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BY EMAIL PDF TO RULESCOMMITTEE@JUD.CT.GOV

Rules Committee of the Superior Court
Attn: Counsel to the Committee
P.O. Box 150474
Hartford, CT 06115-0474

Re: Proposal to amend Practice Book Rule 2-27A

Dear members of the Rules Committee:

I write on behalf of the Connecticut Bar Association (CBA) to express the CBA's strong support for the proposal to amend Practice Book Rule 2-27A to provide up to six hours of MCLE credit for certain pro bono work. The CBA commends the MCLE Commission and the Rules Committee for supporting the grant of credits for pro bono services, which the CBA believes will help promote more attorneys to provide pro bono legal services and continue to chip away at the access to justice gap in our state.

I also write to comment on the MCLE Commission's proposed 1:2 ratio of credits to hours and to suggest a friendly amendment to the rule as currently proposed. These comments are based on significant work done by members of the CBA's Pro Bono Committee, which I co-chair with Dan Brody, over the past several months to draft its own proposal to amend Practice Book Rule 2-27A to further the same goal. The CBA unfortunately did not learn of the MCLE Commission's proposal until the first week of March, when it circulated its own draft to Justice Bright for comment in his role as chair of the Access to Justice Commission. At that point, the CBA discovered that the MCLE Commission submitted its own proposal to the Rules Committee two days earlier. Due to the CBA's internal process for the adoption of legislative positions, there was no time for the CBA to submit comments to the Rules Committee in advance of its consideration of the MCLE Commission's proposal at the March meeting.

The CBA Pro Bono Committee's own draft was based on review of the rules adopted by the 22 states that currently offer credit for pro bono work, input from its members, and input from Jenn Shukla, the CBA's Director of Access to Justice Initiatives, as well as the CBA executive committee. Members of the CBA Pro Bono Committee include representatives from Connecticut Legal Services, Statewide Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, Connecticut Bar Foundation, Pro Bono Partnership, Connecticut Veterans Legal Center, UCONN School of Law, and various large and small firms across the state.

Ultimately, this group of stakeholders agreed that a rule permitting MCLE credit for pro bono services should contain the following components:

- A maximum of 6 hours of credit
- A credits to pro bono hours ratio of 1:5
- A description of the qualifying pro bono work that ensures the services will be provided in Connecticut to Connecticut clients and in programs administered by Connecticut courts and organizations

With respect to the first point, the CBA and the MCLE Commission are aligned on the credit hour cap for pro bono work. I note that this proposal to allow attorneys to secure up to half of their annual MCLE credit requirements demonstrates our state's strong support for pro bono work; out of the 22 states we surveyed, 15 states have maximum hour caps of just one-third or one-quarter of their annual MCLE requirements. Only two states have equal or more generous maximums. We are proud that Connecticut will be a leader on this front.

With respect to the second point, the CBA supports the 1:2 ratio, but suggests that the goal of the amendment, i.e., to incentivize more pro bono service in our state, may be better served by increasing that ratio. After significant discussion, the CBA Pro Bono Committee settled on a recommended ratio of 1:5. That conclusion was reached based on review of other states' rules and with an eye toward trying to encourage meaningful pro bono engagements. Our research showed that 12 of the 22 states with similar rules used ratios of 1:5 or 1:6. Members of our Pro Bono Committee felt that a higher ratio would incentivize attorneys using pro bono work to satisfy MCLE credits to complete a total of 30 hours of pro bono service, which is much closer to the ABA-recommended goal of 50 hours per year than the 12 hours that would result from the current proposal. Ultimately, the CBA does not oppose the 1:2 ratio that is currently proposed, but asks that the Rules Committee and those voting on this amendment reflect on these factors and consider increasing the ratio.

Finally, the CBA has concerns about the language proposed by the MCLE Commission describing qualifying pro bono work. The current proposal reads as follows:

(b) Attorneys may satisfy the required hours of continuing legal education:

(8) By providing uncompensated legal services for clients unable to afford counsel under the supervision of an organized legal aid society, state or local bar association project, or a court-affiliated pro bono program in Connecticut.

The CBA's concerns are as follows:

- The words "project" and "supervision" are vague and "supervision" could be construed as placing additional burdens on the organizations providing the pro bono opportunities. Most (perhaps all) organizations do not supervise volunteers participating in the pro bono programs they administer. They facilitate pro bono work by training volunteer attorneys and matching them with clients who cannot afford counsel.
- Affinity bar associations are not included. Logically, there should be no distinction between pro bono programs administered by the CBA or a local bar association and one administered by one of the many affinity bar associations in our state.

- The proposal seems to require only that the legal services be provided in Connecticut, rather than that they be provided on behalf of a Connecticut organization and to benefit a Connecticut client. For example, I have done pro bono work in Connecticut to help transgender individuals change their names and birth certificates, under the auspices of national organizations. Under the current proposal, that work, which does not even always involve Connecticut residents, would qualify for credit simply because I did it in this state. The CBA believes that qualifying pro bono work should be limited to services that benefit Connecticut clients under the auspices of a pro bono program administered by a Connecticut court or organization.¹

Accordingly, the CBA proposes the below alternate language:

(8) By providing pro bono legal services to clients unable to afford counsel through a pro bono program administered by one or more of the following:

- (i) Any Connecticut nonprofit organization, including any legal aid organization, that provides legal representation to clients without charge;**
- (ii) Any state, local, or affinity bar association in Connecticut; and**
- (iii) Any state or federal court in Connecticut.**

The CBA believes this language accomplishes the same goals of the current proposal but clarifies the roles of the organizations and courts providing the qualifying pro bono opportunities. It also ensures that Connecticut MCLE credit will only be received for pro bono services that benefit Connecticut clients on behalf of Connecticut organizations and courts.

Thank you for your time and attention to this matter and to the important work of the your committee. I will be in attendance at the public hearing scheduled for May 5, 2025, should members have any questions concerning the CBA's position on the proposed amendment to Practice Book Rule 2-27A.

Sincerely,



Emily A. Gianquinto
CBA President-Elect
CBA Pro Bono Committee Co-Chair

¹ The CBA recognizes that the MCLE Commission's proposal likely is modeled after language that appears in Rule 5.5(d) of the Rules of Professional Conduct and Practice Book Rule 2-15A(c)(5). The CBA's Pro Bono Committee plans to undertake a review of those provisions and may make similar recommendations for changes to their language in the coming months.