



## Commission on Minimum Continuing Legal Education (MCLE)

### State of Connecticut Judicial Branch

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December 15, 2016

### Opinion 1

#### **Whether the Deputy Chief Clerk for Judicial District Matters May Claim an Exemption from the Minimum Continuing Legal Education Requirement Under Connecticut Practice Book §2-27A(a)(5)**

The Commission on Minimum Continuing Legal Education (Commission) received a request from an attorney employed by the State of Connecticut Judicial Branch as a Deputy Chief Clerk for Judicial District Matters on whether clerks of the Connecticut Superior Court are exempt from complying with the Minimum Continuing Legal Education (MCLE) requirements of Connecticut Practice Book §2-27A, effective January 1, 2017. The attorney argues that clerks of the Superior Court are not engaged in the practice of law in connection with their official duties and are therefore exempt from the MCLE requirement pursuant to Connecticut Practice Book §2-27A(a)(5)<sup>1</sup>. This opinion is limited to the position of Deputy Chief Clerk for Judicial District Matters as the requesting attorney is employed in that position, and to the exemption provided for in Practice Book §2-27A(a)(5), as that is the exemption sought. The decision of the Commission is that a Deputy Chief Clerk for Judicial District Matters is required to comply with the MCLE requirement and may not claim an exemption under Practice Book §2-27A(a)(5).

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<sup>1</sup> Connecticut Practice Book §2-27A(a)(5), provides, "This [MCLE] rule shall apply to all attorneys except the following: . . . (5) Attorneys who earn less than \$1000 in compensation for the provision of legal services in such [calendar] year."

Deputy Chief Clerks have the same powers and duties as Chief Clerks. General Statutes § 51-52a(d). A clerk's duties are set forth in § 51-52 and in Practice Book § 7-2. Those duties are heavily administrative in nature.

The Connecticut Judicial Branch published its most current version of the job description for Deputy Chief Clerk for Judicial District Matters on or around April 11, 2001. The job requires "[m]embership in the Connecticut Bar and two (2) years of professional and supervisory experience." Additionally, under "Minimum Qualifications Required Knowledge, Skill and Ability," the position requires:

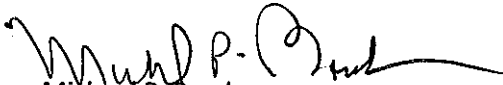
Considerable knowledge of law and legal process, legal principles and practice; considerable knowledge of the policies, procedures, and operating systems of a clerk's office; considerable knowledge of and ability to interpret and apply relevant state and federal laws and rules of practice; considerable interpersonal skills, considerable oral and written communication skills; considerable ability to analyze legal problems and apply statutes, case law, and rules of practice to resolve them in accordance with the law; supervisory ability.

Although a Deputy Chief Clerk for Judicial District Matters has considerable administrative responsibilities, the clerk must also engage in the legal analysis and application of statutes and rules of practice to problems that arise in the courthouse and "to resolve them in accordance with the law." These responsibilities clearly require the Deputy Chief Clerk to engage in the practice of law as that term is defined by Practice Book §2-44A.<sup>2</sup>

Accordingly, because the Commission concludes that the job responsibilities of the Deputy Chief Clerk for Judicial District Matters requires the clerk to engage in the practice of law, the clerk must comply with the MCLE requirements and may not take the exemption provided by Practice Book §2-27A(a)(5).

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<sup>2</sup> Deputy Chief Clerks for Judicial Matters also sign subpoenas and take oaths, among other privileges afforded them as attorneys and commissioners of the Superior Court. General Statutes § 51-85.



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