

CONNECTICUT BAR EXAMINING COMMITTEE
SPECIAL MEETING
HARTFORD, CONNECTICUT
DECEMBER 4, 2015

The Vice-Chair, Michael J. Whelton, called the public portion of the meeting to order at 10:08 a.m. (EST). Present were Cynthia Baer, Richard F. Banbury, Raymond L. Baribeault, Jr., Hon. Nina Elgo, Eric M. Gross, Karen L. Karpie, Adam Mantzaris, Hon. C. Ian McLachlan (Ret.), Gail E. McTaggart, David A. Moraghan, Irving H. Perlmutter, Denise Martino Phelan, Robert D. Silva, Hon. Elliot Solomon and Matthew Wax-Krell. Present by invitation were: Kathleen B. Harrington, Deputy Director, Attorney Services; Jessica F. Kallipolites, Administrative Director; and Lisa Valko, Assistant Administrative Director.

Upon motion duly made by Justice McLachlan, seconded by Ms. Phelan, it was voted unanimously to accept and record, without amendment or correction, the minutes of the public session of the Regular Meeting of October 2, 2015.

At 10:09 a.m., the Chair arrived.

Discussion was had regarding a comparison of the Committee's income and expenses from the first quarter of the current fiscal year to the first quarter of the previous fiscal year. Upon motion duly made by Mr. Perlmutter, seconded by the Mr. Whelton, it was voted unanimously to approve the First Quarterly Report (July – September 2015).

Mr. Wax-Krell presented information on behalf of the Foreign Trained/Licensed Lawyers Subcommittee concerning policies in other northeast states, the Chief Justices' Resolution strongly encouraging states to allow such individuals to sit for the bar exam, and the possible administrative burden on staff if the Committee's regulations were changed to allow such individual to sit for the exam. Discussion was had regarding LLM requirements, responses by law schools in providing more rigorous LLM programs, whether the underlying foreign law degree should be based in common law, concerns surrounding authenticity of documentation from foreign countries, timing of determinations of eligibility and concerns about the equivalency of foreign law schools..

At 10:40a.m., Mr. Gross left the meeting.

Additionally, Mr. Wax-Krell explained that in 2012 twenty-nine (29) jurisdictions were admitting foreign training/licensed lawyers. Excluding California and New York (which had the largest numbers of such applicants), the total number of applicants was approximately 400 for the remainder of the jurisdictions. Thus, it was noted that it was likely that the number of applicants would be manageable if the Committee's regulations were amended to once again allow such individuals to sit for the bar exam.

At 10:48 a.m., Mr. Gross rejoined the meeting.

The Chair instructed that this topic be placed on the next agenda and that the Administrative Office inquire of other jurisdictions of the burden on their offices to process such petitions, what are the advantages and downside if any of allowing such individuals to sit for the bar exam, how many applications other jurisdictions receive from foreign applicants, and specifically inquire of New Jersey why it does not allow such individuals to sit for their bar exam and whether they are presently reviewing their policy on this issue.

The Chair noted that the ABA's request for comments on law school accreditation site visits was circulated to the Committee for review. There were no suggestions for comments to be forwarded to the ABA.

As a follow up to the October meeting, the Administrative Director presented proposed amendments to Articles V-7 and V-8 of the Connecticut Bar Examining Committee Regulations to provide additional notice to applicants about the requirements when changing the designation of the MBE location. Upon motion duly made by Mr. Perlmutter, seconded by the Chair, it was voted unanimously to amend Article V-7 as suggested by the Administrative Director and to include "in writing on a form provided by the Committee" after "prior administration of the MBE must be made." Upon motion duly made by Mr. Perlmutter, seconded by Mr. Whelton, it was voted unanimously to amend Article V-8 as suggested by the Administrative Director.

The Administrative Director thereafter provided an update on the upcoming February 2016 bar exam. The filing deadline recently passed on November 30, 2015 and the overall filings were down from the February 2015 bar exam. Last year two hundred and forty-four (244) candidates applied to sit for the exam, and this year only two hundred and nineteen (219) candidates applied to sit for the exam – many of whom are retakers.

Under New Business, the Chair noted that the CBA Taskforce on the Future of Legal Education and Standards of Admission has been reconstituted somewhat. The focus of the Taskforce is the concept of legal technicians as seen in Washington and expanding the definition of providers of legal services. Items of concern are whether such certification would be overseen by the Judicial Branch, meeting the needs of the middle class, and adopting meaningful certification criteria. The Chair and Justice McLachlan serve on the Taskforce and will keep the Committee updated.

Upon motion duly made by Mr. Whelton, seconded by Mr. Perlmutter, it was voted unanimously to adjourn the public portion of the meeting at 11:05 a.m. (EST) and to reconvene in the non-public portion of the meeting.

Respectfully submitted,

IRVING H. PERLMUTTER
Secretary