

Notice of Meeting
of the Rules Committee of the Superior Court
Under Practice Book Section 1-9B

Practice Book § 1-9B provides the Superior Court Rules Committee certain emergency powers in the event that the governor declares a public health emergency or a civil preparedness emergency pursuant to C.G.S. §§ 19a-131a and 28-9 or both. On March 10, 2020, Governor Ned Lamont declared a public health emergency and a civil preparedness emergency pursuant to his statutory authority. As such, and pursuant to Practice Book § 1-9B, on April 29, 2020, Chief Justice Richard A. Robinson called a meeting of the Superior Court Rules Committee at which the Rules Committee shall consider and shall have the power to adopt on an interim basis any new rules and to amend or suspend in whole or in part on an interim basis any existing rules concerning practice and procedure in the Superior Court that the committee deems necessary in light of the circumstances of the declared emergency.

In compliance with and furtherance of the actions taken by the Chief Justice pursuant to Section 1-9B of the Practice Book, a meeting of the Superior Court Rules Committee was held on Monday, May 11, 2020, at 10:00 a.m. Because of the public health concerns raised by the current declared emergencies, and consistent with the spirit of Executive Order No. 7B issued by Governor Lamont which suspended in-person meeting requirements pursuant to the Freedom of Information Act, the meeting was conducted by the Committee electronically by teleconference and is available to the public through an audio recording posted on the Judicial Branch website.

At the meeting, the Rules Committee amended the legal intern rules in Section 3-14 through 3-21 of the Practice Book by expanding them as set out in Appendix A of this notice, effective immediately. Pursuant to Section 1-9B of the Practice Book, amendment of existing rules shall remain in effect for the duration of the declared emergency or until such time, as soon as practicable, as a meeting of the Superior Court Judges can be convened to consider a vote on the changes.

Hon. Andrew J. McDonald, Chair
Rules Committee of the Superior Court

APPENDIX A (051120)

CONNECTICUT BAR EXAMINING COMMITTEE
Certified Law School Graduates

In response to the public health crisis worldwide and in this State, the Judicial Branch has considered alternative approaches to novel issues and has modified numerous court practices in recent weeks. Moreover, in response to the crisis, this Committee has already postponed the July 2020 bar exam

to a date established by the National Conference of Bar Examiners, insofar as Connecticut is a Uniform Bar Examination state. The Committee is mindful that, without means to pass the bar exam immediately upon graduation from law school and to obtain a license to practice law, qualified law school students who expect to graduate this Spring may lose job offers, be unable to find legal work, and otherwise suffer financial hardship. However, the Committee is equally mindful of its duty to the members of the public in this State, and its mission to protect the public by ensuring that applicants seeking admission to the bar have demonstrated minimum technical competence.

It is against this backdrop that this Committee proposes the below temporary and emergency expansion of the legal intern rules set forth in Practice Book §§ 3-14 through 3-21 to the Rules Committee of the Superior Court for consideration:

1. On a temporary and emergency basis, Practice Book §§ 3-14 through 3-21 are expanded for 2019 and 2020 law school graduates who have not previously taken an administration of any bar examination before February 2020 and who have graduated from a law school approved by the American Bar Association or by the Committee (“Certified Law School Graduates”).

2. The supervising attorney for a Certified Law School Graduate must be in good standing and have no history of professional discipline, including administrative suspension.

3. For civil cases, the supervising attorney is not required to be present in court with the Certified Law School Graduate: (a) for short calendar call and argument; (b) to report and seek ratification by the Court of a written agreement; (c) to conduct an unopposed foreclosure proceeding seeking judgment; (d) to participate in a pre-trial conference or status conference; (e) to participate in an uncontested dissolution of marriage proceeding; or (f) to participate in the housing court mediation program; so long as the person or entity on whose behalf the appearance is being made consents to the absence of the supervising attorney. However, the supervising attorney must be present during trial.

4. For all criminal cases, the supervising attorney must be present in court with the Certified Law School Graduate.

5. For oral argument before the Connecticut Appellate or Supreme Court, the supervising attorney must be present in court with the Certified Law School Graduate.

6. A Certified Law School Graduate may, under the general supervision of the supervising attorney but outside of his or her presence, give legal advice to a client, negotiate on behalf of a client, and prepare contracts and other documents for the client, provided that the graduate obtains the supervising attorney’s approval of any legal advice, negotiation plan, or final document.

7. The certification for each Certified Law School Graduate shall remain in effect until November 15, 2021 unless terminated at an earlier date by the Dean or Superior Court in accordance with Practice Book § 3-18.

8. In all other respects, Practice Book §§ 3-14 through 3-21 remain unchanged, and legal interns may continue to appear and/or practice to the extent permitted under the existing rules.

COMMENTARY:

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