

NOTICES

Statewide Grievance Committee and Grievance Panel Rules of Procedure

Notice is hereby given of the following amendments to the Statewide Grievance Committee and Grievance Panel Rules of Procedure, adopted in accordance with Section 2-33(c)(2) and (3) of the Connecticut Practice Book, to be effective June 8, 2010. New language is indicated by underlining; deletions are struck through.

Attorney Michael P. Bowler
Statewide Bar Counsel

Statewide Grievance Committee Rules of Procedure

RULE 1. GENERAL REGULATIONS

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

B. Except as otherwise set forth in these rules the Committee must have at least a quorum present to act, and a quorum shall be eleven. The Committee shall act by a vote of a majority of those present and voting, provided that a minimum of six votes for a particular action is necessary for the Committee to act. Members present but not voting due to disqualification, abstention, silence or a refusal to vote, shall be counted for purposes of establishing a quorum, but not counted in calculating a majority of those present and voting.

C. All decisions of the Committee shall be in writing and mailed to the parties involved.

D. All matters received by the Committee shall be confidential except as otherwise provided by law.

E. It is the policy of the Statewide Grievance Committee to investigate all complaints filed against attorneys within its jurisdiction. A decision by a Complainant to withdraw a complaint after its filing shall not have the effect of terminating the complaint. The Statewide Grievance Committee shall carry out its function under the rules of the Superior Court regardless of a Complainant's decision to not pursue the matter.

F. Grievance complaints filed with the Statewide Grievance Committee must be submitted on form JD-GC-6 and must contain an original and six copies. Any attachments must be properly collated and attached to the original and each copy of the complaint. Grievance complaints and their attachments must not include personal identifying information as defined by Section 4-7(a) of the Connecticut Practice Book or another person's hospital, psychiatric or medical records. The Complainant must redact the complaint and its attachments to remove any personal identifying information. A Complainant who wants to file another person's hospital, psychiatric or medical records must say in the complaint how the documents are relevant and will help prove the complaint. The proposed hospital, psychiatric or medical records accompanying the complaint must be submitted in a sealed envelope labeled "proposed hospital, psychiatric or medical records." If the complaint is

forwarded to a grievance panel for investigation under Section 2-32(a)(1) of the Connecticut Practice Book, the grievance panel will review the statement and follow Rule 1(f) of the Grievance Panel Rules of Procedure. If the Complainant is Disciplinary Counsel, the Statewide Bar Counsel, the Statewide Grievance Committee or a reviewing committee thereof, or a Grievance Panel, then any records, including hospital, psychiatric or medical records as well as records containing personal identifying information may be included in the initial grievance complaint without an offer of proof. Materials that do not meet these requirements will be returned.

G. Grievance complaints, and any document related to grievance complaints or unauthorized practice of law complaints pending before the Statewide Grievance 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 Counsel or an Assistant Bar Counsel. Except as provided in this rule, no grievance complaint, unauthorized practice of law complaint, or any document related thereto, including but not limited to requests, motions, objections, briefs, appeals, or any other document intended for placement in the file of any matter, or any copies thereof, may be filed with or submitted to the Statewide Grievance Committee or the Statewide Bar Counsel by way of a facsimile machine, email, or any other electronic means. Any such document so received will not be considered as being filed with the Statewide Grievance Committee or the Statewide Bar Counsel. Notwithstanding the above, a written motion for continuance of a reviewing committee hearing may be filed by fax to the office of the Statewide Bar Counsel provided that the motion is prepared on form JD-GC-17, it is faxed within the time limitations set forth in Rule 7B of these rules of procedure and an original is filed forthwith with the office of the Statewide Bar Counsel.

H. The Statewide Grievance Committee reserves the right, from time to time, to add to, subtract from or otherwise amend these rules of procedure.

Grievance Panel Rules of Procedure

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 Section 2-32(i) of the Connecticut Practice Book, the Respondent shall file an original and six copies of the written answer to the grievance complaint with 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 Section 2-29(f) of the Connecticut Practice Book.

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 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 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 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.

G. J. A Grievance Panel's written determination that probable cause exists that the attorney is guilty of misconduct, filed pursuant to § 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.

H. K. A Grievance Panel's written determination that probable cause does not exist that the attorney is guilty of misconduct, filed pursuant to § 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.

~~I. Upon receipt of an answer to a complaint filed by a Respondent pursuant to Practice Book § 2-32(a)(1), the Grievance Panel shall forward a copy of the answer to the Complainant, and to Disciplinary Counsel if involved pursuant to Practice Book § 2-29(f). During the course of its investigation, the Grievance Panel may require the Complainant and the Respondent to provide an original and six properly collated copies of any submissions to the Grievance Panel.~~

J. 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 Section 2-32(i).

Notice to Members of the Bar of New Haven County

Take notice that at 9:30 a.m. on June 11, 2010 in Courtroom 4-E of the Courthouse at 235 Church Street, New Haven, CT, there will be a meeting of the members of the Bar of New Haven County to consider and either approve or disapprove the report of the Standing Committee on Recommendations to the Bar regarding the following:

MOTION FOR TEMPORARY LICENSE TO PRACTICE LAW RE:

Kenneth Andrew Grigg, Jr.

If the report is approved by the Bar, the Committee will present the applicant to the Court for consideration of the Motion at 9:30 a.m. in Courtroom 4-E. Any applicant who does not appear in accordance with the foregoing will not be admitted