



Commission on Minimum Continuing Legal Education (MCLE)

State of Connecticut Judicial Branch

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Opinion 8

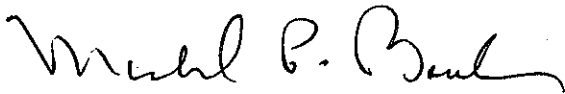
Whether Auditing a Law School Course Qualifies as Minimum Continuing Legal Education (MCLE)

The Commission on Minimum Continuing Legal Education (Commission) received a request from an attorney who plans to enroll in a course offered by the University of Connecticut School of Law. Although the attorney plans to attend lectures and complete the assigned reading for the course, the attorney is unsure if he will be able to complete a research paper or other course requirements necessary to receive a grade. The attorney asks whether attending the course but not completing all of the course requirements qualifies for MCLE credit. The opinion of the Commission is that attorneys who enroll and attend law school courses qualify for MCLE credit even if they do not complete all of the course requirements.

To receive credit for complying with Practice Book §2-27A, attorneys must satisfy the delivery and content requirements of the rule. Practice Book §2-27A(b)(1) clearly provides that "law schools" are approved entities for the delivery of MCLE. It is axiomatic that a legal course taught by a law school meets the three-part content test for whether a particular activity qualifies for MCLE. See Practice Book §2-27A(c)(6). The only substantive question left to be answered by the Commission is whether attending the course but not completing all of the

course requirements is sufficient to claim MCLE credit. The Commission answered that question in the affirmative.

Enrolling in and attending a law school class but not completing all of the assigned work to earn a grade is the functional equivalent of auditing the class, which the Commission deems sufficient to earn MCLE credit. The attorney may earn credit for preparing for and attending the class and any other course-related work or activity on an hour by hour basis. Whether the attorney completes enough of the course by attending classes, reading class materials, and complying with other course requirements to take credit for MCLE is left to the attorney's good faith judgment and analysis.

A handwritten signature in black ink, appearing to read "Michael P. Bowler". The signature is fluid and cursive, with a long, sweeping underline.

Michael P. Bowler
Counsel to the Commission