

CONNECTICUT

Client Security Fund

(Superior Court Rules and Rules of
Appellate Procedure
Superior Court – General Provisions
Chapter 2 Attorneys
sec. 2-68 through sec. 2-83)

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(e) No chief public defender, deputy chief public defender, public defender, assistant public defender or deputy assistant public defender shall appear in behalf of the state in any criminal case. (P.B. 1978-1997, Sec. 47.)

Sec. 2-67. Payment of Attorneys by Bank and Trust Companies

(a) No attorney shall directly or indirectly receive payment from any bank or trust company for legal services rendered to others in the preparation of wills, codicils or drafts of such instruments or for advising others as to legal rights under existing or proposed instruments of that character.

(b) The violation of this section by an attorney may be cause for grievance proceedings. (P.B. 1978-1997, Sec. 48.)

Sec. 2-68. Client Security Fund Established

(a) A client security fund is hereby established to promote public confidence in the judicial system and the integrity of the legal profession by reimbursing clients, to the extent provided for by these rules, for losses resulting from the dishonest conduct of attorneys practicing law in this state in the course of the attorney-client relationship, by providing crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems, and by making grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to General Statute § 51-81c, for the purpose of funding the delivery of legal services to the poor.

(b) It is the obligation of all attorneys admitted to the practice of law in this state to participate in the collective effort to reimburse clients who have lost money or property as the result of the unethical and dishonest conduct of other attorneys, to provide crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems, and to fund the delivery of legal services to the poor.

(c) The client security fund is provided as a public service to persons using the legal services of attorneys practicing in this state and as a means of providing crisis intervention and referral assistance to impaired attorneys, and grants-in-aid for the purpose of funding the delivery of legal services to the poor. All moneys and assets of the fund shall constitute a trust.

(d) The establishment, administration and operation of the fund shall not impose or create any obligation, expectation of recovery from or liability

of the fund to any claimant, attorney or organization, and all reimbursements therefrom shall be a matter of grace and not of right.

(Adopted June 29, 1998, to take effect Jan. 1, 1999; amended May 3, 2005, to take effect May 17, 2005; amended June 23, 2017, to take effect Jan. 1, 2018.)

Sec. 2-68A. —Crisis Intervention and Referral Assistance

(a) The chief court administrator may enter into any contracts and take such other action as may be reasonably necessary to provide for crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems.

(b) The crisis intervention and referral assistance shall be provided with the assistance of an advisory committee appointed by the chief court administrator that shall include one or more behavioral health professionals.

(Adopted May 3, 2005, to take effect May 17, 2005.)

Sec. 2-69. —Definition of Dishonest Conduct

(a) As used in Sections 2-68 through 2-81, inclusive, "dishonest conduct" means wrongful acts committed by an attorney, in an attorney-client relationship or in a fiduciary capacity arising out of an attorney-client relationship, in the nature of theft or embezzlement of money or the wrongful taking or conversion of money, property, or other things of value, including, but not limited to refusal to refund unearned fees received in advance as required by Rule 1.16 (d) of the Rules of Professional Conduct.

(b) "Dishonest conduct" does not include such wrongful acts committed in connection with the provision of investment services to the claimant by the attorney.

(Adopted June 29, 1998, to take effect Jan. 1, 1999.)

Sec. 2-70. —Client Security Fund Fee

(a) The judges of the Superior Court shall assess an annual fee in an amount adequate for the proper payment of claims, the provision of crisis intervention and referral assistance, and for making grants-in-aid for the purpose of funding the delivery of legal services to the poor under these rules and the costs of administering the client security fund. Such fee, which shall be \$75, shall be paid by each attorney admitted to the practice of law in this state and each judge, judge trial referee, state referee, family support magistrate, family support referee and workers' compensation commissioner in this state. Notwithstanding the above, an attorney who is disbarred,

retired, resigned, or serving on active duty with the armed forces of the United States for more than six months in such year shall be exempt from payment of the fee, and an attorney who does not engage in the practice of law as an occupation and receives less than \$1000 in legal fees or other compensation for services involving the practice of law during the calendar year shall be obligated to pay one half of such fee. No attorney who is disbarred, retired or resigned shall be reinstated pursuant to Sections 2-53 or 2-55 until such time as the attorney has paid the fee due for the year in which the attorney retired, resigned or was disbarred.

(b) An attorney or family support referee who fails to pay the client security fund fee in accordance with this section shall be administratively suspended from the practice of law in this state pursuant to Section 2-79 of these rules until such payment, along with a reinstatement fee of \$75, has been made. An attorney or family support referee who is under suspension for another reason at the time he or she fails to pay the fee, shall be the subject of an additional suspension which shall continue until the fee and reinstatement fee are paid.

(c) A judge, judge trial referee, state referee, family support magistrate or workers' compensation commissioner who fails to pay the client security fund fee in accordance with this section shall be referred to the Judicial Review Council.

(Adopted June 29, 1998, to take effect Jan. 1, 1999; amended June 28, 1999, to take effect Jan. 1, 2000; amended Nov. 17, 1999, on an interim basis pursuant to Section 1-9 (c), to take effect Jan. 1, 2000, and amendment adopted June 26, 2000, to take effect Jan. 1, 2001; amended June 21, 2004, to take effect July 13, 2004; amended May 3, 2005, to take effect May 17, 2005; amended June 20, 2005, to take effect Jan. 1, 2006; amended June 15, 2012, to take effect Jan. 1, 2013; amended June 23, 2017, to take effect Jan. 1, 2018.)

Sec. 2-71. —Eligible Claims

(a) A claim for reimbursement of a loss must be based upon the dishonest conduct of an attorney who, in connection with the defalcation upon which the claim is based, was a member of the Connecticut bar and engaged in the practice of law in this state.

(b) The claim shall not be eligible for reimbursement unless:

(1) the attorney was acting as an attorney or fiduciary in the matter in which the loss arose;

(2) the attorney has died, been adjudged incapable, not competent or insane, been disbarred or suspended from the practice of law in Connecticut, been placed on probation or inactive status by a Connecticut court, resigned from the Connecticut bar, or become the judgment debtor of the claimant with respect to such claim; and

(3) the claim is presented within four years of the time when the claimant discovered or first reasonably should have discovered the dishonest acts and the resulting losses or the claim was pending before the Connecticut Bar Association's client security fund committee as of the effective date of this rule.

(c) Except as provided by subsection (d) of this section, the following losses shall not be eligible for reimbursement:

(1) losses incurred by spouses, children, parents, grandparents, siblings, partners, associates and employees of the attorney causing the losses;

(2) losses covered by any bond, surety agreement, or insurance contract to the extent covered thereby, including any loss to which any bonding agent, surety or insurer is subrogated, to the extent of that subrogated interest;

(3) losses incurred by any financial institution which are recoverable under a "banker's blanket bond" or similar commonly available insurance or surety contract;

(4) losses incurred by any business entity controlled by the attorney, any person or entity described in subdivisions (c) (1), (2), or (3) herein;

(5) losses incurred by any governmental entity or agency.

(d) In cases of extreme hardship or special and unusual circumstances, the client security fund committee may, in its discretion, consider a claim eligible for reimbursement which would otherwise be excluded under these rules.

(e) In cases where it appears that there will be unjust enrichment, or the claimant unreasonably or knowingly contributed to the loss, the client security fund committee may, in its discretion, deny the claim.

(Adopted June 29, 1998, to take effect Jan. 1, 1999.)

Sec. 2-72. —Client Security Fund Committee

(a) There is hereby established a client security fund committee which shall consist of fifteen members who shall be appointed by the chief justice. Nine of the members shall be attorneys, three shall not be attorneys and three shall be individuals who serve in one of the following capacities: Superior Court judge, judge trial referee, Appellate Court judge, Supreme Court justice, family support magistrate, family support referee or workers' compensation commissioner. Members shall be appointed for terms of three years, provided, however, that of the members first appointed, five shall serve for one year, five for two years and five for three years. No person shall serve as a member for more than two consecutive three year terms, excluding any appointments for

less than a full term, but a member may be reappointed after a lapse of one year. The appointment of any member may be revoked or suspended by the chief justice. In connection with such revocation or suspension, the chief justice shall appoint a qualified individual to fill the vacancy for the remainder of the term or for any other appropriate period. In the event that a vacancy arises in this position before the end of a term by reason other than revocation or suspension, the chief justice shall fill the vacancy for the balance of the term or for any other appropriate period.

(b) The client security fund committee shall elect from among its members a chair and a vice-chair who shall serve for a period of one year.

(c) Seven members of the client security fund committee shall constitute a quorum at its meetings. The chair may assign individual members of the committee to investigate and report on claims to the committee.

(d) Members shall serve without compensation, but shall be reimbursed for their necessary and reasonable expenses incurred in the discharge of their duties.

(e) The client security fund committee shall operate under the supervision of the Superior Court judges and report on its activities to the executive committee of the Superior Court on at least a quarterly basis.

(Adopted June 29, 1998, to take effect Jan. 1, 1999.)

Sec. 2-73. —Powers and Duties of Client Security Fund Committee

In addition to any other powers and duties set forth in Sections 2-68 through 2-81, the client security fund committee shall:

(a) Publicize its activities to the public and bar, including filing with the chief justice and the executive committee of the Superior Court an annual report on the claims made and processed and the amounts disbursed.

(b) Receive, investigate and evaluate claims for reimbursement.

(c) Determine in its judgment whether reimbursement should be made and the amount of such reimbursement.

(d) Prosecute claims for restitution against attorneys whose conduct has resulted in disbursements.

(e) Employ such persons and contract with any public or private entity as may be reasonably necessary to provide for its efficient and effective operations, which shall include, but not be limited to, the investigation of claims and the prosecution of claims for restitution against attorneys.

(f) Pay to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems, any amounts required pursuant to Section 2-77.

(g) Pay to the chief court administrator for making grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, any amounts required pursuant to Section 2-77.

(h) Perform all other acts necessary or proper for the fulfillment of the purposes and effective administration of the fund.

(Adopted June 29, 1998, to take effect Jan. 1, 1999; amended May 3, 2005, to take effect May 17, 2005; amended June 23, 2017, to take effect Jan. 1, 2018.)

Sec. 2-74. —Regulations of Client Security Fund Committee

The client security fund committee shall have the power and authority to implement these rules by regulations relevant to and not inconsistent with these rules. Such regulations may be adopted at any regular meeting of the client security fund committee or at any special meeting called for that purpose. The regulations shall be effective sixty days after publication in one issue of the Connecticut Law Journal and shall at all times be subject to amendment or revision by the committee. A copy shall be provided to the chief justice, the chief court administrator, and the executive committee of the Superior Court.

(Adopted June 29, 1998, to take effect Jan. 1, 1999; amended June 20, 2011, to take effect Jan. 1, 2012.)

Sec. 2-75. —Processing Claims

(a) Upon receipt of a claim the client security fund committee shall cause an appropriate investigation to be conducted and shall cause the attorney who is the subject of the claim or the attorney's representative to be notified by certified mail within ten days of the filing of such claim. The attorney or his or her representative shall have twenty days from the date the notice was mailed to file a response with the client security fund committee. Before processing a claim, the client security fund committee may require the claimant to pursue other remedies he or she may have.

(b) The client security fund committee shall promptly notify the Statewide Grievance Committee of each claim and shall request the grievance committee to furnish it with a report of its investigation, if any, on the matter. The Statewide Grievance Committee shall allow the client security

fund committee access to its records during an investigation of a claim. The client security fund committee shall evaluate whether the investigation is complete and determine whether it should conduct additional investigation or await the pendency of any disciplinary investigation or proceeding involving the same act or conduct as is alleged in the claim.

(c) The client security fund committee may, to the extent permitted by law, request and receive from the state's attorneys and from the Superior Court information relative to the client security fund committee's investigation, processing and determination of claims.

(d) A certified copy of an order disciplining an attorney for the same dishonest act or conduct alleged in a claim, or a final trial court judgment imposing civil or criminal liability therefor, shall be evidence that the attorney committed such dishonest act or conduct.

(e) The client security fund committee may require that a claimant, the subject attorney or any other person give testimony relative to a claim and may designate one or more members to receive the testimony and render a report thereon to the committee.

(f) The client security fund committee shall, on the basis of the record, make its determination in its sole and absolute discretion as to the validity of claims. A determination shall require an affirmative vote of at least seven members.

(g) Based upon the claims approved for reimbursement, the claims being processed and the amounts available in the client security fund, the client security fund committee shall determine in its sole and absolute discretion the amount, the order and the manner of the payment to be made on the approved claim.

(h) Reimbursements shall not include interest, expenses, or attorney's fees in processing the claim, and may be paid in a lump sum or in installments.

(i) The client security fund committee shall notify the claimant and the subject attorney of its determination, which shall be final and not be subject to review by any court.

(j) The approval or disapproval of a claim shall not be pertinent in any disciplinary proceeding.

(Adopted June 29, 1998, to take effect Jan. 1, 1999.)

Sec. 2-76. —Confidentiality

(a) Claims, proceedings and reports involving claims for reimbursement for losses caused by the dishonest conduct of attorneys are confidential until the client security fund committee authorizes a disbursement to the claimant, at which time the committee may disclose the name of the

claimant, the attorney whose conduct produced the claim and the amount of the reimbursement. However, the client security fund committee may provide access to relevant information regarding such claims to the Statewide Grievance Committee, grievance panels, to law enforcement agencies, to the Office of the Chief Disciplinary Counsel, and to a judge of the Superior Court. The client security fund committee may also disclose such information to any attorney retained or employed by the committee to protect the interests of the client security fund or the committee in any state or federal action in which the interests of the committee or the fund may be at issue, and may disclose such information as may be necessary to protect the rights of the committee in any action or proceeding in which the committee's right to receive restitution pursuant to Sections 2-80 or 2-81 is at issue. The client security fund committee may also provide statistical information regarding claims which does not disclose the names of claimants and attorneys until a disbursement is authorized.

(b) All information given or received in connection with the provision of crisis intervention and referral assistance under these rules shall be subject to the provisions of General Statutes § 51-81d (f).

(Adopted June 29, 1998, to take effect Jan. 1, 1999; amended May 3, 2005, to take effect May 17, 2005; amended June 26, 2006, to take effect Jan. 1, 2007.)

Sec. 2-77. —Review of Status of Fund

The client security fund committee shall periodically analyze the status of the fund, the approved claims and the pending claims, the cost to the fund of providing crisis intervention and referral assistance to attorneys, and the cost to the fund of funding the delivery of legal services to the poor, to ensure the integrity of the fund for its intended purposes. Based upon the analysis and recommendation of the client security fund committee, the judges of the Superior Court may increase or decrease the amount of the client security fund fee and the Superior Court executive committee may fix a maximum amount on reimbursements payable from the fund.

The amount paid from the fund in any calendar year to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys shall not exceed 15.9 percent of the amount received by the fund from payments of the client security fund fee in the prior calendar year. If less than the 15.9 percent maximum amount is paid from the fund in any calendar year for the provision of crisis intervention and referral assistance to attorneys, the remaining amount may not be carried over and added to the amount

that may be paid from the fund for that purpose in any other year.

By April 1 of each year, the client security fund committee shall recommend to the chief court administrator the amount of funds available to be paid for making grants-in-aid for the purpose of funding the delivery of legal services to the poor. The chief court administrator shall review the recommendation of the client security fund committee and any other relevant information and determine and advise the client security fund committee of the amount of funds to be used for making grants-in-aid for the purpose of funding the delivery of legal services to the poor.

(Adopted June 29, 1998, to take effect Jan. 1, 1999; amended May 3, 2005, to take effect May 17, 2005; amended June 23, 2017, to take effect Jan. 1, 2018.)

Sec. 2-78. —Attorney’s Fee for Prosecuting Claim

No attorney shall accept any fee for prosecuting a claim on behalf of a claimant, except where specifically approved by the client security fund committee for payment out of the award.

(Adopted June 29, 1998, to take effect Jan. 1, 1999.)

Sec. 2-79. —Enforcement of Payment of Fee

(a) The client security fund committee shall send a notice to each attorney who has not paid the client security fund fee pursuant to Section 2-70 of these rules that the attorney’s license to practice law in this state may be administratively suspended unless within sixty days from the date of such notice the client security fund committee receives from such attorney proof that he or she has either paid the fee or is exempt from such payment. If the client security fund committee does not receive such proof within the time required, it shall cause a second notice to be sent to the attorney advising the attorney that he or she will be referred to the Superior Court for an administrative suspension of the attorney’s license to practice law in this state unless within thirty days from the date of the notice proof of the payment of the fee or exemption is received. The client security fund committee shall submit to the clerk of the Superior Court for the Hartford Judicial District a list of attorneys who did not provide proof of payment or exemption within thirty days after the date of the second notice. Upon order of the court, the attorneys so listed and referred to the clerk shall be deemed administratively suspended from the practice of law in this state until such time as payment of the fee and the reinstatement fee assessed pursuant to Section 2-70 is made, which suspension shall be effective upon publication of the list in the Connecticut Law Journal. An administrative suspension of an attorney for

failure to pay the client security fund fee shall not be considered discipline, but an attorney who is placed on administrative suspension for such failure shall be ineligible to practice law as an attorney admitted to practice in this state, and shall not be considered in good standing pursuant to Section 2-65 of these rules until such time as the fee and reinstatement fee are paid. An attorney aggrieved by an order placing the attorney on administrative suspension for failing to pay the client security fund fee may make an application to the Superior Court to have the order vacated, by filing the application with the Superior Court for the Hartford Judicial District within thirty days of the date that the order is published, and mailing a copy of the same by certified mail, return receipt requested, to the office of the client security fund committee. The application shall set forth the reasons why the application should be granted. The court shall schedule a hearing on the application, which shall be limited to whether good cause exists to vacate the suspension order.

(b) If a judge, judge trial referee, state referee, family support magistrate or workers’ compensation commissioner has not paid the client security fund fee, the Office of the Chief Court Administrator shall send a notice to such person that he or she will be referred to the Judicial Review Council unless within sixty days from the date of such notice the Office of the Chief Court Administrator receives from such person proof that he or she has either paid the fee or is exempt from such payment. If the Office of the Chief Court Administrator does not receive such proof within the time required, it shall refer such person to the Judicial Review Council.

(c) Family support referees shall be subject to the provisions of subsection (a) herein until such time as they come within the jurisdiction of the Judicial Review Council, when they will be subject to the provisions of subsection (b).

(d) The notices required by this section shall be sent by certified mail, return receipt requested or with electronic delivery confirmation to the last address registered by the attorney pursuant to Section 2-26 and Section 2-27 (d), and to the home address of the judge, judge trial referee, state referee, family support magistrate, family support referee or workers’ compensation commissioner.

(Adopted June 29, 1998, to take effect Jan. 1, 1999; amended June 20, 2005, to take effect Jan. 1, 2006; amended June 15, 2012, to take effect Jan. 1, 2013.)

Sec. 2-80. —Restitution by Attorney

An attorney whose dishonest conduct has resulted in reimbursement to a claimant shall make restitution to the fund including interest and

the expense incurred by the fund in processing the claim. An attorney's failure to make satisfactory arrangements for restitution shall be cause for suspension, disbarment, or denial of an application for reinstatement.

(Adopted June 29, 1998, to take effect Jan. 1, 1999.)

Sec. 2-81. —Restitution and Subrogation

(a) An attorney whose dishonest conduct results in reimbursement to a claimant shall be liable to the fund for restitution; and the client security fund committee may bring such action as it deems advisable to enforce such obligation.

(b) As a condition of reimbursement, a claimant shall be required to provide the fund with a pro tanto transfer of the claimant's rights against the attorney, the attorney's legal representative, estate or assigns; and of the claimant's rights against any third party or entity who may be liable for the claimant's loss.

(c) Upon commencement of an action by the client security fund committee as subrogee or assignee of a claim, it shall advise the claimant, who may then join in such action to recover the claimant's unreimbursed losses.

(d) In the event that the claimant commences an action to recover unreimbursed losses against the attorney or another entity who may be liable for the claimant's loss, the claimant shall be required to notify the client security fund committee of such action.

(e) The claimant shall be required to agree to cooperate in all efforts that the client security fund committee undertakes to achieve restitution for the fund.

(Adopted June 29, 1998, to take effect Jan. 1, 1999.)

Sec. 2-82. Admission of Misconduct; Discipline by Consent

(a) The disciplinary counsel to whom a complaint is forwarded after a finding that probable cause exists that the respondent is guilty of misconduct may negotiate a proposed disposition of the complaint with the respondent or, if the respondent is represented by an attorney, with the respondent's attorney. Such a proposed disposition shall be based upon the respondent's admission of misconduct, which shall consist of either (1) an admission by the respondent that the material facts alleged in the complaint, or a portion thereof describing one or more acts of misconduct to which the admission relates, are true, or (2) if the respondent denies some or all of such material facts, an acknowledgment by the respondent that there is sufficient evidence to prove such material facts by clear and convincing evidence.

(b) If disciplinary counsel and the respondent agree to a proposed disposition of the matter, they

shall place their agreement in writing and submit it, together with the complaint, the record in the matter, and the respondent's underlying admission of misconduct, for approval as follows: (i) by the court, in all matters involving possible suspension or disbarment, or possible imposition of a period of probation or other sanctions beyond the authority of the Statewide Grievance Committee, as set forth in Section 2-37; or (ii) by a reviewing committee of the Statewide Grievance Committee, in all other matters. If, after a hearing, the admission of misconduct is accepted and the proposed disposition is approved by the court or the reviewing committee, the matter shall be disposed of in the manner agreed to. If any resulting admission of misconduct or proposed disposition is rejected by the court or the reviewing committee, the admission of misconduct and proposed disposition shall be withdrawn, shall not be made public, and shall not be used against the respondent in any subsequent proceedings. In that event, the matter shall be referred for further proceedings to a different judicial authority or reviewing committee, as appropriate.

(c) If disciplinary counsel and the respondent are unable to agree to a proposed disposition of the matter, the respondent may nonetheless tender an admission of misconduct, which shall be in accordance with subsection (a) of this section. If such an admission of misconduct without proposed disposition is tendered, disciplinary counsel shall cause it to be forwarded, together with the complaint and the record in the matter, for consideration, possible acceptance and disposition as follows: (i) by the court, in all matters involving possible suspension or disbarment, or possible imposition of a period of probation or other sanctions beyond the authority of the Statewide Grievance Committee, as set forth in Section 2-37; or (ii) by a reviewing committee of the Statewide Grievance Committee, in all other matters. If, after a hearing, the admission of misconduct is accepted by the court or the reviewing committee, the matter shall be disposed of and any resulting imposition of discipline shall be made public in the manner prescribed by these rules. If the admission of misconduct is rejected by the court or the reviewing committee, it shall be withdrawn, shall not be made public, and shall not be used against the respondent in any subsequent proceedings. In that event, the matter shall be referred for further proceedings to a different judicial authority or reviewing committee, as appropriate.

(d) A respondent who tenders an admission of misconduct and, if applicable, enters with disciplinary counsel into a proposed disposition of the

matter, shall present to the court or the reviewing committee an affidavit stating the following:

(1) That the admission of misconduct and, if applicable, the proposed disposition are freely and voluntarily submitted; that the respondent is not making the admission of misconduct and, if applicable, the proposed disposition, as a result of any threats or other coercion or duress, or any promises or other inducements not set forth in the proposed disposition; that the respondent is fully aware of the consequences of such submissions;

(2) That the respondent is aware that there is presently pending a complaint, in connection with which probable cause has been found that the respondent committed the following acts of misconduct: (list specific acts); and

(3) Either (A) that the respondent admits that the material facts alleged in the complaint, or in that portion thereof to which the respondent's admission relates, are true, or (B) if the respondent denies some or all of such material facts, that the respondent acknowledges that there is sufficient evidence to prove such material facts by clear and convincing evidence.

(e) The disciplinary counsel may recommend dismissal of acts of misconduct alleged in the complaint that are not admitted by the respondent. The respondent's admission of some acts of misconduct shall not foreclose the disciplinary counsel from pursuing discipline based upon other acts of misconduct alleged in the complaint.

(f) Prior to acceptance by the court or the reviewing committee of the admission of misconduct, the proposed disposition of the matter, if

applicable, and the imposition of any discipline, the complainant will be given the right to comment thereon.

(g) In any disciplinary proceeding where the respondent already has other disciplinary matters pending before a court, either pursuant to an order of interim suspension under Section 2-42, or pursuant to a presentment filed under Sections 2-35, 2-40, 2-41 or 2-47, the respondent and disciplinary counsel may agree to a presentment. The respondent and disciplinary counsel shall stipulate that the order of presentment is requested for the purpose of consolidating all pending disciplinary matters before the court.

(Adopted June 24, 2002, to take effect July 1, 2003; May 14, 2003, effective date changed to Oct. 1, 2003; Sept. 30, 2003, effective date changed to Jan. 1, 2004; amended June 26, 2006, to take effect Jan. 1, 2007.)

TECHNICAL CHANGE: Subparagraphs in subsection (d) (3) are now designated with capital letters.

Sec. 2-83. Effective Dates

(a) The revisions to this chapter which are effective January 1, 2004, shall apply to all grievance complaints filed on or after that date, unless otherwise provided in these rules.

(b) The rules in effect on December 31, 2003, shall govern all grievance complaints filed on or before that date.

(Adopted June 24, 2002, to take effect July 1, 2003; May 14, 2003, effective date changed to Oct. 1, 2003, and amended on an interim basis, pursuant to the provisions of Section 1-9 (c), to take effect Oct. 1, 2003, and amendment adopted June 30, 2003, to take effect Oct. 1, 2003; Sept. 30, 2003, effective date changed to Jan. 1, 2004, and amended on an interim basis, pursuant to the provisions of Section 1-9 (c), to take effect Jan. 1, 2004.)