



NEW HAVEN COUNTY BAR ASSOCIATION

Item 05-05g
(011320)

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Joseph DelCiampo, Esq.
Director of Legal Services,
Connecticut Judicial Branch
100 Washington Street, 3rd Floor
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December 16, 2019

Dear Attorney DelCiampo,

I write in connection to your email on Tuesday, December 3, 2019 sent to Giovanni Spennato, the New Haven County Bar Association President for 2019-20, requesting comments regarding the proposal to amend Sections 2-27, 2-27A, and 2-65 and to adopt new Section 2-27B regarding administrative suspension of attorneys who fail to register or comply with Connecticut's Minimum Continuing Legal Education ("MCLE") requirements. Giovanni Spennato and other Executive Committee members that are also employees of Connecticut Judicial Branch have respectfully asked to be recused from the NHCBA response. Therefore, I write to you today, as President-Elect of the NHCBA. On behalf of the NHCBA, I respectfully request that the Rules Committee take no action on the proposed amendments and adoption of 2-27B, until the NHCBA has sufficient opportunity to canvass its members to determine their collective position and prepare and present a full and reasoned comment to the Rules Committee for its consideration.

The NHCBA has over 1,200 members from diverse areas of the legal community. When MCLE was proposed several years ago, the NHCBA undertook extensive efforts to ascertain the views of its membership before formulating and advocating an official position. Those efforts included, among other things, polling our entire membership and then distilling those responses at both the subcommittee and executive committee level. Administrative suspensions for

attorneys represent a significant change to the MCLE Rules for almost every attorney practicing in this state with significant professional consequences. Under these circumstances, and particularly given the history of this issue, the NHCBA feels that it is prudent and necessary to exercise a proper level of thoroughness in evaluating and weighing in on the proposed changes.

The last time the NHCBA undertook the tasks described above it took us months to complete our work. Accordingly, we request that the Rules Committee table this matter for at least six (6) months to allow my fellow officers and I to fulfill our responsibility to determine the NHCBA's members' reactions to the proposed changes.

Please be assured that our process is already underway. Following your initial request to NHCBA President, Giovanni Spennato, in October 2019, the NHCBA's Executive Committee met on November 12, at which time it formed a subcommittee of bar leaders made up of Past Presidents, current Officers and Executive Committee members to formulate the NHCBA's response. This group has met thrice since that Board meeting (on November 22, December 6 and December 13) and has instructed the NHCBA's Executive Director, Gillian Fattal, to conduct research on our behalf and to contact other Connecticut bar associations regarding this matter.

To that end, Gillian has been researching the history of MCLE implementation in Connecticut and specifically the enforcement provisions that were discussed during the 2015-2016 period before MCLE was adopted. The NHCBA has also reached out to other bar associations in Connecticut to involve them in this process. This has resulted in information sharing between bar associations, which will assist us all in aptly representing our members, many of whom overlap. Finally, Gillian has been in contact with Melissa Farley, at External Affairs, over the past three weeks, however, there is still primary material research to be collected, reviewed and analyzed. More time is required to complete this important process.

In addition to our request for additional time to consider and provide comment on the proposed changes, we write to seek clarification on the data that is the basis for implementing administrative suspensions for attorneys in Connecticut. In his September 20, 2019 email to you, Michael Bowler of the Statewide Grievance Committee stated that 25% of Connecticut attorneys had not registered with the Statewide Grievance Committee as required by the MCLE Rules. Further, the email states that in 2018 and 2019, 400-500 attorneys had registered but they

had not fulfilled their requirements. We find this data unclear and seek a better understanding of these critical numbers that are apparently informing the proposed changes for all Connecticut attorneys.

On behalf of the NHCBA, I thank you for the consideration of our request. To the extent that the Rules Committee intends to take further action on this issue, please do contact us with a schedule of such action so that we may proceed accordingly.

Sincerely,



Shari-Lynn Cuomo Shore
President-Elect, 2019-2020