

CONNECTICUT BAR EXAMINING COMMITTEE
REGULAR MEETING
HARTFORD, CONNECTICUT
JULY 8, 2016

The Chair, Hon. Anne C. Dranginis (Ret.), called the public portion of the meeting to order at 10:07 a.m. (EDT). Present were Raymond L. Baribeault, Jr., Hon. Nina Elgo, Eric M. Gross, Karen L. Karpie, Gail E. McTaggart, Alix Simonetti, Frederic S. Ury, Matthew Wax-Krell, Michael J. Whelton, and Perry Zinn Rowthorn. Present by invitation were: Kathleen B. Harrington, Deputy Director; Jessica F. Kallipolites, Administrative Director; and Lisa Valko, Assistant Administrative Director.

Upon motion duly made by the Chair, seconded by Mr. Whelton, it was voted unanimously to accept and record, without amendment or correction, the minutes of the public session of the Special Meeting of May 20, 2016.

The Chair reported that the RFP process for selection of a laptop vendor is underway and that a selection should be finalized in the near future. Additionally, the Chair thanked Irving Perlmutter, who retired from the Committee on April 15, 2016, for his exemplary service for thirty-three (33) years.

The Administrative Director presented the projected versus actual budget for fiscal year 2015-2016. The noted variance was due to a decrease in exam applications and an increase in reimbursed salaries and benefits given the full staffing of the Administrative Office. Additionally, the Administrative Director discussed how the proposed Uniform Bar Examination (UBE) application and forms were drafted and highlighted the changes to the other applications to account for the UBE, to clarify that disclosure of federal licensure is required, and to incorporate key language from the writing sample found in the exam application. It was noted that the mental health preamble and questions remain exactly the same in the UBE application as provided in the other applications. Upon motion duly made by the Chair, seconded by Ms. McTaggart, it was voted unanimously to approve the UBE application and forms and the amendments to the exam, motion, authorized house counsel and foreign legal consultant applications as proposed by the Administrative Office with the authority to correct any typographical errors.

Discussion was had regarding state review of the Multistate Essay Examination (MEE) questions and the Multistate Performance Test (MPT) items before each exam administration and whether this was still necessary given that the UBE has been adopted and all MEEs and MPTs must be used. It was proposed by the Administrative Director that the questions can be circulated to the Committee when the material is made public by the National Conference of Bar Examiners (NCBE), which is typically May 15th for a February exam and November 15th for a July exam. This would allow the Committee to stay informed of the quality of the product. It was noted that NCBE may allow certain portions of the analysis to be public and, if so, this material will be provided to the Committee as well. The consensus was that the Administrative Director's proposal be implemented going forward.

The Foreign Trained/Licensed Lawyers Subcommittee presented its proposed regulation changes and discussion ensued about the fee to be charged for a determination on foreign education, which could be revisited in the future if necessary, and the need for a course by course education evaluation, which will establish a learning base for the Committee and will authenticate the foreign law school, documentation, and the translation. Upon motion duly made by Mr. Wax-Krell, seconded by the Chair, a majority voted in favor of adopting new Article II-3 of the CBEC Regulations with the following edits: add “all subsections of” to the introductory language of the new regulation, add “as evidenced by the report in (c) (i) of this article” to subsection (A) (i), add “acceptable to the Committee” to subsection (C) (i), to add “Article X (13)” to subsection (C) (v),¹ and to delete “minus the fee paid in connection with the approved petition for determination on foreign education should the application for admission be filed within one year of the date of approval” from subsection (C) (v). Ms. Karpie voted against the foregoing motion. Additionally, upon motion duly made by Mr. Wax-Krell, seconded by Mr. Zinn Rowthorn, it was voted unanimously to add a subsection (13) to Article X of the CBEC Regulations to provide for a fee of \$500 for a petition for determination on foreign education.² Finally, upon motion duly made by Mr. Wax-Krell, seconded by the Chair, it was voted unanimously to add “Juris Doctor or equivalent” to Article II-2 of the CBEC Regulations to clarify that a JD degree is required and also that LLB and similar degrees are acceptable when issued by approved law schools.

Discussion was then had concerning the ABA Resolution and Model Rule for Registration of In-House Counsel. It was noted that the model rule seeks to include certain individuals that may be excluded by virtue of their inability to remain licensed in a foreign jurisdiction due to not working in that country. However, it was explained that the Administrative Office works with individuals in such situations and accepts other proof of such licensure requirements and limitations and does not deny certification on this basis. The consensus was that there is no need to amend the AHC rule at this time.

The Administrative Director indicated that the preparations for the July 2016 exam are well underway and that the exam will be held at the Convention Center on July 26th and 27th, that the number of applicants is down slightly and that the number of applicants requiring non-standard testing accommodations is up slightly.

Upon motion duly made by Ms. McTaggart, seconded by the Chair, it was voted unanimously to adjourn the public portion of the meeting at 11:49 a.m. (EDT) and to reconvene in the non-public portion of the meeting.

¹ This motion should have referenced Article X (14) given that a new subsection (13) was recently added to Article X in May 2016 to provide for the UBE filing fee. This technical error was detected by the Administrative Office after the meeting. It has been corrected.

² Id.

Respectfully submitted,

FREDERIC S. URY
Secretary *Pro Tem*