CDLA
The Voice of Connecticut's Civil Defense Trial Lawyers

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Item 05-05f
(011320)

December 13, 2019

Via Email Only
Rules Committee of the Superior Court
c/o Joseph J. Del Ciampo
Counsel to the Rules Committee
Connecticut Judicial Branch
100 Washington Street, 3rd Floor
Hartford, CT 06106

Re: Request for Comment on Proposed Amendments to Sections 2-27, 2-27A and 2-65 and proposed adoption of new Section 2-27B.

Dear Attorney Del Ciampo:

I write on behalf of the Connecticut Defense Lawyers Association ("CDLA") concerning your request for comment on the above-captioned proposed Practice Book amendments and additions which are designed to address Connecticut's Minimum Continuing Legal Education requirements.

As an initial matter, the CDLA believes that continuing legal education plays a vital role in maintaining the effectiveness and integrity of the legal profession. To that end, the CDLA hosts multiple continuing legal education programs – open to members and non-members alike – throughout the calendar year and supports Connecticut's Minimum Continuing Legal Education requirements generally.

With respect to the proposal to amend Sections 2-27, 2-27A and 2-65 and to adopt a new Section 2-27B, the CDLA circulated the same among its members and asked for comment which included the following general responses and concerns:

- With respect to the 60 day grace period set forth in proposed new Section 2-27B, it appears that said section is intended to permit an attorney who did not complete his/her required MCLE credits in the prior year to complete them during the 60 days grace period and relate them back to the prior calendar year. Nevertheless, the language does not explicitly state the same. Moreover, if an attorney is able to earn MCLE credits during this 60 day period then he/she should not be permitted to count them as MCLE credits for the following year. This too is not addressed in the proposed language.

- Several members voiced concerns regarding the sanction of administrative suspension of a license. Many voiced concerned that an attorney could be prevented from practicing immediately which could have the harsh consequence of punishing a client who would be an innocent bystander or an entire firm. Several members proposed an alternative remedy such as a "three-strikes before suspension rule."

- Several members supported the 60-day grace period framework proposed in the new language.

The CDLA appreciates the opportunity to provide feedback on the aforementioned proposed amendments. We look forward to continuing to work with you to improve the practice of law in the state of Connecticut moving forward.

Sincerely,

James J. Noonan
CDLA President