



Item 07-07n
(031620)

30 Bank Street
New Britain, CT 06051
P: (860) 223-4400
F: (860) 223-4488

March 9, 2020

Via Email: Joseph.DelCiampo@jud.ct.gov

Joseph DelCiampo
Deputy Director, Legal Services
100 Washington Street
Hartford, CT 06106

Dear Attorney DelCiampo:

We write regarding the proposed changes to the MCLE rule, allowing for administrative suspension of those attorneys who have failed to certify compliance with the MCLE annual requirements.

We queried our membership and with the exception of the Litigation Section (see attached letter) there seems to be no opposition to the proposed rule changes. Some concerns were raised, as detailed below:

1. Some members raised concerns regarding the adverse impact administrative suspensions may have on an attorney's record, especially where the failure to certify compliance was inadvertent. For instance, in some cases attorneys fail to complete their attorney registration because they have lost administrative assistance in their offices, and/or changed their contact information and may not have yet notified the Judicial Branch. Other times, many emails from the Judicial Branch are sent to the "junk" or "spam" folder by accident. Accordingly, we suggest that the new rule clarify how the notice shall be sent, and specify a mode that certifies service has been made on an attorney before they are administratively suspended.
2. Some members were confused as to how long they had to comply before they were suspended administratively, and proposed the Judicial Branch send a notice to the attorney, to advise them that they have been administratively suspended.
3. Some members suggested, that in lieu of an administrative suspension, a financial penalty should be levied for the violation of the MCLE rule. This may reduce the burden on the court system, branch, and grievance committee, if numerous attorneys, especially in a particular district, were to be found in non-compliance at the same time.
4. Finally, some members sought clarification on how the revised MCLE rule would impact new attorneys, sworn into the Bar in November. Would they be required to complete attorney registration and certify compliance, or would they not be subject to the new MCLE rule until the following year.

We appreciate the opportunity to comment on the proposed rule changes. Please feel free to contact us with any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Ndidi Moses".

Ndidi Moses, President
Connecticut Bar Association

February 28, 2020

Joseph DelCiampo
Deputy Director, Legal Services
100 Washington Street
Hartford CT 06106

RE. HYBRID REPRESENTATION

Dear Attorney DelCiampo:

The Litigation Section Executive Committee voted 11-0 with one abstention to oppose the implementation of the proposed Practice Book section 25-6A in the civil context, and in favor of the proposal to provide in section 4-2(a) that a pleading or paper filed on behalf of a party who is represented by an attorney must be signed by the attorney or it will be deemed rejected.

The basis for the position opposing 25-6A in the civil context was that non attorneys are not as cognizant as are attorneys of sanctions and costs, and it would cause ethical concerns for attorneys. Members favored taking a wait and see approach to see if 25-6A is implemented and seeing how it worked in the family context before deciding whether to do so in the civil context. All members felt that amending 4-2 to provide that papers not in compliance would be deemed rejected simply makes explicit what is already implicit in the rule.

Andrew Nevas
CBA Litigation section Chair