



I. INTRODUCTION

The Constitution of the Connecticut Bar Association (CBA) provides that purposes of the association include “to promote the public interest through the advancement of justice and the protection of liberty; ... [and] to support or oppose legislation and regulations consistent with the interests of the public good and its Members... .” In order to further these and other goals, the CBA has duly approved the legislative and policy positions listed below.

II. ASSOCIATION POSITIONS

Pursuant to the CBA’s Legislative Policy (revised Oct. 15, 2018), Association positions are “authorized only for matters of substantial importance affecting the legal profession in Connecticut as a whole. ... Compared to Section and Committee positions, Association positions generally have a higher priority on the Association’s legislative agenda, are fewer in number, carry more weight, and the Association may expend more political capital on them.” The CBA has authorized the following Association positions.

A. Association Health Plan

The CBA supports legislation such as House Bill 6710 (2023), which would enable trade associations, including the CBA, to band together and purchase large group health insurance directly from a carrier or to offer their members a self-funded insurance plan. HOD approved 3/27/23; expires end of 2025 legislative session.¹

B. Legal Services to Homeless Veterans

The CBA, on behalf of the Pro Bono Committee, supports the Legal Services to Homeless Veterans Act of 2017 that would amend Title 38, United States Code, to authorize the Secretary of Veterans Affairs to award grants or enter into contracts with public and private entities to provide pro bono legal services to homeless veterans and veterans at risk of homelessness. Such grants and contracts are subject to the availability of funds. HOD approved 10/19/20; expires 10/19/23.

III. SECTION POSITIONS

Pursuant to the CBA’s Legislative Policy (revised Oct. 15, 2018), a Section position is generally a matter “limited to attorneys who practice in a particular area of law or [] somehow unique to the practice of law for members of the Section []. Such positions [reflect] matters of importance to the members of a particular Section [] and relating to their area of practice and experience.” The CBA has authorized the following Section positions.

A. Administrative Law Section

¹ As used in this document, “BOG” refers to the CBA Board of Governors, and “HOD” refers to the CBA House of Delegates.

No current positions approved.

B. Alternative Dispute Resolution Section

1. Uniform Mediation Act

The Alternative Dispute Resolution Section supports legislation promoting uniformity in mediation, establishing the integrity of the mediation process as a method of resolving conflict and self-determination, and setting forth clear guidelines safeguarding the confidentiality of mediation proceedings. HOD approved 6/27/22; expires end of 2025 legislative session.

C. Animal Law Section

No current positions approved.

D. Antitrust and Trade Regulation Section

No current positions approved.

E. Appellate Advocacy Section

No current positions approved.

F. Business Law Section

1. Non-Compete Agreements

The Business Law Section opposes legislation such as proposed bill HB 5249 (2022), which limits the scope and effect of non-competition agreements in CT. The legislation may discourage employers from staying in Connecticut and discourage new and foreign established businesses from wanting to do business in this state. HOD approved 3/28/22; expires end of 2024 legislative session.

G. Child Welfare and Juvenile Law Section

No current positions approved.

H. Commercial Finance Section

No current positions approved.

I. Commercial Law and Bankruptcy Section

1. Digital Assets

The Commercial Law and Bankruptcy Section requests to defer consideration of legislation such as SB 353 (2022) until the Legislature's next session. However, if a bill must be passed this session, it asks to amend the proposal to limit it and make it consistent with the UCC so not to disrupt other transactions and to be consistent with uniform laws and the national drafting committee provisions being considered from its passage in summer 2022. HOD approved 3/28/22; expires end of 2024 legislative session.



2. US SBA Forms

The Commercial Law and Bankruptcy Section supports the United States Small Business Administration amending questions 1 and 2 on the Paycheck Protection Program Second Draw Borrower Application Form immediately to define the term “delinquent” and to ask whether the applicant has filed for bankruptcy. HOD approved 3/22/21; expires 3/22/24.

3. Venue

The Commercial Law and Bankruptcy Section supports legislation that removes language currently contained in the United States Bankruptcy Code permitting companies to file for bankruptcy where they are incorporated or where smaller affiliates operate in favor of filing where the debtor’s principal place of business or principal assets are located. HOD approved 12/14/20; expires 12/14/23.

J. Construction Law Section

No current positions approved.

K. Consumer Law Section

No current positions approved.

L. Criminal Justice Section

No current positions approved.

M. Disability Law Section

No current positions approved.

N. Education Law Section

No current positions approved.

O. Elder Law Section

1. Agency Efficiency in the Regulation Process

The Elder Law Section opposes legislation that would allow agency heads the ability not to promulgate certain legislative regulations. HOD approved 12/13/21; expires end of 2024 legislative session.

2. Asset Limits for Homecare

The Elder Law Section supports increasing the asset limit for an individual applying for the Connecticut Homecare Program from \$1,600 to up to \$10,000. HOD approved 1/23/23, expires end of 2025 legislative session.

3. Budget line items

The Elder Law Section opposes the elimination of line item budget review in Human Services. HOD approved 12/13/21; expires end of 2024 legislative session.

4. Caregiver Agreements

The Elder Law Section opposes legislation that would require a written agreement between a Medicaid applicant or recipient and a family member. HOD approved 12/13/21; expires end of 2024 legislative session.

5. Community Spouse Protected Amount

The Elder Law Section supports legislation and/or administrative and regulatory advocacy that would increase the minimum Community Spouse Protected Amount to the maximum Community Spouse Protected Amount in the Medicaid long-term care coverage group for married couples. HOD approved 12/13/21; expires end of 2024 legislative session.

6. Deadline for Fair Hearing Decisions

The Elder Law Section opposes legislation which would reverse or in any way diminish the holding in *Handel v. Commissioner of Social Services*, 183 Conn. App. 392 (2018), requiring DSS to issue a fair hearing decision within 90 days of the request for a fair hearing. HOD approved 12/13/21; expires end of 2024 legislative session.

7. Disclosure of Additional Costs

The Elder Law section supports legislation to expand the types of long-term care facilities which are required to disclose additional costs and notices to residents and to emphasize federal law prohibiting third party guarantees of payment. HOD approved 12/13/21; expires end of 2024 legislative session.

8. Inaccessible Assets

The Elder Law Section opposes any effort by the Department of Social Services (DSS) to remove the word "inaccessible" from the Uniform Policy Manual as it applies to assets and income in Medicaid and certain other programs. HOD approved 6/27/22; expires 6/27/25.

9. Non-taxable Annuity Income

The Elder Law Section opposes legislation that seeks to include the non-taxable annuity income from the spouse of an institutionalized individual who is a Medicaid recipient to the spouse's income for purposes of determining the amount that the spouse owes as a contribution as a "legally liable relative." HOD approved 12/13/21; expires end of 2024 legislative session.

10. Nursing Facility Technology

The Elder Law Section supports legislation that permits nursing facility or assisted living facility residents to use any audio, video, or voice activated technology, that would otherwise be

available to them in the community. In addition, the Section advocates that any such proposed bill include provisions to ensure that the rights of other residents are respected and to ensure that the other residents' privacy is protected. HOD approved 12/13/21; expires end of 2024 legislative session.

11. Personal Needs Allowance

The Elder Law Section supports legislation increasing the personal needs allowance for nursing home residents on Medicaid. HOD approved 12/13/21; expires end of 2024 legislative session.

12. Prior Title Holders

The Elder Law Section supports legislation which prevents a previously recorded interest in property from losing its priority to an unrecorded or subsequently recorded claim or lien by the state against a person for repayment of state aid. HOD approved 12/13/21; expires end of 2024 legislative session.

13. Probate Court Orders Compliance

The Elder Law Section supports legislation that would require state agencies to recognize, apply and enforce any order, denial, or decree of a Probate Court. HOD approved 12/13/21; expires end of 2024 legislative session.

14. Remote Notarization

The Elder Law Section supports the exclusion of some estate planning documents from any bill authorizing remote online notarization. HOD approved 3/28/22; expires end of 2024 legislative session.

15. Terminal Illness and Self-Administered Aid

The Elder Law Section supports legislation that allows an adult with a terminal illness who has been determined by two physicians to be competent to request aid in dying for them to self-administer from their attending physician, with appropriate safeguards. HOD approved 12/13/21, expires end of 2024 legislative session.

16. Transfer of Assets

The Elder Law Section opposes and seeks changes to proposed regulations effecting patient transfer of assets and nursing home eligibility qualifications issued by the Department of Social Services intending to implement provisions of the 2006 Federal Deficit Reduction Act (DRA). HOD approved 6/27/22; expires 6/27/25.

17. Waivers Request

The Elder Law Section opposes legislation which would repeal C.G.S. Section 17b-8 providing legislative oversight by the Appropriations and Human Services committees over requests for waivers by the Department of Social Services to the Centers for Medicare and Medicaid Services. HOD approved 12/13/21; expires end of 2024 legislative session.

P. Energy, Public Utility, and Communications Law Section

No current positions approved.

Q. Environmental Law Section

1. Release Based Remediation of Hazardous Waste

The Environmental Law Section supports legislation such as S.B. 102 (Raised 2022) to require DEEP to provide a draft of the proposed regulations to the advisory working group prior to being released for public comment to allow the advisory working group to review the proposed regulations. HOD approved 3/28/22; expires end of 2024 legislative session.

R. Estates and Probate Section

1. CUTDA Adoption

The Estates and Probate Section supports adoption of the CT Uniform Trust Decanting Act (CUTDA). HOD approved 1/23/23; expires end of 2025 legislative session.

2. Remote Notarization in Estates and Probate Matters

The Estates and Probate Section, supports the exclusion of some estate planning documents from any bill authorizing remote online notarization. HOD approved 3/28/22; expires end of 2024 legislative session.

S. Family Law Section

1. Opposing Party Attorney Fees

The Family Law Section opposes legislation that amends the General Statutes to require family court judges to require the prevailing party in a motion for contempt to pay the other party's attorney fees. As currently written, the law gives the court discretion to order counsel fees for the prevailing party in a motion for contempt. The proposed litigation takes away that discretion. HOD approved 3/28/22; expires end of 2024 legislative session.

2. UCLA

The Family Law Section supports enactment of the Uniform Collaborative Law Act (UCLA) in Connecticut. HOD approved 1/23/23; expires end of 2025 legislative session.

T. Federal Practice Section

No current positions approved.

U. Financial Institutions Section

No current positions approved.

V. Franchise, Distribution and Dealer Law Section

No current positions approved.



W. Health Law Section

No current positions approved.

X. Human Rights and Responsibilities Section

No current positions approved.

Y. International Law Section

No current positions approved.

Z. Labor and Employment Law Section

No current positions approved.

AA. LGBTQ Section

No current positions approved.

BB. Litigation Section

1. Uniform Interstate Depositions and Discovery Act

The Litigation Section supports legislation adopting the Connecticut Uniform Interstate Deposition and Discovery Act (UIDDA). The law will allow out-of-state attorneys with an out-of-state proceeding to apply to a court clerk to have a subpoena without initiating a standalone proceeding. HOD approved 3/28/22; expires end of 2024 legislative session.

CC. Media and the Law Section

No current positions approved.

DD. Planning and Zoning Section

No current positions approved.

EE. Professional Discipline Section

No current positions approved.

FF. Real Property Section

1. Remote Notarization in Real Property Transactions

The Real Property Section supports legislation in SB99, An Act Establishing a Working Group to Study Remote Notarial Acts and the Revised Uniform Law on Notarial Acts, provided certain amendments are made to the proposed model act. It is felt that SB99 does not fully protect the attorney, the client, the practice, and creates the possibility of UPL without our proposed amendments. HOD approved 3/28/22; expires end of 2024 legislative session.

GG. Solo and Small Firm Section

No current positions approved.

HH. Sports and Entertainment Law Section

No current positions approved.

II. Tax Section

1. Legislator Access to Taxpayer Returns

The Tax Section opposes legislation such as SB443 (2022), which would allow legislators to view taxpayer returns and return information without any form of background check on the legislators or staff that view the information. HOD approved 3/28/22; expires end of 2024 legislative session.

2. Right to Refund

The Tax Section opposes legislation such as HB5473 (2022) because it forecloses a taxpayer's right to a refund in a manner which contradicts existing law. HOD approved 3/28/22; expires end of 2024 legislative session.

JJ. Veterans and Military Affairs Section

1. Exclusion of Disability Compensation

The Veterans and Military Affairs Section supports a proposal for the Public Defender Services Commission to enact a rule or measure requiring the uniform exclusion of disability compensation received by a veteran from one's gross annual income when determining one's income eligibility for public defender services. HOD approved 6/27/22; expires 6/27/25.

2. Occupational and Professional Licenses

The Veterans and Military Affairs Section opposes legislation such as sections of proposed SB19 (2022), An Act Concerning the Occupational and Professional Licenses of Military Members' Spouses, because the present language opens the process beyond military spouses. HOD approved 3/28/22; expires end of 2024 legislative session.

KK. Workers Compensation Section

1. Medical Records

The Workers Compensation Section supports legislation that would require the prompt delivery of medical records in workers' compensation cases. HOD approved 12/13/21; expires end of 2024 legislative session.

LL. Young Lawyers Section

No current positions approved.

IV. COMMITTEE POSITIONS

Pursuant to the CBA's Legislative Policy (revised Oct. 15, 2018), a Committee position is a matter generally "limited to attorneys who practice in a particular area of law or is somehow



**APPROVED LEGISLATIVE POSITIONS
UPDATED 9/25/23**

unique to the practice of law for members of the [] Committee. Such positions [reflect] matters of importance to the members of a particular [] Committee and relating to their area of practice and experience.” The CBA has authorized the following Committee positions.

A. CBA Presidential Fellows Committee

No current positions approved.

B. Civics Education Committee

2. MCLE for Mock Trial Volunteers

The Civics Education Committee supports amending Rule 2-27A regarding mandatory continuing education credits to allow for up to four MCLE credits for attorneys that coach or judge undergraduate, high school, or middle school mock trials or moot courts. HOD approved 1/23/23, expires 1/23/26.

C. Committee on Cannabis Law

No current positions approved.

D. Committee on Human Trafficking

No current positions approved.

E. Connecticut Bar Journal Board of Editors Committee

No current positions approved.

F. Connecticut Lawyer Advisory Committee

No current positions approved.

G. Diversity, Equity, and Inclusion Committee

No current positions approved.

H. Experienced Lawyers Committee

No current positions approved.

I. Government and Public Sector Committee

No current positions approved.

J. Immigration Law Committee

No current positions approved.

K. In-House Counsel Committee

No current positions approved.

L. Law Librarians Committee



No current positions approved.

M. Lawyer Well-Being Committee

No current positions approved.

N. Legal Aid and Public Defense Committee

No current positions approved.

O. Legislative Policy and Review Committee

No current positions approved.

P. Limited Scope Representation Committee

No current positions approved.

Q. Long-Range and Strategic Planning Committee

No current positions approved.

R. Membership Committee

No current positions approved.

S. Privacy and Cybersecurity Committee

No current positions approved.

T. Pro Bono Committee

1. Advance Rental Payments

The Pro Bono Committee opposes such legislation as HB5344 (2022), An Act Concerning Advance Rental Payments, which if enacted would remove the limits on the amounts of advance rental payments a landlord may charge a tenant. HOD approved 3/28/22; expires end of 2024 legislative session.

2. Limiting Security Deposits

The Pro Bono Committee opposes such legislation as HB5345 (2022), An Act Concerning Security Deposits, which if enacted would remove the limits on security deposits that a landlord may require from a tenant. HOD approved 3/28/22; expires end of 2024 legislative session.

3. Rule 1.8 (e)

The Standing Committee on Professional Ethics and the Pro Bono Committee support amending Rule 1.8 (e) of the Connecticut Practice Book to permit a lawyer representing a client pro bono to provide modest gifts to the client to pay for basic living expenses. HOD approved 3/22/21; expires 3/22/24.

U. Professionalism Committee



No current positions approved.

V. Rule of Law Committee

No current positions approved.

W. Special Committee on Standards of Title

No current positions approved.

X. Standing Committee on Professional Ethics

1. Remote Practice

The Standing Committee on Professional Ethics supports amending the Connecticut Rules of Practice (2-44A) and the Rules of Professional Conduct (Rule 5.5) to provide “To the extent that a lawyer is physically present in this jurisdiction and remotely engages in the practice of law as authorized under the laws of another United States jurisdiction in which that lawyer is admitted in good standing, and that lawyer is not disbarred or suspended from the practice of law in any jurisdiction, such conduct does not constitute the unauthorized practice of law in this jurisdiction.” HOD approved 12/13/21; expires 12/13/24.

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Y. Standing Committee on Workers' Compensation Certification

No current positions approved.

Z. Unauthorized Practice of Law Committee

No current positions approved.

AA. Workers' Compensation Certification Examining Committee

No current positions approved.

V. TASK FORCE POSITIONS

A. Assessing and Improving Civility in the Legal Profession Task Force

No current positions approved.

B. Pandemic Recovery and the Future of Court Technology Task Force

No current positions approved.

C. Policing Task Force

1. Commission for Creation of Civilian Interviews and a CCC Exchange Program

The Policing Task Force supports recommendations (#18) that the Legislature appoint a Commission to Create: (A) Municipal Civilian Interview Panels to Participate in Police Hiring, Review and Promotion Decisions as part of Accreditation Standards, and (B) A Community, Cops and Culture Exchange Program ("CCC Exchange Program"); and POST require that all police departments adopt these recommendations. HOD approved 10/19/21; expires end of 2024 legislative session.

2. Crisis Response

The Policing Task Force supports recommendations (#19) that the Legislature: 1) implement the federally mandated 988 crisis hotline system; 2) enhance and expand behavioral health crisis response and suicide prevention services statewide; and 3) fund the system through SAMSHA and DMHAS grants, reimbursements from private and public insurers, and funds raised by imposing a federally-authorized excise tax on commercial mobile services or IP enabled voice services. HOD approved 10/19/21; expires end of 2024 legislative session.

3. Racial Justice Working Group (RJWG)

The Policing Task Force supports recommendations (#17E) the POST Council (POST) form a Racial Justice Working Group to oversee and facilitate the implementation of professional development and training and a public trust assessment. Conn. Gen. Stat. § 7-294b should be amended to ensure that the individuals identified as members of the RJWG become full and permanent members of POST. HOD approved 10/19/21; expires end of 2024 legislative session.

4. Strategy Board

The Policing Task Force supports recommendations (#20) that the Legislature should establish a board or commission comprised of relevant stakeholders to develop a strategy to achieve the economic recommendation for substantial investments in mental health care, quality health care, accessible housing, healthy food options, quality and safe education options, and other social services. HOD approved 10/19/21; expires end of 2024 legislative session.

D. State of the Legal Profession Task Force

No current positions approved.

*** Some authorized positions have been enacted as statutes, rules, or regulations; approved positions remain on this list until the authorization expires in case a CBA group wants to take further action.*