



Supreme Court
STATE OF CONNECTICUT

Chambers of
Peter T. Zarella
Associate Justice

231 Capitol Avenue
Hartford, CT 06106
860-757-2119

MEMORANDUM

TO: BAR ASSOCIATION PRESIDENT

FROM: JUSTICE PETER T. ZARELLA, CHAIR
RULES COMMITTEE

SUBJECT: RULES COMMITTEE PROPOSAL

DATE: DECEMBER 5, 2008

Enclosed please find a proposal for a rule change that would require attorneys to disclose whether or not they maintain malpractice insurance. I write to you seeking any views that your association and its membership may have in this regard.

Thank you for your consideration.

violation of Rule 1.15 of the Rules of Professional Conduct or of this section, or discipline is imposed by the statewide grievance committee or a reviewing committee for violations of said rule or this section. Prior to the commencement of a presentment or a hearing held pursuant to Section 2-35 ©, notice shall be given in writing by the statewide grievance committee to any client or third person whose identity may be publicly disclosed through the disclosure of records obtained or produced in accordance with this subsection. Thereafter, public disclosure of such records at a presentment or hearing held pursuant to Section 2-35(c) shall be subject to the client or third person having the reasonable opportunity to seek a court order restricting publication of any such records disclosing confidential information.

(f) (e) Violation of this section shall constitute misconduct.

(NEW) Sec. 2-27A. Lawyer Registration; Professional Liability Insurance Disclosure

(a) Each lawyer, including lawyers who have retired in accordance with Section 2-55, who have been permitted to appear pro hac vice in accordance with Section 2-16, or who have been certified as Authorized House Counsel in accordance with Section 2-15A, shall annually register the following with the statewide grievance committee, in a manner approved by the committee:

- (1) the street address of the lawyer's office or offices maintained for the practice of law;
- (2) the lawyer's home address;
- (3) the lawyer's e-mail address;
- (4) the lawyer's office or contact telephone number with area code;
- (5) the name and address of every financial institution with which the lawyer maintains an account in which the funds of a client or third party are kept in trust or in a fiduciary capacity and the identification number of each account;
- (6) a certification by the lawyer stating whether the lawyer is currently covered by professional liability insurance; and
- (7) any other information requested.

(b) Such registration shall be made on an annual basis and any time the information required by subparagraph (a) changes. For purposes of subsection (a)(6), any lawyer who has certified the existence of professional liability coverage shall update the registration within thirty days if coverage under such liability insurance policy lapses, terminates or changes in any way.

(c) The annual registration requirement shall be completed online through Judicial Branch E-Services unless the lawyer receives an exclusion from E-Services for good cause shown. Requests for exclusion from E-Services shall be filed on a form approved by the committee. Registration changes made outside of the annual registration process may be done through Judicial Branch E-Services or on a paper form approved by the committee.

(d) The registration forms filed pursuant to this section and pursuant to Section 2-26 shall not be public; however, all information obtained by the statewide grievance committee from these forms shall be public, except the following: trust account identification numbers; the lawyer's home address; and the lawyer's birth date. Unless otherwise ordered by the court, all non-public information obtained from these forms shall be available only to the statewide grievance committee and its counsel, the reviewing committees, the grievance panels and their counsel, the bar examining committee, the standing committee on recommendations for admission to the bar, disciplinary counsel, the client security fund committee and its counsel, a judge of the superior court, a judge of the United States District Court for the District of Connecticut, any grievance committee or other disciplinary authority of the United States District Court for the District of Connecticut or, with the consent of the lawyer, to any other person. The registration requirements of this subsection shall not apply to judges of the supreme, appellate or superior courts, judge trial referees, family support magistrates, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges.

(e) Violation of this section shall constitute misconduct.

