

O'Donnell, Shanna

From: Bowler, Michael
Sent: Monday, January 6, 2020 9:29 AM
To: Del Ciampo, Joseph
Cc: Dowd, Cathy; Rowe, Elizabeth; Oconnell, Kerry
Subject: Proposals to Amend Practice Book Section 2-27A (Attorneys Richard Silver and David Atkins)

Dear Attorney Del Ciampo:

At a meeting held on January 2, 2020, the MCLE Commission reviewed a letter dated November 20, 2019 from Attorney Richard A Silver, and letters dated December 10 and 18, 2019 from Attorney David P. Atkins. It is our understanding that Attorney Atkins letters, which attached Attorney Silver's letter, were considered by the Rules Committee at its December 16, 2019 meeting.

In total, the letters propose four changes to Connecticut Practice Book Section 2-27A. Attorney Silver proposes that the MCLE rule be amended in three ways: first, by allowing for full credit for the time involved in preparing for "legal seminars, courses or programs." Currently the rule provides that preparation time is allowed half the credit (i.e. one hour of preparation time equals one half hour of MCLE credit) as lecturing time, which is allowed full credit (i.e. one hour of lecture time equals one hour of MCLE credit). Second, Attorney Silver proposes that the maximum amount of preparation time, which is currently capped at six hours per program, be increased to eight hours. Finally, Attorney Silver proposes that MCLE credit be available for blog writing, capped at two hours per blog. Currently, the MCLE rule does not provide credit for blog writing.

Attorney Atkins joined with Attorney Silver regarding the proposal to provide full credit for preparing for legal seminars, courses or programs (Attorney Atkins does not indicate whether he agrees with raising the cap from six to eight hours). Attorney Atkins also proposed amending Section 2-27A(c)(3) as follows (deletions in brackets, additions underlined):

Credit for the writing and publication of articles shall be based on the actual [drafting] time required for both researching and drafting. Each article may be counted only one time for credit.

Regarding the proposals the MCLE Commission determined as follows:

1. The Commission disagreed with the proposal to allow full credit for the time involved in preparing for legal seminars, courses or programs. The three principal drafters of the MCLE rule are all members of the MCLE Commission. The drafters noted that in doing research on the MCLE rules of neighboring jurisdictions that some jurisdictions provide no credit for preparation time, and some provide credit for a portion of preparation time. The consensus of the Commission was that the current Connecticut MCLE rule provides for a fair calculation of preparation time at half credit.
2. Similarly, the Commission disagreed with raising the cap on preparation time from six to eight hours for the reasons set forth above.
3. The Commission disagreed with the proposal to allow credit for blog writing. The Commission noted that in the fall of 2017, the Commission established a working subcommittee to review the MCLE rule with the purpose of determining whether amendments to the rule should be proposed to the Rules Committee of the Superior Court. One area the subcommittee considered was blog writing. The subcommittee's determination, which the full MCLE Commission then adopted, was that the quality and standards of blog writing were too vague and amorphous to allow blogs to receive MCLE credit. In contrast, the current MCLE rule, which allows credit for "publishing articles in legal publications that have as their primary goal the enhancement of competence in the

legal profession . . . ,” provides indicia that the written material will undergo a more rigorous and predictable vetting process to ensure that it is worthy of continuing legal education credit.

4. Finally, the MCLE Commission agreed with Attorney Atkins’ proposal to amend the language of Section 2-27A(c)(3). The drafters of the MCLE rule noted that it the rule’s intent that both researching and drafting of the article be given credit, and the proposal suggested by Attorney Atkins clarifies that intent.

Please let us know if you or the Rules Committee have any questions.

Michael P. Bowler

Counsel

Commission on Minimum Continuing Legal Education

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