



Commission on Minimum Continuing Legal Education (MCLE)

State of Connecticut Judicial Branch

CO-CHAIRS:

Hon. Elliot N. Solomon
Frederic S. Ury, Esq.

MEMBERS:

Hon. Elizabeth A. Bozzuto, Hon. William H. Bright
Hon. Bernadette Conway, Lawrence F. Morizio, Esq.
Rosemarie Paine, Esq., Louis R. Pepe, Esq.

**COUNSEL TO
COMMISSION:**

Michael P. Bowler, Esq.

Minutes of the Meeting Commission on Minimum Continuing Legal Education January 5, 2017

On January 5, 2017, the Commission on Minimum Continuing Legal Education (“Commission”) met by telephone conference call from 9:18 a.m. until 10:15 a.m. A meeting space for members of the public was provided at 100 Washington Street in Hartford.

Members in attendance were:

Hon. Elliot N. Solomon, co-chair
Attorney Frederic S. Ury, co-chair
Hon. Elizabeth A. Bozzuto (until VII)
Attorney Lawrence F. Morizio
Attorney Louis R. Pepe

Also in attendance were Attorneys Michael Bowler and Elizabeth Rowe, Counsel to the Commission, Attorney Melissa Farley, Executive Director of External Affairs, and Attorney Joseph Del Ciampo, Deputy Director of Legal Services.

- I. The Commission reviewed and approved the minutes of the December 8, 2016 meeting. Hon. Elizabeth Bozzuto abstained.
- II. The Commission discussed the seminar schedule including seminars with CATIC, Fairfield County Bar Association, First American Title, New Haven County Bar, Tolland County Bar, Hartford County Bar, and possible seminars with the Milford Bar and the public defender’s office.
- III. Counsel updated the Commission on the results of an e-mail to active attorneys notifying them of the rule change.
- IV. The Commission reviewed a request for an opinion from Attorney Richard J. Lynch whether magistrates appointed pursuant to General Statutes §51-1931 are exempt from MCLE. The Commission determined that magistrates appointed under Section 51-1931 are not exempt from MCLE compliance. The Commission decided to prepare the

287 Main Street, 2nd Floor, Suite 2, East Hartford, CT 06118-1885

Website: www.jud.ct.gov/Committees/ContinuingLegalEducation

E-mail: mcle@jud.ct.gov

opinion anonymously and to publish the opinion online to aid the bar in understanding the MCLE rule. Further, the Commission decided that once drafted, the opinion could be approved by the Chairs and issued under Counsel's signature without additional review by the full Commission.

- V. The Commission reviewed a request for an opinion from Attorney Brian Austin, Jr. whether online state ethics training offered by the Office of State Ethics for state employees qualifies for MCLE credit. The Commission voted to table the matter for further consideration.
- VI. The Commission reviewed a request for an opinion from Attorney Kenneth J. Speyer whether enrolling and attending a law school course but not completing all of the course requirements to pass the course qualifies for MCLE credit. The Commission determined that the activity described amounted to auditing a law school course, and such activity would qualify as MCLE credit. The Commission decided to prepare the opinion anonymously and to publish the opinion online to aid the bar in understanding the MCLE rule. Further, the Commission decided that once drafted, the opinion could be approved by the Chairs and issued under Counsel's signature without additional review by the full Commission.
- VII. The Commission reviewed a request for an opinion from Attorney Kevin J. Greene on the following issues:
 - a. Whether conducting a seminar for non-lawyers (such as a trade organization or association) on legal issues facing that trade/industry qualifies as MCLE for the attorney that conducts the program or does it have to be a program for lawyers?
 - b. Whether authoring an article on a legal topic for a trade journal that is for non-lawyers (not a "legal publication such as the Law Tribune or CBA Journal) qualifies as MCLE for the attorney that writes the article?

The Commission tabled the first question for further consideration. The Commission determined that authoring a legal article in a non-legal publication would not qualify MCLE credit. The Commission decided to prepare the opinion anonymously and to publish the opinion online to aid the bar in understanding the MCLE rule. Further, the Commission decided that once drafted, the opinion could be approved by the Chairs and issued under Counsel's signature without additional review by the full Commission.

- VIII. The Commission reviewed a request for an opinion from Attorney Michael Eisner whether occasional guest lecturing to a law school class qualifies for MCLE credit. The Commission determined that guest lecturing at a law school course would qualify as MCLE credit. The Commission decided to prepare the opinion anonymously and to publish the opinion online to aid the bar in understanding the MCLE rule. Further, the Commission decided that once drafted, the opinion could be approved by the Chairs and issued under Counsel's signature without additional review by the full Commission.

- IX. The Commission reviewed a request for an opinion from Attorney Larry Brown whether the exemption for making less than \$1000 in income for the provision of legal services in a given year includes foreign income. The Commission determined all income, including foreign and domestic income and digital currency would be included in the determination as to whether the attorney had made less than \$1000 in income for the provision of legal services. The Commission decided to prepare the opinion anonymously and to publish the opinion online to aid the bar in understanding the MCLE rule. Further, the Commission decided that once drafted, the opinion could be approved by the Chairs and issued under Counsel's signature without additional review by the full Commission.
- X. The Commission reviewed a chart and explanation from Counsel regarding the nature of the email inquiries received since the December meeting.
- XI.–XIII. The Commission discussed its meeting schedule and determined it would meet by telephone conference call on February 2, 2017 at 9:15 a.m. and March 2, 2017 at 9:15 p.m.