

## **1. GENERAL INFORMATION ABOUT THE NEW RULE FOR MINIMUM CONTINUING LEGAL EDUCATION**

### **a. What is Connecticut's new requirement for Minimum Continuing Legal Education?**

Unless otherwise exempt, each attorney admitted in Connecticut shall certify annually on the registration form required by Practice Book §2-27(d) that they have completed twelve credit hours of continuing legal education in the previous calendar year. Of those twelve credits, at least two must be in ethics and/or professionalism. You may carry over two hours of credit from the prior year, even from 2016 to 2017.

### **b. Who established this rule and who will administer compliance?**

In June 2016, the Judges of the Superior Court adopted the rule found in Practice Book §2-27A. It is not administered by any bar association. The rule is administered by the MCLE Commission, whose members are appointed by the Chief Justice of the Supreme Court. The Statewide Grievance Committee oversees compliance with the rule.

### **c. What is the purpose of this rule?**

The MCLE requirement will ensure that lawyers keep current with constantly evolving substantive and procedural law. The rule will allow attorneys to maintain the requisite knowledge and skill necessary to practice in Connecticut effectively and fulfill their professional responsibilities. Its intent is to promote education with the least amount of bureaucratic requirements and costs.

### **d. When is the rule effective?**

The rule is effective January 1, 2017. You may carry over two hours of voluntarily taken CLE credit from 2016, including ethics credits, to be used in 2017 towards the mandatory twelve hour total.

### **e. When is the first reporting period?**

You will first report that you have completed your MCLE for 2017 on your 2018 attorney registration form.

## **2. WHO MUST COMPLY WITH THE NEW MCLE RULE**

### **a. Who must comply with MCLE?**

All attorneys admitted in Connecticut and Authorized House Counsel certified as such under Practice Book §2-15A who are not otherwise exempt must comply with the requirement.

### **b. Is anyone exempt from MCLE?**

Yes. State judges and senior judges of the supreme, appellate or superior courts, judge trial referees, family support magistrates and referees, federal court judges, federal magistrate judges, federal administrative law judges and federal bankruptcy judges; attorneys who are disbarred, resigned pursuant to Practice Book §2-52, on inactive status pursuant to §2-56 or retired pursuant to §2-55 or §2-55A; attorneys serving on active duty in the armed forces for more than six months in such year; attorneys and Authorized House Counsel for the calendar year in which they are admitted to the bar or certified to be Authorized House Counsel; attorneys who earn less than \$1,000 in compensation for the provision of legal services in the reporting year; and attorneys who, for good cause, have been granted temporary or permanent exempt status by the Statewide Grievance Committee. Note: attorneys who are appointed to be judges of the supreme, appellate or superior courts, family support magistrates and referees, federal court judges,

federal magistrate judges, federal administrative law judges or federal bankruptcy judges are exempt from the MCLE rule upon appointment. There is no exemption for attorneys who are on disciplinary or administrative suspension.

- c. **What are “legal services” for purposes of the exemption from the MCLE requirement for earning less than \$1000 in compensation for legal services in the reporting year?** “Legal services” means engaging in the practice of law in any jurisdiction where an attorney is admitted. Although the practice of law may be defined differently in each jurisdiction, it is defined in Connecticut by Practice Book §2-44A.
- d. **Do Authorized House Counsel have to comply with the rule?** Yes, subject to the same exemptions described above and found in Practice Book §2-27A(a)(5).
- e. **Do attorneys permitted to appear pro hac vice have to comply with the rule?** No.
- f. **If I am retired do I have to comply with the rule?** No if you have officially retired pursuant to Practice Book §2-55 or §2-55A, fall under the exemption of earning less than \$1000 in compensation for the provision of legal services in the reporting year from the practice of law, or otherwise qualify for an exemption.
- g. **If I am admitted to practice law in Connecticut but I practice law in another state, do I have to comply with the rule?** Yes, unless you otherwise qualify for an exemption.
- h. **If I am a government employee do I have to comply with the rule?** If your job description requires you to be a member of the Connecticut Bar then you must comply with the rule unless you otherwise qualify for an exemption. If your job description does not require you to be a member of the Connecticut Bar, then you must comply with the rule, but you may be entitled to take the exemption for earning less than \$1000 in compensation for the provision of legal services in the reporting year, or you may otherwise qualify for an exemption.
- i. **If my job does not require me to practice law do I still have to comply with the rule?** Yes, but you may be entitled to take the exemption for earning less than \$1000 in compensation for the provision of legal services in the reporting year, or you may otherwise qualify for an exemption.
- j. **When do newly admitted attorneys and certified Authorized House Counsel have to comply with the rule?** Newly admitted attorneys and certified Authorized House Counsel have to comply with the rule in the calendar year following their admission or certification. For example, lawyers admitted in 2017 do not have to take courses for MCLE credit until 2018. They will report that they have completed the hours when they register in 2019. If newly admitted attorneys or certified Authorized House Counsel voluntarily complete MCLE courses in the year in which they are admitted or certified, then they can carry over two hours of credits to the following year.

- k. **How do I request a temporary or permanent exemption from the Statewide Grievance Committee?** The Statewide Grievance Committee will have an exemption request form available on the MCLE website. The completed form must be submitted by email to the Statewide Grievance Committee, which will email a decision to you.
- l. **What are examples of good cause for exemption?** Requests for exemption are considered purely on a case by case basis. Some examples of possible good cause include a serious accident or illness that has debilitated you to the extent you are unable to complete the required MCLE. Examples that will not be considered good cause are the fact that you do not practice in Connecticut, your schedule, your amount of work, your financial status, or your inability to find MCLE courses.

### **3. HOW CLE VENDORS/PROVIDERS GET COURSES APPROVED TO OFFER MCLE COURSES IN CONNECTICUT**

- a. **How does my organization get approved to offer MCLE courses in Connecticut?** There is no formal approval process for organizations that want to provide MCLE courses in Connecticut. If an organization's MCLE program or course has been approved by the authority authorized to approve MCLE courses in another jurisdiction, then the organization's MCLE course is automatically approved in Connecticut; however, in Connecticut credits are based upon actual instruction time, which includes any question and answer period, but does not include any time provided for breaks. MCLE providers that want to offer a MCLE course in Connecticut that has not first been approved in another jurisdiction must comply with the content and delivery requirements contained within the rule, specifically Practice Book §2-27A(b)(1) and (c)(6). MCLE providers are encouraged to specify the amount of instruction time and as much detail about the contents of the course, as possible.
- b. **Does the MCLE Commission approve MCLE providers or courses?** No. There is no approval or accreditation process in Connecticut. An MCLE activity is automatically approved if it is delivered in compliance with Practice Book §2-27A(b) and its content complies with Practice Book §2-27A(c)(6). If you have questions about a particular MCLE activity, contact the MCLE Commission at [MCLE@jud.ct.gov](mailto:MCLE@jud.ct.gov).
- c. **Must the materials used in the MCLE presentation be preapproved by the MCLE Commission?** No.
- d. **Do I get credit for teaching the same seminar more than once in a calendar year?** No. Credit is limited to once in a twelve month period. You also can get credit for preparing to teach the seminar. Refer to Practice Book §2-27A(b)(4) and (c)(2).
- e. **Are luncheon programs approved for MCLE credit?** Yes, provided they meet the content and delivery requirements of the MCLE rule.
- f. **Are In-House programs approved for MCLE credit?** Yes, provided they meet the content and delivery requirements of the MCLE rule.

- g. Are providers of MCLE allowed to advertise that the program is acceptable for Connecticut MCLE?** Yes, provided the program meets the content and delivery requirements of the MCLE rule.
- h. Are there any restrictions on programs that can be offered for Connecticut MCLE?** No, provided they meet the content and delivery requirements of the MCLE rule.

#### **4. COURSES THAT QUALIFY FOR CONTINUING LEGAL EDUCATION CREDIT**

- a. What courses qualify for MCLE credit?** An attorney may attend legal education courses provided by any state, local, regional or special interest bar association in Connecticut or any regional or national bar of another state or territory of the U.S. or the District of Columbia; any private or government legal employer, any court of this or any other state, and/or any other non-profit or for profit legal education providers. These include law schools and other providers, including, but not limited to, courses remotely presented by video conference, webcasts and webinars. See Practice Book §2-27A (b)(1).
- b. What is a credit hour for purposes of MCLE credit?** A credit hour is based on the actual instruction time, which may include lecture, panel discussion and question and answer periods.
- c. Do fifty minutes that count as one hour of MCLE in other states count as one credit hour of MCLE in Connecticut?** No, because Connecticut's MCLE rule provides that a credit hour is calculated by "actual instruction time" (see Practice Book §2-27A(c)(1)). Therefore fifty minute courses that constitute one credit hour in other jurisdictions only count as fifty minutes in Connecticut.
- d. Must an MCLE activity last for a minimum amount of time to count towards the twelve hour annual MCLE requirement?** No, the MCLE rule does not set a minimum amount of time that an MCLE activity must last for an attorney to get credit. Shorter MCLE activities can be aggregated or "stacked" to comply with the rule. For example, an attorney could watch four different, fifteen-minute MCLE videos to accumulate one hour of MCLE credit. Provided the MCLE activity complies with the content and delivery requirements of the MCLE rule there is no minimum amount of time the activity must last for it to count towards the annual MCLE requirement.
- e. What must a continuing legal education course contain to qualify for credit?** The course must contain: a) significant intellectual or practical content designed to increase or maintain the practicing attorney's professional competence and skills as a lawyer; b) constitute an organized program of learning and deal with matters directly related to legal subjects and the legal profession; and c) be conducted by an individual or group qualified by practical or academic experience.
- f. Are there particular groups that offer programs that satisfy the MCLE requirement?** There are many entities including bar associations and private vendors that provide programs that satisfy the MCLE requirement. Credit will equal the amount of time the speaker is speaking

as well as any question and answer time. These groups include, but are not limited to, the following:

1. All state, regional, specialty and minority bar associations and bar foundations.
2. Section meetings and luncheon meetings of state, regional, specialty and minority bar associations, and bar foundations that comply with the requirements of the MCLE rule as to content and delivery.
3. Out-of-state bar associations' MCLE programs that are approved by the authority that oversees MCLE in that jurisdiction.
4. National specialty or minority bar association MCLE programs and electronic programs that meet the content and delivery requirements of the rule.
5. Law schools or college programs that meet the content and delivery requirement of the rule.
6. National or local arbitration association educational programs that meet the content and delivery requirements of the rule.
7. Bank and title company educational programs directed to attorneys that meet the content and delivery requirement of the rule.
8. Law firm seminars that comply with the content and delivery requirements of the MCLE rule.
9. Private vendors of MCLE courses that meet the content and delivery requirements of the rule.
10. Online webinars that meet the content and delivery requirements of the rule.
11. Programs by various governmental agencies (including out-of-state and federal government agencies) that are intended to educate the attorneys. Examples include: the Office of the Public Defender; the States Attorney's Office; the Attorney General's Office, the Legislative Branch and the Judicial Branch, as well as other agencies of this state or any other that organize and present educational programs for lawyers, as long as the program complies with the content and delivery requirements of the rule.
12. Legal aid providers that meet the content and delivery requirements of the rule.

- g. Do any courses not qualify for MCLE credit?** Yes. Disciplinary orders of CLE do not qualify for MCLE credit. These include CLE ordered by the Statewide Grievance Committee pursuant to Practice Book §2-37(a)(5), CLE ordered by the court, or any other jurisdiction's order of disciplinary CLE. Also if the course does not meet the content and delivery requirements of the rule then it does not qualify for MCLE credit.

- h. Are programs that deal with health and wellness for attorneys approved for MCLE?** Yes, provided the programs meet the content and delivery requirements of the rule.

## **5. OTHER WAYS THAT ATTORNEYS MAY COMPLY WITH THE NEW MCLE RULE**

- a. Does self-study qualify for mandatory CLE credit?** Generally, yes. Self-study qualifies for credit when the material that is studied was prepared by a CLE provider and it covers substantive or procedural law or related topics such as professional responsibility, legal ethics or law office management. See Practice Book §2-27A(b)(2).
- b. What types of self-study qualify for CLE credit?** Self-study may include, among other things, viewing of or listening to videos, DVDs, audiotapes or CDs or online courses. Self-study courses or programs shall be consistent with the objective of this rule, which is to maintain and enhance the skill level of the attorney, including his or her knowledge, ethics and competency in substantive or procedural law or related topics such as professional responsibility, legal ethics or law office management.
- c. Can attorneys obtain credits without attending CLE courses or self-study?** Yes. Attorneys may write and publish articles in legal publications. Attorneys may also teach legal seminars and courses to obtain MCLE credit, or serve as a full-time, part-time, or adjunct faculty member at a law school accredited by the American Bar Association.
- d. Can attorneys take courses by tape, online, or through another form of technology?** Yes.
- e. How many credits do attorneys qualify for when teaching seminars or courses?** Credit for preparing for and presenting legal seminars, courses or programs shall be based upon one hour of credit for each two hours of preparation, subject to a maximum of six hours preparation credit for a single course. Credit for presentation shall be on an hour for hour basis.
- f. Can attorneys obtain credit for writing a legal article or book?** Yes. Writing an article for a legal publication and writing a book qualify for credit and shall be based on the actual drafting time for credit computation purposes.
- g. Does serving as a faculty member at an accredited law school qualify for MCLE credit?** Yes. Full time faculty members at a law school accredited by the ABA will be credited with meeting the MCLE requirements. Part time or adjunct faculty members at a law school accredited by the ABA will be credited with meeting the MCLE requirements at the rate of one hour for each hour of classroom instruction.

## **6. HOW TO REPORT AND TRACK MINIMUM CONTINUING LEGAL EDUCATION**

- a. How do I report my compliance with the MCLE rule?** There is no requirement that you send in any written proof of compliance to the Judicial Branch, bar association, or Statewide Grievance Committee. The MCLE program in Connecticut is a self-reporting system. You

keep track of the courses and hours that you take each year, maintain records to prove compliance with the rule for seven years (see Practice Book §2-27A(d)), and certify on your annual registration form that you have complied with the rule or are exempted from compliance.

- b. How do I keep track of my self-study CLE credit hours?** Self-study CLE credit is based on the reading or running time of the selected materials or program. Proof of compliance for self-study includes a contemporaneous log identifying and describing the course reviewed, the date and time the course was taken, and a copy of the syllabus or outline of the course materials. When applicable, a certificate from the course provider shall be sufficient for compliance.
- c. Are attorneys required to report each course as it is completed?** No. The Connecticut program is self-reporting and does not track an attorney's credit-by-credit course work. Attorneys must maintain records to prove compliance with the Rule for a period of at least seven years. In the event of an audit or disciplinary investigation, attorneys will be asked to produce those records to verify compliance. The attorney is responsible for keeping track of the courses or self-study materials he or she takes toward compliance with the MCLE requirement. A certificate of attendance shall be sufficient proof of compliance.
- d. Are attorneys required to certify compliance with the program's requirements? If so, when does an attorney provide certification?** Yes. Beginning in 2018, attorneys will certify MCLE compliance on the annual attorney registration form as required by Practice Book § 2-27(d). There will be a section on the registration form where the attorney will certify that the attorney complied with the rule or was exempted from compliance. The certification question will be mandatory. There is no grace period. You must complete the twelve hours of MCLE in the calendar year prior to the year that you register.
- e. Can I carry over any credits from the previous calendar year?** Yes. The rule allows for attorneys to carry forward up to two credit hours of excess MCLE from the current calendar year to the next calendar year's total. For example, if in 2017 you take fourteen hours of MCLE instead of the minimum twelve hours, you can apply those excess two hours of MCLE to your 2018 requirement. Attorneys can even carry over up to two credit hours of qualified CLE from 2016, when the rule is not yet in effect, to 2017, when the rule goes into effect.
- f. Is there a form I can use to track my MCLE hours for programs, self-study and miscellaneous credits?** Yes. The form is available online and in print form to keep your records and to track your credits on an annual basis. Attorneys may use their own forms of recording credits. Attorneys are responsible for keeping such records for seven years.
- g. What happens if I register late with the Statewide Grievance Committee?** You are not considered in good standing if you have not registered and you could be subject to discipline.

## **7. FAILURE TO COMPLY WITH THE MCLE RULE**

- a. Will I be able to register if I have not completed the previous year's MCLE requirements by the registration deadline?** Yes, but you will be required to report the lack of compliance on the registration form. The failure to comply with the MCLE requirement is considered misconduct. You must complete all twelve hours in the year prior to the year you register to be in compliance. For example, for registration in 2018, you must complete the minimum twelve hours of MCLE in 2017. Note, you are in compliance if the twelve hours for a calendar year includes two hours of excess carried over from the previous year.
- b. Will attorneys incur a late fee if they don't complete their MCLE requirements by the end of the year?** There is no late fee, but an attorney who has not completed the year's MCLE requirement will be required to state so on the registration form. The failure to comply with the rule is considered misconduct.
- c. Is there a grace period to complete MCLE courses?** No, there is no grace period. You must complete the minimum requirement by the end of the calendar year.
- d. What happens if I do not comply with the rule?** Failure to comply with the rule constitutes misconduct and you are subject to discipline. See Practice Book §2-27A(e).
- e. How do I get back into compliance if I do not complete my MCLE requirement?** You will need to complete the courses and then update your registration with the Statewide Grievance Committee. The completion of these courses count for the previous year, not the current year.
- f. Can I retire if I have not completed my MCLE requirements for that particular year?** Yes, provided the retirement is completed in accordance with Practice Book §2-55 or §2-55A.
- g. What MCLE will I need to complete if I want to revoke my retirement?** If you revoke a retirement under Practice Book §2-55, then you will need to complete the twelve hour MCLE requirement for the calendar year in which you revoke the retirement, then complete the MCLE requirements for each calendar year thereafter. In certain circumstances, you may be required to complete the MCLE courses for the year in which you retired.

## **8. WHERE TO GO TO GET ANSWERS TO QUESTIONS AND MORE INFORMATION ABOUT THE MCLE RULE**

- a. Who do I contact with questions about MCLE or for more information about the rule?** The [Minimum Continuing Legal Education Commission](#) consists of four attorneys and four judges appointed by the Chief Justice of the Supreme Court. The purpose of the Commission is to provide advice regarding the application and interpretation of this Rule and to assist with its implementation. All questions have to be submitted by email to [mcle@jud.ct.gov](mailto:mcle@jud.ct.gov). An email response will be sent as soon as is possible.