

CONNECTICUT BAR EXAMINING COMMITTEE
REGULAR MEETING – Conducted via ZOOM
HARTFORD, CONNECTICUT
SEPTEMBER 30, 2022

The Chair, Hon. Anne C. Dranginis (Ret.), called the public portion of the meeting to order at 10:00 a.m. (EDT). Present were Deborah L. Bradley, Hon. Nina Elgo, Edward J. Gavin, Karen L. Karpie, Gail E. McTaggart, David A. Moraghan, Denise Martino Phelan, Hon. Amir Shaikh, Hon. Elliot Solomon (Ret.), Frederic S. Ury, and Matt Wax-Krell. Present by invitation were: Kathleen B. Harrington, Deputy Director, Attorney Services; Lisa Valko, Director; and Starr Carroll, Program Manager.

The Chair announced the results of the July 2022 bar examination. Upon motion duly made by the Chair, seconded by Mr. Wax-Krell, it was voted unanimously to deem those 213 applicants who had obtained a passing score of 266 as having passed the July 2022 Connecticut bar examination. Upon motion duly made by the Chair, seconded by Judge Solomon, it was voted unanimously to deem those 123 applicants who had failed to obtain a passing score of 266 as having failed to pass the July 2022 Connecticut bar examination. Upon motion duly made by the Chair, seconded by Mr. Ury, it was voted unanimously that those applicants who had obtained a passing score on the July 2022 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 Judge Solomon, it was voted unanimously that the 2 applicants who had obtained a passing score on the July 2022 Connecticut bar examination, but whose application disclosed issues concerning good character or fitness, be reviewed further pursuant to Article VI of the Connecticut Bar Examining Committee Regulations.

At 10:03 a.m., members Miguel A. Escalera, Jr., Perry Zinn Rowthorn, Alix Simonetti, and Abby M. Warren arrived.

Upon motion duly made by the Chair, seconded by Judge Solomon, it was voted unanimously to accept and record, without amendment or correction, the minutes of the public session of the Regular Meeting of July 15, 2022, with Judge Elgo abstaining.

The Committee discussed the pass/fail rate for the July 2022 bar exam. It was noted that the pass rate is a little higher than last year and is consistent with recent July exam administrations.

The subcommittee tasked with considering a possible amendment to Article IV-3 of the CBEC Regulations to expand its application to candidates for admission through UBE score transfer that are full-time faculty members or full-time clinical fellows at accredited Connecticut law schools reported back to the full Committee and presented its recommendation that no change be made. The regulation currently applies only to motion candidates, who by definition must have at least five (5) years of law practice experience. The subcommittee did not identify any justification for an exception to this practice

requirement in that expanding this regulation to UBE candidates would mean that candidates with no law practice experience would be eligible. That was not the intent behind the adoption of the provision. Moreover, the subcommittee did not agree with the presentation at the July 15th meeting that the proposed amendment would capture a narrow category of applicants that were overlooked or not provided for as that was not the case. Rather, this request is more appropriately viewed as a unique situation for one candidate and that a regulation change would be for this one individual. Consistent with the subcommittee's recommendation, no action was taken on the request to amend Article IV-3.

At 10:18 a.m., member Timothy P. Pothin arrived.

The Deputy Director presented guidance from the Chief Court Administrator's Office regarding use of remote proceedings going forward and how the Judicial Branch is taking a hybrid approach. Discussion ensued regarding the increased attendance and participation at remote meetings, the efficiency of remote interviews, the success of remote formal hearings, the best means to judge candor and credibility – which continues to be in-person proceedings, and the importance of formal hearings given the interests that are at stake. Overall, the consensus was that a hybrid approach is appropriate in that interviews and meetings can continue to be conducted remotely with one meeting per year being scheduled in-person, and that formal hearings should be conducted in-person unless a candidate requests that it be conducted remotely – in which case the hearing panel would decide the issue on a case-by-case basis. It was noted that additional information is needed given that the Committee's usual meeting and hearing space has been re-purposed for another Judicial Branch office. Staff will report back to the Committee regarding availability of space and when this transition can be accomplished.

The Deputy Director summarized the history of the Committee's requirement of fingerprints and criminal background checks for applicants, the limited information received from the state and federal searches, the delays and problems with the system that negatively impacted pending applications, the onerous administrative and IT burdens placed on staff to remain in compliance with federal requirements, and the Committee's approval a few years ago to shift from background checks to staff conducting Lexis/Nexis and online/criminal database searches while reserving the right to conduct background checks if appropriate. It was requested that the Committee no longer reserve this right given the success of the current approach of having staff conduct background searches online and the burdensome requirements to remain eligible to process fingerprints for state and federal background checks. Discussion was had regarding the importance of retaining well-trained staff and of conducting thorough background checks. The issue was raised whether fingerprints and state/federal background checks could be processed by contracting with an approved third-party vendor, thereby alleviating the administrative and IT burdens on staff. The Deputy Director will look into this suggestion and will report back to the Committee.

The Director presented proposed rule and regulation amendments as drafted by staff, highlighting certain items that are intended to implement the new online application process, to delete references to an investigative fee and intent to practice for individuals

not meeting the standard educational requirements, and to update various processes and procedures to account for electronic versus paper submissions. Upon motion duly made by Mr. Ury, seconded by Ms. Phelan, it was voted unanimously to adopt the regulation amendments as drafted and to submit the rule amendments as drafted to the Rules Committee for consideration. Staff was instructed to suggest to the Rules Committee that the court rules be updated to remove gender-specific references such as “himself or herself” and to replace such references with “themselves,” “the applicant,” or “the candidate” throughout the Practice Book.

The Director provided a report for the upcoming February 2023 bar examination, which will be held on February 21 and 22, 2023. The filing period will open early next week.

Additionally, the Director explained that the new website will be launched soon with the February 2023 bar exam application going live first, followed by the other application types over the next few weeks. The goal is to complete the switch over to the new website and online applications by the end of October. Applicants will be required to create an account and file an application online through the new website; paper filings will no longer be accepted. The Committee praised the Administrative Office for their hard work and diligence in bringing this project to fruition.

Lastly, the Director presented updated information from the National Conference of Bar Examiners regarding price increases for standard and non-standard testing material, as well as services provided to examinees, that are scheduled to take effect in 2023 and 2024.

Upon motion duly made by Ms. Phelan, seconded by Ms. Simonetti, it was voted unanimously to adjourn the public portion of the meeting at 11:17 a.m. (EDT).

Respectfully submitted,

KAREN L. KARPIE
Secretary