



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 May 11, 2017

On May 11, 2017, the Commission on Minimum Continuing Legal Education (“Commission”) met by telephone conference call from 8:47 a.m. until 9:19 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
Hon. William H. Bright
Hon. Bernadette Conway
Attorney Lawrence F. Morizio
Attorney Rosemarie Paine
Attorney Louis R. Pepe

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

- I. The Commission approved the minutes of the April 6, 2017 meeting.
- II. The Commission discussed updates on seminars and Commission opinions.
- III. The Commission adopted two new FAQs and adopted amended language to a third FAQ as follows:

Teaching and Lecturing to Non-Lawyers FAQ – (NEW)

FAQ:

Does legal teaching or lecturing to non-lawyers qualify for MCLE credit?

ANSWER:

No, unless the legal teaching or lecturing is to law students enrolled at a law school accredited by the American Bar Association. Lawyers may only receive MCLE credit for

teaching legal courses and lecturing on legal matters to lawyers, or to law students enrolled at a law school accredited by the American Bar Association. Other legal teaching and lecturing does not satisfy the content requirement of the MCLE rule.

Attorney Adjudicator FAQ – (NEW)

FAQ:

Are attorneys who serve in adjudicative positions such as workers compensation commissioners and small claims and motor vehicle magistrates exempt from the MCLE requirement either pursuant to Practice Book §2-27A(a)(1) or §2-27A(a)(5)?

ANSWER:

No, unless they earn less than \$1000 per year from the position. Practice Book §2-27A(a)(1) clearly limits the exemption afforded judicial officers to “[j]udges and senior judges of the supreme, appellate or supreme courts, judge trial referees, family support magistrates, family support magistrate referees, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges.” No other judicial officers are covered by this exemption. Practice Book §2-27A(a)(5) exempts only those attorneys who earn less than \$1000 per year in compensation for the provision of legal services. Attorneys who serve in any adjudicative position provide legal services to both the authority employing them and the parties who appear before them. Accordingly, the exemption only applies to attorneys in this position if they earn less than \$1000 per year in compensation from it. Attorneys may seek to broaden these exemptions through the rule making process only.

Governmental Employees – Amended FAQ 2(h)

FAQ:

h. If I am a government employee do I have to comply with the rule?

ANSWER:

If your job description requires you to be a member of the Connecticut Bar then you must comply with the rule unless you otherwise qualify for an exemption. If your job description does not require you to be a member of the Connecticut Bar, then you must comply with the rule, but you may be entitled to take the exemption for earning less than \$1000 in compensation for the provision of legal services in the reporting year, or you may otherwise qualify for an exemption. The “provision of legal services” is a broad term and includes, but is not limited to, the practice of law as defined by Practice Book

§2-44A, taking oaths, signing subpoenas, and interpreting statutes and Practice Book rules. Even though your job does not require you to be a member of the Connecticut Bar, you may still be providing legal services to the government in your position. Some government employees who are not lawyers are nonetheless permitted within their job classification to provide certain legal services pursuant to Practice Book §2-44A(b). When those same legal services are provided by a lawyer, then the lawyer is required to comply with the MCLE requirement.

- IV. The Commission reviewed a request for an opinion from Ms. Lynne Knox, Chair of the Connecticut Labor Department's Employment Security Board of Review whether attorneys who serve as Referees for the Appeals Division of the Board are exempt from the MCLE requirement (Tabled from April meeting). The Commission determined that the position is not exempt from the MCLE requirement. 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.
- V. The Commission confirmed the next meeting for June 1, 2017 at 8:45 a.m.