

**Statewide Grievance Committee and
Grievance Panel Rules of Procedure**

Notice is hereby given that on August 17, 2006, the Statewide Grievance Committee adopted, in accordance with Practice Book Section 2-33(c)(2) and (3), the following amendments to the Statewide Grievance Committee and Grievance Panel Rules of Procedure, to become effective on September 5, 2006. New language is indicated by underlining. Deleted language is 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. Submissions that do not meet these requirements will be returned.

~~F. G.~~ Grievance complaints, and any document related to grievance 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 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, ~~for hearings on grievance complaints brought on or after January 1, 2004,~~ a written motion for continuance of a reviewing committee hearing may be filed by fax to the office of the Statewide Grievance Committee 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 Grievance Committee Bar Counsel.

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

RULE 2. REFERRAL OF COMPLAINTS

A. Upon receipt of a grievance complaint, the Statewide Bar Counsel or an Assistant Bar Counsel shall review the complaint and determine whether a recommendation should be made to dismiss the complaint in accordance with Practice Book § 2-32(a)(2) or whether the complaint should be forwarded to a grievance panel. If a complaint is forwarded to a grievance panel, it shall be forwarded to the grievance panel in the judicial district in which the Respondent maintains his or her principal office or residence.

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If the Respondent does not maintain an address in this state, it shall be within the discretion of the Statewide Bar Counsel to determine to which grievance panel the complaint shall be forwarded.

B. If the Statewide Bar Counsel or an Assistant Bar Counsel determines that a recommendation should be made to dismiss the complaint, the complaint, together with the basis for the recommendation, shall be forwarded to an attorney member and to a non-attorney member of the Statewide Grievance Committee for their review. The Committee members to whom complaints are forwarded shall be selected by the ~~chair~~ Chairperson of the Committee on a rotating basis. The complaint shall not be forwarded to an attorney member who maintains an office for the practice of law in the same Judicial District as the Respondent.

C. If a recommendation to dismiss the complaint is adopted by the two committee members, the Complainant and the Respondent shall be notified of the decision together with notification of the Complainant's right to appeal the dismissal. The Respondent shall also be provided with a copy of the complaint. For the purpose of complying with the time limitations imposed by Practice Book § 2-32(a), if a deadline for action or for filing falls on a weekend or holiday, said deadline shall

be deemed to be satisfied if the responsibilities set forth in said Section are accomplished by the end of the first working day next following the deadline.

D. If the Complainant timely files an appeal of the dismissal, the appeal shall be assigned to a reviewing committee for a decision on the appeal. The reviewing committee shall be selected on a random, rotating basis. The appeal shall not be assigned to a reviewing committee in which an attorney maintains an office for the practice of law in the same Judicial District as the Respondent. If the reviewing committee denies the appeal, the Complainant and the Respondent shall be notified.

If the Complainant files an appeal beyond the fourteen-day appeal period, the Statewide Bar Counsel shall return the appeal to the Complainant as untimely filed.

E. The determination of good cause for the declination of a panel to investigate a complaint referred to said panel shall be made by the Statewide Bar Counsel.

F. Referral of Matters Submitted Pursuant to Practice Book § 2-43. When any complaint, counterclaim, cross complaint, special defense or other pleading in a judicial or administrative proceeding alleges a lawyer's misuse of funds handled by the lawyer in his or her capacity as a lawyer or a fiduciary, and the person signing the pleading has mailed a copy thereof to the Statewide Bar Counsel; or, in any case where a lawyer's trust account, as defined in Practice Book § 2-28(b), is garnished, or otherwise liened, and the party who sought the garnishment or lien has mailed a copy of the garnishee process or writ of attachment to the Statewide Bar Counsel, the Statewide Bar Counsel shall forward a copy of the pleading, garnishee process or writ of attachment to a grievance panel for the purpose of conducting an investigation into the matter pursuant to Practice Book § 2-29(e)(1) and for the purpose of determining whether a complaint should be initiated pursuant to Practice Book § 2-32(a). If the panel determines that a complaint should be filed, it shall do so in its name and in the name of the person who filed the pleading, garnishee process or writ of attachment with the Statewide Bar Counsel.

RULE 3. DISCLOSURE OF REFERRALS

A. Decisions regarding whether to disclose that a grievance complaint or any other matter has been referred to a grievance panel for investigation shall ordinarily be made at regularly scheduled meetings of the Statewide Grievance Committee.

B. In the event of extraordinary circumstances, such decision may be made by way of a telephone poll of the members of the Statewide Grievance Committee.

C. Decisions regarding whether to disclose that a grievance complaint or any other matter has been referred to a grievance panel for investigation shall be made when such disclosure is deemed by the Committee to be in the public interest.

RULE 4. EXTENSION OF TIME

A. Grievance Panels - Probable Cause.

1. Pursuant to court rule, a grievance panel may file a motion for extension of time, not to exceed thirty days, with the Statewide Grievance Committee which may delegate to its Chairperson or Vice-chairperson the authority to grant the motion only for good cause shown. Said motion shall be filed with the Statewide Bar Counsel who shall forthwith notify the Chairperson, or the Vice-chairperson if the Chairperson is unavailable, of the filing and for a decision on the motion. The Statewide Bar Counsel or Assistant Bar Counsel will notify the Grievance Panel of the decision.

B. Reviewing Committees - Investigation and Final Decision.

1. Pursuant to court rule, a reviewing committee of the Statewide Grievance Committee to which a grievance panel's determination has been referred for investigation and final decision may file a motion for extension of time, not to exceed thirty days with the Statewide Grievance Committee, which shall grant said motion only for good cause. Said motion shall be filed with the Statewide Bar Counsel who, upon its receipt, shall forward copies of same to the remaining members of the Statewide Grievance Committee. Said members shall respond to the Statewide Bar Counsel within seven days of the date of the mailing of the motion by the Statewide Bar Counsel, in writing, signifying their vote to deny the motion, or deny the motion and request that no final action on said motion be taken until a meeting of the Statewide Grievance Committee is convened in order that the motion may be discussed. If no vote to deny the motion or defer action on the motion is received prior to the expiration of the seven day period, the motion shall be considered granted and the Statewide Bar Counsel shall so notify the reviewing committee. Said motions may also be made and considered at meetings of the Statewide Grievance Committee.

RULE 6. REVIEWING COMMITTEES

A. The Statewide Bar Counsel shall, with the approval of the Statewide Grievance Committee, assign the members of the Statewide Grievance Committee to reviewing committees, each consisting of two attorney members and one non-attorney member. Said Committees shall serve for six months. At the conclusion of each six month period, the membership of the reviewing committees shall rotate.

B. The referral of complaints to reviewing committees shall be done in such a manner so that no reviewing committee is routinely assigned complaints from a single judicial district.

C. If a grievance panel determines that probable cause exists that an attorney is guilty of misconduct, said case shall be assigned to a reviewing committee or the Statewide Grievance Committee for a hearing open to the public and other appropriate action.

D. If a grievance panel determines that no probable cause exists that an attorney is guilty of misconduct, but the complaint contains an allegation that the attorney committed a crime, said case shall be reviewed by a reviewing committee for appropriate action, or by the Statewide Grievance Committee if deemed appropriate.

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 a ~~form designated by the Statewide Grievance Committee which is to be 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.

For grievance complaints filed before January 1, 2004, continuance requests must be filed with the office of the Statewide Bar Counsel within seven (7) days of the date the hearing notice is mailed to the Complainant and to the Respondent.

C.1. 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 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.

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.

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 responsibil-

ity 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.

RULE 8. UNAUTHORIZED PRACTICE OF LAW COMPLAINTS

A. In the course of investigating a complaint alleging the unauthorized practice of law, Disciplinary Counsel may request that the matter be heard by a reviewing committee of the Statewide Grievance Committee.

B. Prior to requesting a hearing, Disciplinary Counsel shall give the Respondent 30 days to file a written response to the complaint, which response shall be provided to the reviewing committee if a hearing is requested.

~~A. C.~~ If a complaint alleging the unauthorized practice of law is referred to a reviewing committee for a hearing, the hearing shall be open to the public and on the record.

~~B. D.~~ Following the hearing, the reviewing committee shall render a written proposed final decision and file it with the Statewide Grievance Committee, which will be sent to the parties.

~~C. E.~~ In its proposed final decision, the reviewing committee shall recommend either the dismissal of the complaint or that Disciplinary Counsel file a formal complaint with the court, make a finding that the Respondent engaged in the unauthorized practice of law or did not engage in the unauthorized practice of law.

~~D.~~ The Statewide Grievance Committee shall review the record, including the reviewing committee's proposed decision, and issue a final decision either dismissing the complaint, directing Disciplinary Counsel to file a formal complaint with the court, or determine another appropriate course of action.

~~E. F.~~ Unauthorized Practice of Law Records.

~~1.~~ The following applies to all unauthorized practice of law complaints [filed on or after January 1, 2004]:

~~a. 1.~~ The existence of an unauthorized practice of law complaint, shall not become public until the Statewide Grievance Committee renders a final decision on the matter. matter is scheduled for a hearing before a reviewing committee.

~~2.~~ The following unauthorized practice of law records shall be public:

~~b. a.~~ Records pertaining to unauthorized practice of law complaints that have been dismissed by the Statewide Grievance Committee after a hearing shall not be public, except for For unauthorized practice of law complaints in which a public hearing was held and the reviewing committee or the Statewide Grievance Committee found that the Respondent did not engage in the unauthorized practice of law, the transcripts of any public hearings, the reviewing committee's final decision, and, if applicable, the reviewing committee's proposed decision and the Statewide Grievance Committee's final decision, and transcripts of any hearings. Nothing in this rule shall prohibit the use or consideration of such records in any subsequent unauthorized practice of law investigation pertaining to the respondent and such records shall be available in such proceedings to the chief disciplinary counsel or a disciplinary counsel.

e. b. All records pertaining to unauthorized practice of law complaints that have not been dismissed by the Statewide Grievance Committee For unauthorized practice of law complaints in which a public hearing was held and the reviewing committee or the Statewide Grievance Committee found that the Respondent engaged in the unauthorized practice of law, the entire record shall be public, including the reviewing committee's proposed decision, the Statewide Grievance Committee's final decision and transcripts of any hearings.

c. For unauthorized practice of law complaints filed prior to January 1, 2004 in which a public hearing was not held, the Statewide Grievance Committee's final disposition letter only.

3. All unauthorized practice of law records pertaining to a Respondent shall be available to Disciplinary Counsel in any subsequent unauthorized practice of law investigation pertaining to the Respondent.

RULE 12. ATTORNEY REGISTRATION; ELECTRONIC REGISTRATION

A. Each attorney shall register with the Statewide Grievance Committee, as required by Practice Book §§ 2-27(d) and 2-26.

B. Effective in 2007, each attorney's annual registration shall be made electronically through the State of Connecticut Judicial Branch E-Services, unless exempted in accordance with this rule.

C. An attorney who seeks to be exempted from registering electronically must file an exemption request form (JD-GC-18) with the Statewide Grievance Committee by November 1 of the year preceding the year for which exemption is sought. Exemption forms are available from the Judicial Branch's website, or may be requested from the Office of the Statewide Bar Counsel.

D. The Statewide Grievance Committee delegates to its counsel the authority to approve or disapprove exemption requests. An exemption request shall be granted only for good cause shown. An exemption form that is not filed in a timely manner, that does not state a basis for requesting the exemption or is not signed by the attorney seeking the exemption shall be returned and not considered filed.

E. An exemption request that has been granted applies only for the year for which it was granted and does not renew automatically. An exemption request form must be filed for each registration year for which exemption is sought. The Statewide Bar Counsel shall maintain a list of exempted attorneys for each registration year. Exempted attorneys will be provided a paper copy of their registration forms.

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 eComplainant and fRespondent 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 eComplainant 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 eComplainant's decision not to pursue the complaint.

F. A gGrievance pPanel 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 gGrievance pPanel other than the one initiating the complaint.

G. 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. 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 rRespondent pursuant to Practice Book § 2-32(a)(1), the gGrievance pPanel shall forward a copy of the answer to the eComplainant, 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.

RULE 2. INVESTIGATIVE HEARINGS

A. In all matters in which a hearing is held by a Grievance Panel, the eComplainant and the rRespondent, and Disciplinary Counsel if involved pursuant to Practice Book § 2-29(f), shall be sent a notice of the hearing by the Panel's Grievance 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 on the record. The hearing shall not be open to the public unless the Respondent so requests pursuant to Practice Book § 2-32(g).

B. The Grievance Panel in its discretion may grant a continuance only for good cause shown.

C. At investigative hearings:

1. Any oral or documentary evidence may be received but the Grievance Panel shall exclude irrelevant, immaterial or unduly repetitious evidence.
 2. When a hearing will be expedited and the interests of the eComplainant and the rRespondent 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. If the request is reasonable and timely, the eComplainant, or Disciplinary Counsel if involved pursuant to Practice Book § 2-29(f), and the rRespondent may be given an opportunity to compare the copy with the original.
 4. A eComplainant, or Disciplinary Counsel if involved pursuant to Practice Book § 2-29(f), and rRespondent may conduct direct and cross examinations of witnesses only at the discretion of the hearing body.
- D. Unless the Grievance Panel determines that a witness is necessary to the resolution of a complaint, it shall be the responsibility of the eComplainant, or Disciplinary Counsel if involved pursuant to Practice Book § 2-29(f), and the rRespondent by subpoena or otherwise to secure the presence of witnesses.
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