

## **PROPOSED RULES FOR MINIMUM CONTINUING LEGAL EDUCATION IN CONNECTICUT**

### **Sec. 1. – Purpose**

The interests of the public and of the judicial system being served by a highly-trained, ethical and informed legal community, it is the determination of the Supreme Court of Connecticut that attorneys active in the practice of law in Connecticut pursue a course of continuing legal education throughout his or her career. These rules establish the minimum requirements for continuing legal education.

### **Sec. 2. – Definitions**

(a) “Accredited Activity” is a continuing legal education activity accredited by the Commission for purposes of these rules.

(b) “Accredited Sponsor” is any organization or person who receives approval from the Commission to conduct legal education programs that satisfy the requirements of minimum continuing legal education in Connecticut.

(c) “Commission” is the commission on minimum continuing legal education established by these rules.

(d) “Member” means an individual who is admitted to practice law in the state of Connecticut.

(e) “Reporting Period” is a period of time as defined herein.

### **Sec. 3. – Commission on Minimum Continuing Legal Education**

(a) There is hereby established a Commission on Minimum Continuing Legal Education, which shall consist of nine Commissioners. The Commissioners shall be appointed by the Chief Justice of the Supreme Court. Each Commissioner shall be a member in good standing of the Connecticut bar and a resident of this State.

(b) Of the Commissioners first appointed, three shall serve for one year; three for two years; and three shall serve for three years. Thereafter, Commissioners shall serve a term of three years and shall be appointed, or reappointed annually. No individual shall be appointed to serve more than three consecutive three year terms.

(c) Any Commissioner may be revoked or suspended by the Chief Justice for good cause. In connection with such revocation or suspension, the Chief Justice shall appoint an individual to fill the vacancy for the remainder of the term. In the event that a vacancy arises before the end of a term of a Commissioner by reason other than revocation or suspension, the Chief Justice shall fill the vacancy for the balance of the term.

(d) The Chief Justice shall have the power to appoint ex-officio, non-voting members of the Commission.

(e) The Commission shall formulate written procedures and guidelines for continuing legal education in Connecticut, shall prepare forms consistent with these rules, and may modify or amend the same from time to time. All such written procedures, guidelines and forms, and any modifications or amendments thereto, shall be submitted to the Rules Committee of the Superior Court for approval. Any procedure, guideline or form shall be effective ninety days after publication in the Connecticut Law Journal.

(f) The Commission shall employ an administrator and such other personnel as may be necessary to assist the Commission in carrying out its duties under these rules. Such personnel shall be assigned to the Office of the Chief Court Administrator.

(g) The Commission shall submit an annual report to the Chief Justice evaluating the continuing legal education program and, if warranted, recommending any changes to these rules that the Commission deems appropriate.

(h) Commissioners shall not receive compensation for their service, but shall be reimbursed for their reasonable and necessary expenses.

#### **Sec. 4. – Accreditation**

(a) The Commission shall develop criteria for the accreditation of continuing legal education programs presented within or without Connecticut (including self-study material such as audiotapes, videotapes, DVDs, or CDs). In order for an activity to be accredited, the subject matter must directly relate to legal subjects or the legal profession, including professional responsibility, legal ethics, or law office management. The Commission may extend blanket accreditation, subject to periodic review, to the continuing legal education activities of Accredited Sponsors.

(b) An individual who attends an Accredited Activity shall be credited with the number of hours of actual attendance, not to exceed the number of hours assigned to the activity at the time of accreditation.

(c) Self-study credit may be given for the study of materials prepared by Accredited Sponsors (such as viewing videotapes/DVDs or listening to audiotapes/CDs).

(d) Instructors of accredited activities shall receive credit for preparation time, as well as instruction time, as set forth in these rules.

(e) Members who serve as full-time faculty members at a law school accredited by the American Bar Association may be credited with meeting the minimum continuing legal education requirements, except for the ethics/professionalism requirement which must be met in the same fashion as required of other Members. Members who serve as part time or adjunct faculty members at a law school accredited by the American Bar Association may be credited for such teaching at the rate of one hour for each hour of classroom instruction, except for the ethics/professionalism requirement which must be met in the same fashion as required of other Members.

(f) Credit may be given for publishing articles in legal publications.

(g) The Commission shall designate the number of hours to be earned by participation in any accredited activity. Credits will be given only for an activity approved by the Commission.

(h) The Commission shall adopt standards and procedures necessary for approving sponsors who meet continuing legal education standards. The initial list of accredited sponsors shall include the Connecticut Bar Association; all local, regional and special interest bar associations in the state, which have been providing continuing legal education courses on a regular basis for at least five (5) years prior to the adoption of these rules; the Judicial Branch of the State of Connecticut; and the Offices of the Attorney General, Public Defender and Chief State's Attorney.

#### **Sec. 5. – Minimum Educational Requirements**

(a) Except as otherwise provided herein, every Member shall complete thirty-six hours of accredited activities during each reporting period.

(b) At least six hours of the thirty-six hours required by paragraph (a) of this section shall be dedicated to legal ethics/professionalism training, which may be satisfied by stand-alone courses or by legal ethics/professionalism components included in substantive law courses. Every Sponsor accredited by the Commission pursuant to Section 4(h) above shall be required to provide at least three hours of legal ethics/professionalism training in its course offerings each year.

(c) During any reporting period, a Member may satisfy up to twenty hours of his or her thirty-six hours of accredited activities through self-study or through attending an accredited activity by remote means (such as participating in a telephone or video conference or participating in a web cast program). The Commission may, upon application of a Member and good cause shown for financial, transportation or other considerations, increase the number of hours permitted in this Section.

(d) Within two years after admission to the bar of the State of Connecticut, each Member must complete a Basic Skills Course, unless said Member has been engaged in the practice of law in another state for two or more years or has completed a substantially similar course as a member of another state bar. A deferment of up to two (2) years to complete this requirement may be granted by the Commission to a Member to allow for completion of a judicial clerkship, military service or other good cause shown. Participation in the Basic Skills Course shall count toward the Member's minimum education requirements required by paragraphs (a) and (b) of this section. The Basic Skills Course shall be developed by the Commission.

## **Sec. 6. – Reporting Period**

(a) Except as provided in paragraph (b) in connection with initial reporting periods, a reporting period shall be a period of thirty-six consecutive months. The Commission shall assign to each Member the date on which that Member's reporting period shall commence.

(b) The Commission shall divide all attorneys who are Members as of the effective date of these rules into three groups of approximately equal numbers. The first group shall be required to complete twelve hours of accredited activity during the first year, which shall be that group's initial reporting period, and thereafter all Members in the first group shall complete thirty-six hours of accredited activity during each subsequent three year reporting period. The second group shall be required to complete twenty-four hours of accredited activity during the first two years, which shall be that group's initial reporting period, and thereafter all Members in the second group shall complete thirty-six hours of accredited activity during each subsequent three year reporting period. The third group shall be required to complete thirty-six hours of accredited activity during the first three years, which shall be that group's initial reporting period, and thereafter all Members in the third group shall complete thirty-six hours of accredited activity during each subsequent three year reporting period.

## **Sec. 7. – Credit Computation**

(a) Credit for an accredited activity shall be based on actual instruction time, which may include lecture, panel discussion, question-and-answer periods.

(b) Self-study credit for viewing videotapes/DVDs, listening to audiotapes/CDs, participating in telephone or web cast programs, or attending in-house programs shall be based on the running time of the program.

(c) Credit for instructors preparing for and presenting programs shall be based on one hour of credit for each two hours of preparation. A maximum of six hours of credit may be credited for preparation of a single program. Credit for presentation shall be on an hour-for-hour basis. Credit may not be earned more than once for the same course given during a twelve-month period.

### **Sec. 8. – Compliance**

(a) Within thirty days after the end of the reporting period, each Member shall file with the Commission a report of compliance, in affidavit form, on a form prescribed by the Commission.

(b) Failure to comply with these rules shall be considered a violation of Rule 1.1 of the Rules of Professional Conduct, and the Commission may notify the Statewide Grievance Committee of any Member who fails to submit a report of compliance as called for in Section 8(a) above.

### **Sec. 9. – Extensions**

(a) A Member may file with the Commission a request for an extension of time to meet the requirements of these rules with respect to any reporting period. Such request shall be in writing, must be received before the expiration of the applicable reporting period, and shall state the cause or causes for such request.

(b) The Commission shall act on the request within sixty days from the date of receipt. If the request is granted, the Member shall be given a reasonable time for compliance. If the request is denied, the Member shall have sixty days to meet the requirements of these rules with respect to the applicable reporting period.

**Sec. 10. – Exempt Status**

- (a) These rules shall apply to all Members, except for the following:
  - (i) state or federal court judges;
  - (ii) Members who are inactive or retired;
  - (iii) Members who are on active duty in the Armed Forces of the United States; and
  - (iv) Members who, for good cause, have been granted temporary or permanent exempt status by the Commission.

**Sec. 11. – Fees and Funding**

- (a) The Commission shall be a self-funding entity and shall, prior to the start of the fiscal year, approve an operating budget which it may revise during the fiscal year.
- (b) In order to achieve its self-funded status, the Commission shall have the power to establish and collect an initial accreditation fee and an annual minimum continuing legal education program fee from Accredited Sponsors, which it may modify from time to time as needed to adequately fund the program. If an Accredited Sponsor fails to remit such fee as prescribed, the Commission may withdraw its accreditation.
- (c) The funds remaining in the minimum continuing legal education account at the end of each fiscal year shall automatically be carried forward for use in subsequent fiscal years.
- (d) All funds shall be deposited by the Commission in a depository designated by the Office of the Chief Court Administrator. Such funds, together with any interest earned thereon, shall be applied to the payment of the necessary and reasonable expenses incurred by the Commission and the administrative staff, and to the salaries and benefits of such staff. Expenses shall not be paid except upon authorization of the Chairman of the Commission, who may

designate the Administrator to sign invoices and requisitions for such expenses. The Commission shall follow established judicial branch guidelines, directives and policies with regard to fiscal, personnel and purchasing matters.

(e) The Commission shall establish a tuition assistance fund and shall establish procedures for Members to apply for and receive financial assistance to cover some or all of the costs of complying with these rules.

(f) It is the stated intention of these Rules to provide to Members relevant and useful continuing legal education courses covering the broadest spectrum of substantive, ethical and professional subject matter and at the lowest cost reasonably feasible, and the Commission shall seek to achieve that goal in its admission and periodic reviews of Accredited Sponsors.

Approved by CBA House of Delegates

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