



**STATE OF CONNECTICUT
JUDICIAL BRANCH
COURT OPERATIONS DIVISION**

LEGAL SERVICES

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MEMO TO: Joseph Del Ciampo, Director, Legal Services

SUBJECT: Proposal for Amendment to Sec. 2-8. Qualifications for Admission

On June 26, 2020, the judges of the Superior Court adopted certain amendments to Sec. 2-9, Certification of Applicants Recommended for Admission; Conditions of Admission. Specifically, subsection (b) replaced “language referencing the disability of an applicant with language that is more neutral and inclusive” Sec. 2-9, commentary (Connecticut Law Journal, July 14, 2020). When updating the index of the 2021 Practice Book, a term search for “physical or mental disability” revealed that Sec. 2-8, Qualifications for Admission, contained the same terminology in its subdivision (3) that was removed from Sec. 2-9 (b). Deputy Director Kathleen Harrington has confirmed that the terminology removed from Sec. 2-9 (b) was overlooked in Sec. 2-8 (3) and should be removed for the same reasons articulated in the commentary to Sec. 2-9.

I therefore respectfully submit the attached proposed amendment for consideration. Please let me know if you need any further information on this issue.

Sec. 2-8. Qualifications for Admission

To entitle an applicant to admission to the bar, except under Section 2-13 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, which has been approved or required by the committee, or has completed a course in professional responsibility in accordance with the regulations of the committee. Any inquiries or procedures used by the bar examining committee that relate to **[physical or mental disability]** the health diagnosis, treatment, or drug or alcohol dependence of an applicant 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.

(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; and (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 law in Connecticut.

COMMENTARY: The change in subdivision (3) replaces language referencing the disability of an applicant with language that is more neutral and inclusive and is consistent with previous changes made to Section 2-9 (b).