



NEW HAVEN COUNTY BAR ASSOCIATION

171 Orange St., P.O. Box 1441, New Haven, CT 06506-1441

Tel (203) 562-9652 Fax (203) 624-8695 www.newhavenbar.org NHCBAinfo@newhavenbar.org

Joseph DelCiampo, Esq.
Director of Legal Services
Connecticut Judicial Branch
100 Washington Street, 3rd Floor
Hartford, CT 06106

February 10, 2020

Dear Attorney DelCiampo,

I write in connection to the request from the Rules Committee for comments regarding the proposal to adopt administrative suspensions of attorneys who fail to register or comply with Connecticut's Minimum Continuing Legal Education ("MCLE") requirements, and also in response to an email sent by Michael Bowler, Statewide Bar Counsel, on January 23, 2020.

Attorney Bowler's email was sent at the request of the Rules Committee of the Superior Court to parties that had submitted comments on the Judicial Branch's proposal to administratively suspend attorneys who fail to register or comply with the MCLE requirement. In this email, Attorney Bowler attached an updated version of the proposal, drafted to incorporate two requests from the Rules Committee: 1. change the proposal to clearly state that the rule is not meant to give regulators the power to randomly audit MCLE compliance, and 2. extend the grace period from sixty (60) days to one year, if an attorney fails to comply with the MCLE requirement. Attorney Bowler shared that the updated proposal is expected to appear on the February 10, 2020 Agenda of the Rules Committee. Further, the email from Attorney Bowler provided some follow up to our December 16th letter to you with further detail on the data forming the basis for implementing the administrative suspensions.

In our December 16th letter, we also requested that the Rules Committee table this matter for at least six (6) months to allow my fellow officers and me to fulfill our responsibility to determine the NHCBA's members' reactions to the proposed changes. We are eager to hear whether this request has been granted by the Rules Committee.

In the same letter, we outlined the steps that the NHCBA has taken to provide comments to the Rules Committee. Our work continues. This past Friday, February 7, our subcommittee met to discuss the information provided by Attorney Bowler. Prior to Friday's meeting, our Executive Director, Gillian Fattal, sought further clarification from Attorney Bowler in respect to the information in his email in respect to attorney registrations.

In our February 7th meeting, the following concerns were raised:

1. Administrative suspensions may not constitute discipline in Connecticut; however, Connecticut attorneys may be adversely impacted when licensing in other jurisdictions.
2. Attorneys licensed in Connecticut may be adversely impacted when applying for professional liability insurance plans if asked to list if they have ever been administratively suspended, or if they have every been ineligible to practice law (Section 2-27B (a)).
3. Despite the lengthening of the grace period for attorneys in the latest draft, the proposal, as drafted, in Section 2-27B (a) does not provide for a full year grace period to rectify the non-compliance because the full year does not run from the date of notice to an attorney, but rather to December 31st of the year in which the notice is sent.
4. The statistics behind the proposals seem to offer a partial understanding of the problems that the Judicial Branch seeks to address. The data appears to indicate thus far that approximately 1.4% of Connecticut's attorneys have reported that they have not met their MCLE requirement. There is no data on how many of the 1 in 4 attorneys that do not register may have completed MCLE. The Judicial Branch believes that these attorneys likely have not completed MCLE but the number is unknown.

While the subcommittee continues to analyze the impact of this proposal, we also seek to further understand the reasons behind the non-compliance.

The subcommittee acknowledges the necessity in attorneys completing registrations each year, including MCLE compliance, with the Judicial Branch to update important information and meet regulatory requirements. The NHCBA is interested in implementing a communications efforts to its members on registration requirements and MCLE compliance. At the same time, the subcommittee would like to survey our membership to find out what may be the barriers to registration and MCLE compliance. This survey could also offer useful information such as demographics of attorneys that are non-compliant. Further, the subcommittee would like to find out why our NHCBA member attorneys are not compliant with registration and/or MCLE, through calls to a random sample. We feel that such an approach will give us a better understanding of why this problem is occurring and with that knowledge, generate what might be the best approach to solving these non-compliance issues. The latter task would require information from the Judicial Branch on attorneys that have not complied. Finally, the subcommittee seeks to contact other jurisdictions and professional liability insurance companies to understand the potential impact of these proposed administrative suspensions. Please be assured that the subcommittee is committed to working through these issues with

the Judicial Branch in a manner that best supports Connecticut attorneys in meeting their professional responsibilities.

On behalf of the NHCBA and our subcommittee, I thank you for your consideration of our requests. We are most interested in hearing about an extension of time so that we can continue to apply the proper level of thoroughness to evaluate and weigh in on the proposed changes.

Sincerely yours,



Shari-Lynn Cuomo Shore
President-Elect, 2019-20

cc. Michael Bowler, Esq. Statewide Bar Counsel, Statewide Grievance Committee
Keith Soressi, Executive Director, Connecticut Bar Association
Ndidi Moses, President, Connecticut Bar Association
Amy Lin Meyerson, President-Elect, Connecticut Bar Association