

REGULATIONS OF THE
CONNECTICUT BAR EXAMINING COMMITTEE
EDITION OF 2006

ARTICLE I ORGANIZATION OF THE COMMITTEE

Art. I-1. MEETINGS. The bar examining committee shall hold regular meetings to determine and announce the results of the bar examinations. Special meetings may be held upon reasonable notice at such time and place to be fixed by the chairperson. In the absence of the chairperson or in the event of his or her inability to act, the time and place of any meeting may be set by the administrative director or by any three members.

Art. I-2. OFFICERS. The officers shall be a chairperson, a vice-chairperson, a secretary and a treasurer. They shall be elected annually at the last regular meeting in the calendar year and shall hold office for one year and until their successors shall be elected. Each officer shall perform the duties customarily incident to the office.

Art. I-3. EXAMINATIONS COMMITTEE. There shall be an examinations committee for each examination, to be appointed by the committee at the regular meeting next preceding each examination, who shall have the duty, power and authority to provide for the examination of candidates and superintend the examination.

Art. I-4. SUBCOMMITTEE ON NON-STANDARD TESTING. (a) There shall be a subcommittee on non-standard testing for each examination, which shall have the power to act for the committee, to be appointed by the chair, which subcommittee shall have the duty, power and authority to consider and act upon all petitions for non-standard testing and to determine the terms and conditions upon which non-standard testing will be provided to applicants.

(b) Petitions for non-standard testing shall be in writing on a form prescribed by the committee and shall be filed, together with such attachments as the committee may require, with the administrative director on or before the filing deadline for applications for admission to the bar. The subcommittee may, in its discretion, hold a hearing on such petitions. The committee shall notify the applicant of its decision in writing.

Art. I-5. OTHER COMMITTEES. The chairperson may appoint from time to time such other subcommittees as he or she may deem desirable and, subject to the action of the committee, assign their duties and functions.

ARTICLE II LAW STUDY

Art. II-1. Approved law schools shall be the following:

(A) Those law schools approved or provisionally approved by the American Bar Association at the time the applicant receives his or her law degree.

(B) Those law schools approved by the Connecticut Bar Examining Committee in accordance with the following requirements and with such policies and procedures from time-to-time established by said Committee. In determining whether a law school should be approved by the Committee under this subparagraph, the Committee shall consider the following standards, requirements and criteria:

(i) Whether the law school seeking the approval of the Committee pursuant to this subparagraph shall have previously sought the approval of the American Bar Association, and if said approval has been denied or otherwise withheld, the reasons stated by the American Bar Association therefor.

(ii) Whether the law school is licensed and approved by the state authority authorized by law to license and approve educational institutions within a state and to confer upon the law school the power and authority to grant a bachelor of laws, a juris doctor or other equivalent degrees within the state in which such law school is located.

(iii) Whether the law school offers within its curriculum suitable courses in all of the subjects set forth in Article V-1 hereof.

(iv) Whether the law school offers within its curriculum as a mandatory requirement suitable courses in legal ethics and professional responsibility sufficient to enable students to comply with Article IV hereof.

(v) Whether the law school offers suitable courses and training as a mandatory requirement in legal skills, including, but not limited to, drafting of legal instruments, pleadings, briefs and other legal documents, and further, whether the curriculum contains a mandatory requirement of courses and instruction in the law of civil and criminal procedure and the law of evidence.

(vi) Whether and to what extent the law school makes faculty appointments for each academic year open to active, scholarly legal practitioners as adjunct faculty without discrimination against such persons.

(vii) The law school shall also furnish to the Committee appropriate statistical data concerning the passing percentages of its graduates taking the bar examination in the jurisdiction in which the law school is located or in any other jurisdiction in which its graduates are permitted to take the bar examination, said data to include the three immediately preceding years.

(viii) The law school shall also furnish to the Committee for its consideration information on such other matters as the Committee shall deem as bearing upon the ability of the law school to educate and prepare competent lawyers for admission to the Connecticut bar.

(ix) The Committee will consider only such applications made by law schools seeking approval as hereinabove set forth. The Committee will not consider applications for such approval on behalf of individual bar applicants. The Committee will specify the manner and form of an application to be filed by the law school, and the law school by the filing of such application shall be deemed by the

Committee to have agreed to reimburse the Committee for all reasonable and necessary expenses of the Committee in considering and acting upon such application.

(x) No law school shall be approved if that law school discriminates against any applicant for admission or any applicant for a faculty position based upon race, creed, religion, gender, sexual preference, country of origin or disability.

Art. II-2. All applicants must receive a law degree from an approved law school not less than seven (7) days prior to the date of the examination for which the applicant has filed his or her application and proof of receipt of that degree must be received in the Office of the Administrative Director not less than seven (7) days prior to said examination.

ARTICLE III APPLICATION TO TAKE THE EXAMINATION AND FOR ADMISSION

Art. III-1. The application to take the bar examination and for admission to the bar (for which the official forms obtainable from the administrative director must be used) shall be filed between 01 April and 31 May for a July examination and between 01 November and 31 December for a February examination, together with the fee prescribed by Article IX (1).

Answers on the application must be typewritten or prepared by electronic means and the application must be used only for the examination for which it is issued.

An application is considered filed on the day it is RECEIVED, properly completed with the appropriate fees paid, in the office of the administrative director.

An applicant who fails to pass a Connecticut bar examination shall be permitted to file, within three weeks of the date the results of the examination are released.

Art. III-2. Incidental to an application for admission to the bar by examination, each applicant shall be required to file the following supporting documents as appropriate:

(A) Certified copies of driving record and accident history.

(B) Certificates of good standing from all courts (state and federal, except the U.S. Supreme Court) before which the applicant is admitted to practice.

(C) A copy of each application for admission to the bar and/or for admission to every bar examination submitted by the applicant in any jurisdiction other than Connecticut.

(D) Any other information requested by the examining committee.

All supporting documents required by this Article should be filed concurrently with the application.

Art. III-3. An applicant who withdraws his or her application to take the bar examination at least 30 days prior to the examination shall be entitled to a fee credit of \$60. Withdrawals for medical reasons accompanied by a doctor's certificate shall be entitled to a fee credit of \$60 if received within ten days after the examination. Any fee credits to which a withdrawing applicant may be entitled must be applied toward either of the next two succeeding examinations. All withdrawals must be in writing, addressed to the administrative director and are effective on the date received by the administrative director.

Art. III-4. The administrative director shall make the applications available to the chairperson of the standing committee on recommendations in the appropriate county. The administrative director shall give notice by publication in the Connecticut Law Journal of the names of the applicants for the examination. Unless a written objection to an applicant is received by the appropriate standing committee on recommendations or by the examining committee within 10 days of publication, or the standing committee does not approve an applicant, the report of the standing committee shall be submitted to the county clerk without a meeting of the county bar. In the event that an objection shall be made to any applicant or the standing committee does not approve an applicant there shall be a hearing by the standing committee which shall make a special report on such applicant to be presented to a meeting of the bar of the county at which meeting said bar shall approve or disapprove such applicant.

Art. III-5. The administrative director shall retain the applications for not more than five (5) years and shall thereafter transmit them to the state library for permanent storage.

Art. III-6. (a) No person who has been disbarred from the practice of law in any jurisdiction, or who is a party to pending disbarment proceedings in any jurisdiction, or who has resigned from the bar pending disciplinary proceedings in any jurisdiction may apply for admission to the Connecticut bar or to sit for the Connecticut bar examination until he or she has been readmitted to practice without condition or restriction in the jurisdiction disbarring or accepting the resignation of such person or until the pending disbarment proceedings have been resolved in favor of the applicant.

(b) No person who has been suspended from the practice of law in any jurisdiction may apply for admission to the Connecticut bar or sit for the Connecticut bar examination until the expiration of the period of suspension in the jurisdiction imposing such suspension.

Art. III-7. In lieu of a regular application, an applicant who has filed a completed, regular application for the immediately preceding bar examination may, in the discretion of the Committee, file a supplemental application form together with the prescribed fee.

ARTICLE IV MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION

Art. IV-1 All persons seeking admission to the practice of law in Connecticut, whether by examination or upon motion without examination shall, prior to being recommended for admission to the bar, produce evidence of satisfactory completion of the Multistate Professional Responsibility Examination. The passing score on the Multistate Professional Responsibility Examination shall be a scaled score of eighty (80) and must be achieved within four years before or within one year after the date the applicant files his or her application for admission to the Connecticut bar.

Art. IV-2 In lieu of the Multistate Professional Responsibility Examination an applicant may, prior to being recommended for admission to the bar, submit evidence of satisfactory completion of a course in professional responsibility/legal ethics offered by a law school approved by the bar examining committee as part of its regular curriculum. To be acceptable, the course must be completed with a grade of either "C" or "Pass" within four years before or within one year after the date the applicant files his or her application for admission to the Connecticut bar.

ARTICLE V EXAMINATIONS

Art. V-1. The Committee shall hold sessions semi-annually for the examination in law of applicants for admission to the bar. The examination shall be held at such place or places within the State of Connecticut as the Committee may designate, one commencing on the last Wednesday of February, and one commencing on the last Wednesday of July, in each year. Such examination shall last two days, with two sessions each day.

Art. V-2. The examinations shall be in writing. Applicants shall bring pencils and pens. Other writing materials will be furnished. Special circumstances may, with the prior written approval of the committee, warrant a waiver, in whole or in part, of the requirements of this Art. V-2.

Art. V-3. An applicant may be examined at the examination next preceding his or her eighteenth birthday. If successful and otherwise qualified, he or she shall be admitted to the bar only upon attaining the age of eighteen.

Art. V-4. The examination shall be composed of two parts designated Part A and Part B.

Part A shall be of six-hours' duration and shall be composed of twelve 30-minute sections to be prepared under the direction of the examinations committee and shall be based upon such of the following subjects as the examinations committee shall determine:

1. Administrative law
2. Business entities (including corporations, partnerships and sole proprietorships)
3. Conflict of laws
4. Contracts
5. Criminal law and procedure
6. Federal and state constitutional law

7. Civil procedure
8. Evidence
9. Professional responsibility
10. Property (real and personal,
including future interests)
11. Torts
12. Uniform Commercial Code
13. Wills, trusts and estates.

Part B shall consist of the Multistate Bar Examination (MBE) which is that examination offered to the several states by the National Conference of Bar Examiners and designated by that organization as the Multistate Bar Examination (MBE).

Art. V-5. An applicant's raw score on Part A shall be the sum of the scores on each of the 12 sections of Part A.

An applicant's Part A raw score shall be converted to the same distribution as the scaled scores on Part B by the Standard Deviation Method. Scaled scores shall be used to assure that the standard used to measure competence is not affected by the difficulty of the particular test or the ability of the group of applicants sitting for a particular examination.

Art. V-6. The passing score on the examination shall be a combined score of 264 on the Part B scale of scores.

An applicant's score on the examination shall be the sum of his or her scaled score on Part B and his or her converted score on Part A (as described in Art. V-5).

An applicant's scaled MBE score and converted score on Part A (as described in Art V-5) shall be expressed to the nearest whole number.

Art. V-7. An applicant may sit for Part B in another jurisdiction as a part of the bar examination of that jurisdiction and transfer that Part B score to Connecticut. Upon election by the applicant prior to the administration of the examination, the committee will accept an applicant's concurrent Part B score or the applicant's Part B score from any of the three administrations of the MBE next preceding the administration during which the applicant sits for Part A of the examination.

(A) An applicant who elects to use a Part B score as limited above must have a certificate of that Part B scaled score sent directly to the administrative director by the other jurisdiction or the Director of Testing of the National Conference of Bar Examiners on a form provided by the administrative director.

(B) It shall be the applicant's responsibility to ensure that the administrative director receives the certified report of the Part B score in a timely manner.

(C) An applicant's transferred score on Part B shall be disclosed to him or her unless the transferring jurisdiction directs otherwise.

(D) Scores on Part A are not transferrable.

Art. V-8. The committee shall meet at such time and place as may be fixed by the chairperson to determine the results of the examination and announce the names of the applicants recommended for admission to the bar. The administrative director shall certify to the clerk of the superior court for each county the names of the applicants who are recommended for admission to the bar and shall likewise notify the Office of the Chief Court Administrator which shall notify the press. Such certification shall expire after one hundred eighty (180) days.

Art. V-9. Each applicant recommended for admission to the bar shall (unless specially excused by the clerk of the superior court) present himself or herself for admission as an attorney at a session of the superior court to be held in the county in which such applicant seeks admission or in such other place or places, on such date and at such hour as shall be prescribed by the committee.

Upon a showing of due excuse, the clerk of the superior court may arrange for the presentation for admission of an applicant at a session of the superior court to be held at another time and place to be fixed by the clerk.

Art. V-10. The administrative director shall notify each applicant of his or her results on the examination. Notification to an applicant who fails to pass the examination shall include a statement of the applicant's scores on the examination and such other examination information as the committee shall from time to time determine.

ARTICLE VI GUIDELINES FOR ASSESSMENT OF CHARACTER AND FITNESS

Art. VI-1. PURPOSE. The purpose of character and fitness screening before admission to the bar is the protection of the public and the system of justice. The public interest requires that the public be secure in its expectation that those who are admitted to the bar are, at the time of admission, worthy of the trust and confidence clients may reasonably place in their attorneys.

Art. VI-2. STANDARD OF CHARACTER AND FITNESS. A lawyer should be one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of admission. Conduct that is merely socially unacceptable or the physical disability of the applicant is not relevant to character and fitness for law practice and will not be considered.

Art. VI-3. BURDEN OF PROOF. The applicant bears the burden of proving his or her good moral character and fitness to practice law by clear and convincing evidence.

Art. VI-4. GOOD MORAL CHARACTER AND FITNESS TO PRACTICE LAW. The concept of "good moral character and fitness to practice law" necessarily reflects the

mores of the community as well as an estimate of the individual. The determination of present good moral character and fitness is made at the time of admission. In considering good moral character and fitness the Committee will attempt to view the applicant as a whole person and take into account the applicant's entire life history rather than limit its view to isolated events in his/her life. The Committee's inquiry into an applicant's character and fitness emphasizes honesty, fairness and respect for the rights of others and for the law in general. There are no specific incidents, transgressions or misconduct which will result in disqualification. However, certain conduct indicates a lack of good moral character and/or fitness to practice law (See Art. VI-11 below).

Art. VI-5. PROCEDURES. a) The applicant shall be given the opportunity to demonstrate present good moral character and fitness despite particular past conduct.

b) When the Committee has information weighing against a determination of good moral character and fitness:

i) The applicant shall be notified of the information, and

ii) The applicant shall be provided the opportunity to submit such material as the applicant deems appropriate.

c) When an applicant's past conduct raises a question as to his/her character and fitness, the Committee will take into consideration the following:

i) The number of incident(s) (offenses); i.e. whether single, sporadic or repeated;

ii) The seriousness of the incident(s) (offenses) and the degree of moral turpitude involved;

iii) The time of commission; e.g. whether recent or remote past;

iv) The age of the applicant at the time of the incident(s) (offenses);

v) Any mitigating circumstances;

vi) The opinion of others about the applicant's moral character and fitness;

vii) Evidence of rehabilitation;

viii) Activities, jobs and civil service;

ix) Any other pertinent information; e.g. degree of remorse.

d) If the applicant establishes present good moral character and fitness despite past conduct, the Committee will certify the applicant.

e) i) If the Committee believes there are matters which indicate a lack of good moral character and/or fitness, the Committee shall or may, consistent with the rules of the Superior Court, refer the file to the Standing Committee on Recommendations for Admission to the Bar in the county in which the applicant resides or, if the candidate is not a resident of Connecticut, to such Standing Committee as the Committee shall deem appropriate.

ii) The Standing Committee shall review the file and shall notify the applicant by certified mail if it determines that an investigative hearing is necessary. The notice shall provide the date, time and location of the hearing and shall state in detail the matters to be inquired into at the hearing and shall advise the applicant that the hearing shall be recorded and that he or she may be represented by counsel. The Standing Committee shall report in writing to the Committee whether it recommends the applicant.

iii) Upon receipt of the report of the Standing Committee the Committee shall either adopt the findings or hold a formal hearing on the application. If the Committee determines that a formal hearing is necessary it shall prepare written specifications which shall be sent to the applicant by certified mail. The specifications shall provide the date, time and location of the hearing and shall state in detail the matters to be inquired into and the facts, which, if proved, would form the basis of the committee's determination of lack of good moral character and/or fitness. The specifications shall advise the applicant that the hearing shall be recorded and that he or she may be represented by counsel. However, an applicant may request a waiver of a formal hearing if the applicant is in agreement with the terms of the Committee's recommendation of admission with conditions as provided in Sections 2-9 and 2-11 of the rules of the Superior Court.

iv) The formal hearing shall be conducted before a panel of the Committee consisting of at least three (3) members appointed by the chairman which shall have the power to act for the Committee. Following the conclusion of the formal hearing, the panel shall make its findings of fact and recommendation for or against the admission of the applicant. The applicant shall be notified of the findings of fact and recommendation. If the hearing is not completed within six months of its commencement through no fault of the committee, the application shall be deemed to be withdrawn by the applicant. Said six month period may be extended by the Committee upon good and sufficient cause shown by the applicant. A request for an extension must be filed by the applicant not less than thirty (30) days before the expiration of the six month period.

v) Any applicant who is dissatisfied with the Committee's recommendation concerning his or her character and fitness may, within sixty (60) days after notice of the Committee's recommendation, file with the administrative director a petition for reconsideration. The petition must contain new and additional material which the Committee has not previously considered. Only one such petition for reconsideration may be filed. Within 60 days of receipt of the petition for reconsideration, the Committee shall make its findings of fact and recommendation for or against the admission of the applicant. The applicant shall be notified of the findings of fact and recommendation.

Art. VI-6. CONTINUING CRIMINAL ACTIONS. Factors such as pending incarceration, probation, the restrictions of parole still in effect or unfulfilled sentences, while not determinative, will generally be considered to indicate that the rehabilitation process has not been completed.

Art. VI-7. CONDUCT IN VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT.

Engaging in any conduct which would have subjected the applicant to discipline if he/she had already been a member of the bar will weigh strongly against a determination of good moral character and/or fitness. Similarly, lack of good standing in a jurisdiction where the applicant is (or was) admitted to the bar is indicative of a lack of good moral character and/or fitness.

Art. VI-8. CANDOR IN THE ADMISSION PROCESS. Lack of candor in responding to questions posed on the application for admission to the bar in Connecticut (or elsewhere) or otherwise posed by the Committee or its staff may be

independent grounds for a finding of lack of good moral character and/or fitness notwithstanding the fact that the underlying information would not, standing alone, have been grounds for such a finding. The Committee expects that all applicants will provide a complete and candid response to its inquiries, whether on the application or as part of a subsequent inquiry.

Art. VI-9. MENTAL HEALTH INQUIRY. The Committees questions address recent mental health and chemical or psychological dependency matters. The purpose of these questions is to determine the current fitness of an applicant to practice law. Each applicant is considered on an individual basis. The mere fact of treatment for mental health problems or chemical or psychological dependency is not, in and of itself, a basis on which an applicant is ordinarily denied admission to the Connecticut bar. The Connecticut Bar Examining Committee regularly recommends licensing of individuals who have demonstrated personal responsibility and maturity in dealing with mental health and chemical or psychological dependency issues. The Committee encourages applicants who may benefit from treatment to seek it. As indicated in the Rules, all proceedings conducted pursuant to the Rules and Regulations are confidential.

On occasion a license may be denied when an applicant's ability to function is impaired in a manner relevant to the practice of law at the time that the licensing decision is made, or when an applicant demonstrates a lack of candor by his or her responses. Protection of the public that will receive legal services underlies the licensing responsibilities assigned to the Committee. Furthermore, each applicant is responsible for demonstrating that he or she possesses the qualifications necessary to practice law. Your response may include information as to why, in your opinion or that of your treatment provider, your condition will not affect your ability to practice law in a competent and professional manner.

The Connecticut Bar Examining Committee does not, by its questions, seek information that is characterized as situational counseling, such as stress counseling, domestic counseling, and grief counseling. Generally, the Committee does not view these types of counseling as germane to the issue of whether an applicant is qualified to practice law.

Art. VI-10. APPLICATION REVIEW. The Committee establishes the following policies regarding review and approval of applications for admission by examination:

a) Staff Review and Approval: Clear record; minor traffic violations (no felonies or misdemeanors); minor credit issues (no bankruptcy, judgment defaults or large loans in collection); honorable discharge from military; in good standing in each jurisdiction where admitted;

b) Committee review: All other cases

Art. VI-11. CONDUCT THAT CREATES A PRESUMPTION OF LACK OF GOOD MORAL CHARACTER AND/OR FITNESS TO PRACTICE LAW. The following conduct creates a presumption of and may result, in the absence of evidence to the contrary, in a finding of lack of good moral character and/or fitness to practice law:

- i) Conviction of a felony
- ii) Course of conduct evidencing disregard for the law and the rights of others
- iii) Fraudulent conduct, which shall include, but not be limited to plagiarism and other forms of academic misconduct
- iv) False, misleading or incomplete disclosure on application for admission to the bar in Connecticut or elsewhere
- v) Significant financial problems evidencing fiscal mismanagement
- vi) Suspension or disbarment in another jurisdiction
- vii) Revocation or suspension of another license or governmental authorization to conduct a profession, trade or business
- viii) Substance abuse not under control

Art. VI-12. REAPPLICATION AFTER DENIAL. An applicant who is denied admission to the bar for lack of good moral character and/or fitness shall not be permitted to reapply within two years of denial; the denial may specify a longer period of time. An applicant so denied shall be required to retake and pass the bar examination.

Art. VI-13. TIME LIMITATION ON ADMISSION. Any person recommended by the Committee, but not admitted to the bar within five years of the date of such recommendation shall be required to retake and pass the bar examination.

ARTICLE VII ADMISSION ON MOTION OF ATTORNEYS OF OTHER STATES

Art. VII-1. The application for admission on motion under Section 2-13 of the rules shall be made upon the official form obtainable from the administrative director, which forms shall be filed with the administrative director.

Art. VII-2. Attached to said application for admission on motion shall be official transcripts of undergraduate and legal education sufficient to satisfy the committee that the applicant's educational qualifications meet the requirements of Section 2-13 of the Rules.

Art. VII-3. Applicants for admission on motion shall submit satisfactory proof of compliance with the professional responsibility requirement sufficient to satisfy Article IV of these regulations and Section 2-13 of the Rules.

Art. VII-4 There shall be a subcommittee on applications for admission to the Connecticut bar on motion pursuant to Rules of Practice, Sec. 2-13, which subcommittee shall have the duty and authority to consider and act upon all applications on motion insofar as such applications require a determination as to whether at least one jurisdiction of which the applicant is a member of the bar would admit a member of the bar of the State of Connecticut to its bar without examination under provisions similar to those set forth in Rules of Practice, Sec. 2-13.

All applicants will be required to satisfy the subcommittee as to compliance with Rules of Practice, Sec. 2-13, as set forth above. Upon written request of an applicant for such determination prior to requesting application materials and paying the fee therefor, the subcommittee shall make such investigation and inquiry as it shall deem appropriate and shall advise such applicant in writing thereof.

Any applicant dissatisfied with the decision of the subcommittee may request a hearing by the subcommittee for the purpose of setting forth other or additional information relating thereto.

ARTICLE VIII TIMELY FILING

Art. VIII. Failure to file any required document in a timely manner may result in a delay in or a denial of the applicant's admission to the bar. Any application not completed within one year of its filing shall be deemed to be withdrawn by the applicant. This one year period may be extended by the committee upon good cause shown by the applicant. Any request for extension must be filed by the applicant not less than thirty (30) days before the expiration of the one year period.

ARTICLE IX SCHEDULE OF FEES

Art. IX. The following shall be the fees in connection with applications for admission to the bar:

(1) Fee for admission by examination for applicants:

(a) filing regular application: \$450

(b) filing reapplication under Art.III-7: \$250

(2) Fee for application for admission without examination: \$1,000

(3) Investigation under Sec. 2-8(8): \$50

(4) Copy of prior examination questions: \$15

(5) Copy of prior examination answers (includes questions): \$25

(6) Copy of applicant's application for admission by examination: \$10

(7) Transmittal of applicant's MBE score to another jurisdiction: \$10

(8) Replacement of examination scores and information: \$10

(9) Replacement of admission certificate: \$20

(10) Application fee for foreign legal consultant: \$500