

**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) of the Connecticut Practice Book, to be effective March 2, 2010. New language is indicated by underlining.

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RULE 7. HEARINGS OPEN TO THE PUBLIC

A. In all matters in which a hearing open to the public is held, the Complainant, Disciplinary Counsel and the Respondent shall be sent a notice of the hearing by the Statewide Bar Counsel 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 may be granted 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 JD-GC-17 and filed with the office of the Statewide Bar Counsel 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. Continuance motions may be filed by fax, provided that an original motion is filed forthwith with the office of the Statewide Bar Counsel. Upon timely receipt of the motion for continuance, the Statewide Bar Counsel shall forward it to a member designated by the reviewing committee to hear such matters who shall promptly rule on the motion. Notice of the decision on the motion shall thereafter be transmitted by the Statewide Bar Counsel to Disciplinary Counsel and to the Respondent or Counsel for the Respondent.

C.1. Motions: Motions filed with the Statewide Grievance Committee or a reviewing committee concerning the jurisdiction of the Statewide Grievance Committee or reviewing committee or any other matter to be considered by the hearing body must be filed with the Statewide Bar Counsel no later than seven days in advance of the date upon which the complaint at issue is to be heard. Disciplinary Counsel submitting a motion must forward a copy to the Respondent and a Respondent submitting a motion must 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.

2. Briefs: Briefs prepared for submission to a reviewing committee must be submitted to the Statewide Bar Counsel 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. Additionally, Disciplinary Counsel submitting a brief must forward a copy to the Respondent and a Respondent submitting a brief must 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 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 Respondent at the time of the hearing.

3. 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 or the Statewide Grievance 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 rule or at a reviewing committee hearing. Prior to the hearing, Disciplinary Counsel and the Respondent, or 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 Respondent respectively, with Disciplinary Counsel listing exhibits numerically and 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: (i) exchange all exhibits, including those marked only for identification; and (ii) file with the Statewide Bar Counsel 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.

D. At hearings open to the public:

1. Any oral or documentary evidence may be received but the Statewide Grievance Committee or reviewing committee shall exclude irrelevant, immaterial or unduly repetitious evidence. At its discretion, the Statewide Grievance Committee or reviewing committee may exclude documentary evidence not submitted in accord with Rule 7.C.3.
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, Respondent, or 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.

E. Unless the Statewide Grievance 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.

F. 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 Statewide Grievance Committee shall be designated to review the entire record of the complaint and cast the deciding vote.
