

**Statewide Grievance Committee
Rules of Procedure**

Notice is hereby given of the following amendments to the Statewide Grievance Committee Rules of Procedure, adopted in accordance with Section 2-33(c)(2), to be effective March 19, 2013.

Attorney Michael P. Bowler
Statewide Bar Counsel

RULE 1A. FILING PROCEDURE; ELECTRONIC FILING

A. Filing Procedure: Grievance complaints, and any document related to grievance complaints or unauthorized practice of law complaints pending before the Committee or a reviewing committee, including but not limited to requests, motions, objections, briefs, appeals, or any other document intended for placement in the file of any

such matter, or any copies thereof, must be filed with or submitted to the Statewide Bar Council or an Assistant Bar Council. No grievance complaint, unauthorized practice of law complaint, or any document attached in support thereof, or any portion of the record as defined by Practice Book § 2-32(i) may be filed with or submitted to the Statewide Bar Council or Assistant Bar Council by way of fax, email, or any other electronic means. Any such document so received will not be considered as being filed with the Committee or the Statewide Bar Council.

B. Electronic Filing: The following documents may be filed with the Statewide Bar Council's Office by fax or email provided that an original of the filing and all necessary copies are mailed filed forthwith to with the Statewide Bar Council's Office:

1. All materials motions, briefs and supporting documentation prepared pursuant to Rule 7(B), (C), and (D) and (F);
2. A response to an overdraft investigation by the Statewide Bar Council's Office conducted pursuant to Practice Book § 2-28(g) and Rule 9(B);
3. A proposed disposition prepared pursuant to Practice Book § 2-82 and Rule 11;
4. A motion to dismiss prepared pursuant to Rule 11A;
5. A request for review of a reviewing committee final decision prepared pursuant to Practice Book § 2-35(g);
6. A request for review of an attorney advertising advisory opinion prepared pursuant to Rule 14(I).

C. All materials filed with the Statewide Bar Council following a finding of probable cause shall contain a certification of proof of service as required in civil matters pursuant to Practice Book § 10-14. Notwithstanding the provisions of this rule, the Committee or a reviewing committee may allow for the electronic filing of any document.

D. Notwithstanding the provisions of this rule, the Committee or a reviewing committee may allow for the electronic filing of any document. Materials that do not comply with this Rule shall be returned and not made a part of the record.

E. Materials that do not comply with this rule shall be returned and not made a part of the record.

RULE 7. HEARINGS OPEN TO THE PUBLIC

A. Notice: In all matters in which a hearing open to the public is held, the Complainant, Disciplinary Counsel and the Respondent shall be sent written notice of the hearing by the Statewide Bar Council by first class mail. The notice shall include a statement of the time and place of the hearing and that the hearing shall be open to the public and on the record.

B. Continuances: Continuances may be granted only to Disciplinary Counsel or the Respondent in the discretion of the reviewing committee and only for good cause shown. Motions for continuances must be submitted on form JD-GC-17 and filed with the Statewide Bar Council's Office with a copy to all counsel and pro se parties of record no later than seven calendar days prior to the date of the hearing, absent exigent circumstances. A party requesting a continuance must indicate whether the opposing party consents to the request. Upon timely receipt of the motion for continuance, the Statewide Bar Council's Office shall forward it to a

member of the reviewing committee who shall promptly rule on the motion. Notice of the decision on the motion shall thereafter be transmitted by the Statewide Bar Counsel's Office to Disciplinary Counsel, the Complainant and to the Respondent or counsel for the Respondent.

C. Motions: Motions filed with the Committee or a reviewing committee concerning the jurisdiction of the Committee or reviewing committee or any other matter to be considered by the hearing body must be filed with the Statewide Bar Counsel's Office no later than seven days in advance of the date upon which the complaint at issue is to be heard. An original and three copies of the motion must be filed with the Statewide Bar Counsel's Office. Such motions may only be filed by Disciplinary Counsel, the Respondent or the Respondent's counsel. ~~Disciplinary Counsel submitting a motion must certify and forward a copy to the Respondent and a Respondent submitting a motion must certify and forward a copy to Disciplinary Counsel.~~ The requirement that motions must be filed no later than seven days in advance of the hearing date may be waived in the discretion of the hearing body with respect to motions in which the jurisdiction of the hearing body is at issue.

D. Briefs: Briefs prepared for submission to a reviewing committee must be submitted to the Statewide Bar Counsel's Office no later than seven days in advance of the date upon which the complaint at issue is to be heard. An original and three copies of the brief must be filed with the Statewide Bar Counsel's Office. Such briefs may only be filed by Disciplinary Counsel, the Respondent or the Respondent's counsel. ~~Additionally, Disciplinary Counsel submitting a brief must certify and forward a copy to the Respondent and a Respondent submitting a brief must certify and forward a copy to Disciplinary Counsel.~~ The requirement that briefs must be filed no later than seven days in advance of the hearing date may be waived in the discretion of the hearing body for good cause. The requirement that briefs must be provided to the Statewide Bar Counsel's Office no later than seven days in advance of the date upon which the complaint at issue is to be heard, set forth in the first sentence of this section, does not apply to post-hearing briefs ordered at the time of the hearing or for which the permission to file is granted to Disciplinary Counsel or the Respondent at the time of the hearing.

E. Evidentiary Submissions: Evidentiary submissions to the record after a finding of probable cause may only be made as exhibits to the record. Any proposed evidence received by the Statewide Bar Counsel's Office or the Committee after a finding of probable cause will be returned to the participants and not be made part of the record unless it is submitted in accordance with this section or at a reviewing committee hearing. Prior to the hearing, Disciplinary Counsel and the Respondent, or the Respondent's counsel shall confer regarding proposed evidentiary submissions and witnesses reasonably expected to be called during their cases-in-chief. Evidentiary submissions that may be made full exhibits by agreement shall be marked by the Disciplinary Counsel and the Respondent respectively, with Disciplinary Counsel listing exhibits numerically and the Respondent alphabetically. Any exhibit proposed by a participant, but not agreed to, shall be marked for identification purposes only. At least seven days before the hearing, the participants shall: (1) exchange all exhibits, including those marked only for identification; and (2) file with the Statewide Bar Counsel's Office four copies of each submission with a list of witnesses the participant reasonably expects to call during the hearing. The requirements of this subsection may be waived in the discretion of the hearing body for good cause.

F. Additional Allegations of Misconduct Pursuant to Practice Book § 2-35(d): Notwithstanding the provisions of section E of this rule, Disciplinary Counsel may attach

supporting materials to any additional allegations of misconduct issued pursuant to Practice Book § 2-35(d). The thirty day period to be heard provided for in Practice Book § 2-35(f) shall be calculated from the date the additional allegations of misconduct are filed with the Statewide Bar Counsel's Office. The Respondent may file a response with exhibits to any additional allegations of misconduct issued by Disciplinary Counsel. Any materials attached to the response are also exempt from the provisions of section E. The Respondent's original response with any exhibits plus three copies must be filed with the Statewide Bar Counsel's Office within fourteen days of the filing of the additional allegations of misconduct. Thereafter, no other materials regarding the additional allegations of misconduct or the response may be filed as of right, and must be submitted instead pursuant to section E of this rule.

Procedure at Hearings:

1. Any oral or documentary evidence may be received, but the Committee or reviewing committee shall exclude irrelevant, immaterial or unduly repetitious evidence. At its discretion, the Committee or reviewing committee may exclude documentary evidence not submitted in accord with section E of this rule.
2. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.
3. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon reasonable and timely requests, the parties may be given an opportunity to compare the copy with the original.
4. Disciplinary Counsel, the Respondent, or the Respondent's counsel may conduct reasonable direct and cross-examinations of witnesses.
5. Hearings may only be electronically recorded by the official court reporter or official court recording monitor.

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2. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.
3. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon reasonable and timely requests, the parties may be given an opportunity to compare the copy with the original.
4. Disciplinary Counsel, the Respondent, or the Respondent's counsel may conduct reasonable direct and cross-examinations of witnesses.
5. Hearings may only be electronically recorded by the official court reporter or official court recording monitor.

Witnesses: Unless the Committee or reviewing committee determines that a witness is necessary to the resolution of a complaint, it shall be the responsibility of Disciplinary Counsel or the Respondent by subpoena or otherwise to secure the presence of witnesses.

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~~All determinations of a reviewing committee shall be by an absolute majority vote and two members shall constitute a quorum. In the event of a tie vote, a member of the Committee shall be designated to review the entire record of the complaint and cast the deciding vote.~~

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RULE 11A. MOTION TO DISMISS BY DISCIPLINARY COUNSEL

A. Notwithstanding the provisions of Rule 7(C)(1) of these rules, Disciplinary Counsel may file a motion to dismiss a grievance complaint after a finding of probable cause under the following circumstances:

1. Disciplinary Counsel believes that he or she does not have evidence to meet the clear and convincing standard of proof required to prove the alleged rule violations; or
2. The Respondent is exposed to discipline for the same conduct under Practice Book §§ 2-39, 2-40 or 2-41. Any motion granted under this subsection will be without prejudice to the Disciplinary Counsel filing a new grievance complaint or a presentment pursuant to Practice Book §§ 2-39, 2-40 or 2-41.

B. The motion to dismiss under this rule may only be filed by the Disciplinary Counsel. An original and three copies of the motion shall be filed with the Committee prior to or during the proceeding before a reviewing committee and a copy shall be forwarded by the Disciplinary Counsel to the Complainant, the Respondent and their counsel. The motion shall clearly explain the reasons for the requested dismissal.

C. The reviewing committee shall hear the motion on the record. At such hearing, the reviewing committee shall allow argument from the Disciplinary Counsel, the Respondent or Respondent's counsel concerning the motion. The Complainant or Complainant's counsel may make a statement in support of, or in opposition to the motion.

D. Following the hearing, the reviewing committee shall issue a written decision either granting or denying the motion.

1. If the motion is granted, notice shall be sent to the Disciplinary Counsel, the participants and their counsel and the matter shall be dismissed.
 2. If the motion is denied, Disciplinary Counsel, the participants and their counsel shall be notified and the matter shall be scheduled for a hearing before a different reviewing committee.
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