

## Attorneys:

- **David P. Atkins**  
datkins@pullcom.com  
203.330.2103
- **Monte E. Frank**  
mfrank@pullcom.com  
203.330.2262
- **Timothy G. Ronan**  
tronan@pullcom.com  
203.674.7933
- **James T. Shearin**  
jtshearin@pullcom.com  
203.330.2240
- **Marcy Tench Stovall**  
mstovall@pullcom.com  
203.330.2104

## Rules Committee Changes to Practice Book Deadlines

### March 25, 2020

by Marcy Tench Stovall and Daniel P. Scholfield

The Rules Committee of the Superior Court met in emergency session on March 24, 2020. Acting pursuant to Practice Book Section 1-9B (Emergency Power of Rules Committee), the Committee unanimously agreed to make certain changes to the rules of practice. They are summarized below. Please note that one of our litigation attorneys is co-chairing the Connecticut Bar Association's COVID-19 Task Force and its State and Federal Judicial Subcommittee, and is keeping our litigators up to date. We are here to advise you on the changes, and the challenges presented by the state and national emergency.

First, the Committee approved the suspension of a number of Practice Book provisions for time and location requirements, effective immediately, all in furtherance of the public health and civil preparedness emergencies the Governor has declared under C.G.S. §§ 19a-131a and 28-9. Chief Court Administrator Judge Patrick L. Carroll III further advised the CBA that all deadlines contained in Scheduling Agreements and Case Management Orders are hereby suspended until such time as Judicial Branch operations are fully restored.

Second, recognizing that new issues may arise, the Committee adopted a new rule providing that "The Chief Administrative Judge of each division, in consultation with the appropriate Presiding Judge of each Judicial District, if possible, and subject to the approval of the Chief Court Administrator, shall have the authority to adjust or suspend any time or location requirement in the Practice Book," subject to the Rules Committee's authority to subsequently reject (prospectively) such suspension or adjustment. The suspension of existing rules and the adoption of the new rule "shall remain in effect for the duration of the declared emergency or until such time, as soon as practicable, as a meeting of the Superior Court Judges can be convened to consider a vote on the changes."

## Rules Committee Changes to Practice Book Deadlines

---

Of particular significance for litigation attorneys, there are no changes to Chapter 10 (pleadings) or Chapter 13 (discovery), which means that attorneys can still file pleadings and conduct discovery, *and must meet applicable deadlines*. It remains unclear when and how the courts will again be holding short calendar hearings.

Lawyers with matters pending in the Superior Court should realize that litigation itself is not on hold. Lawyers continue to owe their clients all the duties they always owe them: diligence, competence, confidentiality, loyalty, communication about the status of their matters. The present circumstances are certainly unusual, and create numerous obstacles to client representation. They do not, however, make room for cutting corners or neglecting client matters. The current public health emergency is not likely to provide a convincing defense to a grievance complaint or malpractice claim.

The rationale for each suspension of a rule is some variation of either: (1) necessary to allow for flexibility due to current staffing limitations; or (2) necessary for consistency with the Executive Order suspending statutory time limitations.

A complete list of the Practice Book sections that are now suspended may be found [here](#). The suspended Practice Book provisions likely to be most significant for lawyers include the following:

1. One provision subject to suspension affects almost all lawyers: Sec. 2-27A, the MCLE provision. As explained in the Rules Committee's master list of Practice Book provisions that are now suspended, "[d]ue to limitations of public gatherings, it is appropriate to suspend this rule."
2. The timelines by which the Statewide Grievance Committee must issue advisory opinions concerning advertising are suspended, including Sec. 2-28B(e), which provides that the failure of the Committee to issue a timely opinion means that the Committee acquiesces that the relevant advertisement or communication is compliant with the Rules.
3. A number of Chapter 2 (Attorneys) deadlines concerning bar admission appeals, attorney disciplinary proceedings, and the Client Security Fund are suspended. Notably, the Rules Committee has not suspended the requirement that attorneys convicted of a crime self-report the finding of guilt "within ten days of the date of the finding of guilt."
4. Sec. 3-2 requires that an appearance be filed two days after the Return Date. This provision is suspended because the courts are not issuing default orders at this time.
5. Sec. 4-5(b), which provides that a temporary injunction order expires 30 days after being issued unless the Court holds a hearing and makes factual findings, is suspended.
6. A number of Chapter 11 provisions regarding Short Calendar have been suspended, including the requirement that Short Calendar occur at least once per month, the requirement that a decision on any Short Calendar matter issue within 120 days, and the requirement that any motion to seal appear on the Short Calendar within fifteen days.

## Rules Committee Changes to Practice Book Deadlines

---

7. In Summary Process actions, the requirements of Sec. 17-30, that the defendant appear in two days, and that the defendant file a responsive pleading three days after that, or risk a default and judgment of possession, are suspended.
8. The Rules Committee decided to suspend that portion of Sec. 23-68 that grants the Court authority to permit appearances by audiovisual equipment “[u]pon motion of any party[.]” Courts may now permit audiovisual appearances on their own motion.

---

This publication is intended for educational and informational purposes only. Readers are advised to seek appropriate professional consultation before acting on any matters in this update. This report may be considered attorney advertising. To be removed from our mailing list, please email [unsubscribe@pullcom.com](mailto:unsubscribe@pullcom.com) with "Unsubscribe" in the subject line. Prior results do not guarantee a similar outcome.