

CONNECTICUT BAR EXAMINING COMMITTEE  
REGULAR MEETING  
HARTFORD, CONNECTICUT  
MAY 6, 2016

The Chair, Hon. Anne C. Dranginis (Ret.), called the public portion of the meeting to order at 10:00 a.m. (EDT). Present were Cynthia Baer, Richard F. Banbury, Hon. C. Ian McLachlan (Ret.), Gail E. McTaggart, David A. Moraghan, Denise Martino Phelan, Frederic S. Ury, Matthew Wax-Krell, Michael J. Whelton and Perry Zinn Rowthorn. Present by invitation were: Kathleen B. Harrington, Deputy Director, Attorney Services; Jessica F. Kallipolites, Administrative Director; Lisa Valko, Assistant Administrative Director; Joseph DelCiampo, Deputy Director, Legal Services; Monte Frank and Jonathan Klein, Connecticut Bar Association (CBA); and Professor Michael Wishnie, Yale Law School.

The Chair announced the results of the February 2016 bar examination. Upon motion duly made by the Chair, seconded by Mr. Banbury, it was voted unanimously to deem those 126 applicants who had obtained a passing score of 264 as having passed the February 2016 Connecticut bar examination. Upon motion duly made by the Chair, seconded by Mr. Banbury, it was voted unanimously to deem those 75 applicants who had failed to obtain a passing score of 264 as having failed to pass the February 2016 Connecticut bar examination. Upon motion duly made by the Chair, seconded by Ms. Phelan, it was voted unanimously that those applicants who had obtained a passing score on the February 2016 Connecticut bar examination and who had complied with the rules and regulations governing admission to the bar of the State of Connecticut be recommended to the judges of the Superior Court for admission to the bar, unless further evidence warrants review pursuant to Article VI of the Connecticut Bar Examining Committee Regulations. Upon motion duly made by the Chair, seconded by Justice McLachlan, it was voted unanimously that the 3 applicants who had obtained a passing grade on the February 2016 Connecticut bar examination, but whose applications disclosed issues concerning good character or fitness, be reviewed further pursuant to Article VI of the Connecticut Bar Examining Committee Regulations.

At 10:05 a.m., Mr. DelCiampo left the meeting, and members Karen L. Karpie, Robert D. Silva, Alix Simonetti, and Hon. Elliot Solomon arrived.

Upon motion duly made by the Chair, seconded by Ms. Phelan, it was voted unanimously to accept and record the minutes of the public session of the Special Meeting of April 1, 2016.

At 10:12 a.m., member Edward J. Gavin arrived.

Discussion was had regarding a comparison of the Committee's income and expenses from the current fiscal year to the previous fiscal year. Upon motion duly made by the Chair, seconded by Ms. Phelan, it was voted unanimously to approve the Third Quarterly Report (January – March 2016). Additionally, discussion was had regarding the proposed budget for the upcoming fiscal year (2016-2017). Upon motion duly made

by the Chair, seconded by Ms. Simonetti, it was voted unanimously to accept and approve the proposed budget.

At 10:45 a.m., member Hon. Nina Elgo arrived.

Ms. Phelan delivered the report for the Uniform Bar Examination (UBE) Subcommittee recommending that the Committee move forward with adoption of the UBE. Discussion was had concerning whether the passing score or cut score should be increased, whether adoption of the UBE can be accomplished via regulation change or whether a rule change is necessary, whether notice beyond that required in the court rules should be provided to the judges, and whether the Administrative Office should draft proposed regulation changes to implement the UBE for consideration by the Committee. Upon motion duly made by Judge Solomon, seconded by Justice McLachlan, a non-binding straw vote was taken to determine whether the Committee supported adoption of the UBE. The straw vote was 12-4 in favor of adopting the UBE. Upon motion duly made by Justice McLachlan, seconded by Mr. Whelton, it was voted unanimously to direct the Administrative Office to draft and submit a complete proposal for adoption of the UBE to be voted on by the Committee. The Chair directed that a Special Meeting be noticed for May 20, 2016 and that this matter be placed on the agenda for a vote. The Committee is to vote on the UBE proposal drafted and submitted by the Administrative Office, whether the judges need to be specially notified if the UBE is adopted, and whether the passing score or cut score should be increased.

Mr. Moraghan delivered the report for the Military Spouse Licensing Subcommittee recommending that the Committee submit the proposed new Practice Book rule to the Rules Committee. Discussion was had concerning the supervision provision and the Subcommittee's sense that such oversight was needed and that half of the states with such rules have supervision and the other half have varying mentoring provisions. Mr. Frank and Mr. Klein expressed that the supervision provision was unworkable, but that a mentoring provision would be acceptable and that the CBA would not object to this requirement. Moreover, Mr. Frank indicated that the CBA would commit to creating a mentoring program and that it would work with local bar associations to do the same. Upon motion duly made by Mr. Zinn Rowthorn, seconded by Judge Solomon, a majority voted to recommend adoption of the proposed new Practice Book rule with the following amendments by a vote of 10-6 with 1 abstention (Mr. Wax-Krell): reference to initial period changed to three years from two years in section (c) (2); word "or" moved from section (e) (1) (G) to (e) (1) (H); and addition of mentoring requirement added to the end of section (f) ("The attorney shall maintain participation in a mentoring program provided by a state or local bar association in the state of Connecticut.").

Mr. Wax-Krell, on behalf of the Foreign Trained/Licensed Lawyers Subcommittee, requested that presentation of proposed draft regulations be tabled until the July 8, 2016 meeting.

At 11:50 a.m., member Justice McLachlan, member Mr. Silva, Mr. Frank, and Mr. Klein left the meeting.

The Deputy Director presented the proposal for a new regulation (Article IV-3) addressing the MPRE/ethics course requirement as applied to law professors at Connecticut law schools for admission on motion. The normal time requirement for satisfaction of the MPRE/ethics course requirement would be relaxed for law professors that taught an ethics course within four (4) years before or within (1) year after applying for admission. Additionally, MPRE scores would need to be achieved in 1999 or later since that is how far back the National Conference Bar Examiners will issue an official score report. Mr. Wishnie explained that the original request was meant to cover faculty that not only taught ethics courses, but those that taught courses with an ethics component. Additionally, he expressed a concern that limiting the MPRE scores to 1999 might not cover all intended individuals as they may not have taken an ethics course and thus could be foreclosed from benefiting from this regulation. The Committee directed staff to amend the proposed new regulation to address the concerns raised, to work with Mr. Wishnie on acceptable language, and to present the amended proposal to the Committee for consideration at the next meeting.

At 12:00 p.m., Mr. Wishnie left the meeting.

The Administrative Director provided a report for the upcoming July 2016 bar exam noting that the office has received 338 applications and that the 75 individuals that were unsuccessful on the February 2016 bar exam have an additional three (3) weeks to file an application for the upcoming exam pursuant to Article III-1 of the CBEC Regulations. It was further noted that the number of requests for non-standard testing accommodations has increased for the upcoming exam despite the decline in applications to sit for the exam.

Upon motion duly made by the Chair, seconded by Mr. Wax-Krell, it was voted unanimously to adjourn the public portion of the meeting at 12:12 p.m. (EDT) and to reconvene in the non-public portion of the meeting.

Respectfully submitted,

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RICHARD F. BANBURY  
Secretary *Pro Tem*