICE McDONALD: Judge Dranginis, can you
6 hold on one second. Could everybody please put your
7 phone on mute. There is background noise that is
8 interfering with the meeting. Please put your phone
9 on mute if you are not speaking. Thank you.

10 Please continue, Judge.

11 JUDGE Dranginis: Sure.

12 And so for -- we had many conversations and
13 conference calls with the deans and the working
14 groups and the deans who were able to join us. We
15 discussed the diploma privilege that was being
16 advocated by the law students who were graduating
17 mid-spring. The Bar Examining Committee was
18 uniformly resistant to that so wide open to having
19 an expansion of the student intern rule.

20 And so we actually, in our committee and with
21 the deans, talked about that kind of a rule and
22 through many iterations and have proposed to the
23 Rules Committee the rule that has been -- actually
24 promulgated to you for passage on an emergency basis
25 and we would like the rule to be passed and to be
26 effective immediately.

27 JUSTICE McDONALD: Thank you very much. And

1 actually, I would also like to briefly hear from the
2 three law school deans that are on the call as well.

3 So starting with Dean Fisher.

4 DEAN FISHER: Thank you, Justice McDonald, and
5 thank you, Judge Dranginis, for your explanation but
6 also for your amazing leadership and efforts over
7 the last month-plus in getting us to this point.

8 I, like the other deans, support this. Brad
9 Saxton and I just got an email from Sudha Setty, the
10 dean at Western New England, just before ten o'clock
11 that she'd been pulled in for an urgent call, but I
12 know we speak for her as well the dean at Yale,
13 Heather Gerken.

14 We support this rule and there are a number of
15 points that we'd like to make about that. First
16 off, we acknowledge the incredible speed with which
17 the Bar Examining Committee worked and the
18 incredible effort, I know over many weekends because
19 I was getting the texts and participating in the
20 phone calls through this period of time and the
21 creativity and the energy that they gave to it,
22 balancing so many different considerations to find
23 something that would be workable.

24 And this will enable our students as they
25 graduate this spring and some who graduated back in
26 the winter of last year who have not yet sat through
27 the Bar to be able to get started in some on-the-

1 ground work representing clients and dealing with
2 some of the low-level court action that will help
3 them get their -- get started on developing their
4 professional skills beyond those which we were able
5 to teach them in our law school. So that's a really
6 great start.

7 There's another factor outside this rule itself
8 which makes it so workable for us and that's also
9 enormous credit to the Bar Examining Committee.
10 While moving the exam for, you know, important
11 public health reasons to the end of September, the
12 Bar Examining Committee has also reversed the
13 sequence of a crucial part - the Review of Character
14 and Fitness - which traditionally was done after the
15 Bar exam results were received.

16 They're doing that in advance and the result of
17 that is that where normally the class that graduated
18 in May gets sworn in in late October to early
19 November, now this class will be able to get sworn
20 in and pass the Bar and the character and fitness
21 review only a few weeks later.

22 And so thanks to that effort and all of the
23 adjustments that the Bar Examining Committee is
24 making, our students that are graduating this year
25 will suffer only a modest delay in their actual
26 licensure. And so the gap that this rule is closing
27 is much less than it would otherwise have been but

1 for that work by Judge Dranginis and the members of
2 her committee and her staff.

3 I will say that should things turn much worse
4 and we lose that Bar exam as well - which I don't
5 think is likely and I know that we are taking a
6 number of major efforts to make sure that it can go
7 forward under safe conditions - then we might want
8 to raise again the question of whether this year's
9 grads might actually have license to practice as
10 opposed to being under supervision. But shy of
11 that, I think we're in exactly the right spot.

12 The last thing I'll say and then move back, the
13 burden is now on the Bar and on us in reaching out
14 to alumni to find supervisors because under this
15 rule, our graduates are working under the license of
16 somebody else who is therefore the person who's
17 profession and degree is responsible for the quality
18 of their work.

19 Given that and given the economy that we're in,
20 it's going to be relatively difficult to line up a
21 lot of these opportunities for our graduates. We
22 don't yet know what the response is going to be.
23 And I'm going to give it our best effort and we'll
24 certainly look to the support of the Bar Association
25 in that.

26 So we don't expect that this will be a very
27 large quantity of legal work being done by our

1 grads, but if it's some that enables them to get
2 started, then we think that's a great thing and
3 we're grateful for it.

4 JUSTICE McDONALD: Thank you. Thank you very
5 much. And you said Dean Setty was not able to be on
6 the call, correct?

7 DEAN FISHER: That's right. She just
8 (indiscernible) immediately before.

9 JUSTICE McDONALD: Thank you. Dean Saxton.

10 DEAN SAXTON: Thank you very much, Justice
11 McDonald and I have very little to add to what Dean
12 Fisher said. I would like -- Quinnipiac and I also
13 support the rule and we're very grateful for it. I
14 would like to say we are so grateful to Judge
15 Dranginis and to the CBEC and the working group that
16 did all the work to put this together. It was
17 really yeoman's work and very, very nicely done and
18 we are extremely grateful for it, so thank you for
19 it.

20 Dean Fisher really expressed everything that I
21 would have expressed. I would say that I share the
22 couple of concerns that he expressed. The one --
23 the rule is a very helpful thing, but it's going to
24 be really challenging to line up enough supervisors,
25 given the large number of recent graduates that we
26 expect might want to take advantage of the new rule
27 or try and invoke it.

1 So we will be doing what we can to help out,
2 but we're -- that will be something that I think the
3 law schools and the Bar will all need to work
4 together to try and meet the need for.

5 The other one, as Dean Fisher expressed, is
6 that this seems to work very well if all goes
7 according to plan. Now if something happens to
8 delay the Bar beyond when it's now supposed to be,
9 it might be that it would be appropriate to revisit
10 the question of some other solution to the problem,
11 whether it would be something along the lines of a
12 diploma privilege or something along the lines of,
13 you know, a limited practice, temporary admission
14 that some of the other jurisdictions are exploring.
15 But hopefully we won't need to get there and things
16 will go as planned.

17 But that said, we support this. We're grateful
18 for it. Judge Dranginis, again, thank you to you
19 and your colleagues and Justice McDonald, thank you
20 very much for allowing us to participate. So thank
21 you.

22 JUSTICE McDONALD: Thank you. And obviously I
23 do also extend my gratitude to the working group
24 that put this together.

25 I'm not encouraging it, but if anybody from the
26 Bar Examining Committee has anything that is
27 necessary to add to this conversation, now would be

1 the time before we take questions from members of
2 the committee.

3 (No response)

4 And I'm going to take that as a no. So I will
5 open this up to members of the committee if they
6 have any questions of Judge Dranginis or any of the
7 other participants in this telephone call.

8 JUDGE BELLIS: This is Judge Bellis. I
9 actually have one question.

10 JUSTICE McDONALD: Please go forward.

11 JUDGE BELLIS: Yes. So I wholeheartedly
12 support the proposal and commend everyone. I just
13 had a question of logistics, if I might.

14 JUSTICE McDONALD: Sure.

15 JUDGE BELLIS: So I understand that you would
16 get approval from the Court. Normally you would get
17 introduced and then file a written consent and
18 approval will be filed.

19 So for the civil cases, they're -- you're not
20 required to have the supervising attorney with you?
21 Obviously there won't be an introduction, but will
22 that consent and approval still be filed with the
23 Court so that we have a way of knowing that the
24 attorney has not been admitted to the Bar?

25 JUSTICE McDONALD: Judge Dranginis, I'll use
26 you as the conduit to direct whether you can answer
27 it or direct the question to somebody else.

1 Judge Dranginis?

2 JUDGE DRANGINIS: Yeah. I'm just on mute.

3 Sorry about that.

4 JUSTICE McDONALD: Okay.

5 JUDGE DRANGINIS: My understanding -- and I
6 think that Jessica Kallipolites probably can answer
7 this question as well. But because of the consent
8 that has to be filed, we expect that to be in the
9 file or electronic and that the Court would know
10 that the person who's appearing is a Certified Law
11 Graduate.

12 And maybe, Jess, you can expand on that.

13 MS. KALLIPOLITES: Hi. Thank you, Judge. My
14 understanding is the same as yours. I actually
15 don't have a whole lot additional to add. I'm not
16 certain --

17 JUDGE DRANGINIS: And I think that the
18 supervisor -- we would ask the supervisor to caution
19 the Certified Law Graduate to -- that would be
20 interning to introduce himself or herself as in such
21 a role to the presiding judge.

22 Thank you.

23 MS. HARRINGTON: Your Honor, Kathy Harrington.
24 I've noted that the normal systems here of consent
25 and approval could continue. We did not envision
26 that the rule would change in that regard, but that
27 the Court would have notice that they would be

1 appearing in limited ability.

2 JUDGE DRANGINIS: That's correct.

3 JUDGE BELLIS: Thank you so much.

4 JUSTICE McDONALD: Are there any other
5 questions from members of the committee?

6 If not, I will accept a motion for approval of
7 the emergency rule as it has been submitted and
8 distributed to members of the committee. Is there a
9 motion?

10 JUDGE BELLIS: Judge Bellis, so move.

11 JUSTICE McDONALD: Is there a second?

12 JUDGE ALEXANDER: Second. Judge Alexander.

13 JUSTICE McDONALD: Thank you. Is there any
14 discussion from among the members of the committee
15 on the proposal?

16 JUDGE STEVENS: Judge Stevens. The only
17 question I have is to verify the procedure for
18 immediate implementation.

19 JUSTICE McDONALD: Procedure for immediate
20 implementation. I guess I'll turn it back over to
21 Judge Dranginis if she has any insight over that.

22 JUDGE DRANGINIS: I think, Your Honor, that it
23 could be effective upon passage and I believe the
24 requirement is that it be -- or that the Rules
25 Commission would use its best efforts, good faith
26 attempts to have it published in the *Law Journal* as
27 soon as possible but that would not invalidate it.

1 JUSTICE McDONALD: Right.

2 JUDGE DRANGINIS: Pursuant to 1-9B.

3 JUSTICE McDONALD: That's been -- maybe
4 Attorney Del Ciampo has additional insight, but
5 that's my understanding as well. It would be
6 effective upon passage.

7 ATTY. DEL CIAMPO: Yes, that's correct, and
8 we'll publish it in the *Law Journal* in the next few
9 weeks.

10 JUSTICE McDONALD: Anything further, Judge
11 Stevens?

12 JUDGE STEVENS: No, thank you.

13 JUSTICE McDONALD: Thank you. Are there any
14 other questions or comments from members of the
15 committee?

16 (No response)

17 JUSTICE McDONALD: If not, all in favor say
18 aye.

19 MEETING PARTICIPANTS: Aye.

20 JUSTICE McDONALD: Are there any opposed?

21 (No response)

22 JUSTICE McDONALD: All right. Thank you. That
23 passes unanimously.

24 And I believe that is all we have to do. I
25 should point out that this call is being recorded by
26 members of our External Affairs division and once we
27 conclude the meeting, the recording will be posted

1 on the Judicial Branch's website.

2 Is there a motion to adjourn?

3 JUDGE COBB: So move. Judge Cobb.

4 JUDGE STEVENS: Second. Judge Stevens.

5 JUSTICE McDONALD: All in favor, say aye.

6 MEETING PARTICIPANTS: Aye.

7 JUSTICE McDONALD: Opposed, say no.

8 (No response)

9 JUSTICE McDONALD: That passes unanimously. We
10 stand adjourned. I thank everybody again for their
11 participation and please stay healthy and safe.

12 Take care.

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C E R T I F I C A T I O N

I, Amy Anderson, do hereby certify the foregoing pages are a true and correct transcription of the audio recording of an emergency meeting of the Rules Committee, held via telephone conference, on the 11th of May, 2020.

Amy Anderson

Official Court Reporter

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