



Commission on Minimum Continuing Legal Education (MCLE)

State of Connecticut Judicial Branch

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Opinion 7

**Whether Attorneys Who Serve as Magistrates Pursuant to General Statutes §51-193l
are Exempt from Minimum Continuing Legal Education (MCLE)**

The Commission on Minimum Continuing Legal Education (Commission) received a request from an attorney who serves as a magistrate pursuant to an appointment under General Statutes §51-193l. The attorney works exclusively under the appointment and does not otherwise engage in the practice of law. For his services as a magistrate, the attorney earns more than \$1000 per year. The attorney's request is whether service as a magistrate appointed pursuant to General Statutes §51-193l in and of itself exempts the attorney from the MCLE requirement. The opinion of the Commission is that attorneys who serve as magistrates appointed pursuant to General Statutes §51-193l are not exempt from the MCLE requirement even if serving as a magistrate is the only legal work they perform during the year.

General Statutes §51-193l provides:

Appointment of magistrates. Submission of names of probate judges for approval as magistrates. The Chief Court Administrator shall make such orders and rules as he deems necessary to provide for the appointment of magistrates to hear and decide cases pursuant to the provisions of sections 51-193t and 51-193u. Any commissioner of the Superior Court, admitted to practice in this state for at least five years, who is able and willing to hear such cases designated in accordance with sections 51-193t and 51-193u may be appointed as a magistrate. Any probate judge who is a commissioner of the Superior Court

admitted to practice in this state for at least five years may submit his name to the Probate Court Administrator, who shall submit a list of such names to the Office of the Chief Court Administrator for approval to be placed on a list of available magistrates for one or more judicial districts.

Magistrates appointed under §51-193l hear disputes involving small claims (General Statutes §51-193t) and motor vehicle infractions (General Statutes §51-193u).

Practice Book §2-27A(a) provides, among other things, that certain classes of attorneys are exempt from the MCLE requirements. The exemption at issue is found in §2-27A(a)(1).

Pursuant to that subsection, the MCLE requirements do not apply to:

Judges and senior judges of the supreme, appellate, or superior courts, judge trial referees, family support magistrates, family support magistrate referees, federal judges, federal magistrate judges or federal bankruptcy judges.

The issue is whether magistrates appointed pursuant to General Statutes §51-193l are the functional equivalent of state court judges or family support magistrates.

Judges of the supreme, appellate and superior courts are appointed and confirmed pursuant to General Statutes §51-165. Family support magistrates are appointed and confirmed pursuant to General Statutes §56b-231(f). Both judges and family support magistrates are tasked with specific duties and responsibilities as set forth in the general statutes and rules of court. These duties are distinct from the duties of magistrates appointed pursuant to General Statutes §51-193l. The MCLE rule exempts judges and family support magistrates from MCLE compliance but the rule expressly does not extend to small claims and infractions magistrates.

Accordingly, because the exemption from MCLE compliance set forth in Practice Book §2-27A(a)(1) does not extend to magistrates appointed pursuant to General Statutes §51-193l, attorneys appointed to be magistrates under this statute may not claim that exemption.

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