



Item 05-07
(011320)

STATE OF CONNECTICUT
JUDICIAL BRANCH

CONNECTICUT BAR EXAMINING COMMITTEE

JESSICA F. KALLIPOLITES, *ADMINISTRATIVE DIRECTOR*

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January 7, 2020

Attorney Joseph J. Del Ciampo
Secretary to the Rules Committee
100 Washington Street
Hartford, CT 06106

Dear Attorney Del Ciampo:

At a special meeting on December 4, 2019, the Connecticut Bar Examining Committee (CBEC) voted to present proposed amendments to the Practice Book to the Rules Committee for consideration. The proposed amendments are attached with commentary.

Please advise as to when the proposals will be considered as the CBEC Chair, Judge Anne C. Dranginis (Ret.) and CBEC member, Frederic S. Ury would like the opportunity to attend the Rules Committee meeting to address any questions the Committee may have.

Sincerely,

Jessica F. Kallipolites
Administrative Director

Enc.

cc: Hon. Anne C. Dranginis (Ret.), CBEC Chair – by email only
Frederic S. Ury, CBEC Member – by email only
Kathleen B. Harrington, Deputy Director, Attorney Services – by email only
Lisa Valko, Program Manager, CBEC – by email only

**RULES OF THE SUPERIOR COURT
REGULATING ADMISSION TO THE BAR**

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Sec. 2-3. BAR EXAMINING COMMITTEE

There shall be ~~an~~ bar examining committee appointed by the judges of the superior court consisting of twenty-four members, of whom at least one shall be a judge of said court, and the rest attorneys residing in this state. The term of office of each member shall be three years from the first day of September succeeding appointment, and the terms shall continue to be arranged so that those of eight members shall expire annually. The appointment of any member may be revoked or suspended by the judges or by the executive committee of the superior court. In connection with such revocation or suspension, the judges or the executive committee shall appoint a qualified individual to fill the vacancy for the balance of the term or for any other appropriate period. All other vacancies shall be filled by the judges for unexpired terms only, provided that the chief justice may fill such vacancies until the next annual meeting of the judges, and in the event of the foreseen absence or the illness or the disqualification of a member of the committee the chief justice may make a pro tempore appointment to the committee to serve during such absence, illness or disqualification. At any meeting of the committee the members present shall constitute a quorum.

Commented [KJ1]: More recently adopted rule amendments use “bar examining committee” and then “committee” in each subsection of each rule. Suggested amendments are made to several rules for purposes of consistency when referring to the bar examining committee.

Sec. 2-4. —REGULATIONS BY BAR EXAMINING COMMITTEE

The bar examining committee shall have the power and authority to implement these rules by regulations relevant thereto and not inconsistent therewith. Such regulations may be adopted at any regular meeting of the committee or at any special meeting called for that purpose. They shall be effective ninety days after

publication in one issue of the *Connecticut Law Journal* and shall at all times be subject to amendment or revision by the committee or by the judges of the superior court. A copy shall be provided to the chief justice.

Sec. 2-4A. —RECORDS OF BAR EXAMINING COMMITTEE

(a) ~~All The~~ records of the bar examining committee, including and transcripts, if any, of hearings conducted by the ~~state~~ bar examining committee or the several standing committees on recommendations for admission to the bar, shall not be public ~~be available only to such committee, to a judge of the superior court, to the statewide grievance committee, to disciplinary counsel or, with the consent of the applicant, to any other person, unless otherwise ordered by the court.~~

(b) Unless otherwise ordered by the court, all records that are not public shall be available only to the bar examining committee and its counsel, the statewide grievance committee and its counsel, disciplinary counsel, the client security fund committee and its counsel, a judge of the superior court or, with the consent of the applicant, to any other person.

Sec. 2-5. —EXAMINATION OF CANDIDATES FOR ADMISSION

The bar examining committee shall further have the duty, power and authority to provide for the examination of candidates for admission to the bar; to determine whether such candidates are qualified as to prelaw education, legal education, good moral character and fitness to practice law; and to recommend to the court for admission to the bar qualified candidates.

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Commented [KJ2]: The proposed amendment is meant to clarify how CBEC has traditionally read this rule. This is patterned after the Statewide Grievance Committee's confidentiality rule found in PB Section 2-50.

Sec. 2-6. —PERSONNEL OF BAR EXAMINING COMMITTEE

Such personnel within the legal services division of the office of the chief court administrator as may be assigned from time to time by the chief court administrator shall assist the bar examining committee in carrying out its duties.

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Sec. 2-8. QUALIFICATIONS FOR ADMISSION

To entitle an applicant to admission to the bar, except under Sections 2-13 ~~through 2-15~~ of these rules, the applicant must satisfy the bar examining committee that:

(1) The applicant is a citizen of the United States or an alien lawfully residing in the United States, which shall include an individual authorized to work lawfully in the United States.

(2) The applicant is not less than eighteen years of age.

(3) The applicant is a person of good moral character, is fit to practice law, and has either passed an examination in professional responsibility ~~administered under the auspices of the bar examining committee which has been approved or required by the committee~~ or has completed a course in professional responsibility in accordance with the regulations of the bar examining committee. Any inquiries or procedures used by the bar examining committee that relate to physical or mental disability must be narrowly tailored and necessary to a determination of the applicant's current fitness to practice law, in accordance with the Americans with Disabilities Act and amendment twenty-one of the Connecticut constitution, and conducted in a manner consistent with privacy rights afforded under the federal and state constitutions or other applicable law.

Commented [KJ3]: PB Sections 2-14 and 2-15 were repealed and so reference to those rules should be removed.

Commented [KJ4]: This amendment clarifies that while there is an ethics requirement, the CBEC does not administer the MPRE or any other ethics examination.

(4) The applicant has met the educational requirements as may be set, from time to time, by the bar examining committee.

(5) The applicant has filed with the administrative director of the bar examining committee an application to take the examination and for admission to the bar, all in accordance with these rules and the regulations of the committee, and has paid such application fee as the committee shall from time to time determine.

(6) The applicant has passed an examination in law in accordance with the regulations of the bar examining committee.

(7) The applicant has complied with all of the pertinent rules and regulations of the bar examining committee.

(8) As an alternative to satisfying the bar examining committee that the applicant has met the committee's educational requirements, the applicant who meets all the remaining requirements of this section may, upon payment of such investigation fee as the committee shall from time to time determine, substitute proof satisfactory to the committee that:

(A) the applicant has been admitted to practice before the highest court of original jurisdiction in one or more states, the District of Columbia or the Commonwealth of Puerto Rico or in one or more district courts of the United States for ten or more years and at the time of filing the application is a member in good standing of such a bar;

(B) the applicant has actually practiced law in such a jurisdiction for not less than five years during the seven-year period immediately preceding the filing date of the application;

(C) the applicant intends, upon a continuing basis, actively to practice law in Connecticut and to devote the major portion of the applicant's working time to the practice of the law in Connecticut.

Sec. 2-9. CERTIFICATION OF APPLICANTS RECOMMENDED FOR ADMISSION; CONDITIONS OF ADMISSION

(a) The bar examining committee shall certify to the clerk of the superior court for the Judicial District where the applicant has his or her correspondence address county in which the applicant seeks admission and to the clerk of the superior court in New Haven the name of any such applicant recommended by it for admission to the bar and shall notify the applicant of its decision.

(b) The bar examining committee may, in light of the physical or mental disability of a candidate that has caused conduct or behavior that would otherwise have rendered the candidate currently unfit to practice law, determine that it will only recommend an applicant for admission to the bar conditional upon the applicant's compliance with conditions prescribed by the committee relevant to the disability and the fitness of the applicant. Such determination shall be made after a hearing on the record is conducted by the committee or a panel thereof consisting of at least three members appointed by the chair, unless such hearing is waived by the applicant. Such conditions shall be tailored to detect recurrence of the conduct or behavior which could render an applicant unfit to practice law or pose a risk to clients or the public and to encourage continued treatment, abstinence, or other support. The conditional admission period shall not exceed five years, unless the conditionally-admitted attorney fails to comply with the conditions of admission, and the bar examining committee or the court determines, in accordance with the procedures set forth in section 2-11, that a further period of conditional admission is

Commented [KJ5]: This proposed change reflects the current practice – the court to which an applicant is certified is based upon the correspondence address of the applicant.

Notice to New Haven is not necessary and has not been done in years. All judicial districts conduct admission ceremonies.

necessary. The committee shall notify the applicant by mail of its decision and that the applicant must sign an agreement with the ~~bar examining~~ committee under oath affirming acceptance of such conditions and that the applicant will comply with them. Upon receipt of this agreement from the applicant, duly executed, the committee shall recommend the applicant for admission to the bar as provided herein. The committee shall forward a copy of the agreement to the statewide bar counsel, who shall be considered a party for purposes of defending an appeal under Section 2-11A.

Sec. 2-10. ADMISSION BY SUPERIOR COURT

(a) Each applicant who shall be recommended for admission to the bar shall present himself or herself to the superior court, or to either the supreme court or the appellate court sitting as the superior court, at such place and at such time as shall be prescribed by the ~~bar examining~~ committee, or shall be prescribed by the supreme court or the appellate court, and such court may then, upon motion, admit such person as an attorney. The administrative director shall give notice to each clerk of the names of the newly admitted attorneys. At the time such applicant is admitted as an attorney the applicant shall be sworn as a commissioner of the superior court.

(b) The administrative judge of said judicial district or a designee or the chief justice of the supreme court or a designee or the chief judge of the appellate court or a designee may deliver an address to the applicants so admitted respecting their duties and responsibilities as attorneys.

Sec. 2-11. MONITORING COMPLIANCE WITH CONDITIONS OF ADMISSION; REMOVAL OR MODIFICATION OF CONDITIONS

(a) If an applicant is admitted to the bar after signing an agreement with the bar examining committee under oath affirming acceptance of the conditions prescribed

by the committee pursuant to Section 2-9 (b) and that he or she will comply with them, the statewide bar counsel shall monitor the attorney's compliance with those conditions pursuant to regulations adopted by the statewide grievance committee governing such monitoring. The attorney so admitted or the statewide bar counsel may make application to the ~~bar examining~~ committee to remove or modify the conditions previously agreed to by such attorney as circumstances warrant. The ~~bar examining~~ committee, or a panel thereof consisting of at least three members appointed by its chair, shall conduct a hearing on the application, which shall be on the record, and shall also receive and consider a report from statewide bar counsel on the matter. Such hearing may be waived by the applicant and the statewide bar counsel. If, upon such application, the ~~bar examining~~ committee modifies such conditions, the attorney shall sign an agreement with the bar examining committee under oath affirming acceptance of the modified conditions and that he or she will comply with them, and the statewide bar counsel shall monitor the attorney's compliance with them. The statewide bar counsel shall be considered a party for purposes of defending an appeal under Section 2-11A. All information relating to conditional admission of an applicant or attorney shall remain confidential unless otherwise ordered by the court except that a copy of the signed agreement and information related to compliance with the conditions may be made available upon request to disciplinary counsel or, with the consent of the applicant or attorney, to any other agency or person.

(b) Upon the failure of the attorney to comply with the conditions of admission or the monitoring requirements adopted by the statewide grievance committee, the statewide bar counsel shall apply to the court in the judicial district of Hartford at Hartford for an appropriate order. The court, after hearing upon such application, may take such action as it deems

Commented [KJ6]: Disciplinary counsel should have access to the fact that a person has been conditionally admitted in order to properly perform their duties. This is especially true when the attorney is still bound by the conditions. This will alert disciplinary counsel that perhaps inactive status is appropriate if the attorney has ongoing disciplinary matters. Information on compliance from statewide bar counsel is likewise necessary so that disciplinary counsel can determine whether the issue that gave rise to the conditions may be having an impact on the attorney's performance.

Additionally, the attorney should be able to consent to the disclosure of the fact that they have been conditionally admitted, has complied with the conditions, etc. This is typically necessary when the person is applying for admission in another jurisdiction and wants CBE and/or statewide bar counsel to disclose information relative to the conditional admission to the other jurisdiction. Currently the attorney would have to obtain a court order authorizing the disclosure. This may result in unnecessary delay of their admission in the other jurisdiction. Confidentiality is for the protection of the attorney. Thus, it makes sense that the attorney should be able to waive such protection if they so choose.

appropriate. Thereafter, upon application of the attorney or of the statewide bar counsel and upon good cause shown, the court may set aside or modify the order rendered pursuant hereto.

Sec. 2-11A. APPEAL FROM DECISION OF BAR EXAMINING COMMITTEE CONCERNING CONDITIONS OF ADMISSION

(a) A decision by the bar examining committee prescribing conditions for admission to the bar under Section 2-9 (b) or on an application to remove or modify conditions of admission under Section 2-11 (a) may be appealed to the superior court by the bar applicant or attorney who is the subject of the decision. Within thirty days from the issuance of the decision of the ~~bar examining~~ committee the appellant shall: (1) file the appeal with the clerk of the superior court for the judicial district of Hartford and (2) mail a copy of the appeal by certified mail, return receipt requested or with electronic delivery confirmation, to the office of the statewide bar counsel and to the office of the director of the ~~bar examining~~ committee as agent for the ~~bar examining~~ committee. The statewide bar counsel shall be considered a party for purposes of defending an appeal under this section.

(b) The filing of an appeal shall not, of itself, stay enforcement of the bar examining committee's decision. An application for a stay may be made to the ~~bar examining~~ committee, to the court or both. Filing of an application with the ~~bar examining~~ committee shall not preclude action by the court. A stay, if granted, shall be on appropriate terms.

(c) Within thirty days after the service of the appeal, or within such further time as may be allowed by the court, the director of the bar examining committee shall transmit to the reviewing court a certified copy of the entire record of the proceeding appealed from, which shall include a transcript of any testimony heard by the

~~bar-examining~~ committee and the decision of the ~~bar-examining~~ committee. By stipulation of all parties to such appeal proceedings, the record may be shortened. The court may require or permit subsequent corrections or additions to the record.

(d) The appellant shall file a brief within thirty days after the filing of the record by the bar examining committee. The appellee shall file its brief within thirty days of the filing of the appellant's brief. Unless permission is given by the court for good cause shown, briefs shall not exceed thirty-five pages.

(e) The appeal shall be conducted by the court without a jury and shall be confined to the record. If alleged irregularities in procedure before the bar examining committee are not shown in the record, proof limited thereto may be taken in the court. The court, upon request, shall hear oral argument.

(f) Upon appeal, the court shall not substitute its judgment for that of the bar examining committee as to the weight of the evidence on questions of fact. The court shall affirm the decision of the committee unless the court finds that substantial rights of the appellant have been prejudiced because the committee's findings, inferences, conclusions, or decisions are: (1) in violation of constitutional provisions, rules of practice or statutory provisions; (2) in excess of the authority of the committee; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. If the court finds such prejudice, it shall sustain the appeal and, if appropriate, rescind the action of the ~~bar-examining~~ committee or take such other action as may be necessary. For purposes of further appeal, the action

taken by the superior court hereunder is a final judgment.

(g) In all appeals taken under this section, costs may be taxed in favor of the statewide bar counsel in the same manner, and to the same extent, as costs are allowed in judgments rendered by the superior court. No costs shall be taxed against the bar examining committee, except that the court may, in its discretion, award the appellant reasonable fees and expenses if the court determines that the action of the ~~bar-examining~~ committee was undertaken without any substantial justification. “Reasonable fees and expenses” means any expenses not in excess of \$7500 which the court finds were reasonably incurred in opposing the committee’s action, including court costs, expenses incurred in administrative proceedings, attorney’s fees, witness fees of all necessary witnesses, and such other expenses as were reasonably incurred.

(h) All information relating to the conditional admission of an applicant or attorney who is subject to the decision, including information submitted in connection with the appeal under this section, shall be confidential unless otherwise ordered by the court except that information submitted in connection with an appeal and the court’s decision on the appeal may be made available upon request to disciplinary counsel or, with the consent of the applicant or attorney who is the subject to the decision, to any other person.

Sec. 2-12. COUNTY COMMITTEES ON RECOMMENDATIONS FOR ADMISSION

~~(a)~~ There shall be in each county a standing committee on recommendations for admission, consisting of not less than three nor more than seven members of the bar of that county, who shall be appointed by the judges of the superior court to hold office for three years from the date of their appointment and until their successors are appointed. The appointment of any member may be

Commented [KJ7]: See comment for PB section 2-11 concerning confidentiality. Also, inclusion of “applicant or” in subsection (h) is to correct an apparent oversight in the rule given that an appeal under this section can be filed by an applicant (not yet admitted) or an attorney (the applicant after being admitted).

revoked or suspended by the judges or by the executive committee of the superior court. In connection with such revocation or suspension, the judges or the executive committee shall appoint a qualified individual to fill the vacancy for the balance of the term or for any other appropriate period. Appointments to fill vacancies which have arisen by reasons other than revocation or suspension may be made by the chief justice until the next annual meeting of the judges of the superior court, and in the event of the foreseen absence or the illness or the disqualification of a member of the committee the chief justice may make a pro tempore appointment to the committee to serve during such absence, illness or disqualification.

~~(b) Any application for admission to the bar may be referred to the committee for the county through which the applicant seeks admission, which shall investigate the applicant's moral character and fitness to practice law and report to the bar of the county whether the applicant has complied with the rules relating to admission to the bar, is a person of good moral character, is fit to practice law and should be admitted.~~

Commented [KJ8]: Referral to standing committees has not been done for years and the proposal would remove this provision.

Sec. 2-13. ATTORNEYS OF OTHER JURISDICTIONS; QUALIFICATIONS AND REQUIREMENTS FOR ADMISSION

(a) Any member of the bar of another state or territory of the United States or the District of Columbia, who, after satisfying the ~~state~~ bar examining committee that his or her educational qualifications are such as would entitle him or her to take the examination in Connecticut, and that (i) at least one jurisdiction in which he or she is a member of the bar is reciprocal to Connecticut in that it would admit a member of the bar of Connecticut to its bar without examination under provisions similar to those set out in this section or (ii) he or she is a full-time faculty member or full-time clinical fellow at an accredited Connecticut law school and admitted in a reciprocal or nonreciprocal

jurisdiction, shall satisfy the ~~state bar examining~~ committee that he or she (1) is of good moral character, is fit to practice law, and has either passed an examination in professional responsibility ~~administered under the auspices of the bar examining committee~~ or has completed a course in professional responsibility in accordance with the regulations of the ~~bar examining~~ committee; (2) has been duly licensed to practice law before the highest court of a reciprocal state or territory of the United States or in the District of Columbia if reciprocal to Connecticut, or that he or she is a full-time faculty member or full-time clinical fellow at an accredited Connecticut law school and admitted in a reciprocal or nonreciprocal jurisdiction and (A) has lawfully engaged in the practice of law as the applicant's principal means of livelihood for at least five of the ten years immediately preceding the date of the application and is in good standing, or (B) if the applicant has taken the bar examinations of Connecticut and failed to pass them, the applicant has lawfully engaged in the practice of law as his or her principal means of livelihood for at least five of the ten years immediately preceding the date of the application and is in good standing, provided that such five years of practice shall have occurred subsequent to the applicant's last failed Connecticut examination; (3) is a citizen of the United States or an alien lawfully residing in the United States, which shall include an individual authorized to work lawfully in the United States; ~~(4) intends, upon a continuing basis, to practice law actively in Connecticut,~~ may be admitted by the court as an attorney without examination upon written application and the payment of such fee as the ~~examining~~ committee shall from time to time determine, upon compliance with the following requirements: Such application, duly verified, shall be filed with the administrative director of the ~~bar examining~~ committee and shall set forth his or her qualifications as hereinbefore provided. ~~There shall be filed with such application the following affidavits:~~

Commented [KJ9]: Similar to the proposed amendment to PB Section 2-8, this amendment clarifies that while there is an ethics requirement, the CBEC does not administer the MPRE or any other ethics examination.

Commented [KJ10]: The intent requirement has prevented at least one other jurisdiction from being reciprocal with CT. This has prevented CT attorneys from being able to apply for admission without examination in that jurisdiction.

Commented [KJ11]: This proposed amendment reflects the current policy of the CBEC that the affidavits must be received directly from the affiant, not the applicant.

~~Affidavits from~~ The following affidavits shall be filed by the person completing the affidavit: two attorneys who personally know the applicant certifying to his or her good moral character and fitness to practice law and supporting, to the satisfaction of the ~~state-bar examining~~ committee, his or her practice of law as defined under (2) of this subsection; affidavits from two members of the bar of Connecticut of at least five years' standing, certifying that the applicant is of good moral character and is fit to practice law; and an affidavit from the applicant, certifying whether such applicant has a grievance pending against him or her, has ever been reprimanded, suspended, placed on inactive status, disbarred, or has ever resigned from the practice of law, and, if so, setting forth the circumstances concerning such action. Such an affidavit is not required if it has been furnished as part of the application form prescribed by the ~~state-bar examining~~ committee.

(b) For the purpose of this rule, the "practice of law" shall include the following activities, if performed after the date of the applicant's admission to the jurisdiction in which the activities were performed, or if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice:

- (1) representation of one or more clients in the practice of law;
- (2) service as a lawyer with a state, federal, or territorial agency, including military services;
- (3) teaching law at an accredited law school, including supervision of law students within a clinical program;
- (4) service as a judge in a state, federal, or territorial court of record;
- (5) service as a judicial law clerk;

(6) service as authorized house counsel;

(7) service as authorized house counsel in Connecticut before July 1, 2008, or while certified pursuant to Section 2-15A; or

(8) any combination of the above.

Sec. 2-13A. MILITARY SPOUSE TEMPORARY LICENSING

(a) Qualifications. An applicant who meets all of the following requirements listed in (1) through (11) may be temporarily licensed and admitted to the practice of law in Connecticut, upon approval of the bar examining committee. The applicant:

(1) is the spouse of an active duty service member of the United States Army, Navy, Air Force, Marine Corps or Coast Guard and that service member is or will be stationed in Connecticut due to military orders;

(2) is licensed to practice law before the highest court in at least one state or territory of the United States or in the District of Columbia;

(3) is currently an active member in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or become inactive or had a license administratively suspended or revoked while in good standing from every jurisdiction without any pending disciplinary actions;

(4) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(5) meets the educational qualifications required to take the examination in Connecticut;

(6) possesses the good moral character and fitness to practice law required of all applicants for admission in Connecticut;

(7) has passed an examination in professional responsibility administered under the auspices of the bar examining committee or has completed a course in

professional responsibility in accordance with the regulation of the bar examining committee;

(8) is or will be physically residing in Connecticut due to the service member's military orders;

(9) has not failed the Connecticut bar examination within the past 5 years;

(10) has not had an application for admission to the Connecticut bar or the bar of any state, the District of Columbia or United States territory denied on character and fitness grounds; and

(11) has not failed to achieve the Connecticut scaled score on the Uniform Bar Examination administered within any jurisdiction within the past five years.

(b) Application Requirements. Any applicant seeking a temporary license to practice law in Connecticut under this section shall file a written application and payment of such fee as the bar examining committee shall from time to time determine. Such application, duly verified, shall be filed with the administrative director of the ~~bar examining~~ committee and shall set forth his or her qualifications as hereinbefore provided. In addition, the applicant shall file with the ~~bar examining~~ committee the following:

(1) a copy of the applicant's Military Spouse Dependent Identification and documentation evidencing a spousal relationship with the service member;

(2) a copy of the service member's military orders to a military installation in Connecticut or a letter from the service member's command verifying that the requirement in paragraph (a)(8) of this section is met;

(3) certificate(s) of good standing from the highest court of each state, the District of Columbia or United States territory to which the applicant has been admitted, or proof that the applicant has resigned, or become inactive or had a license administratively suspended or revoked while in good standing;

(4) an affidavit from the applicant, certifying whether such applicant has a grievance pending against him or her, has ever been reprimanded, suspended, placed on

inactive status, disbarred, or has ever resigned from the practice of law, and, if so setting forth the circumstances concerning such action; and

(5) affidavits from two attorneys who personally know the applicant certifying to his or her good moral character and fitness to practice law.

(c) Duration and Renewal.

(1) A temporary license to practice law issued under this rule will be valid for three years provided that the temporary attorney remains a spouse of the service member and resides in Connecticut due to military orders or continues to reside in Connecticut due to the service member's immediately subsequent assignment specifying that dependents are not authorized to accompany the service member. The temporary license may be renewed for one additional two year period.

(2) A renewal application must be submitted with the appropriate fee as established by the bar examining committee and all other documentation required by the bar examining committee, including a copy of the service member's military orders. Such renewal application shall be filed not less than thirty (30) days before the expiration of the original three year period.

(3) A temporarily licensed attorney who wishes to become a permanent member of the bar of Connecticut may apply for admission by examination or for admission without examination for the standard application fee minus the application fee paid to the committee for the application for temporary license, not including any fees for renewal.

(d) Termination.

(1) Termination of Temporary License. A temporary license shall terminate, and an attorney shall cease the practice of law in Connecticut pursuant to that admission, unless otherwise authorized by these rules, thirty days after any of the following events:

(A) the service member's separation or retirement from military service;

- (B) the service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the dependents are not authorized to accompany the service member, in which case the temporary attorney may continue to practice law in Connecticut as provided in this rule until the service member departs Connecticut for a permanent change of station where the presence of dependents is authorized;
- (C) the attorney's permanent relocation outside of the state of Connecticut for reasons other than the service member's relocation;
- (D) upon the termination of the temporary attorney's spousal relationship to the service member;
- (E) the attorney's failure to meet the annual licensing requirements for an active member of the bar of Connecticut;
- (F) the attorney's request;
- (G) the attorney's admission to practice law in Connecticut by examination or without examination;
- (H) the attorney's denial of admission to the practice of law in Connecticut; or
- (I) the death of the service member.

Notice of one of the events set forth in subsection (d)(1) must be filed with the bar examining committee by the temporarily admitted attorney within thirty (30) days of such event. Notice of the event set forth in subsection (d)(1)(I) must be filed with the ~~bar-examining~~ committee by the temporarily admitted attorney within thirty (30) days of the event, and the attorney shall cease the practice of law within one year of the event. Failure to provide such notice by the temporarily admitted attorney shall be a basis for discipline pursuant to the Rules of Professional Conduct for attorneys.

(2) Notice of Termination of Temporary License. Upon receipt of the notice required by subsection (d)(1), the

bar examining committee shall forward a request to the statewide bar counsel that the license under this chapter be revoked. Notice of the revocation shall be mailed by the statewide bar counsel to the temporarily admitted attorney.

(3) Notices Required. At least sixty (60) days before termination of the temporary admission, or as soon as possible under the circumstances, the attorney shall:

(A) file in each matter pending before any court, tribunal, agency or commission a notice that the attorney will no longer be involved in the case; and

(B) provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.

(e) Responsibilities and Obligations. An attorney temporarily admitted under this section shall be subject to all responsibilities and obligations of active members of the Connecticut bar, and shall be subject to the jurisdiction of the courts and agencies of Connecticut, and shall be subject to the laws and rules of Connecticut governing the conduct and discipline of attorneys to the same extent as an active member of the Connecticut bar. The attorney shall maintain participation in a mentoring program provided by a state or local bar association in the state of Connecticut.

Sec. 2-15A.—AUTHORIZED HOUSE COUNSEL

(a) Purpose

The purpose of this section is to clarify the status of house counsel as authorized house counsel as defined herein, and to confirm that such counsel are subject to regulation by the judges of the superior court. Notwithstanding any other section of this chapter relating to admission to the bar, this section shall authorize attorneys licensed to practice in jurisdictions other than Connecticut to be permitted to undertake these activities, as defined herein, in Connecticut without the requirement of taking the bar examination

so long as they are exclusively employed by an organization.

(b) Definitions

(1) Authorized House Counsel. An “authorized house counsel” is any person who:

(A) is a member in good standing of the entity governing the practice of law of each state (other than Connecticut) or territory of the United States, or the District of Columbia or any foreign jurisdiction in which the member is licensed;

(B) has been certified on recommendation of the bar examining committee in accordance with this section;

(C) agrees to abide by the rules regulating members of the Connecticut bar and submit to the jurisdiction of the statewide grievance committee and the superior court; and

(D) is, at the date of application for registration under this rule, employed in the state of Connecticut by an organization or relocating to the state of Connecticut in furtherance of such employment within 3 months prior to starting work in the state of Connecticut or 3 months after the applicant begins work in the state of Connecticut of such application under this section and receives or shall receive compensation for activities performed for that business organization.

(2) Organization. An “organization” for the purpose of this rule is a corporation, partnership, association, or employer sponsored benefit plan or other legal entity (taken together with its respective parents, subsidiaries, and affiliates) that is not itself engaged in the practice of law or the rendering of legal services outside such organization, whether for a fee or otherwise, and does not charge or collect a fee for the representation or advice other than to entities

Commented [KJ12]: This proposed amendment clarifies that AHC applications are accepted within 3 months before or 3 months after someone begins work in CT. There has been confusion on the part of applicants as to when an AHC application may be filed. Applications received late will be accepted but are not considered timely.

comprising such organization for the activities of the authorized house counsel.

(c) Activities

(1) Authorized Activities. An authorized house counsel, as an employee of an organization, may provide legal services in the state of Connecticut to the organization for which a registration pursuant to subsection (d) is effective, provided, however, that such activities shall be limited to:

(A) the giving of legal advice to the directors, officers, employees, trustees, and agents of the organization with respect to its business and affairs;

(B) negotiating and documenting all matters for the organization; and

(C) representation of the organization in its dealings with any administrative agency, tribunal or commission having jurisdiction; provided, however, authorized house counsel shall not be permitted to make appearances as counsel before any state or municipal administrative tribunal, agency, or commission, and shall not be permitted to make appearances in any court of this state, unless the attorney is specially admitted to appear in a case before such tribunal, agency, commission or court.

(2) Disclosure. Authorized house counsel shall not represent themselves to be members of the Connecticut bar or commissioners of the superior court licensed to practice law in this state. Such counsel may represent themselves as Connecticut authorized house counsel.

(3) Limitation on Representation. In no event shall the activities permitted hereunder include the individual or personal representation of any shareholder, owner, partner, officer, employee, servant, or agent in any matter or transaction or the giving of advice therefor

unless otherwise permitted or authorized by law, code, or rule or as may be permitted by subsection (c)(1). Authorized house counsel shall not be permitted to prepare legal instruments or documents on behalf of anyone other than the organization employing the authorized house counsel.

(4) Limitation on Opinions to Third Parties. An authorized house counsel shall not express or render a legal judgment or opinion to be relied upon by any third person or party other than legal opinions rendered in connection with commercial, financial or other business transactions to which the authorized house counsel's employer organization is a party and in which the legal opinions have been requested from the authorized house counsel by another party to the transaction. Nothing in this subsection (c)(4) shall permit authorized house counsel to render legal opinions or advice in consumer transactions to customers of the organization employing the authorized house counsel.

(5) Pro Bono Legal Services. Notwithstanding anything to the contrary in this section, an authorized house counsel may participate in the provision of any and all legal services pro bono publico in Connecticut offered under the supervision of an organized legal aid society or state/local bar association project, or of a member of the Connecticut bar who is also working on the pro bono representation.

(d) Registration

(1) Filing with the Bar Examining Committee. The bar examining committee shall investigate whether the applicant is at least eighteen years of age and is of good moral character, consistent with the requirement of Section 2-8(3) regarding applicants for admission to the bar. In addition, the applicant shall file with the ~~bar examining~~ committee, and the committee shall consider, the following:

(A) a certificate from each entity governing the practice of law of a state or territory of the United States, or the District of Columbia or any foreign jurisdiction in which the applicant is licensed to practice law certifying that the applicant is a member in good standing;

(B) a sworn statement by the applicant:

(i) that the applicant has read and is familiar with the Connecticut Rules of Professional Conduct for attorneys and Chapter 2 (Attorneys) of the Superior Court Rules, General Provisions, and will abide by the provisions thereof;

(ii) that the applicant submits to the jurisdiction of the statewide grievance committee and the superior court for disciplinary purposes, and authorizes notification to or from the entity governing the practice of law of each state or territory of the United States, or the District of Columbia in which the applicant is licensed to practice law of any disciplinary action taken against the applicant;

(iii) listing any jurisdiction in which the applicant is now or ever has been licensed to practice law ; and

(iv) disclosing any disciplinary sanction or pending proceeding pertaining or relating to his or her license to practice law, including but not limited to reprimand, censure, suspension or disbarment, or has been placed on inactive status;

(C) a certificate from an organization certifying that it is qualified as set forth in subsection (b)(2); that it is aware that the applicant is not licensed to practice law in Connecticut; and that the applicant is employed or about to be employed in Connecticut by the organization as set forth in subsection (b)(1)(D);

(D) an appropriate application pursuant to the regulations of the bar examining committee;

(E) remittance of a filing fee to the bar examining committee as prescribed and set by that committee; and

(F) an affidavit from each of two members of the Connecticut bar, who have each been licensed to practice law in Connecticut for at least five years, certifying that the applicant is of good moral character and that the applicant is employed or will be employed by an organization as defined above in subsection (b)(2).

(2) Certification. Upon recommendation of the bar examining committee, the court may certify the applicant as authorized house counsel and shall cause notice of such certification to be published in the Connecticut Law Journal.

(3) Annual Client Security Fund Fee. Individuals certified pursuant to this section shall comply with the requirements of sections 2-68 and 2-70 of this chapter, including payment of the annual fee and shall pay any other fees imposed on attorneys by court rule.

(4) Annual Registration. Individuals certified pursuant to this section shall register annually with the statewide grievance committee in accordance with section 2-26 and section 2-27(d) of this chapter.

(e) Termination or Withdrawal of Registration

(1) Cessation of Authorization to Perform Services. Authorization to perform services under this rule shall cease upon the earliest of the following events:

(A) the termination or resignation of employment with the organization for which registration has been filed, provided, however, that if the authorized house counsel shall commence employment with another

organization within 30 days of the termination or resignation, authorization to perform services under this rule shall continue upon the filing with the bar examining committee of a certificate as set forth in subsection (d)(1)(C);

(B) the withdrawal of registration by the authorized house counsel;

(C) the relocation of an authorized house counsel outside of Connecticut for a period greater than 180 consecutive days; or

(D) the failure of authorized house counsel to comply with any applicable provision of this rule.

Notice of one of the events set forth in subsections (e)(1)(A)-(C) or a new certificate as provided in subsection (e)(1)(A) must be filed with the bar examining committee by the authorized house counsel within 30 days after such action. Failure to provide such notice by the authorized house counsel shall be a basis for discipline pursuant to the Rules of Professional Conduct for attorneys.

(2) Notice of Withdrawal of Authorization. Upon receipt of the notice required by subsection (e)(1), the bar examining committee shall forward a request to the statewide bar counsel that the authorization under this chapter be revoked. Notice of the revocation shall be mailed by the statewide bar counsel to the authorized house counsel and the organization employing the authorized house counsel.

(3) Reapplication. Nothing herein shall prevent an individual previously authorized as house counsel to reapply for authorization as set forth in subsection (d).

(f) Discipline

(1) Termination of Authorization by Court. In addition to any appropriate proceedings and discipline that may be imposed by the statewide grievance committee, the superior court may, at any time, with cause, terminate an authorized house counsel's registration, temporarily or permanently.

(2) Notification to Other States. The statewide bar counsel shall be authorized to notify each entity governing the practice of law in the state or territory of the United States, or the District of Columbia, in which the authorized house counsel is licensed to practice law, of any disciplinary action against the authorized house counsel.

(g) Transition

(1) Preapplication Employment in Connecticut. The performance of an applicant's duties as an employee of an organization in Connecticut prior to the effective date of this rule shall not be grounds for the denial of registration of such applicant if application for registration is made within 6 months of the effective date of this rule.

(2) Immunity from Enforcement Action. An authorized house counsel who has been duly registered under this rule shall not be subject to enforcement action for the unlicensed practice of law for acting as counsel to an organization prior to the effective date of this rule.

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Sec. 2-18. FILINGS TO BECOME FOREIGN LEGAL CONSULTANT

(a) An applicant for a license to practice as a foreign legal consultant shall file with the administrative director of the bar examining committee:

(1) a typewritten application in a form prescribed by the committee;

(2) a certified check, cashier's check or money order in the amount of \$500 made payable to the bar examining committee;

(3) a certificate from the authority in the foreign country having final jurisdiction over professional discipline, certifying to the applicant's admission to practice (or the equivalent of such admission) and the date thereof and to the applicant's good standing as an attorney or counselor at law (or the equivalent of either), together with a duly authenticated English translation of such certificate if it is not in English; and

(4) two letters of recommendation, one from a member in good standing of the Connecticut bar and another from either a member in good standing of the bar of the country in which the applicant is licensed as an attorney, or from a judge of one of the courts of original jurisdiction of said country, together with a duly authenticated English translation of each letter if it is not in English.

(b) Upon a showing that strict compliance with the provisions of Section 2-17 (1) and subdivisions (3) or (4) of subsection (a) of this section is impossible or very difficult for reasons beyond the control of the applicant, or upon a showing of exceptional professional qualifications to practice as a foreign legal consultant, the court may, in its discretion, waive or vary the application of such provisions and permit the applicant to make such other showing as may be satisfactory to the court.

(c) The bar examining committee shall investigate the qualifications, moral character, and fitness of any applicant for a license to practice as a foreign legal consultant and may in any case require the applicant to submit any additional proof or information as the committee may deem appropriate. The committee may

also require the applicant to submit a report from the National Conference of Bar Examiners, and to pay the prescribed fee therefor, with respect to the applicant's character and fitness.

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