

Minutes of the Meeting
Rules Committee
December 18, 2018

On Tuesday, December 18, 2018, the Rules Committee met in the Supreme Court courtroom from 2:03 p.m. to 2:43 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR
HON. JOAN K. ALEXANDER
HON. BARBARA N. BELLIS
HON. MELANIE L. CRADLE
HON. DONNA NELSON HELLER
HON. SHEILA A. OZALIS
HON. DAVID M. SHERIDAN
HON. BARRY K. STEVENS

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorney Lori A. Petruzzelli of the Judicial Branch's Legal Services Unit. Judge Kevin G. Dubay was not present.

1. The Committee unanimously approved the minutes of the meeting held on November 19, 2018, as amended.
2. The Committee considered a proposed new rule and form to include Medicare questions in standard discovery.

After discussion, the Committee tabled the matter to receive comments by January 7, 2019, from Hon. James W. Abrams, Chief Administrative Judge, Civil Matters, the Connecticut Bar Association, the Connecticut Trial Lawyers Association, and the Connecticut Defense Lawyers Association, and to receive further comments from Judges Bellis and Stevens after conferring with Judge William H. Bright, Jr.

3. The Committee considered a proposal by the Connecticut Chapter of the American Academy of Matrimonial Lawyers (AAML) to amend Section 25-5 (b) regarding the purchase or sale of securities in light of *O'Brien v. O'Brien*, 326 Conn. 81, 161 A.3d 1236 (2017).

After discussion, the Committee tabled the matter to the next meeting, with direction to Counsel to invite Hon. Michael A. Albis, Chief Administrative Judge, Family Division, to address the Committee on the proposal at the next meeting.

4. The Committee considered a proposal by Attorney Richard P. Weinstein regarding extensions of time under General Statutes § 51-183b.

After discussion, the Committee referred the matter to the Connecticut Bar Association to report back to the Committee on whether parties disagreeing as to an extension under General Statutes § 51-183b is a pervasive problem. The matter was tabled to the next meeting, pending the response of the Connecticut Bar Association.

5. The Committee considered a proposal by Attorney Deborah Gottschalk to amend the Client Security Fund Fee rules to add "individuals with disabilities" to the category of individuals who qualify for the total exemption from such fee.

After discussion, the matter was tabled to the next meeting to allow for comment by the Client Security Fund Committee, which will discuss the matter at its January 17, 2019 meeting.

6. The Committee considered the following recommendations of the Legal Specialization Screening Committee (LSSC) regarding new and renewal applications for authority to certify lawyers as specialists:

Connecticut Bar Association – Residential Real Estate (new application)

National Board of Trial Advocacy – Criminal Law (renewal) (authority expires 2-22-19)

National Board of Trial Advocacy – Civil Trial Practice (renewal) (authority expires 2-22-19).

After discussion, the Committee voted as follows:

The Rules Committee, after reviewing the report of the Legal Specialization Screening Committee dated November 28, 2018, recommending approval of the application of the Connecticut Bar Association for authority to certify lawyers as specialists in the field of Residential Real Estate, unanimously approves the Connecticut Bar Association for a five year period commencing December 18, 2018, as qualified to certify lawyers as specialists in that field. This approval is subject to the condition that the CBA is required to notify promptly the Legal Specialization Screening Committee of any material changes in the information contained in its application or in its methodology for certifying lawyers as such specialists during the term of this approval.

The Rules Committee, after reviewing the report of the Legal Specialization Screening Committee, dated November 28, 2018, recommending approval of the application of the National Board of Trial Advocacy for renewal of its authority to certify lawyers as specialists in the field of Criminal Law and in the field of Civil Trial Practice, unanimously approves the National Board of Trial Advocacy for a five year period commencing on February 22, 2019, as qualified to certify lawyers as specialists in those fields. This approval is subject to the condition that the National Board of Trial Advocacy is required to notify promptly the Legal Specialization Screening Committee of any material changes in the information contained in its application or in its methodology for certifying lawyers as such specialists during the term of this approval.

7. The Committee considered proposed amendments by the Legal Specialization Screening Committee (LSSC) to JD-ES-63, Application for Authority to Certify Lawyers as Specialists.

After discussion, the Committee unanimously approved the amendments to JD-ES-63, in the form attached hereto, as Appendix A.

8. The Committee considered a proposal by Mr. Robert Berriault for a rule to allow for a waiver of fees for certain applicants of the bar.


Counsel reported to the Committee that the Connecticut Bar Examining Committee (CBEC) has accommodated Mr. Berriault's request and has promulgated amended regulations, allowing for up to a 100% credit of the bar exam fee, in certain extenuating circumstances. Justice McDonald reported to the Committee that CBEC will collect data regarding such credits for two years, at which time the Committee may consider additional proposals.

After discussion, the Committee took no action on the proposal and calendared the matter for a year and a half, pending the CBEC's collection and report of the aforesaid data.

9. The Committee rescheduled the January 2019 Rules Committee meeting date from Monday, January 14, 2019, to Tuesday, January 22, 2019, to accommodate the Client Security Fund meeting.

10. Judge Sheridan reported on the status of comments by the Connecticut Bar Association (CBA) on a report by the American Bar Association on recent amendments to Rules 7.1 to 7.5 of the ABA Model Rules of Professional Conduct. The Committee should receive the CBA's position on the report for the February 11, 2019 meeting. Comments from the Connecticut Trial Lawyers Association have been requested as well.

Respectfully submitted,


Joseph J. Del Ciampo
Counsel to the Rules Committee

Revised Draft

**APPLICATION FOR AUTHORITY TO CERTIFY
LAWYERS AS SPECIALISTS**
JD-ES-63 Rev. 12-18

STATE OF CONNECTICUT
JUDICIAL BRANCH
www.jud.ct.gov



ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Instructions

1. Complete the form for new or renewal applications.
2. Include a copy of the application form that lawyers seeking to be certified as specialists are required to complete to become so certified;
3. Include a copy of each examination that lawyers seeking to be certified as specialists are required to take to become so certified;
4. Include a copy of the written or published standards or qualifications that lawyers seeking to be certified as specialists are required to meet to become so certified; and
5. Send one completed application and accompanying materials to: Chair of the Legal Specialization Screening Committee, c/o Director of Legal Services, Judicial Branch, State of Connecticut, P.O. Box 150474, Hartford, Connecticut 06115-0474, **and one electronic copy of the same to LSSC@jud.ct.gov.**

Applicant — General Information (Select one): New Application Renewal Application

Full legal name of applicant		Date
Mailing address of applicant		
E-mail address of applicant	Website address of applicant	
Telephone number of applicant	Name of person to contact regarding application	Telephone number of contact
Mailing address of contact		
E-mail address of contact		
State whether the applicant is a (choose one and complete the applicable information section set out below)		
<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Voluntary Association		

Sole Proprietorship Information

Date proprietorship was formed	City or town and state in which it is registered as doing business	
Name of proprietor	Telephone number of proprietor	
Address of proprietor		

1. State the name and address of each bar to which the sole proprietor and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.
2. State whether the sole proprietor or anyone identified in 1 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.
3. State whether a judgment of a court of competent jurisdiction has entered against the sole proprietor or anyone identified in 1 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.

4. State whether as to the sole proprietor or anyone identified in 1 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case and the details thereof as to each person subject to such pending legal action.

Partnership Information

Date partnership was formed	City or town and state in which it is registered as doing business or carrying on its activities
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1. State the name and address of each partner.
2. State the name and address of each bar to which each partner and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.
3. State whether any partner or anyone identified in 2 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.
4. State whether a judgment of a court of competent jurisdiction has entered against any partner or anyone identified in 2 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.
5. State whether as to any partner or anyone identified in 2 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Corporation Information

Date corporation was formed	State in which the corporation was incorporated	Each state in which the corporation is licensed or registered to do business
Corporation is a (choose one) <input type="checkbox"/> Stock Corporation <input type="checkbox"/> Nonstock Corporation		Is the corporation a nonprofit corporation <input type="checkbox"/> Yes <input type="checkbox"/> No

1. State the name and address of each officer of the corporation.
2. State the name and address of each director of the corporation.

3. State the name and address of each shareholder of the corporation.

4. State the name and address of each member of the corporation.

5. State the name and address of each bar to which officers and directors of the corporation, and all persons involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.

6. State whether any officer, director, or anyone identified in 5 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.

7. State whether a judgment of a court of competent jurisdiction has entered against any officer, director, or anyone identified in 5 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.

8. State whether as to any officer, director, or anyone identified in 5 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Voluntary Association Information

Date association was formed	City or town and state in which it is registered as doing business or carrying on its activities
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1. State the name and address of each officer of the association.

2. State the name and address of each director of the association.

3. State the name and address of each bar to which officers and directors of the association and all persons directly involved in the process of certifying applicants, including, but not limited to, accepting and evaluating applications, devising, administering and grading examinations, and certifying and recertifying, is or has been admitted to practice law.

4. State whether any officer or director of the association or anyone identified in 3 above has been disciplined by the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person so disciplined.

5. State whether a judgment of a court of competent jurisdiction has entered against any officer or director of the association or anyone identified in 3 above for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person so adjudged.
6. State whether as to any officer or director of the association or anyone identified in 3 above there is now pending: (a) any disciplinary matter before the authority that admitted such person to practice law and, if so, the name and address of such authority, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending disciplinary action; and (b) any lawsuit in a court of competent jurisdiction for negligence or other misconduct in the practice of law and, if so, the name and address of such court, the docket number or other means of identifying the case, and the details thereof as to each person subject to such pending legal action.

Applicant — Qualification Information

1. State the nature of the business transacted or the purposes promoted or carried out by the applicant.
2. State the date on which the applicant commenced to be engaged as set forth in 1 above.
3. State whether the applicant a profit-making enterprise. Yes No
4. State the name and address of each organization or entity sponsoring the applicant.
5. State whether the applicant maintains a staff of employees to process lawyers seeking to be certified as specialists.
 Yes No
6. If the answer to 5 above is in the affirmative, state:
- (a) the total number of employees on the staff;
 - (b) the total number of employees on the staff who are full-time employees;
 - (c) the total number of employees on the staff who are so employed exclusively;
 - (d) the address at which the staff of employees is employed;
 - (e) the functional composition of the staff of employees; and
 - (f) the educational and professional qualifications of the employees of the staff who determine whether a lawyer seeking to be certified as a specialist shall be so certified.
7. If the answer to 5 above is in the negative, describe the means that the applicant employs to process lawyers seeking to be certified as specialists.

8. State each field of law in which the applicant is seeking authority to certify lawyers as specialists.

9. State whether the applicant has standards or qualifications that must be met by lawyers seeking to be certified as specialists in each field of law in which the applicant is seeking authority to certify lawyers as specialists.

Yes No

10. If the answer to 9 above is in the affirmative, state:

(a) whether information concerning such standards or qualifications is provided to the lawyers seeking to be certified as specialists;

(b) whether information concerning such standards or qualifications is available to the public; and

(c) whether such standards or qualifications are verifiable.

11. If the answer to 9 above is in the affirmative, state such standards or qualifications.

12. If the answer to 10 (c) above is in the affirmative, state the measures or procedures that the applicant employs to verify that lawyers seeking to be certified as specialists meet such standards or qualifications.

13. State the procedure that the applicant requires lawyers seeking to be certified as specialists to follow to become certified as specialists.

14. State what fees or costs or expenses the applicant requires lawyers seeking to be certified as specialists to pay to become certified as specialists.

15. State whether the applicant requires lawyers seeking to be certified as specialists to take a written examination.

Yes No

16. If the answer to 15 above is in the affirmative, state:

(a) the duration of the examination;

(b) whether the examination is monitored;

(c) when and where the examination is given;

(d) how the examination is administered;

(e) how the examination is evaluated;

(f) the educational and professional qualifications of the persons who evaluate the examination;

(g) the educational and professional qualifications of the persons who devise the examination;

(h) how the examination questions are selected;

(i) who selects the examination questions;

(j) how frequently the examination questions are changed;

(k) how the pass/fail levels for each examination administration are established;

(l) how each form of the examination is determined to be reliable, that is, that the test results of each form of the examination are consistent or replicable; and

(m) how each form of the examination is determined to be valid, that is, that the content and emphasis of the examination proportionately reflects the knowledge and skills needed for an enhanced level of skill and expertise in the specialty area.

17. State the measures or procedures that the applicant employs to determine whether the lawyers that the applicant certifies as specialists continue to meet the applicant's standards or qualifications to be so certified.

18. State the name and address of the applicant's financial references.

19. State the name and address of the applicant's professional references.

20. State all states in which the applicant is currently authorized to certify lawyers as specialists.

21. State whether the applicant has had any application for authority to certify lawyers as specialists rejected in any other state or has had such authority revoked or suspended in any other state and, if so, the reason for such rejection, revocation, or suspension.

Certification

I hereby certify that the information disclosed and the items provided pursuant to the foregoing application for authority to certify lawyers as specialists are true and complete to the best of my knowledge and belief.

(Signature and title of applicant or authorized representative of applicant)

STATE OF
COUNTY OF

} ss. _____, 20____

Subscribed and sworn to before me.

(Notary Public)