



Commission on Minimum Continuing Legal Education (MCLE)

State of Connecticut Judicial Branch

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Opinion 14

Whether Attorneys Who Serve in Adjudicative Positions not Mentioned by Practice Book Section 2-27A(a)(1) May Take that Exemption or the Exemption Set Forth in Section 2-27A(a)(5)

Practice Book Section 2-27A(a)(1)¹ provides that certain named adjudicative officers are exempt from the Minimum Continuing Legal Education (MCLE) requirement. The MCLE Commission continuously receives requests from attorneys in adjudicative positions² that are not specified by Section 2-27A(a)(1) asking whether they are exempt under that provision or Section 2-27A(a)(5)³. The Commission concludes that neither exemption applies and has adopted the following FAQ to address the issue:

¹ "[The MCLE] rule shall apply to all attorneys except the following: Judges and senior judges of the supreme, appellate, or superior courts, judge trial referees, family support magistrates, family support magistrate referees, federal judges, federal magistrate judges or federal bankruptcy judges."

² Examples of requests include those from attorneys employed as mediators, special masters of the National Childhood Vaccine Injury Compensation Program, opinion writers for the Board of Veterans' Appeals, justices of The Federated States of Micronesia, Connecticut Workers' Compensation Commissioners, and Referees for the Connecticut Labor Department's Appeals Division.

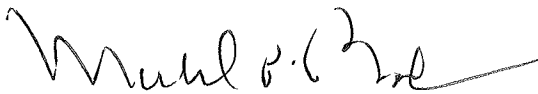
³ "[The MCLE] rule shall apply to all attorneys except the following: Attorneys who earn less than \$1000 in compensation for the provision of legal services in such year."

Question:

Are attorneys who serve in adjudicative positions such as workers compensation commissioners and small claims and motor vehicle magistrates exempt from the MCLE requirement either pursuant to Practice Book §2-27A(a)(1) or §2-27A(a)(5)?

Answer:

No, unless they earn less than \$1000 per year from the position. Practice Book §2-27A(a)(1) clearly limits the exemption afforded judicial officers to “[j]udges and senior judges of the supreme, appellate or supreme courts, judge trial referees, family support magistrates, family support magistrate referees, federal judges, federal magistrate judges, federal administrative law judges or federal bankruptcy judges.” No other judicial officers are covered by this exemption. Practice Book §2-27A(a)(5) exempts only those attorneys who earn less than \$1000 per year in compensation for the provision of legal services. Attorneys who serve in any adjudicative position provide legal services to both the authority employing them and the parties who appear before them. Accordingly, the exemption only applies to attorneys in this position if they earn less than \$1000 per year in compensation from it. Attorneys may seek to broaden these exemptions through the rule making process only.



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