

## NOTICES

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### Statewide Grievance Committee Rules of Procedure

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On August 20, 2015, the Statewide Grievance Committee adopted the following amendment to the Statewide Grievance Committee Rules of Procedure in accordance with Practice Book Section 2-33(c)(2), to be effective September 22, 2015. Additions are underlined; deletions are struck through.

Attorney Michael P. Bowler  
*Statewide Bar Counsel*

#### RULE 11. PROPOSED DISPOSITIONS

A. In matters in which the Respondent has tendered a proposed disposition pursuant to Practice Book § 2-82, Disciplinary Counsel shall so notify the Committee for those matters not involving suspension or disbarment and a hearing shall be scheduled before a reviewing committee.

B. At or prior to the hearing, the parties shall submit to the reviewing committee the proposed disposition and the affidavit required by Practice Book § 2-82(d).

C. At the hearing, the reviewing committee may elicit testimony or other evidence on any relevant issues, may allow argument as to the disposition, and shall give the Complainant the opportunity to comment upon the matter pursuant to Practice Book § 2-82(f).

D. Following the conclusion of the hearing, the reviewing committee shall either accept or reject the proposed disposition.

1. If rejected: the parties and Disciplinary Counsel shall be so notified; the original proposed disposition and the affidavit required by Practice Book § 2-82(d) shall be returned to Disciplinary Counsel; a copy of the proposed disposition, the affidavit, the transcript of the hearing and any evidence therefrom shall be maintained in the non-public portion of the Committee's file; and the matter shall be scheduled for a hearing before another reviewing committee in accordance with Practice Book § 2-35. Absent good cause shown, the subsequent reviewing committee shall not accept or consider the same or substantially the same proposed disposition as was previously rejected.

2. If a Practice Book § 2-82(b) proposed disposition is accepted: notice thereof shall be sent to Disciplinary Counsel and the parties; the imposition of discipline, if applicable, shall be made public; and the documentation from the file, including the transcript of the hearing, shall be made public pursuant to Practice Book § 2-50.

3. If a Practice Book § 2-82(c) proposed disposition is accepted: the reviewing committee shall issue a decision dismissing the complaint, imposing sanctions and conditions pursuant to Practice Book § 2-37 or directing Disciplinary Counsel to file a presentment. If discipline is imposed, the Respondent may request review of the decision pursuant to Practice Book § 2-35(g); and the documentation from the file, including the transcript of the hearing, shall be made public, pursuant to Practice Book § 2-50.

E. When a proposed disposition involving suspension or disbarment has been submitted to the court, Disciplinary Counsel shall so notify the Committee. At the conclusion of court proceedings, Disciplinary Counsel shall notify the Committee of the court's decision in the matter.

F. In matters in which the Respondent has tendered a proposed disposition agreeing to a presentment pursuant to Practice Book § 2-82(g), the reviewing committee shall either reject the proposed disposition or issue a decision ordering a presentment.

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### Grievance Panel Rules of Procedure

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On August 20, 2015, the Statewide Grievance Committee adopted the following amendments to the Grievance Panel Rules of Procedure in accordance with Practice Book Section 2-33(c)(3), to be effective September 22, 2015. Additions are underlined; deletions are struck through.

Attorney Michael P. Bowler  
*Statewide Bar Counsel*

#### RULE 1. GENERAL REGULATIONS

A. Each Grievance Panel shall meet to consider complaints and other appropriate matters as often as the Panel deems necessary to properly and expeditiously discharge its duties.

B. All decisions of a Panel shall be by majority vote of those present and voting. Two members shall constitute a quorum. In the event of a tie vote, a Panel member or alternate shall be designated by the two voting members to review the entire record of the complaint and cast the deciding vote.

C. All decisions of a Panel shall be in writing and mailed to the Complainant and Respondent involved, and to Disciplinary Counsel if involved pursuant to Practice Book § 2-29(f).

D. All matters received by a Panel shall be confidential except as otherwise provided by law.

E. Each Grievance Panel shall investigate all complaints against attorneys forwarded to it. A decision by a Complainant to withdraw a complaint after its filing shall not operate as a withdrawal of the complaint or terminate the grievance process. Each Grievance Panel shall discharge its functions under the rules of the Superior Court regardless of a Complainant's decision not to pursue the complaint.

F. A Grievance Panel shall not review for the purposes of determining whether there exists probable cause complaints initiated by it pursuant to Practice Book §§ 2-29(e)(1) and 2-32(a). Such complaints shall be forwarded for investigation and determination of probable cause pursuant to Practice Book § 2-32(e)-(i) to a Grievance Panel other than the one initiating the complaint.

G. In accordance with Practice Book § 2-32(i) ~~of the Connecticut Practice Book, the Respondent shall file an original and six copies of the a~~ written answer to the grievance complaint with Grievance Counsel to the Grievance Panel. ~~Grievance Counsel shall thereafter forward a copy of the answer to the Complainant, and to Disciplinary Counsel if involved under Practice Book §§ Section 2-29(f) and 2-32(f) of the Connecticut Practice Book, and shall provide a date by which the Complainant and Disciplinary Counsel may file a reply to the Respondent's answer with Grievance Counsel. Any further responses shall be at the discretion of the Grievance Panel. Grievance Counsel shall forward a copy of any submissions filed by the Complainant and Disciplinary Counsel to the Respondent, and any submis-~~

sions filed by the Respondent to the Complainant and Disciplinary Counsel. All responses filed with the Grievance Panel by the Complainant, Disciplinary Counsel, and the Respondent must contain an original and six copies.

H. Except for materials filed by Disciplinary Counsel, the Statewide Bar Counsel, the Statewide Grievance Committee or a reviewing committee thereof, or a Grievance Panel, no materials sent to the Grievance Panel investigating the complaint, including, but not limited to the complaint and the answer shall include personal identifying information as defined by Practice Book § Section 4-7 of the Connecticut Practice Book. The person filing any materials with personal identifying information must redact them. The Grievance Panel or its counsel may redact materials that do not follow this rule.

I. Except for materials filed by Disciplinary Counsel, the Statewide Bar Counsel, the Statewide Grievance Committee or a reviewing committee thereof, or a Grievance Panel, no materials sent to the Grievance Panel investigating the complaint, including the complaint and the answer, shall include hospital, psychiatric or medical records. If a Complainant, Respondent or Disciplinary Counsel pursuing the matter under Practice Book § Section 2-32(f) of the Connecticut Practice Book want to file a hospital, psychiatric or medical record with the Grievance Panel, then the record(s) must be filed in a sealed envelope, that has the case name and number and the name of the person filing it written on the envelope. The record(s) must be accompanied by a written statement explaining how the material(s) is relevant and how it will help prove the complaint or a defense to the complaint.

(1) The Grievance Panel and its counsel will determine whether the written statement of the person who filed the hospital, psychiatric or medical record(s) establishes that the material(s) is relevant and will help prove the complaint or a defense to the complaint. If the written statement does not demonstrate why the hospital, psychiatric or medical record(s) is relevant and how it will help prove the complaint or a defense to the complaint, the record(s) will be returned to the person who filed them, and no copy will be kept as part of the Grievance Panel's record.

(2) If the written statement establishes that the hospital, psychiatric or medical record(s) is relevant and will help prove the complaint or a defense to the complaint, then the Grievance Panel will review the record(s) with its counsel in private. If upon review of the record, the Grievance Panel determines that the record(s) is not relevant despite the written statement of the person filing it, then the record(s) will be returned and no copy will be kept as part of the Grievance Panel's record.

(3) If after reviewing the record(s) in accordance with subsection (2), the Grievance Panel determines that the record(s) is relevant but more harmful or prejudicial than helpful in proving the complaint or a defense to the complaint, then the record(s) will be returned to the person who filed them, and no copy of it will be kept as part of the Grievance Panel's record. If the Grievance Panel decides that the record(s) is relevant and that it is more helpful in proving the complaint or a defense to the complaint than harmful or prejudicial, then it will become a part of the Grievance Panel record and Grievance Counsel will give a copy of it to the other participants.

Nothing in this rule prevents a Complainant, Respondent, Disciplinary Counsel or a witness from raising an objection to the use of any hospital, psychiatric or medical record.

J. A Grievance Panel's written determination that probable cause exists that the attorney is guilty of misconduct, filed pursuant to Practice Book § 2-32(i) of the Connecticut Practice Book, shall include but not be limited to the following:

1. A list of the specific Rules of Professional Conduct and/or Practice Book Sections considered by the Panel in reviewing the matter;

2. A brief discussion of the facts of the matter as applied to the specific Rules and Sections; and

3. The specific Rule or Rules of Professional Conduct and/or Practice Book Section or Sections upon which the probable cause determination is predicated.

K. A Grievance Panel's written determination that probable cause does not exist that the attorney is guilty of misconduct, filed pursuant to Practice Book § 2-32(i) of the ~~Connecticut Practice Book~~, shall include but not be limited to the following:

1. A list of specific Rules of Professional Conduct and/or Practice Book Sections considered by the Panel in rendering its determination; and

2. A brief discussion of the facts of the matter as applied to the specific Rules and/or Sections.

L. In any matter referred by the Statewide Grievance Committee or its counsel to a Grievance Panel for investigation, including overdraft notifications, said Grievance Panel shall complete its investigation within the same time frame as set forth for the investigation of grievance complaints under Practice Book ~~§ 2-32(i)~~.

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### Notice on e-filing in Housing Matters

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Beginning **October 1, 2015**, e-filing in newly-initiated housing matters in Danbury, Middletown, Meriden, Tolland and New London at Norwich of specific case types will be mandatory for attorneys and law firms without an exclusion from electronic services requirements and optional for self-represented parties.

Case initiation documents and all other motions, pleadings or documents filed in the following housing case types are e-filable:

- Summary Process (H00);
- Return of Security Deposit (H10);
- Rent and/or Damages (H12);
- Housing – Administrative Appeals (H50); Housing – Municipality Enforcement (H60); and
- Housing – All Other (H90).

After cases of the following types are initiated on paper, motions, pleadings and documents can be e-filed:

- Housing – Housing Code Enforcement (H20);
- Housing – Entry & Detainer (H30); and
- Housing – Audita Querela/Injunction (H40).

Attorneys and law firms without an exclusion from electronic services requirements are required to e-file:

- **Case initiation documents** (for example, summons, complaint, and marshal's return) for housing cases of the designated case types filed on and after October 1, 2015