

CONNECTICUT BAR EXAMINING COMMITTEE  
REGULAR MEETING  
HARTFORD, CONNECTICUT  
MAY 9, 2014

The Chair, Hon. Anne C. Dranginis (Ret.), called the public portion of the meeting to order at 10:02 a.m. (EDT). Present were Cynthia Baer, Raymond L. Baribeault, Jr., Kevin C. Connors, Earl F. Dewey II, Judge Nina Elgo, Edward J. Gavin, Eric M. Gross, Karen L. Karpie, Irving H. Perlmutter, Denise Martino Phelan, Robert D. Silva, Frederic S. Ury, Matthew Wax-Krell, and Michael J. Whelton. Present by invitation were: Martin R. Libbin, Director, Legal Services; Kathleen B. Harrington, Deputy Director, Attorney Services; Jessica F. Kallipolites, Administrative Director; James O'Connor, Counsel, Legal Services; Carolyn Ikari, Assistant United States Attorney; and Nancy Alisberg, Office of Protection and Advocacy for Persons with Disabilities.

The Chair then announced the results of the February 2014 bar examination. Upon motion duly made by the Chair, seconded by Mr. Perlmutter, it was voted unanimously to deem those 199 applicants who had obtained a passing score of 264 as having passed the February 2014 Connecticut bar examination. Upon motion duly made by the Chair, seconded by Mr. Perlmutter, it was voted unanimously to deem those 79 applicants who had failed to obtain a passing score of 264 as having failed to pass the February 2014 Connecticut bar examination. Upon motion duly made by the Chair, seconded by Mr. Perlmutter, it was voted unanimously that those applicants who had obtained a passing score on the February 2014 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 CBEC Regulations. Upon motion duly made by the Chair, seconded by Mr. Perlmutter, it was voted unanimously that the 7 applicants who had obtained a passing grade on the February 2014 Connecticut bar examination, but whose applications disclosed issues concerning good character or fitness, be reviewed further pursuant to Article VI of the regulations of the Connecticut Bar Examining Committee.

Member Alix Simonetti arrived at 10:05 a.m.

Upon motion duly made by Mr. Perlmutter, seconded by Ms. Phelan, it was voted unanimously to accept and record, without amendment or correction, the minutes of the public session of the Special Meeting of April 25, 2014.

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 Mr. Perlmutter, seconded by Ms. Phelan, it was voted unanimously to approve the Third Quarterly Report (January – March 2014). Additionally, discussion was had regarding the proposed budget for the upcoming fiscal year (2014-2015). It was noted that the issue of reimbursement for salaries and benefits may change due to the two open positions for which applications have been solicited. Given that the starting dates and salaries for the positions are unknown at this time, the full impact of filling the positions

remains unclear. The Administrative Office was instructed to provide an analysis of the actual versus projected income and expenses from the previous fiscal year (2013-2014) at the next meeting. Upon motion duly made by Mr. Perlmutter, seconded by the Chair, it was voted unanimously to accept and approve the proposed budget.

Member Judge Elliot Solomon arrived at 10:22 a.m.

Upon motion duly made by Ms. Simonetti, seconded by the Chair, it was voted unanimously to move the location of recently amended Question 35 so that it appears before the preamble currently appearing on page 10 of the bar application.

Upon motion duly made by Mr. Gross, seconded by Mr. Whelton, it was voted unanimously to delete the word “recent” from the first sentence of the preamble currently appearing on page 10 of the bar application.

Upon motion duly made by the Chair, seconded by Judge Elgo, it was voted unanimously to make the following amendments to the preamble appearing on page 10 of the bar application: change the reference in the first paragraph from Questions 34-38 to Questions 36-37; change the reference in the last paragraph from Questions 34, 37 and 38 to Question 36; and replace the first sentence of the second paragraph with “On occasion, a license may be denied when an applicant’s ability to function is impaired in a manner that indicates that the applicant is currently unfit to practice law at the time the licensing decision is made, or when the applicant demonstrates a lack of candor and/or credibility by his or her response.”

Upon motion duly made by Mr. Ury, seconded by Ms. Phelan, it was voted unanimously to add the following language to Question 36: “If your answer is yes, continue to Question 37 and complete Forms 7 & 8.”

Upon motion duly made by the Chair, seconded by Mr. Wax-Krell, it was voted unanimously to make the following changes to Form 4: delete Questions 7, 8 and 9; and replace Question 11 with “The applicant within the last five years has raised a defense, mitigation or explanation for the applicant’s actions for any violation of a conduct rule.”

Member Mr. Silva left the meeting at 11:03 a.m.

Upon motion duly made by Mr. Whelton, seconded by Ms. Phelan, it was voted unanimously to maintain the current version of Form 7.

Upon motion duly made by the Chair, seconded by Judge Solomon, it was voted unanimously to make the following changes to Form 8: replace the title with “Description of Conditions, Impairments, Disorders, or Treatment Relevant to Applicant’s Response to Question 36 on Form 1E”; replace inquiry 1 with “Describe any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that relates to your affirmative answer to Question 36.”; and replace inquiry 2 with “Describe any treatment you have received for any condition or impairment (including, but not limited to, substance

abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that relates to your affirmative response to Question 36.”

Upon motion duly made by the Chair, seconded by Mr. Wax-Krell, it was voted unanimously to amend the reference to Form 8 that appears on Form 6 to reflect Form 8’s new title (see immediately preceding vote).

Upon motion duly made by Judge Solomon, seconded by Mr. Perlmutter, it was voted unanimously to make the following changes to Form 10: delete “Treated for the use of drugs, narcotics or alcohol” from Question 4; and add language to Question 4 that is consistent with Questions 10 and 15 from the prior version of Form 4 (now Questions 7 and 12 per the above referenced vote amending Form 4).

Upon motion duly made by the Chair, seconded by Judge Elgo, it was voted unanimously to make the following changes to Form 11: delete “Treated for the use of drugs, narcotics or alcohol” from Question 6; add language to Question 6 that is consistent with Questions 10 and 15 from the prior version of Form 4 (now Questions 7 and 12 per the above referenced vote amending Form 4); add the words “within the past five years” after the word “Arrested” in Question 6; and add the word “ever” before the words “convicted of a crime” in Question 6.

Upon motion duly made by Mr. Gavin, seconded by Mr. Gross, it was voted unanimously to make the following changes to Form 10: add the words “within the past five years” after the word “Arrested” in Question 4; and add the word “ever” before the words “convicted of a crime” in Question 4.

The Chair welcomed thoughts and suggestions for improvements to the “Protocol for Requesting, Reviewing and Handling Medical Documentation” before the next meeting. The Administrative Office was instructed to circulate a listserve inquiry to determine how and when other jurisdictions request, review and handle such documentation.

Upon motion duly made by the Chair, seconded by Mr. Perlmutter, it was voted unanimously to instruct the Administrative Office to amend the admission without examination, authorized house counsel and foreign legal consultant applications and forms to be consistent with the changes made to the bar examination application and forms as such relate to inquiries into mental health and substance abuse.

The Administrative Director provided a report from the February 2014 bar exam highlighting a last minute request to accommodate a service animal and the pass/fail statistics for law schools. Additionally, a report from the July 2014 bar exam was presented detailing preparations, applicant numbers, and dates for laptop registration.

Member Mr. Dewey and Ms. Alisberg left the meeting at 11:43 a.m.

The Chair, Mr. Wax-Krell and the Deputy Director reported on the May 2014 Annual Conference that was held in Seattle, Washington and sponsored by the National Conference of Bar Examiners. The reports focused on foreign-trained lawyers, the ABA

Taskforce on the Future of Legal Education, New York's study to allow third year students to sit for the bar in exchange for pro bono work, and Florida's contemplation of the Uniform Bar Examination and admission without examination.

Upon motion duly made by Mr. Perlmutter, seconded by Judge Elgo, it was voted unanimously to adjourn the public portion of the meeting at 11:55 a.m. (EDT) and to reconvene in the non-public portion of the meeting.

Respectfully submitted,

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IRVING H. PERLMUTTER  
Secretary