

Minutes of Meeting  
Rules Committee Task Force to  
Study Minimum Continuing Legal Education  
November 1, 2012

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On Thursday, November 1, 2012, the Rules Committee Task Force to Study Minimum Continuing Legal Education met in the Attorney's Conference Room, 231 Capitol Avenue, Hartford, Connecticut from 12:36 p.m. to 1:51 p.m.

Members in attendance were:

Hon. Elliot N. Solomon, Chair  
Hon. Barbara N. Bellis (by telephone)  
Attorney Victor Allen Bolden  
Attorney Michael P. Bowler  
Attorney Joel DeFelice  
Attorney Douglas Mahoney  
Deputy Chief State's Attorney John J. Russotto  
Attorney Deborah DelPrete Sullivan, Legal Counsel, Office of the  
Chief Public Defender

Also in attendance were Carl E. Testo, Director of Legal Services, Joseph J. Del Ciampo, Counsel, Legal Services and Denise Poncini, Counsel, Legal Services.

1. Judge Solomon asked Attorney Bolden to report out on behalf of the group of members whose inclination is to oppose mandatory CLE.

Attorney Bolden stated that two of the main reasons his group does not favor MCLE are the fiscal impact on the bar and the lack of data showing that there is a need for MCLE. Attorney Bolden's group suggests that in lieu of MCLE there be a statewide professional development day (PDD) during which the courts would be closed and attorneys and judges could work together to put on programs in courthouses around the state and in other venues. Attendance would be voluntary.

Attorney Mahoney stated that in 2007 the Bridgeport County Bar Association sponsored a bench/bar symposium at a cost of \$45 per attorney, which covered lunch.

It was stated that because the PDD would not be mandatory, no administrative cost would be incurred by the Judicial Branch. The PDD would be held from 9–12 and 1–4, thereby allowing attorneys to check in at their offices during lunch or during the morning or afternoon sessions (if an attorney only attended one of the sessions). It was suggested that holding the PDD on a Friday might generate greater participation in the PDD by attorneys who might be reluctant to attend because of commitments they may have the day following the PDD.

2. Judge Solomon then asked Attorney Russotto to report for the group of members whose inclination is to favor Mandatory CLE.

Attorney Russotto said that his group focused on how to make compliance with MCLE user friendly, which could be done by self-reporting. The attorney would be required to check off a box on the annual attorney registration form stating that the attorney complied with the MCLE requirement and maintain proof of his or her compliance for a prescribed period of time. Compliance would only be checked if the attorney has a grievance filed against him or her. It was suggested that perhaps a random audit could be conducted concerning MCLE compliance.

Attorney Russotto's group suggests using the "Alberta Canada" model which allows attorneys to take courses toward the MCLE requirement that need not be purely legal as long as they fit in with the attorney's practice (e.g. accounting or stress management). Judge Bellis stated that there would still be an issue concerning whether a course may be counted toward compliance, especially if it is not a purely legal course.

3. Judge Bellis suggested that the PDD proposal be tried for a few years and that if not enough attorneys participate in it, then the plan suggested by Attorney Russotto could be revisited.

4. Judge Solomon queried whether the legislature would pass a statute requiring MCLE for attorneys if the Judicial Branch does not do so.

5. Attorney Russotto stated that his group also suggests that a nuts and bolts course for new attorneys be instituted. This course would be mandatory and free. It was suggested that it could be on the same day as the PDD.

Attorney Bowler suggested that, because not all new attorneys would be available to attend a nuts and bolts course on the day the PDD was held, a boot camp could be held three times a year and new attorneys would be required to attend one of those sessions.

Attorney Bowler stated that approximately 20,000 attorneys currently practice law in Connecticut. He said that solo attorneys tend to be young and that they have been a problem with regard to ethics violations. Newly admitted lawyers would have to comply with the boot camp requirement within twenty-four months after their date of admission to the bar.

6. Judge Solomon then summed up what he believed the members agreed to at this point:

- a. The institution of a professional development day that would carry only a nominal fee and be voluntary. This would be held in courthouses around the state.
- b. A mandatory boot camp for newly admitted lawyers that would be free of charge. The boot camp would be run through Attorney Bowler's office and would be approximately 6 hours in length.

7. Attorney DelPrete-Sullivan stated that she does not want new PDs to have to take the boot camp because the PD office trains their new attorneys in-house. Attorney Bowler stated that a provision could be placed in the boot camp rule allowing the Statewide Grievance Committee to waive the boot camp requirement if an attorney attended an in-house CLE program. The rule could exempt state's attorneys and PDs from the boot camp requirement and perhaps contain other exemptions as appropriate.

8. Judge Solomon concluded the meeting with the following assignments:

- a. Attorney Bowler will draft a design for the boot camp program and distribute it to Task Force members by December 7.
- b. Attorney Bolden and Attorney Diemand will put together a design for a symposium for the professional development day and distribute it to Task Force members by December 7.

The next meeting will be held on December 13, 2012 at 2:00 p.m. in the Attorneys' Conference Room.

Respectfully submitted,



Carl E. Testo  
Director of Legal Services