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[www.ctbar.org](http://www.ctbar.org)

Thank you for the opportunity to provide the CBA comments on this important matter. If you require anything more, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bill Clendenen".

William H. Clendenen, Jr.  
President

WHCj/cal

cc: Attorney Joseph DelCiampo  
Attorney Patricia Tracy

# Report of the Legislative Policy Review Committee



TO: Connecticut Bar Association House of Delegates

FROM: CBA Legislative Policy Review Committee

DATE: November 29, 2015

RE: Report and Recommendation in Response to the Rules Committee's Request for CBA Comments Concerning the 2015 Proposal for Minimum Continuing Legal Education for Connecticut attorneys

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*This report approved unanimously by the Legislative Policy Review Committee on December 2, 2015*

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## **1.0 Introduction**

This Report is issued by the Connecticut Bar Association's Legislative Policy and Review Committee ("LPRC") pursuant to the request of President Bill Clendenen dated September 24, 2015 to evaluate and comment upon the 2015 MCLE Proposal under consideration by the Rules Committee of the State of Connecticut Judicial Branch, as supplemented and amended by its authors, attached to this report as **Exhibit A** ("2015 Proposed Rule"). Since the specific charge is to respond to the Rules Committee's request for comments to a proposal that was not made by the Connecticut Bar Association ("CBA"), there is no need to re-evaluate the CBA's 2012 proposal approved by the House of Delegates or to debate the CBA policy on Minimum Continuing Legal Education ("MCLE"). In fact, the proposed amendment to the 2015 Proposed Rule being offered by the LPRC incorporates the significant components of the CBA's 2012 proposal.

## **2.0 Executive Summary / Recommendation**

Historically the CBA has supported MCLE for attorneys admitted in Connecticut. In 2012, the House voted to support MCLE in Connecticut because it believed it was the best means available to make sure that members of the profession maintained a base level of competency to represent clients and keep current with changes in the law. We concluded at that time that the CBA was in a better position to achieve these twin goals than a third party who might impose less meaningful or more onerous requirements. At this time, the LPRC is not revisiting the CBA's policy on MCLE in general, as that was outside the scope of its assignment, but rather is complying with the specific task of reviewing the 2015 Proposed Rule and commenting thereon. This report and recommendation to the House of Delegates is accordingly limited, and it is recommended that the House of Delegates' review and decision be similarly circumscribed to the specific request of the Rules Committee,

which was for the CBA to comment on the specific MCLE proposal that was submitted to that Committee by Messrs. Ury, Pepe and Morizio. Accordingly, a reexamination of the merits of the CBA's existing House of Delegates-approved policy on MCLE is not warranted.

The LPRC recommends that the CBA support the 2015 Proposed Rule if minimum, reasonable quality standards are incorporated into the 2015 Proposed Rule, as set forth in the LPRC's suggested revisions to the 2015 Proposed Rule in **Exhibit B**.

This recommendation is the result of activities which included reviewing the MCLE proposal approved by the House of Delegates in 2012, rules for MCLE in other states, meetings with the proponents of the 2015 Proposed Rule and the leaders of other bar associations in Connecticut via the Connecticut Council of Bar Presidents, and obtaining feedback from the CBA's CLE and Professionalism Committee.

### **3.0 Review Process**

President Clendenen's letter provided the following questions and parameters which guided the LPRC's review outlined below. The LRPC formed the MCLE Subcommittee ("Subcommittee") to conduct the work of the committee and make a recommendation to the full committee. The Subcommittee worked closely with the LPRC, meeting multiple times for updates and discussion during its review period.

1. *Feedback from the Bar.* The Committee solicited feedback from stakeholders including the associations which are part of the Council of Bar Presidents and the CBA's CLE and Professionalism Committee. Many of the local bars object to the concept of MCLE as a whole and/or oppose the 2015 Proposed Rule for the reasons discussed below. Others, including the Hartford County Bar Association, support it.
2. *Constitutional Considerations.* The Committee considered the implications of the 2015 Proposed Rule in the context of the CBA's constitutional mission, including duties as it relates to the public. There is concern that the 2015 Proposed Rule is not consistent with certain aspects of the CBA's constitutional mission, as discussed below.
3. *Financial Considerations.* The Committee considered the financial and practical considerations for the CBA and its members.
4. *Limitation of Scope.* The Committee limited review to evaluation and discussion of the existing proposal.
5. *Reporting.* This report is submitted for consideration by the House of Delegates.

## **4.0 Discussion**

### **4.1 CBA's Prior Position on MCLE**

The House of Delegates approved a rule on MCLE in 2012 ("CBA 2012 Proposal"). Therefore the Subcommittee began its review by examining the differences between the 2015 Proposed Rule and the CBA 2012 Proposal. To aid the Subcommittee in its review, a matrix comparing the two proposals was prepared. A copy of that comparison is available as an attachment to this report.

### **4.2 Author's Intent and Background**

The Subcommittee had a conference call with the individual attorneys who crafted the 2015 Proposed Rule: Attorney Fred Ury, Attorney Lou Pepe and Attorney Lawrence Morizio ("Authors").<sup>1</sup> As a result of these conversations, the Subcommittee learned:

- (a) that the primary drivers of the proposal are: (i) no cost to the Judicial Branch for administration or oversight; and (ii) the ability of attorneys to satisfy the requirements without the need to buy or attend courses – that they had to be able to comply for free, or at a minimal cost;
- (b) that the proposal was drafted directly among the Authors in conversation with the Rules Committee and others; and
- (c) no bar association was approached or consulted regarding the crafting of the proposal, although input from all bars was solicited during the Author's drafting.

### **4.3 Feedback from the Bar.**

*Meeting of the Connecticut Council of Bar Presidents.* President-Elect and LPRC Chair, Monte Frank, convened a meeting of the Connecticut Council of Bar Presidents to review and discuss the 2015 Proposed Rule with the Authors of the proposal, the Subcommittee and the CBA team. The meeting was intended to focus on evaluation of the 2015 Proposed Rule rather than whether MCLE was acceptable as a concept, notwithstanding that some of the local bar associations reiterated their opposition to any MCLE at all.

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<sup>1</sup> For purposes of clarity, while the Authors are members of the CBA and two are past-presidents, they submitted the 2015 Proposed Rule in their individual capacity.

- *Positions on MCLE.* The attendees at the Council of Bar Presidents' meeting reported the following at the meeting and/or distributed previously submitted letters to the Rules Committee:

<b>Bar Association</b>	<b>Position<sup>2</sup></b>
Bridgeport Bar Association	Has not taken a position yet. In 2012 it opposed MCLE
CT Trial Lawyers Association	Opposed in 2012 and 2015
Danbury Bar Association	Has not taken a position yet
Fairfield County Bar Association	Board voted not to support 2015 Proposal
Hartford County Bar Association	In favor of 2015 Proposal
Litchfield County Bar Association	In favor of 2015 Proposal
Milford Bar Association	Has not taken a position yet. In 2012 it opposed MCLE
New Haven County Bar Association	Opposed to MCLE
New London Bar Association	Board voted to take no position on 2015 Proposal
Waterbury Bar Association	Opposed to MCLE.
Windham County Bar Association	No formal opinion

- *Need for clear quality standards.* Some participants at the Council of Bar Presidents meeting expressed concern regarding the lack of clear standards on what program(s) qualify for CLE credit and absence of a regulatory authority which could, among other things, clarify the rule to identify what programs would, and would not qualify for credit.
- *Liability for misconduct or other sanctions.* Some participants at the Council of Bar Presidents meeting expressed concern that without clear standards, an attorney could attempt to comply with the rule in good faith and still be subject to a grievance. The articulation of minimum standards would reduce this risk.
- *Reciprocity.* Attorneys often seek reciprocity for their CLE credits in other states where they are admitted, or by their malpractice insurance carriers for insurance purposes. The group discussed the concern that other states would not recognize certain Connecticut CLE credit allowed under the 2015 Proposed Rule because of the lack of standards and/or

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<sup>2</sup> *NOTE: Please refer to the position statements of each bar association for a complete description of the applicable position and rationale. Statements available for download at [www.ctbar.org/mcle](http://www.ctbar.org/mcle)*

failure to meet minimum standards set by other states, particularly New York where many members are admitted.

- *Application of the MCLE Rule to Authorized House Counsel.* The group raised the question of whether Authorized House Counsel would need to comply with the 2015 Proposed Rule noting that in all likelihood they already have MCLE requirements in the states where they are admitted.
- *Motivation behind MCLE Rule.* Some members questioned whether the CBA stood to gain financially from the imposition of MCLE or sought to somehow control the market for CLE in Connecticut. President-Elect Frank made it clear that the CBA seeks only to be a market player, and not act in a regulatory role. The Committee hopes and expects that implementation of an MCLE Rule in Connecticut would increase (not decrease) opportunities for local and regional in-state bar associations to provide CLE to their members. Further, the CBA engages in education as part of its Constitutional purpose (much like fellow bar associations) and the CBA is not in a different position than any other bar association regarding the financial impact of the 2015 Proposed Rule. To be clear, the CBA is not dependent in any way on the passing of MCLE to ensure its financial viability.
- *Costs associated with compliance.* The group shared concerns regarding the costs of compliance with, and administration of, the 2015 Proposed Rule, notwithstanding the assertion that there would be “no oversight costs”. Instead, the discussion highlighted the costs that may come from the need to clarify who is an “appropriate” CLE provider, and which program(s) would meet, or not meet the standard, which the CBA believes could be minimal.

*CBA CLE and Professionalism Committee.* The Subcommittee provided the CLE and Professionalism Committee with a draft of this report and its recommended amendment to the 2015 Proposed Rule. The CLE and Professionalism Chair reported that the committee supports the 2015 Proposed Rule, but it does not support the LPRC’s proposed amendment to the 2015 Proposed Rule.

**4.4** *Constitutional Considerations.* In determining matters of policy, the House of Delegates should be guided by Article II of the CBA Constitution which includes, in relevant part, the obligations to:

- *promote the public interest through the advancement of justice and the protection of liberty.*
- *aid its Members in the development and maintenance of their respective practices*
- *facilitate the delivery of competent legal services to the public and particularly to those in greatest need*

- *support or oppose legislation and regulations consistent with the interests of the public good and its Members*
- *supply the highest quality continuing legal education opportunities and works of legal scholarship*
- *to safeguard the dignity of the legal profession*

The Committee heard arguments that not having an MCLE requirement is contrary to these principles of the Constitution. However, the Committee believes the MCLE rule must have minimum quality standards to advance these purposes.

The Committee considered the question: “How does the new proposal measure up qualitatively to the one already endorsed by this Association since 2012 and what would an organizational endorsement mean from a policy perspective?” From the Committee’s perspective, a CBA endorsement of the 2015 Proposed Rule without any quality standards would arguably not comply with many of the tenets of the Constitution, particularly the CBA’s obligation to “supply the highest quality continuing legal education opportunities and works of legal scholarship”.

#### **4.5 Financial Considerations**

Cost concerns are a primary driver of the 2015 Proposed Rule. The Authors describe an environment where any MCLE proposal must have no cost to the Judicial Branch for administration and minimum cost for the attorneys in Connecticut for compliance.

The Committee acknowledges the financial pressure on member attorneys, especially those in solo and small practices and those new to the profession. These pressures are not unique to Connecticut. In the 46 states with mandatory minimum CLE there are a host of options for attorneys to earn no-cost or low-cost CLE and still meet state minimum requirements.

The 2015 Proposed Rule would have a financial and practical impact on the state’s bar associations, including the CBA. The vast majority of bar associations have already elected to become certified providers of New York State CLE – and follow those protocols in delivering their programs. The 2015 Proposed Rule’s lack of quality standards on providers or programs could have an unintended negative impact on the programs offered by the state’s bar associations by introducing unprincipled competition without any regulatory oversight or quality control.

#### **5.0 Recommendation**

The Committee recommends that the House of Delegates take the following action:

Support the 2015 Proposed Rule subject to amendments to meet the following conditions as shown in the attached blackline draft attached hereto as **Exhibit B**, specifically that the quality standards be articulated consistent with those applicable in neighboring jurisdictions in order to address the above-described concerns that: (1) the current 2015 Proposed Rule does not contain quality standards; (2) to provide a bright-line rule to attorneys and CLE providers as to which programs would and would not qualify; and (3) to help ensure reciprocity for such CLE credits in other states and/or by malpractice insurance carriers for insurance purposes. The quality standards reflected in the attached revised draft are already the standard for CLE offered by many bar associations, including the CBA, New Haven County Bar Association, Fairfield County Bar Association, Bridgeport Bar Association, Connecticut Trial Lawyers Association and others, and allow for members to obtain CLE credits in New York State and other states. In addition, in recognition of the fact that many smaller local and regional in-state bar associations do not have substantial administrative support, or have no administrative support, the quality standards reflected in the attached revised draft do not (from the Committee's perspective) impose an unreasonable administrative or cost burden on smaller in-state bar associations.

#### **Exhibits:**

- Exhibit A: 2015 Proposed Rule (revised to October 20, 2015)  
[https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/03A\\_-\\_EXHIBIT\\_A\\_TO\\_LPRC\\_REPO.pdf](https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/03A_-_EXHIBIT_A_TO_LPRC_REPO.pdf)
- Exhibit B: CBA Recommended changes to 2015 Proposed Rule.  
[https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/03B\\_-\\_EXHIBIT\\_B\\_TO\\_LPRC\\_REPO.pdf](https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/03B_-_EXHIBIT_B_TO_LPRC_REPO.pdf)

#### **Additional Resource Links:**

- 2012 Proposal approved by the House of Delegates ("2012 CBA Proposal")  
[https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/01-\\_MCLE\\_2012\\_Letter\\_to\\_Hon..pdf](https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/01-_MCLE_2012_Letter_to_Hon..pdf)
- Working Matrix comparing 2015 Proposed Rule to 2012 Proposal  
[https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/04\\_-\\_MCLE\\_Matrix.xlsx.pdf](https://c.ymcdn.com/sites/ctbar.site-ym.com/resource/resmgr/MCLE/04_-_MCLE_Matrix.xlsx.pdf)
- Copies of the letters from other bars distributed to the Council of Bar Presidents on MCLE available at [www.ctbar.org/mcle](http://www.ctbar.org/mcle)
- Overall resource page for CBA Members at [www.ctbar.org/mcle](http://www.ctbar.org/mcle)

**DRAFT**

**~~APRIL 9, OCTOBER 20, 6, 2015~~**

**(NEW) Sec. 2-27A. Mandatory Continuing Legal Education**

(a) On an annual basis, each attorney admitted in Connecticut shall certify, on the registration form required by Section 2-27(d), that the attorney has completed in the last calendar year no less than twelve credit hours of appropriate continuing legal education, at least three hours of which shall be in ethics/professionalism. The ethics and professionalism components may be integrated with other courses. This rule shall apply to all attorneys except-the following:

- (1) **Judges of the supreme, appellate or superior courts, judge trial referees, family support magistrates, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges;**~~State or federal court judges;~~
- (2) Attorneys who are disbarred, resigned pursuant to Section 2-52, on inactive status pursuant to Section 2-56, et seq., or retired pursuant to Sections 2-55 or 2-55A;
- (3) Attorneys who are serving on active duty in the armed forces of the United States for more than six months in such year;
- (4) Attorneys for the calendar year in which they are admitted;
- (5) Attorneys who, for good cause shown, have been granted temporary or permanent exempt status by the statewide grievance committee.

~~(6) — Family Support Magistrates~~

(b) Attorneys may satisfy the required hours of continuing education:

- (1) By attending legal education courses provided by any state, local, regional or special interest bar association in this state; any private or government legal employer; and any other non-profit or for-profit legal education providers, including law schools and other appropriate continuing legal

education providers, including courses remotely presented by video conference, webcasts, webinars, or the like.

- (2) By self-study of appropriate programs or courses directly related to substantive or procedural law or related to the legal profession, including professional responsibility, legal ethics, or law office management and prepared by ~~a-certified~~those CLE ~~provider~~providers in (b)(1) above. Said self-study may include viewing, videotapes/DVDs; listening to audiotapes/CDs; or taking online courses. The selection of self-study courses or programs shall be consistent with the objective of this rule, which is to maintain and enhance the skill level, knowledge, ethics and competence of the attorney.
- (3) By publishing articles in legal publications.
- (4) By teaching legal seminars and courses.
- (5) By serving as a full-time faculty member at a law school accredited by the American Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein.
- (6) By serving as a part time or adjunct faculty member at a law school accredited by the America Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein at the rate of one hour for each hour of classroom instruction.

(c) Credit Computation:

- (1) Credit for any of the above activities shall be based on the actual instruction time, which may include lecture, panel discussion, and question-and-answer periods. Self-study credit shall be based on the reading time or running time of the selected materials or program.
- (2) Credit for attorneys preparing for and presenting legal seminars, courses or programs shall be based on one hour of credit for each two hours of preparation. Credit for presentation shall be on an hour -for -hour basis.

- (3) Credit for the writing and publication of articles shall be based on the actual drafting time required.
- (4) Continuing legal education courses ordered pursuant to Section 2-37(a)(5) or any court order of discipline shall not count as credit towards an attorney's obligation under this section.
- (d) Attorneys shall retain records to prove compliance with this rule for a period of seven years.
- (e) Violation of this section shall constitute misconduct.
- (f) A Mandatory Continuing Legal Education Commission (the "Commission") shall be established by the Judicial Branch and shall be composed of four superior court judges and four attorneys admitted to practice in this state, all of whom shall be appointed by the Chief Justice of the Supreme Court or her designee and who shall serve without compensation. The charge of the Commission will be to provide advice regarding the application and interpretation of this rule and to assist with its implementation, including, but not limited to, the development of a list of frequently asked questions and other documents to assist the members of the bar to meet the requirements of this rule.

COMMENTARY:

It is the intention of this rule to provide attorneys with relevant and useful continuing legal education covering the broadest spectrum of substantive, procedural, ethical and professional subject matter at the lowest cost reasonably feasible and with the least amount of supervision, structure and reporting requirements. The rule also permits an attorney to design his or her own course of study. The law is constantly evolving and attorneys, like all other professionals, are expected to keep abreast of changes in the profession and the law if they are to provide competent representation.

Subsection (a) provides that Connecticut attorneys must complete twelve credit hours of continuing legal education per calendar year. Subsection (a) also lists those Connecticut attorneys, who are exempt from compliance: judges, attorney serving in the military, new

attorneys during the year in which they are admitted to practice, and those who obtain an exempt status for good cause shown. The subsection also provides an exemption for attorneys who are disbarred, resigned, on inactive status due to disability, or are retired. There is no exemption for attorneys who are suspended or on administrative suspension.

Subsection (d) requires an attorney to maintain adequate records of compliance. For legal education courses, a certificate of attendance shall be sufficient proof of compliance. For self-study, a contemporaneous log indentifying and describing the course listened to or watched and listing the date and time the course was taken, as well as a copy of the syllabus or outline of the course materials, and, when appropriate, a certificate from the course provider shall be sufficient proof of compliance. For any other form of continuing education, a file including a log of the time spent, the legal research used and drafts of the prepared material shall provide sufficient proof of compliance.

Document comparison by Workshare Professional on Wednesday, October 14, 2015 11:07:55 AM

<b>Input:</b>	
Document 1 ID	interwovenSite://PHDMS01/HRT/1286448/2
Description	#1286448v2<HRT> - MCLE -- Section 2-27A
Document 2 ID	interwovenSite://PHDMS01/HRT/1286448/3
Description	#1286448v3<HRT> - MCLE -- Section 2-27A -- October 6 Draft
Rendering set	standard

<b>Legend:</b>	
<a href="#">Insertion</a>	
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Padding cell	

<b>Statistics:</b>	
	Count
Insertions	4
Deletions	3
Moved from	0
Moved to	0
Style change	0
Format changed	0
<b>Total changes</b>	<b>7</b>

## Summary

10/28/15, 8:57:51

Differences exist between documents.

### **New Document:**

[CBA Changes to 2015 Proposed Rule rev 10-28-2015](#)

5 pages (81 KB)

10/28/15, 8:57:48

Used to display results.

### **Old Document:**

[URY 10-20-15 BLACKLINED MCLE -- Section 2-27A  
October 6 Draft](#)

5 pages (131 KB)

10/28/15, 8:57:46

[Get started: first change is on page 1.](#)

No pages were deleted

## How to read this report

**Highlight** indicates a change.

**Deleted** indicates deleted content.

 indicates pages were changed.

 indicates pages were moved.

## DRAFT RECOMMENDATIONS TO CBA HOUSE OF DELEGATES, OCTOBER 30, 2015

### (NEW) Sec. 2-27A. Mandatory Continuing Legal Education

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- (1) Judges of the supreme, appellate or superior courts, judge trial referees, family support magistrates, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges;
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- (3) Attorneys who are serving on active duty in the armed forces of the United States for more than six months in such year;
- (4) Attorneys for the calendar year in which they are admitted;
- (5) Attorneys who, for good cause shown, have been granted temporary or permanent exempt status by the statewide grievance committee. 🙏🙏

🙏 (b) Attorneys may satisfy the required hours of continuing education:

- (1) By attending legal education courses including courses remotely presented by video conference, webcasts, webinars, or the like which meet Quality Standards under section (b)(7) and are provided by any (i) state, local, regional or special interest bar association in this state as well as law schools in Connecticut; (ii) any bar association or law school in another state which is accredited by its home state to provide CLE; (iii) any private or government legal employer; and (iv) any other appropriate non-

profit or for-profit legal education providers who are currently accredited CLE providers under the laws of their home state.

- (2) By self-study of appropriate programs or courses directly related to substantive or procedural law or related to the legal profession, including professional responsibility, legal ethics, or law office management and prepared by those CLE providers in (b)(1) above to meet the Quality Standards in (b)(7), below. Said self-study may include viewing, videotapes/DVDs; listening to audiotapes/CDs; or taking online courses. The selection of self-study courses or programs shall be consistent with the objective of this rule, which is to maintain and enhance the skill level, knowledge, ethics and competence of the attorney.
- (3) By publishing articles in legal publications.
- (4) By teaching legal seminars and courses.
- (5) By serving as a full-time faculty member at a law school accredited by the American Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein.
- (6) By serving as a part time or adjunct faculty member at a law school accredited by the American Bar Association, in which case, such attorney will be credited with meeting the minimum continuing legal education requirements set forth herein at the rate of one hour for each hour of classroom instruction.
- (7) Any program offered under this rule must meet the following minimum “Quality Standards” means the program will have (i) a timed agenda, (ii) faculty biographies, (iii) eight pages of substantive written material for each credit hour offered, (iv) presentation in a format or medium conducive to learning, (v) inclusion of at least one attorney in good standing as a presenter, organizer or moderator, (vi) an attendance list for each event including date, time and location of the program, (vii) an opportunity for participants to provide written evaluation of the instruction,

materials, physical setting or technology and (viii) a method for attendees to verify attendance and participation.

(c) Credit Computation:

- (1) Credit for any of the above activities shall be based on the actual instruction time, which may include lecture, panel discussion, and question-and-answer periods. Self-study credit shall be based on the standard established by the course developer.
- (2) Credit for attorneys preparing for and presenting legal seminars, courses or programs shall be based on one hour of credit for each two hours of preparation. Credit for presentation shall be on an hour -for -hour basis. Each program or instance under this section may only be counted one time per year for credit.
- (3) Credit for the writing and publication of articles shall be based on the actual drafting time required. Each article may be counted only one time per year for credit.
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(d) Attorneys shall retain records to prove compliance with this rule for a period of seven years.

(e) Violation of this section shall constitute misconduct.

(f) A Mandatory Continuing Legal Education Commission (the "Commission") shall be established by the Judicial Branch and shall be composed of four superior court judges and four attorneys admitted to practice in this state, all of whom shall be appointed by the Chief Justice of the Supreme Court or her designee and who shall serve without compensation. The charge of the Commission will be to provide advice regarding the application and interpretation of this rule and to assist with its implementation, including, but not limited to, the development of a

list of frequently asked questions and other documents to assist the members of the bar to meet the requirements of this rule.

COMMENTARY:

It is the intention of this rule to provide attorneys with relevant and useful continuing legal education covering the broadest spectrum of substantive, procedural, ethical and professional subject matter at the lowest cost reasonably feasible and with the least amount of supervision, structure and reporting requirements. The rule also permits an attorney to design his or her own course of study. The law is constantly evolving and attorneys, like all other professionals, are expected to keep abreast of changes in the profession and the law if they are to provide competent representation.

Subsection (a) provides that Connecticut attorneys must complete twelve credit hours of continuing legal education per calendar year. Subsection (a) also lists those Connecticut attorneys, who are exempt from compliance: judges, attorney serving in the military, new attorneys during the year in which they are admitted to practice, and those who obtain an exempt status for good cause shown. The subsection also provides an exemption for attorneys who are disbarred, resigned, on inactive status due to disability, or are retired. There is no exemption for attorneys who are suspended or on administrative suspension.

Subsection (d) requires an attorney to maintain adequate records of compliance. For legal education courses, a certificate of attendance shall be sufficient proof of compliance. For self-study, a contemporaneous log indentifying and describing the course listened to or watched and listing the date and time the course was taken, as well as a copy of the syllabus or outline of the course materials, and, when appropriate, a certificate from the course provider shall be sufficient proof of compliance. For any other form of continuing education, a file including a log of the time spent, the legal research used and drafts of the prepared material shall provide sufficient proof of compliance.

