

Connecticut Bar Association  
Annual Report  
of Sections, Committees, and Task Forces

2011–2012

**Connecticut Bar Association**

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2011–2012

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9	Burton B. Cohen replaced Alice A. Bruno who resigned 4/16/12	New Haven			

## HOUSE OF DELEGATES

District	Name	City	District	Name	City
1	Donat C. Marchand	Greenwich	9	William Sadek	New Haven
2	Adam J. Blank	Stamford	10	William F. Dezinno	Meriden
2	Stephen J. Conover	Stamford	11	Steven D. Anderson	New Britain
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8	James E. Sheehy	Ansonia	12	Diane W. Whitney	Hartford
9	Alice A. Bruno, resigned 4/16/12	New Haven	13	Alaine C. Doolan	Middletown
9	Burton B. Cohen	New Haven	13	Sylvia K. Rutkowska	Middletown
9	James O. Craven	New Haven	14	Mark D. Leighton	Rockville
9	Steven J. Errante	New Haven	15	Tracie L. Molinaro	Putnam
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9	Chris R. Nelson	Hamden	17	Jeffrey F. Buebendorf	Norwich



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# **SECTION REPORTS**



# **ADMINISTRATIVE LAW SECTION**

**MICHAEL J. KOLOSKY, CHAIR**

## **PURPOSE**

The purpose of the Administrative Law Section is to provide Connecticut Bar Association members with a forum to discuss developments in administrative law. The Section concentrates primarily on the Connecticut Administrative Procedures Act and the practices of the various state agencies governed by the Act.

## **ANNUAL REPORT**

The Administrative Law Section has enjoyed an active year of meetings and legislative efforts and looks forward to the culmination of the 2011-12 year at the CBA Annual Meeting where we will host a program that offers topics of interest for both newly minted and experienced lawyers.

At our first meeting of the new year, the Section heard from Commissioner J. Paul Vance, Jr. of the Connecticut Claims Commission. Helen Kemp, assistant director and division counsel of the Retirement Services Division, spoke about practicing before the state Employee Retirement Board at our second meeting. Members of the Workers' Compensation Section joined us to hear from Attorney Kemp.

We held two executive committee Section meetings in 2011-12. During the executive committee meetings we planned Section meetings and CLEs, discussed Section business including revisions to bylaws, succession planning, and Section dues, and drafted testimony submitted in support of pending legislation.

The Section supported legislation requiring state agencies to post their published regulations on-line, thereby making the regulations readily accessible to the public. On March 9, 2012, the Section submitted testimony in support of Senate Bill 27 authorizing the Secretary of the State to create an online database of state agency regulations, and providing for the online posting of notices and documents pertaining to proposed regulations. The legislative effort was a success, and Senate Bill 27 passed this session.

The Administrative Law Section collaborated with other CBA Sections in planning and presenting CLE programs. Together with the YLS Appellate Law Committee and the YLS Litigation Committee, the Administrative Law Section co-sponsored a CLE on November 28, 2011 entitled "Administrative Appeals 101." Administrative Law Section members Mary Alice Moore Leonhardt and Nyle Davey presented at the November CLE. Together with the Health Law Section, the Administrative Law Section co-sponsored a CLE on January 23, 2012 entitled "Medicare/Medicaid Primer for Healthcare Providers." Administrative Law Section member Michael J. Kolosky presented at the January 2012 CLE.

The Section's program at the Annual Meeting is "An Administrative Law Primer and Year in Review." The program will offer insights on different aspects of representation of clients before administrative agencies in a variety of matters and settings, and will review significant developments in Connecticut administrative law over the past year. The program will be moderated by Michael J. Kolosky and will include segments by the Honorable Henry S. Cohn and Section members Louis B. Todisco, Mary Alice Moore Leonhardt, and Nyle Davey.

# ALTERNATIVE DISPUTE RESOLUTION

## ROY L. DE BARBIERI, CHAIR

### PURPOSE

The Section is charged with increasing the awareness of dispute resolution practice within the Bar and the general public, promoting the talented dispute resolution neutrals and advocates in Connecticut involved in the field of dispute resolution, acting as a resource to the courts and others regarding Dispute Resolution, and improving the availability and quality of dispute resolution services.

The goals of the section as stated in its bylaws are to:

1. increase awareness of alternative dispute resolution (“ADR”) within the Bar and the general public through seminars, publications, and other means
2. promote communication among lawyers and others involved in the ADR field
3. serve as a resource to the courts and others regarding information and ideas about ADR
4. improve the quality of ADR services to lawyers and parties to disputes
5. encourage members of the Bar to serve as neutrals in various ADR settings
6. promote such other legal and equitable programs as the Section or the Connecticut Bar Association see fit

**New Purposes Brochure 2012 (see attachment below)**

### ANNUAL REPORT

The Alternative Dispute Resolution Section was very active throughout the Bar Year 2011-2012. The primary focus remained on promotion of ADR Tools and Practice in Connecticut and education and information programs, working with the Connecticut Bar Association, CLE Program. We presented four (4) CLE programs to the Bar. Program topics included the use of ADR within the family law field, styles of mediation, cost saving in arbitration, and drafting of ADR clauses in transactional agreements.

On June 23, 2011, the Section presented a program for the Annual Meeting in Hartford at the Convention Center, entitled “This is Your Brain in Negotiation and Mediation.” The program involved a guest presenter, Daniel M. Weitz, director of the New York State Unified Court System, Division of Professional and court Services, and the Statewide coordinator of the Office of ADR. Participation at the event reached over 35 people. The first CLE program of the year was scheduled for November 17, 2011, entitled “Getting the Best Result in a Business Dispute by the Drafting and Implementation of Modern ADR Clauses.” The seminar was halted because of lack of enrollment based on the storms and late-season hurricane interfering with the registration process. The seminar was later presented on March 30, 2012 entitled “Drafting and Implementing Modern ADR Clauses.” Attendance was strong and the surveys of participants indicated strong approval for the presenters.

In addition, the Section presented a CLE three-part series for family law-related seminars promoting the use of arbitration and mediation in family law cases. The seminars were presented on December 8, 2011, February 23, 2012, and May 10, 2012, and enjoyed good attendance and high approval ratings.

The Section continued its Promotion Subcommittee this year to more fully carry out the objective of making the public, including business and community groups, more aware of the use and advantages of using Connecticut’s well-trained dispute resolution professionals. The Promotion Subcommittee made contact with those groups, and otherwise engaged in activities to raise awareness of efficient dispute resolution processes.

In the July 2011 issue of the *Connecticut Lawyer*, the Section published, with the help of Stuart Edelstein, an article titled "Promoting the Understanding of Reasons to Modify and Amend The RUAA."

The Section will be a co-sponsor with the ABA, of its Advanced Mediation and Advocacy Institute in November 2012 at Boston, Massachusetts.

The Section will sponsor a booth at the Annual Meeting on June 11, 2012 and promote the last three years of CLE programs for sale, while soliciting Bar members to take part in our work.

The Section is active in legislative matters, particularly in and advocating for adoption of the Uniform Revised Arbitration Act on behalf of the CBA. A subcommittee of the Section works actively with groups potentially interested in the legislation in the continuing effort to build consensus around its enactment. Although the RUAA bill did not get out of committee this year, the Promotion and Writing Subcommittee has published an article for the *Connecticut Lawyer* magazine and others, explaining to the legal community the needs for amendments to the existing statutes on arbitration in Connecticut.

Throughout the year, Section members continue to initiate and promote discussion of the application of evolving ADR processes within various venues and fields, including the courts, construction, and healthcare.

### **Meetings**

The Section met as an entire group for dinner programs on September 21, 2011, November 30, 2011, March 14, 2012, and May 27, 2012, at the Graduate Club, New Haven, Connecticut because of its central location to all Section members in the state.

### **Executive Committee Meetings**

All Section meetings were followed by Executive Committee Meetings to address issues of business for the Section.

### **Publications**

The Section was successful in creating an expanded Web site for the Section along with periodic e-mail newsletters to all members of the Section through the assistance of the Website Subcommittee members.

### **Legislative Effort**

The Section participated with the Connecticut Bar Association leadership and lobbyists to promote the passage of the Revised Uniform Arbitration Act, which did not come out of legislative committee this year. Efforts will continue.

Additional information regarding the 2011-2012 Bar year is available through the Section, including: a new purposes brochure for 2012, a draft letter and e-mail to all 100% CBA firms, and the July 2011 Connecticut Lawyer article "Why Connecticut Should Adopt the Revised Uniform Policy Arbitration Act."

# **ANIMAL LAW SECTION**

**COLETTE S. GRIFFIN AND SUZAN M. PORTO, CO-CHAIRS**

## **PURPOSE**

Formed in 2002 as a Committee and changed in 2012 as a Section, the purposes of the Animal Law Section are to provide a forum for members to exchange ideas, and to study and understand laws, regulations, and case law pertaining to all areas of animal law; to organize periodic CLE seminars on various issues relating to animals and the law in order to educate the members of the Connecticut Bar, Bench, and the public about animal law and about different ways in which the legal system can work to protect animals; to be a resource for people, organizations, and government agencies that wish to obtain information about the subject; to create and maintain a referral service for the public in order to be able to refer people with animal-related problems or concerns to attorneys who are prepared to handle such cases; and to create and maintain a brief and resources bank for use by attorneys practicing in the field of animal law.

## **ANNUAL REPORT**

### **Meetings**

Quarterly meetings have been held.

### **Executive Committee Meetings**

As the Animal Law Section has just been made a Section, we have not yet met as an Executive Board.

### **Legislative Efforts**

Individual members were involved with legislation. As a Section, regular updates were provided on relevant legislation to the Section.

### **Other Programs and Events**

We partnered with the Trusts & Estates Section for a seminar regarding Animal Trusts.

# **ANTITRUST AND TRADE REGULATION SECTION**

**ERIKA L. AMARANTE, CHAIR**

## **PURPOSE**

The purpose of the Section is to promote the educational and professional objectives of the Connecticut Bar Association within the general field of state and federal antitrust and trade regulation and related laws pertaining to regulation of business, excluding certain aspects of recognized special fields such as banking, utilities, and insurance.

## **ANNUAL REPORT**

### **Meetings**

On December 7, 2011, we co-sponsored a joint meeting with Consumer Law Section. This meeting was rescheduled from the fall due to Hurricane Irene). Commissioner of Consumer Protection Bill Rubenstein was the featured speaker. The dinner was well-attended.

On May 2, 2012, we co-sponsored a joint meeting with the Franchise, Distribution, and Dealer Law Section. This dinner was a smaller group, and turned into a lively discussion of vertical restraints. We had very positive feedback from attendees.

The Section is also co-sponsoring a program at the Annual Meeting, entitled “Cutting Edge Issues under CUTPA and the Connecticut Antitrust Act: What Every Litigator Should Know.” Bob Langer and Dave Belt are the featured speakers.

### **CLE**

The Annual Meeting program will be for CLE credit.

# **APPELLATE ADVOCACY SECTION**

**JEFFREY R. BABBIN AND SHEILA A. HUDDLESTON, CO-CHAIRS**

## **PURPOSE**

The Appellate Advocacy Section serves to promote excellence, professionalism, and continuing education in the area of appellate litigation. The Section seeks to improve appellate practice through its periodic meetings where appellate practitioners can meet to discuss issues of common interest regarding appellate litigation and appellate procedure. The Section frequently invites appellate judges and clerks to its meetings to foster greater understanding of the appellate process and encourage dialogue among Bench and Bar. The Section also sponsors CLE programs on appellate issues.

## **ANNUAL REPORT**

The Appellate Advocacy Section began the CBA year as the Appellate Advocacy Committee. As a Committee, and later as a Section, it met several times during the year to discuss many areas of appellate practice and procedure. In November 2011, the Committee hosted a conversation with Connecticut Appellate Court Judge Thomas A. Bishop. In January 2012, the Committee met to discuss the CBA's proposal that it become a CBA Section, and the membership approved a resolution to become a Section. Its status as a section was subsequently approved by the CBA's Board of Governors.

In February 2012, the Section hosted a conversation with four Connecticut Appellate Court case managers, including Deputy Chief Clerk Paul Hartan and Assistant Clerks Carl Cicchetti, Susan Reeve, and Carolyn Ziogas. The Section membership also discussed a draft report of the Section's ad hoc Amicus Committee, which was evaluating (at the CBA's request) the CBA's policies and procedures for CBA amicus briefs.

In March 2012, the Section co-sponsored with the Litigation Section a program on preserving the record for appeal, presented at a meeting of the Litigation Section. In April 2012, the Appellate Advocacy Section hosted a meeting at which Connecticut Supreme Court Justice Peter T. Zarella spoke about a proposal to modify the rules regarding the prepared record on appeal and invited discussion among the membership. Later in that meeting, the Section membership debated a draft of new Section bylaws, prepared by the Section's ad hoc Bylaws Committee, and (with amendments) approved a set of new bylaws to be submitted to the CBA for approval.

In May 2012, the Section hosted a conversation with Connecticut Appellate Court Judge Robert E. Beach, Jr. In June 2012, the Section will present a CLE program, "Nuts and Bolts of Appellate Advocacy," at the CBA annual meeting. Finally, throughout the year at its meetings, the Section discussed developments regarding appellate rules, particularly with respect to the rule governing motions for articulation, and a Section project to post interviews with Connecticut Supreme Court Justices on a Web site.



# **BUSINESS LAW SECTION**

**HENRY M. BECK, JR., CHAIR**

## **PURPOSE**

The purpose of the Business Law Section is “to promote the educational and professional objectives of the Connecticut Bar Association within the general field of business organizations law, including in particular securities law and the law of corporations, limited liability companies, partnerships, and other unincorporated businesses.” *See* Section 1.2 of the bylaws of the Business Law Section. In furtherance of this purpose, the Section conducts monthly meetings which are open to the entire membership of the Section. At each monthly meeting, the Section endeavors to present a program of topical interest to its members, often with guest speakers. The Section also monitors local, regional, and national developments affecting the business laws of the State of Connecticut and, from time to time, proposes legislative initiatives designed to keep pace with those developments. Finally, the Section serves as a resource to the legislature on business and securities law matters.

## **ANNUAL REPORT**

### **Officers**

The following persons served as officers of the Section during 2011-2012: Henry M. Beck, Jr., chair; John H. Lawrence, Jr., first vice-chair and legislative liaison; Mark G. Sklarz, second vice-chair and program chair, Kenneth B. Lerman, treasurer; and Matthew L. Teich and Jason C. Hillman, secretaries. Committee chairs and co-chairs were John H. Lawrence, Jr., Corporations Committee; Edward B. Whittemore and Peter J. Bilfield, Securities Law Committee; Mark G. Sklarz and Marcel J. Bernier and David M. Levine, Limited Liability Companies and Other Pass-Through Entities Committee, and Melinda A. Agsten and John M. Horak, Nonstock Corporations Committee.

### **Programs**

The Business Law Section again offered informative programs at our regular monthly meetings. Many often in the fall were devoted to our legislative agenda and led by John Lawrence. Other programs and the attorneys and other professionals presenting them included: The EB-5 Immigration Investor Program (Dana R. Bucin) Use of Personal Goodwill in Certain Asset Purchase and Sale Transactions (Mark G. Sklarz and Steven M. Dane); Current Developments in Mergers and Acquisitions (David I. Albin); Unraveling the Mysteries of Tax Allocation Provisions (Louis B. Schatz, Leslie E. Grodd, Brian Newman); 2012 Securities Mini-Seminar – JOBS Act and other Private Placement Developments and Dialogue with Banking Department Securities Staff (Edward B. Wittemore, Peter J. Bilfield, Eric Wilder, Cynthia Antanaitis, and Kevin Maher); Incentive Conversation for Key Employees of Limited Liability Companies (Sabino Rodriguez III); and A Comparison of the Revised Uniform LLC Act and the Revised Prototype LLC Act (Harry Hainsworth and Nicole Jalal).

In addition, the Section renewed its commitment to presenting CLE Programs at the CBA Annual Meeting by expanding upon popular programs that had been presented during the year. These programs and their panels were: “Personal Goodwill in Asset Transactions and Estate Planning” (Daniel L. Daniels, David W. Kesner, Lawrence Marziale, and Marg G. Sklarz); and “Unraveling the Mysteries of Tax Allocations Provisions” (John H. Lawrence, Jr., Leslie E. Grodd, Louis B. Schatz and Stephen Ziobrowski).

### **Legislative Activities**

The Business Law Section was very active during the past year in proposing, reviewing, and taking positions on legislation that could affect business organizations or business lawyers in Connecticut.

The centerpieces of the Section’s legislative agenda for the year were a proposal to make a number of technical corrections and changes to the Connecticut Model Entity Transactions Act (META) and a proposal to make a number of amendments to the Connecticut Business Corporation Act (CBCA). The CBCA amendments adopt recent changes to the Model Business Corporation Act (MBCA). The CBCA amendments (i) permit the bylaws of a

Connecticut corporation to include a requirement that if the corporation is soliciting proxies or consents with respect to the election of directors that it include in its proxy statement individuals nominated by a shareholder, (ii) clarify that a right to indemnification or advancement of expenses may not be retroactively eliminated or impaired, and (iii) make certain changes relating to group voting and appraisal rights.

Both the META amendments and the CBCA amendments were included in House Bill 5073. Representatives of the Section testified before the Banks Committee in support of the bill and spoke with legislators to answer questions about the bill. The bill was passed by the General Assembly, Public Act 12-32, and signed into law by the governor on May 14. The amendments to the CBCA are part of the Section's ongoing role in updating the CBCA and keeping it current with the MBCA.

In addition, the Section played an active role during the past legislative session with respect to the following bills:

- **Unauthorized Practice of Law:** The Section actively participated in the review of proposed legislation to amend Section 51-88 to increase the penalties for the unauthorized practice of law without creating a risk that a Connecticut attorney who cooperates with an out-of-state attorney will be an aider or abettor in the unauthorized practice of law. Senate Bill 454 and a successor bill, House Bill 5147, were supported by the Association and the Division of Criminal Justice but neither was passed by the General Assembly.
- **Social Benefit Organizations:** The Section opposed the passage of several bills aimed at facilitating the use of corporations and limited liability companies in creating social benefits and improving society: Raised Bill 5466 (Social Enterprise Businesses), Raised Bill 5490 (Benefit Corporations) and Senate Bill 403 (Low-Profit Limited Liability Companies). The Section supported the overall concepts underlying such bills but opposed them on the grounds that they contained a number of impractical provisions that would limit their usefulness and create liability risks that would discourage individuals from serving on the governing boards of such organizations. Moreover, the bills, as drafted, did not adequately protect the rights of minority owners in the event of a conversion to a benefit corporation or a social enterprise business after its inception. Representatives of the Section testified in opposition to these bills and met with legislators to explain our opposition. None of these bills was passed. The Section plans to work with the proponents of this legislation to draft a bill for the next regular session of the General Assembly that will not contain the technical defects and other shortcomings of the bills introduced in the last session.
- **Amendments to the Campaign Finance Laws:** The Section played an active role in opposing House Bills 5528 and 5556 because of a provision in each of the bills requiring approval by the governing board of any entity doing business in Connecticut of any campaign-related disbursements in excess of \$4,000. The Section opposed the bills because this provision would, in our view, violate the Commerce Clause of the United States Constitution and present a number of practical issues of administration and enforcement that would make it ineffective and impractical in providing increased transparency on campaign expenditures. Moreover, it is our belief that enactment of the bill would further tarnish the reputation of Connecticut as a place to do business. Representatives of the Section prepared a written summary of the reasons for our opposition to the bill and wrote a letter to the governor urging him to veto the bill after it was passed by the General Assembly.

The Section wishes to thank Bill Chapman and the other members of the Association's government relations staff for their tireless support and advice during the past legislative session.

### **Web Page**

Under the leadership of Matthew H. Gaul, significant attention was devoted to regularly updating the Section's Web page at the CBA Web site. The Section's web page provides access to its amended and restated bylaws, upcoming meetings and programs, recent CLE materials, and meeting minutes.

### **Bylaws and Dues**

In the fall of 2011, the Section completed its project of amending and restating its bylaws. In the spring, dues were increased to \$30 per year in order to defray increased charges and reimbursement requirements of the CBA.

# CHILD WELFARE AND JUVENILE LAW SECTION

## DOUGLAS J. MONAGHAN, CHAIR

### PURPOSE

The purpose of the Child Welfare and Juvenile Law Section is to discuss and consider issues impacting children and parents who become involved in the legal process as it pertains to child protection and juvenile justice and to promote the continuing education of CBA members and the general community with respect to such issues. To that end, the Section shall monitor proposed legislation, regulations, policy, and court rules affecting children and their families in the Superior Court for Juvenile Matters, develop positions with respect to said proposals, and foster relationships between attorneys and private, public, and governmental organizations dealing with families involved in the child protection and juvenile justice systems. The Section will also be attentive to other issues affecting children and families that arise in areas, including but not limited to family, probate, criminal, and education law.

### ANNUAL REPORT

#### Meetings

The Section has met monthly between September 2011 and May 2012, averaging 10 members per meeting. Regular agenda items for each meeting are a review of pending legislative matters and mini-CLE for Section members. The membership endorsed the proposal of the Connecticut Bar Association to be elevated to a full Section, which occurred by the action of the House of Delegates on February 13, 2012. At the October meeting, Attorney Sally Zanger from the Connecticut Legal Rights Project addressed the issue of obtaining services from DHMAS for child protection clients. At the February meeting, DCF Agency Legal Director Barbara J. Claire discussed the evolving practice model at DCF entitled Differential Response System. Mini-CLE topics covered during monthly meetings included: Conn. Gen. Stat. § 52-466(f) —habeas petitions by foster parents; In re: Jeathalyn B.; *State v. Maurice M.*; post-adoption contact agreement cases; 17a-129—DCF Voluntary Services; In re: *Brian T.*; In re: *Ileana M.*; Permanency Planning Hearings; and Conn. Gen.Stat. § 46b-124—confidentiality of SCJM records.

#### CLE

The Section is currently developing a program in concert with the CBA's Director of CLE on the subjects of the biology of addiction, substance abuse treatment programs, interpreting toxicology reports, and cross-examining experts with regard to positive toxicology reports, which may be split into smaller CLE sessions sometime this summer.

#### Legislative Efforts

This Section takes as its primary core responsibility the monitoring of legislation pertaining to its mission statement. Consistent with this responsibility, an agenda item for every meeting has been the legislative watch list. This year, the Section's legislative proposal was the appointment of permanent legal guardians, which was drafted and introduced last year but not adopted by the General Assembly. The Section is indebted to the Honorable Christine E. Keller, Chief Administrative Judge for Juvenile Matters, who made sure the proposal, initially not acted upon by legislative committee, was resubmitted through the Judicial Branch as part of SB 417, An Act Concerning Juvenile Matters and Permanent Guardians. The Section also received CBA approval to support SB 156, An Act Supporting Sibling Visitation for Children in the Care and Custody of the Commissioner of Children and Families, and SB 192, An Act Concerning Finalizing Adoptions by the Superior Court for Juvenile Matters, both of which have been enacted. The chair testified before the Judiciary Committee on behalf of the CBA's position on SB 417 and submitted written testimony supporting SB 156 and 192. While SB 417 was not enacted during the regular session of the Assembly, we remain hopeful that passage will occur during the one-day special session scheduled for June 12, 2012.

#### Other Programs, Events, and Activities

A Subcommittee on Systemic Change was formed to concern itself with the changes brought by the General Assembly's dissolution of the Commission on Child Protection as of June 30, 2011, and the absorption of these functions by the Office of the Chief Public Defender. Only one meeting was held (during a Section meeting), however, and no further action was taken. It is anticipated that this subcommittee will be more proactive in the coming Bar Year.

# **COMMERCIAL LAW & BANKRUPTCY SECTION**

**MATTHEW K. BEATMAN, CHAIR**

## **PURPOSE**

The purpose of this section shall be to promote objects of the State Bar Association of Connecticut within the field of commercial law and bankruptcy.

# **CONSTRUCTION LAW SECTION**

**MICHAEL J. BARNABY, CHAIR**

## **PURPOSE**

The purpose of the Construction Law Section is to enable CBA members who practice in the construction law field to interact in a non-adversarial context, and discuss current issues affecting their common practice area, as well as to educate Section members on developments in this sometimes rapidly changing area of the law. The Section also provides a forum for practicing attorneys to interface with industry groups and individuals involved in the construction industry, and to foster relationships on both an individual and group basis.

## **ANNUAL REPORT**

In 2011-12, the Construction Law Section continued its long-standing tradition of presenting informative programs to its members and to the construction industry at large.

On September 21, 2011, the Section sponsored its fourth annual program in association with the Construction Management Department at Central Connecticut State University in New Britain, entitled “Building Information Modeling and Integrated Project Delivery: A Revolution in Project Delivery?” The dinner meeting was attended by Section members and students and faculty members from the CCSU Construction Management Program.

Approximately 11 years ago, the Section established a scholarship fund at CCSU to benefit undergraduate students in the Construction Management Program. The Section is pleased that it has been able to once again enhance the available scholarship money, and enable the University to provide scholarships sponsored by our Section to two students in the current academic year.

On March 21, 2012, the Section presented a program entitled, “Project Labor Agreements for Public Construction Projects in Connecticut: What Do You Tell Your Clients?” The program was well-received and was well attended by Section members.

Carrying on another longstanding and extremely valuable annual project, the Section once again produced (in May 2012) its annual Case Law Summary, detailing important court decisions and legislative developments that affected the construction industry in Connecticut during 2011. These extensive written materials, compiled and edited by about 20 Section members, again were made available on-line as a resource for all Section members. On May 31, 2012, the Section conducted its annual seminar based on these materials at the CBA’s Law Center in New Britain. This annual presentation has become a valuable source of information for Connecticut attorneys whose practices involve virtually any aspect of construction law.

# **CONSUMER LAW SECTION**

**ROBERT B. CLARK, CHAIR**

## **PURPOSE**

The purpose of this section shall be to promote the objective of the Connecticut Bar Association relative to the field of consumer law.

## **ANNUAL REPORT**

This year, the Consumer Law Section continued to work on enlarging its section membership and enhancing its program offerings. The section will once again be presenting a seminar at the CBA's Annual Meeting, which will address case law updates on debt collection, credit reporting, foreclosure issues, and issues more broadly affecting financial institutions. The Section also co-sponsored a seminar with the Antitrust Section, at which the Commissioner of Consumer Protection, William Rubenstein, was the featured speaker.

# **CORPORATE COUNSEL SECTION**

**STEVEN M. GREENSPAN, CHAIR**

## **PURPOSE**

To provide a forum for exchange of ideas between Corporate Counsel; to enhance the relationship between Corporate Counsel and the general Bar membership; to interact with the other committees and sections of the Association, and with other associations as may be deemed appropriate, which deal directly or peripherally with issues and laws of interest to Corporate Counsel; and to conduct such other appropriate programs or activities as may be of interest to Corporate Counsel.

## **ANNUAL REPORT**

### **Meetings**

The Corporate Counsel Section has had renewed focus this year. The Section Executive Committee has had two conference call meetings and participated in two programs. Our simple mission is to strengthen the Section and to grow membership. We need better to serve the more than 1,000 in-house lawyers in Connecticut. The Section needs to offer programming and services that are viewed as relevant and important to in-house counsel.

### **CLE**

The Section sponsored a terrific CLE program aimed at in-house counsel entitled “Negotiation Ethics for In-House Counsel; Walking the Line between Puffing and Prevarication.”

### **Other Programs and Events**

The Section joined forces with the CBA’s YLS Corporate Counsel Committee for a very successful networking and social event at the TicketNetwork. There was a fascinating presentation about the business and the legal and regulatory issues that it faces around the country. We plan to participate in more of these networking events to afford in-house lawyers an opportunity to network with lawyers from other companies, and at the same time to showcase an in-house legal department in Connecticut.

# **CRIMINAL JUSTICE SECTION**

**HOPE C. SEELEY, CHAIR**

## **PURPOSE**

The purpose of this Section shall be to promote objects of the State Bar Association of Connecticut within the field of the administration of criminal justice.

## **ANNUAL REPORT**

The Criminal Justice Section has held numerous dinner meetings throughout the year in order to explore and discuss issues relevant to the field of the administration of criminal justice. Speakers and topics that have been presented or are scheduled include the following:

- Mike Lawlor, Under Secretary for Criminal Justice Policy and Planning -- OPM
- Maureen Dinnan, Executive Director of Health Assistance Intervention Education Network
- Joette Katz, Commissioner of the Department of Children and Families
- Honorable David Borden, Chair, Eyewitness Identification Taskforce
- Erika Tindill, Chair, Connecticut Board of Pardons and Paroles

This Section served as a co-sponsor with the YLS Federal Practice Committee for the 2012 Connecticut Conference On White Collar Criminal Defense And Government Investigations held on March 8, 2012 at Anthony's Ocean View in New Haven.

This Section also served as a co-sponsor to a fund-raiser for the Connecticut Innocence Fund that was held on June 5, 2012 at the Pond House at Elizabeth Park in Hartford. The Connecticut Innocence Fund is the first of its kind in the United States to provide short term financial relief to newly released exonerees. The Fund will provide interest-free bridge loans to exonerees to assist them with their immediate needs until they are awarded compensation by the State.

Additionally, the Section has continued to monitor and receive information from its members regarding legislation that relates to criminal justice issues, including the repeal of the death penalty, changes in habeas corpus procedure and other substantive laws.



# **DISABILITY LAW SECTION**

**BERNARD L. SHAPIRO, CHAIR**

## **PURPOSE**

The purpose of this Section is to monitor and examine the law as it pertains to the physically and mentally impaired, to support the efforts of the practicing disability Bar through periodic educational meetings that include programs provided by Section members and governmental officials, to provide mutual support in practice issues through sharing of experiences and consultations via ongoing e-mail conferences, and to influence legal and procedural changes through Section action. With the support of the CBA, advocacy with offices of legislators, and correlation with other organizations, the Section works to safeguard the rights of the disabled and provide support for the practicing Bar.

## **ANNUAL REPORT**

Activities this year included committee meetings to address substantive and procedural practice issues and to coordinate membership and CBA efforts to positively comment and influence Social Security Administration practices and procedures that affect attorneys and their clients.

We express gratitude to our member, Attorney Ivan Katz, who established and most ably maintained communications amongst the members through his e-mail list, providing a most effective means for sharing information and promoting communication amongst the members and providing ongoing informal continuing education efforts within the Section.

The Section is extremely grateful to our CBA President and to his Counsel for their consultation and active input in dealing with local elements of the Social Security Administration.

Committee members also met and corresponded with various members of Congress and coordinated efforts with the National Organization of Social Security

Claimants' Representatives regarding Social Security in the effort to promote legislation and institution of procedures in the effort to protect the rights of the clients and attorneys.

The Disability Law Committee became the Disability Law Section this year and the Section looks forward to growth, which has already been realized, and the formalization of increased Section activity in the new structure.

# **EDUCATION LAW SECTION**

**WINONA W. ZIMBERLIN, CHAIR**

## **PURPOSE**

The purpose of the Section is to bring together education lawyers to discuss matters of mutual interest. Lawyers who practice in the area of special education, labor law, hearing officers, litigators, and lawyers who are teachers, and school administrators are members. Committee members represent boards, parents, and teachers.

## **ANNUAL REPORT**

This year brought a new challenge as we transition from a Committee to a Section. More members are being asked to volunteer their talents to bring us interesting and informative programs next year.

Our programs for the 2011–2012 year included a presentation on the CCJEF lawsuit, our annual legislation update, and a presentation on becoming a section.

Many thanks to all Section members who have volunteered their time to prepare informative and educational programs.

# **ELDER LAW SECTION**

**SHARON L. POPE, CHAIR**

## **PURPOSE**

The purpose of the Elder Law Section is to bring together those CBA members practicing in the elder law field or who are interested in the legal problems of the elderly. Discussion of current issues affecting this practice area, education of the section membership and the general public on legal issues involving the elderly and fostering relationships among attorneys who practice in this field are primary purposes of this Section.

## **ANNUAL REPORT**

### **Officers**

Kevin Brophy, Vice-Chair

Peter Boorman, Treasurer and Secretary

Members of the Elder Law Section have engaged in a wide range of activities designed to further enhance the practice in this area of law and improve the lives of those we represent. Substantive monthly educational presentations, continuing legal education programs, appointment of work groups to address topics of interest and concern, regulatory and legislative advocacy efforts, and service to our veteran's all help to achieve the purpose of our Section.

Consistent with its prior practice, the Section continued to open its monthly meetings to the entire membership. (All meetings are noticed as Executive Committee meetings for voting purposes under the Section's bylaws.)

Recognizing the need to (1) equip members on major changes in Medicaid law, (2) involve members in this year's transition to the new structure of the probate courts, (3) address issues concerning advance directives and powers of attorney, and (4) keep abreast of the evolution in long-term care policy toward community-based care, (5) devote some resources to assist veterans in need of free estate planning, and (6) discuss and decide issues regarding elder law as a specialized practice area under the Rules of Professional Responsibility. The 2011-2012 topics have included:

- presentations by Section members on the Department of Social Services' (DSS') proposals to amend the Uniform Policy Manual to reflect changes in federal law made by the Deficit Reduction Act of 2005 (DRA)
- a presentation by Kate McEvoy summarizing the legislative acts from this session
- a presentation by Section members participating in the newly-formed Power of Attorney workgroup, chaired by Lois Andrews, concerning the Uniform Act
- a presentation by a Section members, Mark Dost and Rebecca Hajosy on "The Use of Trusts in Medicaid Planning and in Veteran's Benefit Planning"
- a two-part presentation including practice tips such as engagement letters, file closing letters, database management, paperless offices, and "5 Keys for Rainmaking and Client Development": presented by Section members, Paul Czepiga, Stephen Allaire, Lisa Davis, Amy Orlando, and a guest speaker, Doug Brown
- a presentation by Section member Sharon Pope on the "Nuts and Bolts of Using Pooled Trusts in Connecticut" with guest presenter, Mike Leone, president of PLAN of CT.
- a presentation on "Undue Hardship and Partial Returns," by Section members Whitney Lewendon and Judy Hoberman
- a presentation by Connecticut Alzheimer's Association Senior Director on "What Elder Law Attorneys Need to Know when Planning Involves a Person Diagnosed with Alzheimer's Type Dementia"
- Presentation by assistant director of the Area Agencies on Aging on "How the AAAs Can Benefit Your Clients"
- "The Proposed Uniform POA Act" presented by Section member Lois Andrews

Materials from these presentations have not all been posted. This area still needs improvement as does the completion of our Section's Web page. Some progress was made this year towards this goal.

### **Continuing Legal Education (CLE)**

In addition to assisting with the selection of monthly meeting topics and identification of speakers, the CLE Committee offered a very successful day long program in the spring and is again sponsoring an Annual Meeting program.

The Continuing Legal Education (CLE) Committee is co-chaired by Laurel Mangan, Deborah Hadaway, Joy DeFelice, and Brendan Daly. The spring program, "Contested Conservatorships," was very successful.

At the Annual Meeting, the Section will be sponsoring a two-hour program to cover "Spousal Protections and the Treatment of Annuities." This session will be followed by a reception sponsored by the Section.

Section members have also given generously of their time to further several standing work groups, including:

### **Deskbook**

Co-chaired by Susan Nobleman and Mark Dost. Good progress was made this year on the desk book project. The title is *A Practical Guide to Issues in Connecticut Elder Law*. It is comprised of 12 chapters covering pertinent issues and the draft is with the CBA, being prepared for an anticipated publication date of early summer.

### **Veteran's Project**

Chaired by Matt Stillman

We successfully ran two (2) events (one in Danbury was cancelled), one in West Haven, and one in Rocky Hill, all coordinated with the assistance of the Connecticut Veterans' Legal Center. In these events, the Veterans' Benefits workgroup assisted more than 30 Veterans and their families with estate planning needs. Through connections with the Veterans' Service Center in West Haven and the Connecticut Veterans' Legal Center, volunteer attorneys also provided one-on-one consultations/assistance to Veterans in other areas/legal fields, including litigation, family court matters, homelessness, and real property transfers. We continue to encourage both our Section and the Estate Planning Section members to broaden their career spectrum to include Veterans' benefits planning; we believe our efforts have directly increased Connecticut attorneys' awareness in regards to these issues.

In the upcoming year, our Section hopes to conduct at least 2 to 3 estate planning seminars in other areas of the state, possibly in Willimantic, Groton, Danbury, and/or Stamford. We encourage the state Bar and its relevant sections to set aside committee/workgroups for veterans so clients with legal needs will have the ability to contact attorneys in specialized fields (example, real estate, family law, bankruptcy, mental health, criminal defense, etc.) for future assistance

### **Probate Practice Manual**

Andrew Knott represented the Section on this Probate Administration project.

The Honorable Paul Knierim, Probate Judge Administration, reports the following as of June 1, 2012:

First, our project to revise the Connecticut Probate Practice Book is proceeding well, and we have begun posting draft rules on our Web site ([jud.ct.gov/probate](http://jud.ct.gov/probate); follow the link for Probate Practice Book Advisory Committee). Several draft rules are already available, and a complete set will be posted by June 30. I encourage members of the Bar to review the drafts and contact this office with any comments. We expect to submit the revised practice book proposal to the Connecticut Supreme Court in September. The Supreme Court will then publish the proposal in the *Connecticut Law Journal* and conduct a public hearing. After making any appropriate changes in light of comments received, we will submit a final proposal to the Supreme Court for approval. The planned effective date of the new rules is July 1, 2013.

Second, one new practice book rule becomes effective on July 1, 2012. Rule 9, which deals with the confidentiality of Social Security numbers, was developed before the practice book revision project began and was approved by the

Supreme Court earlier this year. I have attached the full text of the rule, together with a notice summarizing its provisions that will be posted at all the courts.

### **DRA Workgroup**

Co-chaired by Judy Hoberman and Whitney Lewendon

This group was first established in fall 2006 to address implementation of the Deficit Reduction Act of 2005 (DRA) by presenting synopses of the law, liaising with DSS, and leading the advocacy effort before the legislative Regulations Review Committee. This year, these continuing efforts have been led by Whitney Lewendon and Judith Hoberman. Due to their leadership, our seniors in Connecticut have a strong and enduring voice in legislation and public policy particularly as it impacts their benefits. Their perseverance, determination, and time commitment is unparalleled in the Section and their work embraces the purpose of our Section. Members of this group have included Kevin Brophy, Joelen Gates, Stephen Allaire, Lois Andrews, Julia Brown, Lisa Davis, Mark Dost, Richard Fisher, Steven Floman, Lea Nordlicht Shedd, Amy Todisco, and Sandra Sherlock-White.

As noted above, Section members continue to invest substantial advocacy time focused on the DRA-related revisions to the Uniform Policy Manual that were proposed by DSS. This effort resulted in the rejection of proposed DSS regulations by the Regulations Review Committee of the legislature, and efforts are continuing so that the final regulations comport with law. Because of the delay in the regulatory process, the workgroup looked to legislative advocacy this year to address an issue of particular concern. We have been invaluablely assisted in that effort by outside lobbyist Bob Shea, whose contract had been extended with permission of the CBA to assist the Section in this important advocacy effort.

### **Power of Attorney Workgroup**

Chaired by Lois Andrews

The workgroup formed last year to address issues concerning Powers of Attorney and is chaired by Lois Andrews and included members Suzanne Brown-Walsh, Richard Dixon, Joelen Gates, Wendy Borawski, Agnes Orłowski, and Thomas E. Gaffey. The workgroup is recommending the adoption of the Uniform Power of Attorney Act (UPOAA) and is working its way through the UPOAA to adapt the language to Connecticut. They hope to present the revised act to the legislature in the 2012-2013 session.

### **Legislative Workgroup:**

Legislative and regulatory advocacy remains a strong emphasis of the Section. In addition to tracking and synopsising bills of interest and concern to older clients and their caregivers, the Section was very active in the 2012 session in pursuing its priorities. Aply led by Vice-chair and legislative liaison Kevin Brophy, along with legislative committee members Steve Allaire, Peter Boorman, Paula Boa Sousa, and Sandra Sherlock-White, these efforts centered on concept positions approved by the CBA:

- support for legislative measures that increase the availability of homecare services to the elderly and disabled populations
- support legislation that would change Medicaid resource rules for married couples facing long-term care and lead to more community spouses becoming impoverished
- oppose legislation that would change the Medicaid transfer of asset policy by eliminating a “partial return” rule and replacing it with a “full return” requirement and which would also authorize DSS to delay the start date of a penalty by treating assets in the possession of a third party as available to an individual applicant even though the assets were not actually available to the applicant
- advocate for adoption of the Connecticut Uniform Protective Proceedings Guardianship Act. This Act was passed.

During the 2012 session, Section members presented written and oral testimony at the legislature on bills that arose concerning these concept positions, and met with key legislators with CBA legislative liaison Bill Chapman.

As noted above, in the DRA workgroup report, Section members continue to invest substantial advocacy time focused on the DRA-related revisions to the Uniform Policy Manual that were proposed by DSS. In 2009, these regulations were rejected by the Legislative Review Committee, since they did not comply with federal law. In 2011, our Section was successful in supporting DRA-related legislation that would provide better protection for

individuals who need long term care and have been denied medical assistance due to the imposition of a penalty (lead to an undue hardship). In 2012, our Section continued to oppose DRA related legislation that did not comply with federal law.

**Certification and Specialization Study Group:**

In 2010, the Section began addressing a request now pending before the Rules Committee of the Connecticut Superior Court by the Connecticut Chapter of the National Academy of Elder Law Attorneys (CT NAELA). The request seeks to amend Rule 7.4(e) of the Rules of Professional Conduct to define elder law as a field in which an attorney may be certified as a specialist. After having been contacted by Justice Peter Zarella to determine the CBA Elder Law Section's interest in this matter, the Section decided to take a position. A study group was formed (led by Charles Stauffacher, with members Sandra Sherlock-White, Joy DeFelice, George Bickford, and Fred Sette), which will report back to the Section in the fall of 2010, after completing research and gathering feedback from Section members through round-table discussion and email outreach.)

In 2010, the Section agreed that elder law is a field in which an attorney may be certified and furthermore crafted a definition approved by the Section. The Section brought this to the HOD and the HOD voted to support a rule change and proceeded to inform the Rules Committee of the Connecticut Superior Court of such action. The Rules Committee approved our definition in the fall of 2011. The next step would be for the Rules Committee to present this to the judges next spring and if the judges approve the definition, the rule change would be effective January 2013.

However, in this past winter and the spring of 2012, the Estates and Probate Section commenced a study group on the issue of whether estates and probate ought to seek a certification as they already have a specialty under rule 7.4. However, their definition is quite short and very generic, unlike the comprehensive elder law definition. The Estates and Probate Section sought approval from the HOD to withdraw the request from the rules committee at this time as they felt strongly that there would be confusion among the public. The HOD approved this and has withdrawn the request. Both Sections have workgroups that will meet to iron out the definitions and the HOD expects the Sections to return with renewed requests.

# ENVIRONMENTAL LAW SECTION

## DOUGLAS S. PELHAM, CHAIR

### PURPOSE

The purpose of this Section shall be to safeguard and enhance conservation and environmental quality; to promote the objectives of the CBA relative to environmental law; to promote the practice of environmental law, including compliance with the Rules of Professional Conduct; to foster relationships among attorneys with an interest in conservation and environmental law; to offer opportunities for discussion of an exchange of information about current issues; to aid in the drafting, review, and interpretation of legislation and regulations; to assist with education of the general public, the news media, and others about conservation and environmental law; and to undertake such other activities as the section or the CBA may deem appropriate.

### ANNUAL REPORT

#### Section Meetings

- A. September 21, 2011: "The New Brownfields Laws – PA 11-141 Brownfields Development as an Economic Driver." The Section held a joint meeting with the Real Property Section to discuss expansion of the brownfields legislation, revisions to the Transfer Act, and changes to Environmental Land Use Restrictions. Speakers included John Bashaw, Ann Catino, and Doug Pelham.
- B. October 19, 2011: "Roundtable Discussion of Current DEEP Happenings." Members of the Section met and discussed the latest regulations, guidance, and news regarding our interaction with DEEP personnel.
- C. November 29, 2011: "Lawyers are from Mercury, Consultants are from Neptune." The Section held a joint meeting with the Environmental Professionals' Organization of Connecticut. Doug Pelham moderated a panel that included Chris McCormick, John Wertam, Fred Jacobson, and John Hankins, who presented an entertaining program regarding the differences between how lawyers and technical people approach environmental problems. The program included examples of how we can learn from each other and work together to achieve the best result for the client.
- D. December 14, 2011: "Holiday Party." Good cheer was celebrated by all attendees.
- E. January 25, 2012: "PPL Montana Case." The Section held a joint meeting with the Planning & Zoning Section and the Yale Environmental Law Association to discuss *PPL Montana, LLC v. Montana*, which was before the U.S. Supreme Court. Professor Gerald Torres, visiting professor from the University of Texas, Brian Smith, and Greg Sharp conducted a panel discussion regarding the substantive law of navigability and water rights.
- F. February 23, 2012: "Commissioner Dan Esty." The Commissioner of the Department of Energy and Environmental Protection spoke to the section and answered questions from the group regarding the transformation of environmental cleanup laws and DEEP's current agenda.
- G. March 26, 2012: "Clyde O. Fisher, Jr. Award." The Section presented the Clyde O. Fisher, Jr. Award to Fred J. Krupp, president of the Environmental Defense Fund.
- H. April 17, 2012: "What's Up at the Environment Committee?" The Section hosted The Honorable Edward Meyer (D-Branford), Co-chair of the legislature's Environment Committee, who spoke about the various environmental bills before his committee this session.
- I. May 21, 2012: "Recent Developments in Water Resource Law." Greg Sharp gave the Section a brief summary of the final version of the Stream Flow regulations, and an overview of the U.S. Supreme Court's landmark decision in *Sackett v. EPA*, which reversed prior Circuit Court decisions barring pre-enforcement review of enforcement orders under the Clean Water Act.
- J. June 14, 2012: "Highlights of the 2012 Legislative Session" will be presented by Chris McCormick.

#### Executive Committee Meetings

- A. September 21, 2011: The Executive Committee approved the slate of officers for the 2011-2012 Bar Year, and voted to present the Clyde O. Fisher award to Fred Krupp, president of the Environmental Defense Fund.

- B. November 29, 2011: The Executive Committee approved support of legislation to create a right to a hearing for applicants who apply for structures and dredging permits and for water quality certificates, and voted to subsidize meals for eligible law school students to encourage attendance at our Section meetings.
- C. February 23, 2012: The Executive Committee voted to keep Section dues at the current level notwithstanding an increase in the servicing fee that is collected by the CBA.

**CLE**

- A. Doug Pelham participated as a panel member in a CLE sponsored by the YLS regarding real estate, environmental, and zoning matters.
- B. Doug Pelham, Keith Ainsworth, and Ann Catino will present a CLE at the June 11 Annual Meeting regarding latest news and changes from the Department of Energy and Environmental Protection.

**Legislative Efforts**

- A. The Executive Committee authorized Doug Pelham to comment on the certification provisions of a proposed form of Verification (as defined in Connecticut General Statutes section 22a-134). The comment letter was submitted to the Department of Energy and Environmental Protection on December 27, 2011.
- B. The Section supported legislation to create a right to a hearing for applicants who apply for structures and dredging permits and for water quality certificates. The legislation was passed and became Public Act 12-100.



# **ESTATES AND PROBATE SECTION**

**JOHN R. IVIMEY, CHAIR**

## **PURPOSE**

This Section focuses on Connecticut practice affecting wills, estates, trusts, guardianship, conservatorship, property interests of spouses, transfers of property, powers of attorneys, and living wills, as well as the impact of gift, inheritance, estate, and income taxes.

## **ANNUAL REPORT**

The Executive Committee of the Section, consisting of 50 members plus ex officio members, met monthly from September through May. In addition, three of those meetings were open meetings that any Section member could attend. Most of our meetings took place on the first Monday of the month and most were held at the Quinnipiac Club in New Haven.

We have continued with a very active CLE component to all of our meetings. For our open meetings, we heard from: Duncan E. Osborne, an attorney in Texas, who spoke about the Good Practice Guidance recently approved by the ABA to assist the legal profession in implementing approaches to combat money laundering and terrorist financing; The Honorable Paul J. Knierim, Probate Court Administrator, who spoke on the status of the probate courts one year after restructuring and the progress of the Probate Practice Book; and Keith Bradoc Gallant who spoke about issues in special needs trust drafting and administration. In addition, many members of the Executive Committee and others willingly gave their time to make presentations at the rest of our meetings. These presentations included such topics as carry-over basis and the GST rules, The Uniform Trust Code, The Uniform Power of Attorney Act, and life insurance issues.

The Section was also involved with several CLE programs available to all practitioners, including strongly attended sessions on contested conservatorships and on estate planning in the context of divorce. Members were also active in the revival of the Federal Tax Institute of New England which held an all-day seminar with national speakers in Hartford in September.

We published two more issues of our newsletter this year and hope to continue to do so in the future. Rather than mail hard copies, we are making the newsletter accessible on the Web site with an e-mail to Section members letting them know that a new issue has been posted.

We volunteered to help with a project to assist needy veterans with the preparation of wills and related documents.

We examined the possibility of Section certification and specialization and the Section agreed to work with the Elder Law Section on appropriate definitions for certification.

On the legislative front, we are pleased with the passage of the Uniform Protective Proceedings Guardianship Act which we have been working on for several years. Members also reviewed possible legislation such as the Uniform Power of Attorney Act and the Uniform Trust Code which could be submitted to the legislature next year. We have also advocated some technical changes to the Connecticut estate tax, but those have not had any traction.

I wish to thank the many members of our Section who helped with all of these activities this year.

# FAMILY LAW SECTION

## SHARON WICKS DORNFELD, CHAIR

### PURPOSE

The object of this Section shall be to promote participation by the Connecticut Bar Association and its members in the promulgation, study, review, and revision of the laws of the state and nation of particular significance to the family and the individual members thereof. The functions of the section shall include the study, analysis, consideration, research, and investigation of legal principles having particular significance to the family and its members; the promotion of the Bar's leadership in matters of public importance affecting the family; the publication of the Section's findings, studies, and reports; the preparation, evaluation, submission, advocacy, endorsement, and the opposing of legislation pertaining to family matters; the presentation of programs of interest to the Bar and the general public; and the encouragement of cordial relations between members of the Bar and members of other professional disciplines concerned with the family.

### ANNUAL REPORT

The Section officers for the 2011-12 year have been Sharon Wicks Dornfeld, chair; Kiate Haakonsen, vice-chair; Robert Zaslow, CLE; Allen Gary Palmer, secretary; David Griffin, treasurer; and Barry Armata, immediate past chair.

Monthly dinner meetings are held on the second Tuesday of each month with the exception of July and August. The meetings in September, February, and June are Executive Committee meetings. Each of our general meetings includes a CLE component and "Two Minutes from the Floor" for brief announcements; some also include Case Update reports by Louise Truax, which are the best show in town. Our monthly speakers included the Honorable Lynda Munro, Chief Administrative Judge-Family, ASA Lou Leuba speaking on the intersection of family and criminal law; Scott Sandler discussing the intersection of family and juvenile law; representatives of the Connecticut chapter of the American Immigration Lawyers Association, discussing the intersection of family and immigration law; and a panel of sitting judges reflecting on various questions.

In addition to arranging the CLE speakers for our monthly meetings, Rob Zaslow set a new world record in organizing and coordinating half- and full-day CLE meetings presented by the Section in a single year: "Sexual Abuse Allegations in Family Cases," Mediation and Arbitration Advocacy for the Family Lawyer (a three-part series)," "The Top Ten: Family Law essentials for the Experienced Practitioner," "Family Violence in Connecticut: Trauma Trends, and Triage," "Estate Planning Implications of Marriage and Divorce."

Additionally, Rob has scheduled two programs to be presented at the CBA Annual Meeting: "Alimony Reform in Connecticut: Has the Time Come?" and "Annual Review of New Developments in Family Law."

Although 2012 was a "short session" in the legislature, our Legislative Committee, consisting of Kate Haakonsen, Edie McClure, Shirley Pripstein, and Melissa Osborne, was kept busy tracking and evaluating numerous bills of interest to the Section. They devote many hours to research, meetings with legislators, testifying on the Section's behalf, and coordinating with the CBA lobbyist and other interested groups. Of particular interest this session were the introduction of an "Alimony Reform" bill which the Section successfully opposed as written, and a bill regarding the rights of parents in the military while deployed or mobilized, which passed with credit given to the Section by the bill's sponsor.

Louise Truax as editor-in-chief and Samuel V. Schoonmaker IV as managing editor have resurrected the long-dormant *Connecticut Family Lawyer* publication with an excellent issue on the topic of pre-nuptial agreements. This is intended to be the first in a renewed series of issues on various family law topics.

The Section as a whole and its individual members remain devoted to advancing the practice of family law, promoting professionalism and civility among the Bar, and ensuring access to the courts. To that end, Alex Cuda and Sam Schoonmaker volunteered their time and expertise in representing the Section as *amici curiae* at the request of the Connecticut Supreme Court in two separate cases. Countless other members of our Section have volunteered to serve as pro bono attorneys, mentors to younger colleagues, speakers at our CLE programs, and as members of committees, commissions, and task forces. Their willingness to participate reflects well on the Section and the Bar as a whole.

# FEDERAL PRACTICE SECTION

## ANNE LOUISE BLANCHARD AND GARY KLEIN, CO-CHAIRS

### PURPOSE

The Federal Practice Section is involved with all aspects of practice in the federal courts in Connecticut. Working closely with the federal district and magistrate judges, who are *ex officio* members of the executive committee, this section provides a forum for consultation and dialogue between the federal bar and bench on issues of mutual interest, including rules and practice in the federal courts, and relevant legislation. Through its committees, the section takes an active role in shaping and commenting on legal and procedural developments affecting federal practice.

### ANNUAL REPORT

The section held its first executive committee meeting on September 14, 2011. We heard comments from the Chief Judge about the Court's public outreach program, the flow of criminal trials and technical upgrades.

On October 12, 2011, the section held its first full section meeting. At this meeting, Judge Kravitz moderated a panel consisting of Judge Bryant, Judge Hall, James T. Shearin and Gary S. Klein on the desirability of subject matter local rules in federal court.

On November 29, 2011, we held an executive committee meeting at which we discussed the desirability of staggering the co-chair position of the section.

On January 11, 2012, we held another full section meeting. At that meeting, Frank Silvestri discussed amendments to Rule 45. After Mr. Silvestri's presentation, the section heard a presentation from James Glasser and Jeffrey Meyer regarding criminal law developments in the United States Supreme Court and the United States Court of Appeals for the Second Circuit.

The section held an executive committee meeting on February 12, 2012. Chief Judge Thompson addressed the members regarding the transfer of the late Judge Peter Dorsey's cases.

On March 14, 2012, the full section held a very special meeting to honor the life and legacy of the late Judge Peter C. Dorsey. Court staff displayed photographs of Judge Dorsey and Jonathan Einhorn and William Dow served as masters of ceremonies for a tribute to the late jurist.

On May 9, 2012, we held our final working section meeting of the year and heard an active presentation by Paul Sanson, Vaughan Finn, and Court staff regarding the use of available courtroom technology. The section held this special meeting at the Hartford courthouse and the Court provided a wonderful dinner.

The section's June meeting will be its traditional year-end wrap-up social event at Pine Orchard Club on June 13, 2012. We invite all of our judges and their spouses and clerks to be the section's guests for a relaxing, business-free evening. Judge Eginton will be presenting some awards on the Court's behalf.

The section will present a CLE program at the CBA Annual Meeting on June 11, 2012 on getting your federal case to trial. Panelists include the Honorable Warren W. Eginton, Senior United States District Judge, Jane Bauer, Operations Manager and Melissa Ruocco, Hartford Division Manager, U.S. District Court, David Rosen, and moderator Anne Louise Blanchard.

The officers of the section for the past year were Anne Louise Blanchard and Gary Klein, co-chairs; David Schaefer, vice-chair; Vaughan Finn, secretary; and Robert Frost, treasurer. The section also had active subcommittees that undertook a number of projects on behalf of the section. Committees and their respective chairs were Civil Practice/Local Rules, Patrick McHugh; Court of Appeals, David Schaefer; Criminal Practice, Brian Spears; Education and Programs, David Atkins; Legislation, Peter L. Costas; and Bench-Bar Conference, Jeffrey Hellman.

# **FINANCIAL INSTITUTIONS SECTION**

**JOHN A. BRUNJES, CHAIR**

## **PURPOSE**

The purpose of the section is to promote the educational and professional objectives of the Connecticut Bar Association within the field of law relating to banks, savings and loan associations, credit unions, and other organizations offering financial services.

# FRANCHISE LAW SECTION

ALLAN P. HILLMAN, CHAIR

## PURPOSE

The purpose of the Franchise Law Section is to bring together those CBA members practicing the franchise in the franchise law field to discuss the current issues affecting this practice area, to educate that membership on the legal issues affecting those rapidly-developing topics, and to foster relationships between those practicing attorneys and the individuals buying and selling franchises.

## ANNUAL REPORT

The Franchise, Distribution, and Dealer Law Committee held two CLE dinner programs this year and is also co-sponsoring a program at the Annual Meeting.

In November, Professor Sandy Meiklejohn of Quinnipiac Law School spoke on a recent important franchise case from the Eleventh Circuit, *Reliable Tractor Co. v. John Deere*, 376 Fed Appx 938, 2010 Westlaw 1687957 (2010), which concerned issues of the retroactivity of statutes and the interplay between that and the Contract Clause of the Constitution. Discussion relating to this unsettled area was informative and—despite the description—most lively led by Professor Meiklejohn, especially as it might pertain to the Connecticut Franchise Act and other regulatory legislation.

In April, Committee Chair Allan Hillman and Erika Amarante, chair of the Antitrust and Trade Regulation Committee, presented a joint program on recent antitrust cases relating to franchising and distribution.

The Annual Meeting program is called “Representing the Franchisee” and it will feature presentations by Committee members Nicole Liquori Micklich, Martin Clayman, and Cliff Ennico as well as presentation by ADR Section member Houston Lowry. This is a joint program with the ADR Section.

This will be the last meeting as chair for Attorney Hillman after five years. He will be succeeded by David Reif of McCarter and English. Attorney Micklich will become the vice -chair.

Respectfully Submitted,

Allan Hillman

# HEALTH LAW SECTION

**PAUL E. KNAG, CHAIR**

## **PURPOSE**

The purpose of the section is to provide a forum for Association members with an interest in law pertaining to healthcare, particularly but not limited to those areas and issues concerning provision of healthcare services, the regulation and licensure of healthcare providers and their services, medical malpractice and medical jurisprudence, medical disabilities and proposal of statutes and amendments to statutes concerned with these or related fields, and any other matters of relevance. The section will encourage and participate in joint meetings and other activities with other Sections and Committees for discussion of matters of mutual interest. In addition, the Section will provide a forum in which interprofessional cooperation can be advanced.

## **ANNUAL REPORT**

### **Meetings**

The Health Law Section had four meetings in this fiscal year. All the meetings had very strong attendance in the range of 50+ attendees. All four meetings were joint meetings with the Connecticut Health Lawyers Association. This contributed to the strong attendance. At the first meeting, we had Attorney General George Jepsen and his key assistant attorneys general working in the health law area. At the second meeting, our speaker was food critic Jane Stern. Our third meeting featured Joseph Maher, General Counsel of Steward Healthcare, a newly formed for profit hospital system which is growing rapidly in our region, and Bill Aseltyne, General Counsel of Yale New Haven Health System. Our final meeting featured Commissioner Jewell Mullen, Commissioner of the Department of Public Health, and her key legal advisors.

### **Executive Committee Meetings**

We had three executive committee meetings to date. Each of these focused on our programs, and our efforts to support attendance at such meetings. We broadened our executive committee to include several key in house hospital attorneys including the General Counsels of Yale New Haven Health System, Hartford, and St. Francis. We will hold a fourth meeting before the end of the fiscal year.

### **CLE**

All of our programs had substantial educational value, as indicated by the strong attendance.

Based on the quality of the meeting speakers, and the robust attendance at such meetings, we consider this year to be a great success.

# **HUMAN RIGHTS AND RESPONSIBILITIES SECTION**

**BARBARA J. COLLINS, CHAIR**

## **PURPOSE**

The purpose of the Section is to promote the educational and professional objectives of the Connecticut Bar Association within the general field of civil and human rights and responsibilities as well as the lawyer's role in the pursuit of such rights through the Rule of Law. The main forum for our efforts is the General Assembly.

## **ANNUAL REPORT**

### **Meetings**

Meetings are always open to all members. The Section meets several times a year but generally communicate with the members via e-mail.

### **CLE**

In 2011–2012, the Section has concentrated on the abolishment of the death penalty so did not offer or co-sponsor any CLE. The last CLE offered was an interesting discussion at the Annual Meeting concerning rape as a war crime.

### **Legislative Efforts**

The Section had a very successful year as we, after a twelve-year struggle, saw the General Assembly abolish, prospectively, the death penalty in Connecticut. In addition, the legislature supported moving the standards from absentee ballots from the Connecticut constitution to the general statutes and continued funding for the Commission of Human Rights & Responsibilities

# **INDIAN LAW SECTION**

**ANDREW L. HOULDING, CHAIR**

## **PURPOSE**

The Indian Law Section focuses primarily on developments in the law applicable to the federally recognized Indian tribes in Connecticut, the laws enacted by those tribes, and practice and procedure in the tribal courts established by the Mashantucket Pequot Indian Tribe and The Mohegan Tribe of Indians of Connecticut. Most Committee members practice in the tribal courts or litigate issues related to tribal interests.

## **ANNUAL REPORT**

This year the members of the Indian Law Committee voted to become established as a Section, with adoption of bylaws.

The Section joined with members of the Mashantucket Pequot Bar Association and several Connecticut Superior Court judges to celebrate the Mashantucket Pequot Tribal Court's 20 years of operation on May 3, 2012. The gathering was held at the Mashantucket Pequot Museum. The celebration included surveys of recent developments in the Mashantucket and Mohegan courts established on their tribal reservations

The Section is making plans for a CLE Program to be held this fall.



# INSURANCE LAW SECTION

**CHARLES T. LEE, CHAIR**

## **PURPOSE**

The purpose of the Section is to promote the educational and professional objectives of the Connecticut Bar Association within the general field of insurance law, regulation, and practice.

## **ANNUAL REPORT**

Pursuant to the Constitution of the Connecticut Bar Association and Section 3.6 of the bylaws of the Insurance Law Section (the “Section” or “ILS”), the Section respectfully submits its Annual Report for FY 2012. We are pleased to report that the Section presented four excellent CLE programs this year and established the CBA Disaster Insurance Hotline, which allows us, as insurance attorneys, to assist the citizens of the state in time of dire need.

## **Section Meetings**

The Section met three times in FY 2012, each time in conjunction with a CLE program. They were:

- October 18, 2011 at Carmen Anthony’s in New Haven—The Section unanimously adopted the Disaster Insurance Hotline initiative, pursuant to which Section members would provide pro bono advice to storm victims. It is the goal to get this service up and running by March 1, 2012. The meeting also included a Year in Review program in which Insurance Commissioner Thomas Leonardi described the initiatives he was implementing at the Connecticut Department of Insurance and his goals for the coming year. In particular, he discussed how the Department sought to meet the challenges of Storm Irene in terms of assisting the citizens of the state with their needs for information and claim assistance. Also participating were General Counsel Jon Arsenault and Policy Director Mark Franklin. Attorney Jay Arcata presented a summary of significant case law relating to insurance over the past year.
- January 18, 2012 at CBA Law Center, New Britain—This meeting included a CLE program about storm law in which experienced practitioners discussed issues likely to arise in connection with claims for storm damage, including flood and wind issues. This session was videotaped for use by future Hotline volunteers.
- April 24, 2012 at Anthony’s Ocean View, New Haven—This meeting included a report on the activation of the Hotline on March 1st, as scheduled, a report on recent case law, a discussion of the succession of officers, and the selection of the Executive Committee, and the establishment of a new tradition, i.e., the presentation of an “MVP Award” to a Section member providing especially valuable service. It was presented to Attorney Marilyn Fagelson for her excellent work in setting up the Section’s CLE programs over the past two years. The meeting concluded with a CLE program on broker law, relating to the duties and liabilities of insurance agents and brokers under Connecticut law. It was recorded for Webcast using the CBA’s new technology.

## **Executive Committee Meetings**

The Executive Committee met four times in FY 2012, all at CBA headquarters in New Britain. Our bylaws permit attendance by any interested Section member and also permit attendance by teleconference. The meetings were:

- September 13, 2011—The following officers were elected: Charles Lee, chair; Michael McCormack, vice-chair; Regen O’Malley, secretary; Marilyn Fagelson, treasurer. It was agreed that all CLE materials should be posted on our Webpage, along with the minutes and case law summaries.
- November 10, 2011—The details of the Hotline were discussed and developed. Acting Director Norm Janes was in attendance and was invaluable working with the Hotline Committee in marshaling the resources of the CBA in making this initiative a reality. Training for the participants will be provided and taped for subsequent volunteers. Insurance will also be in place.
- February 13, 2012—The Hotline was coming near to operational status, and a gratifying number of Section members had signed up as volunteer counselors, including CBA Past President Fran Brady and

Litigation Section Chair Lenny Isaacs. Upcoming CLE programs were also discussed as well as the election of the next year's officers.

- May 15, 2012—The final meeting of FY2012 featured a discussion of the upcoming CLE program at the Annual CBA Meeting on Construction Insurance. The chair gave his report and expressed his gratitude to the members of the Executive Committee for their active participation in achieving the Section's objectives in a collegial environment.

### **Publications**

The Section circulates case law summaries to all of its members. It also posts these summaries on its Webpage. Additionally, all of the CLE materials are posted on the Webpage, which is beginning to accumulate into a helpful resource.

### **Other Programs and Events**

The Section will have presented four CLE programs this year: the "Year in Review" with Commissioner Leonardi, storm law, broker law, and construction insurance. These have been important and lively, well-attended events. We held three Section meetings and four Executive Committee meetings, where attendance was facilitated by our conference call bylaw.

One of the most gratifying programs has been the initiation of the CBA Disaster Insurance Hotline. This facility has been developed with input from the CT Insurance Department, the CT Department of Homeland Security, and FEMA. Storm victims can call the toll-free number (866-209-5099) or e-mail [hotline@ctbar.org](mailto:hotline@ctbar.org) and CBA Members Service staff will answer, fill out an intake form, and send it to the next attorney on the list of volunteer counselors. (The list currently consists of 17 attorneys and eight paralegals, and more volunteers are most welcome.) The counselor will provide pro bono assistance to the storm victim. If the attorney needs assistance, there is a listserv including all of the volunteers so that the volunteers are not isolated and have the benefit of the group's experience. Each volunteer-counselor receives mandatory training and a binder of relevant numbers and information. The paralegal volunteers will assist with claim documentation and preparation of proofs of claim, among other things. The Hotline will be publicized by the CBA when an adverse weather event threatens, and the Hotline contact info is now incorporated in the disaster relief materials of FEMA and the State disaster programs. We are grateful for the support and encouragement of President Gallant, Acting Director Janes, Director of Operations Mary Etter, and many other CBA staff.

Much was accomplished this year by many members of the Section working together and having some fun along the way. It has been an honor and pleasure serving my term as chair of this Section.

# **INTELLECTUAL PROPERTY SECTION**

**ELIZABETH A. ALQUIST AND AMY SPAN WERGLES, CO-CHAIRS**

## **PURPOSE**

The purpose of this Section shall be to promote the objects of the Connecticut Bar Association in Patent, Trademark, Copyright and other related fields of law.

# **INTERNATIONAL LAW SECTION**

## **HOUSTON PUTNAM LOWRY, CHAIR**

### **PURPOSE**

The purposes of the Section are to promote the educational and professional objectives of the Association within the general field of international law, and to advance the lawyer's role in pursuit of world peace through the rule of law.

### **ANNUAL REPORT**

#### **Meetings**

On October 11, 2011, Houston Putnam Lowry, of Brown & Welsh PC, spoke on the proposed implementing legislation for The Hague Conference's Convention on Choice of Court Agreements.

On October 22, 2011, the Section co-sponsored a panel at the International Law Weekend in New York City with over 100 attendees:

Tribunal Procedure and Ethical Dilemmas for Guantanamo Bay Military Tribunals

"The Response" is a 30-minute courtroom drama based on the actual transcripts of the Guantanamo Bay military tribunals (the Combatant Status Review Tribunals). In the vein of "Twelve Angry Men," the film revolves around the tribunal of a suspected enemy combatant and the three military officers who must decide his fate. The Response was shortlisted for the 2010 Academy Awards, one of only ten films selected worldwide for this honor, and named the ABA Silver Gavel Award winner as best of the year in Drama & Literature. The panelists discussed how the procedure affected the proceedings and the ethical issues raised.

#### **Executive Committee Meetings**

In light of the small size of the Section, the Executive Committee does not meet separately from the Section.

#### **CLE**

The Section does not conduct Continuing Legal Education seminars at this point.

#### **Publications**

The section does not produce any traditional publications, but it keeps its members abreast of current developments through its listserver.

#### **Legislative Efforts**

The Section supported HB-5147: An Act Concerning The Unauthorized Practice of Law before the Connecticut General Assembly. The bill would have clarified a notary public may not suggest they are an attorney unless they are authorized to practice law in Connecticut. While the bill was reported out of the judiciary committee favorably and passed the House, it died in the Senate.

# LABOR AND EMPLOYMENT LAW SECTION

URSULA L. HAERTER, CHAIR

## PURPOSE

The functions of the Section include the study, analysis, consideration, research, and investigation of legal principles having particular significance to labor or employment law; the promotion of the Bar's leadership in matters of public importance affecting labor or employment law; the publication of works of legal scholarship; the preparation, evaluation, submission, advocacy, endorsement, and opposing of legislation pertaining to labor or employment law; the presentation of the highest quality legal education and other programs of interest to the Bar and general public; the promotion of diversity within the Labor and Employment Bar, and the encouragement of cordial relations between members of the Bar and members of other professions and disciplines concerning labor or employment law. *See*: Article I, Section 2 of the Labor and Employment Law Section Bylaws, approved May 10, 2010.

## ANNUAL REPORT

### Officers and Committee Chairs

The officers for the 2011-2012 Bar year were Chair, Ursula L. Haerter, Mashantucket Pequot Tribal Nation Employment Rights Office; Vice Chair, Domenico Zaino, Jr., Carmody & Torrance; Secretary, Nicole A. Bernabo, Robinson & Cole; and Treasurer, Gary E. Phelan, Cohen and Wolf. Committee chairs were:

- **Annual Review**—Gabriel J. Jiran, Shipman & Goodwin, and Gary E. Phelan, Cohen and Wolf
- **Employment**—Mary E. Kelly, Livingston Adler Pulda Meiklejohn & Kelly, and Domenico Zaino, Jr., Carmody & Torrance
- **Labor**—Nicole A. Bernabo, Robinson & Cole, and Peter A. Janus, Siegel O'Connor O'Donnell & Beck
- **Legislative**—Scott D. Macdonald, The Human Resource Consortium, and Mark J. Sommaruga, Sullivan Schoen Campana & Connon
- **Newsletter**—Attorney Rita B. Trivedi
- **Retirement and Welfare Benefits**—William J. Keenan, Jr., Murtha Cullina, and David S. Rintoul, Brown Paindiris & Scott

### Meetings

The Section held eight (8) meetings during the Bar Year, all of which were open to the entire membership. In response to prior feedback, all but one of the meetings was structured to provide for an Executive Committee business meeting, a timely educational presentation, and a social component, generally cocktails and dinner. The meetings alternated between the New Haven and Hartford areas to accommodate members in different geographical areas. The final, annual meeting of the Section membership was held during the CBA Annual Meeting pursuant to the Section's bylaws.

Labor and employment practitioners were provided important information about developments in the field and the profession through the following presentations at the Section's periodic meetings:

- Connecticut legislative update presented by Mark Sommaruga, Sullivan Schoen Campana & Connon, and Alix Simonetti, Connecticut Commission on Human Rights and Opportunities
- Connecticut Department of Labor Commissioner Glenn Marshall discussing the priorities and challenges for the agency
- Panel discussion on the new Connecticut Commission on Human Rights and Opportunities expedited case processing providing agency, defense and plaintiff perspectives by Michelle Dumas Keuler, CHRO Legal Department, David Metzger, Metzger and Associates, and Kathy Eldergill, Beck and Eldergill
- Guidance on the new paid sick leave law presented by Heidi Lane, principal attorney, Connecticut Department of Labor Office of Program Policy
- Mary Etter, CBA director of operations, discussing current CBA initiatives, including Web-based programming and mandatory CLEs

- Federal and state agency perspectives on independent contractor issues presented by Neil Patrick, U.S. Department of Labor District director, Hartford, Connecticut, and Resa Spaziani, field supervisor, Connecticut Department of Labor
- Robert D. Noonan, Robert Noonan and Associates, and Mark Williams, Carmody & Torrance, presenting the implications of health care reform for labor and employment attorneys
- Equal Employment Opportunity Commission Boston Area Office Director Robert L. Sanders discussing the EEOC's new guidance on employer use of criminal and arrest records

### **Presentations**

In addition to the educational presentations at its regular meetings, the Section offered additional educational and social opportunities to its members, through the following co-sponsored programs:

- Presentation by Joe Garrison and Judge Thompson on the mandatory discovery protocols for federal employment discrimination cases, co-sponsored by the Connecticut Employment Lawyers Association (CELA)
- Panel presentation by Robert M. Cheverie, Robert M. Cheverie & Associates, Steven B. Kaplan, Michelson Kane, et al., and Frank G. Usseglio, Kenny O'Keefe & Usseglio, on project labor agreements for public construction projects in Connecticut, co-sponsored by the Construction Law Section.
- 38th Annual Fuchs Labor Law Conference, co-sponsored by the National Labor Relations Board and Northeast Regional Bar Association Labor and Employment Law Sections.

Labor practitioners were also afforded the opportunity to receive updated information and ask questions of key agency personnel through the Labor Committee's Informal Liaison breakfast meetings with Jonathan B. Kreisberg, regional director of Region 34 of the National Labor Relations Board, and Harry B. Elliott, Jr., general counsel of the State Board of Labor Relations.

### **CLE Programs**

The Annual Review committee organized three substantive programs for the CBA Annual Meeting, as follows:

- "Annual Review of Legal Developments in Labor and Employment Law and Practice," presented by Robin G. Frederick, Shipman & Goodwin, William G. Madsen, Madsen Prestley & Parenteau, George E. O'Brien, Jr., Littler Mendelson PC, and Nina T. Pirrotti, Garrison Levin-Epstein Chimes Richardson and Fitzgerald
- "Recent Developments Under The National Labor Relations Act," presented by Acting General Counsel Lafe Solomon, National Labor Relations Board, Washington, D.C.
- "Administrative Practice: From the Basics to the Advanced," presented by Charles Krich, principal attorney, Legal Division of the Connecticut Commission on Human Rights and Opportunities, and Heidi Lane, Connecticut Department of Labor, Office of Program Policy.

A scheduled CLE presentation on the National Labor Relations Board's changes to its election procedures was required to be canceled due to an adverse district court decision causing the NLRB to suspend implementation.

### **Publications**

The *Labor and Employment Law Quarterly*, which provides timely articles of interest by and for practitioners, continues to be regularly published to our members electronically and posted on the Labor and Employment Law Section page of the CBA Web site.

In conjunction with the Section's presentation at the CBA Annual Meeting of an annual review of legal developments in labor and employment, the Annual Review Committee produces highly valued extensive written materials that are distributed to attendees in hard copy and made available to section members electronically.

To improve communications with Section members, the information available on the Section's Web site page was enhanced. In addition, Section members received periodic e-mail updates of Section activities and select developments in the field. The periodic Section e-mail updates also served as a conduit for distribution of updates from government agencies, including the NLRB Region 34 newsletter.

**Legislative Efforts**

The Legislative Committee regularly tracks and reports on legislative developments as they emerge, in addition to providing an annual update of state legislative developments to the membership at a membership meeting and through the newsletter.

Generally, due to the diversity of interests represented in the Section, the Section is unable to develop consensus on an advocacy position relative to any legislation or implementing initiatives. This year was no different, with the *ad hoc* committee formed to determine if the Section could develop a position on a particular proposed federal rule for purposes of submitting comments deciding that the divergence of views regarding the proposed rule precluded consensus.

**Other Initiatives**

In furtherance of the Section's efforts to strengthen relations with more recently minted attorneys in the field, the Section joined with the Young Lawyers Section Labor and Employment Law Committee in sponsoring the third annual "Meet and Greet" social in November.

The Labor and Employment Law Section's historical annual law school student scholarship was transformed this year into a law school writing competition. The Section looks forward to continuing to advance law school student interest in labor and employment law and strengthen relations between future practitioners and the Bar through its annual competition, for which students of winning submissions may be eligible for a monetary award, publication of their submission or gratis admission to one or more CLE programs.

The year concluded with the Section's traditional cocktail reception held after the final substantive labor and employment law program at the CBA Annual Meeting.

# LAW LIBRARY SECTION

JONATHAN C. STOCK, CHAIR

## PURPOSE

The purpose of this Section is to promote the educational and professional objectives of all practice areas within the Connecticut Bar Association by insuring open access to law-related information, both print and electronic, an open access best secured by strengthening law libraries as institutions charged with the organization and dissemination of that law-related information. Further, the purpose of this Section is to support the mission of the Connecticut Bar Association by promoting best practices in legal information research and management through education and advocacy.

## ANNUAL REPORT

### Overview

Forming a Law Library Section constitutes an initiative. Taking an initiative is exciting—especially when it addresses urgent needs. Of the urgency, there can be no doubt. Legal information trends electronic. We move, inexorably, toward digitalization. Change rules the day: *radical*, technology-based change. Problems arise not from technological change, ever-present, but from its *radicalism*. Things happen fast--so fast that traditional access rights stand at risk.

The Law Library Section aims to secure those access rights by *managing* change. Its dual mission reflects that imperative. One charge requires that we advance CBA objectives, educational and professional, by keeping legal information--whatever its format--*open access*: an open access possible only with strong institutional libraries. The other charge involves promoting effective legal research through *Education* and *Advocacy*.

Education and Advocacy bind both missions. Law Libraries can be strong and support effective legal research only if *education* communicates their value; and value survives only if those, so educated, *advocate* on their behalf. Recent events bring us to this place. Three imperatives, therefore, follow: recounting these events while exploring causation; narrating our response, and projecting where we go from here.

### Events and Causation

One watershed event triggered everything: the 2010 Judicial Law Library Closure Crisis. It started with public law libraries; but, at outset, we must know that it will not end there. Forces, already in play, impact all library types: public, academic, law firm, and independent. The Judicial Law Libraries, being taxpayer funded, came first up to the plate; their three sisters, similarly challenged, are on deck.

Present scope prohibits retelling a long story previously told.<sup>1</sup> Facts are simple; causes less so. The facts are that a Judicial Branch threatened six law library closures, determined advocacy saved four, and two expired. The causes are dual: one *economic*, the other attitudinal and—long term—more dangerous. Great Depression II hit Connecticut hard. State revenues fell off a cliff. Resultant budget cuts impacted law libraries. All that took place before. One response, *attitudinal*, never took place before: Last time, everything kept open; this time, branches closed forever. Last time, legal information ran—mostly—print; this time, it ran—increasingly—electronic. Thereby hangs a tale. Digital delusion, attitude-based, justified decision-making. Computerization supposedly made libraries obsolete. Fewer is better since all things needful are “free on the Internet.”

Arguably, public law libraries emerged worse off than before. Two locations vanished. Many, including key stakeholders, bought the technology argument—or at least posed no objection. A library-hostile culture detected weakness; and weakness tempts further exploitation. Connecticut law librarians had their work cut out. They needed

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<sup>1</sup> “Saving Connecticut Judicial Branch Law Libraries: the Present Crisis and Beyond,” *Connecticut Lawyer*, 21 No. 8 (April, 2011), pp. 26-29.



better educational strategies aimed at gaining advocates. Those strategies needed legal practitioner allies where many dwell: the Connecticut Bar Association.

### **Response**

Forming alliances in crisis is nothing new. Doing so directly with librarians institutionally embedded in one State Bar might be; but alliances, traditional or innovative, require *first opportunity*—an event that sparks creative thinking. First opportunity, however, is insufficient. There must be *follow through* making concepts real. First opportunity arose through publication; follow through must be credited to three supportive CBA presidents and dedicated staff who made good ideas reality.

It all began with the *Connecticut Lawyer*. The editor, Lewis Parker, graciously accepted an article on the Judicial Law Library crisis for republication. A March 1, 2011 conference ensued at New Britain headquarters. Attendees included Mr. Parker, Alysha Adamo, and this writer. Extensive discussion yielded consensus: namely, that avoiding future crises required better *connectivity* between law librarians and the CBA. The bylaws permitted Associate Membership in our category. Some did belong; but, as yet, no internal section represented library interests. Recent events proved that needed changing. Publication and advocacy, best facilitated by group membership, were key. Hence, a strategic concept was born. Practical advice emerged instantaneously: the stuff of which *follow through* is made. We were on the road.

It would be an interesting road. President Ralph Monaco responded supportively to an intent letter, incorporating mission statement, dated June 6. Further strong encouragement was expressed by President-elect Brad Gallant, Vice President Barry Hawkins, and CBA staff at the June 23 Annual Conference. All efforts then focused upon recruitment: 20 members were needed for legality. *Getting to 20* became the watchword. Another conference on November 20 convened at headquarters. An informal brainstorming session, its first imperative was *Getting to 20*. Supportive CBA staff attendees included Mary Etter, Holly Spina, Don Philips, Bill Chapman, Lewis Parker, and Alysha Adamo. Good advice moved *Getting to 20* forward. Discussion expanded, however, to advocacy matters. Public law libraries again received close attention. One additional issue also arose: adopting the Uniform Electronic Legal Materials Act in Connecticut. The concept, initially put forward by AALL and finalized by ULC, has three objectives: insuring that primary electronic legal materials, designated official, be *authenticated*; assuring their long term *preservation*; and keeping them publically *accessible* at little or no cost. The legislative “Paperless Task Force” issued its Final Report 25 February 2011. Its recommendations included an acknowledgment that electronic authentication and preservation were complex issues mandating further study. That acknowledgment translated into P.A. 11-150 §28 providing that the State Librarian, in concert with other key officials, would “establish standards and guidelines for the preservation and authentication of electronic documents” by 1 January 2012. Law Librarians, perceiving an avenue for UELMA passage, offered the Uniform Law as their contribution to the resultant State Library study. CBA staff provided excellent insight on options for translating this matter into a legislative bill.

*Getting to 20* became, again, primary for the two months ensuing. It all came together 11 January 2012 when, at the SNELLA Holiday Meeting, twenty commitments evolved. Further action slowed somewhat—largely because the General Assembly introduced S.B. 418 embodying UELMA in §1-11. Legislative testimony thereon occupied most energies through mid-March. CBA section establishment returned stage-center immediately thereafter. The Board of Governors granted recognition at its April 16 Meeting in New Haven. Section formation being established, the moment has arrived to foreshadow *where we might go from here*.

### **Where We Might Go From Here**

This annual report differs from all other annual reports. It arises prior to an imminent organizational meeting. Hence, the writer offers only a *personal vision*. All later reports will be written *collectively*—fusing multiple contributions. The present exercise is, therefore, impressionistic. Firm detail can be painted only when all members actively engage. That being said, several directions appear certain. Each weaves education and advocacy into seamless fabric.

Projecting the true value of law libraries is central. It constitutes a pervasive theme guiding all education and advocacy. Librarians are charged with telling practitioners what they *need to know* about legal information, not what they *want to hear*. Telling practitioners what they *need to know* projects true value best.

One direction involves the Uniform Electronic Legal Materials Act. A CLE program will inform members about complex issues raised by primary sources in digital format: their authentication, preservation, and assured public access. That education plays urgently into our current situation. S.B. 418, incorporating Connecticut UELMA, fell short of passage this year. Yet, closely related legislation—safe only if UELMA compliant—did get through. P.A. 12-92 transitions *The Regulations of Connecticut State Agencies* from print to electronic format; and it represents the digital version as official.<sup>2</sup> The effective date, 1 July 2013, corresponds to that of S.B. 418—suggesting intended linkage. Such linkage is essential since a complex administrative code cannot be secure without UELMA-based protections. The Law Library Section *might* favor UELMA passage and might recommend this position for CBA consideration.

Another potential direction recommends offering CLE on Emergent Technologies in Legal Research. That the times they are rapidly changing is axiomatic. Even computer savvy people grow dizzy with proliferating electronic devices—some useful, some disruptive. Librarians, being skilled information organizers, are well placed for transforming order into chaos. That skill enhances value in digital times.

Our mission statement embeds multiple directions: some education-based, some with advocacy implications, and all highlighting library value to the practicing Bar. This annual report, being formative, offers a preliminary sketch. Portraiture belongs to its successors.

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<sup>2</sup> CT P.A. 12-92 §7(b)

# LITIGATION SECTION

**LEONARD M. ISAAC, CHAIR**

## **PURPOSE**

Article I, Section 2 of the bylaws of the Litigation Section of the Connecticut Bar Association, amended by the Board of Governors on September 16, 1996, provides that “the purpose of this section shall be to promote the objects of the Connecticut Bar Association within the field of civil justice and litigation.” The Litigation Section views that directive as requiring regular Executive Committee/Section meetings between September and June designed to promote legal education, monitor and present positions with respect to legislative matters that have the potential to affect the administration or process of an effective and efficient civil justice system, enhance relationships between the bar and the Judiciary, and promote civility and professionalism in the practice of litigation.

## **ANNUAL REPORT**

### **Meetings**

The Litigation Section convened both full Section meetings and Executive Committee meetings between September 2011 and June 2012. Minutes from our meetings are generally posted on the Litigation Section’s Webpage on the Connecticut Bar Association Web site. Meetings were conducted on September 27, 2011; October 18, 2011; November 29, 2011; January 19, 2012; February 16, 2012; March 20, 2012; April 10, 2012; and May 23, 2012. Excerpts from the minutes are reprinted below.

#### **September 27, 2011**

Guest Speaker Brad Gallant, CBA president, spoke of a number of initiatives being addressed by the CBA leadership, including the impact of budget cuts on the administration of justice; the closing of the complex litigation docket in Stamford; the closing of the housing docket in New Britain; the selection of a vendor for web-based CLE, including taped and live webinar broadcasts; the submission of an amicus curiae brief in support of the attorney general’s motion to dismiss a lawsuit brought by Jacoby & Meyers seeking to overturn the prohibition of non-attorney ownership of law firms; and the subject of limited scope representation. These topics led to a lively discussion among the Section members.

#### **October 18, 2011**

Members voted to form a Pro Bono Committee and a Rules Committee as formal standing committees of the Section. The guest speakers, who addressed Pro Bono opportunities in the State of Connecticut, were Steven Eppler-Epstein, director of Connecticut Legal Services, Inc.; Barry C. Hawkins, president-elect of the CBA and former chair of the Pro Bono Committee of the CBA; and Janice Chiaretto with Statewide Legal Services. Following the formal presentations, a discussion period followed concerning ways in which the members of the Litigation Section could assist the various pro bono entities in the state. The chair indicated that it was one of his goals over the next two years to increase the Section’s commitment to providing pro bono services. Among the suggestions and recommendations were developing some type of system whereby an attorney could volunteer her/his services to take a case in advance for a particular month where she/he could set aside some time to work on a pro bono matter. The guest speakers also reported on training programs that are offered so that an attorney wishing to do pro bono work will feel sufficiently skilled to handle the work even if it is in an area outside of her/his normal practice areas.

#### **November 29, 2011**

This was both a full section meeting and CLE program that was jointly sponsored by the Young Lawyers Section and the Litigation Section. Dinner was followed by a panel presentation of E-discovery techniques and issues, and the new E-discovery rules of practice enacted in Connecticut. The speakers were: Julia L. Brickell, General Counsel, H5, New York, NY; Charles A. Deluca, Ryan Ryan Deluca LLP, Stamford; David A. Reif, McCarter & English LLP, Hartford; Kevin M. Smith, Wiggin and Dana LLP, New Haven.

**January 19, 2012**

The Section voted to make a monetary donation to the Innocence Project in memory of Judge Satter in an amount to be approved by the executive committee, and to support targeted increases in certain court filing fees, expected to produce revenues of \$8.6 million annually, provided funds for those fee increases were allocated specifically at 60 percent for the Connecticut Bar Foundation's support of legal aid services and 40 percent for technology improvements and initiatives of the Connecticut Judicial Branch. The Guest Speaker was CBA Limited Scope Representation Task Force member Attorney Stephen Conover, who solicited Section comments, complaints, ideas, and suggestions for consideration in the implementation of Limited Scope Representation in the state. There was a lively discussion, with several Section members voicing their concerns and objections to the concept of limited scope representation, including concerns with how a lawyer accepting a limited scope assignment could withdraw from a matter if the attorney and client disagreed about whether the limited scope assignment had been completed. Other concerns involved ethical questions about how an attorney could communicate effectively with an adversary who is represented for some purposes and not for others.

**February 16, 2012**

The Section voted to support the CBA initiative to raise section member dues from \$22 to \$25 per member. Guest Speakers Attorney Joseph D. D'Alesio, executive secretary and executive director, Superior Court Operations Division; Ms. Beth Bickley, executive director, Information Technology Division; and Attorney Alice Harrington Mastrony, executive director's office, State of Connecticut Judicial Branch conducted a focus group discussion regarding e-filing, including the aspects that worked well and aspects needing improvement.

**March 20, 2012**

This was a joint meeting of the Litigation Section and the Appellate Advocacy Section. Guest Speakers Honorable C. Ian McLachlan of the Connecticut Supreme Court, Attorney Sheila A. Huddleston, and Attorney Linda L. Morkan provided valuable information to trial attorneys about issues to consider so that an adequate record for review can be made for an appeal following a trial. Justice McLachlan provided helpful insight and recommendations from the perspective of the appellate judges.

**April 10, 2012,**

The Section voted to set \$500 as the amount being donated to Project Innocence in honor of the late Judge Robert Satter, to delete the sentence from Article II § 2 of the bylaws that limits Section member dues to \$25, to increase the Litigation Section dues to \$40 per member beginning after the upcoming annual meeting, and to oppose Connecticut House Bill No. 5434 ("An Act Concerning the Professional Standard of Care for Emergency Medical Care Providers"). The Section discussed more generally those instances in which the Section should take a position on pending legislation, the importance of doing so, and the concern that silence could be construed as indicating a Section position. The Section also voted to request that the special committee of Connecticut Bar Association officers that deal with legislative matters when the House of Delegates is not in session adopt the vote of the Litigation Section against HB 5434 as a Connecticut Bar Association position. Guest speaker Attorney Ken Laska made a presentation showing how litigators could effectively use technology to streamline, improve and simplify discovery, trial and pre-trial presentations and to make file management more efficient. Attorney Laska's presentation included demonstrations, informational handouts, and suggested uses of iPad technology for litigation.

**May 23, 2012**

The Section voted to authorize a second \$500 donation in honor of the Late Judge Robert Satter so that \$500 would be sent to the Connecticut Innocence Project and \$500 would be sent to the Connecticut Innocence Fund, the tax-deductible self-sustaining loan fund formed through a collaboration between the Connecticut Bar Foundation and the Community Partners in Action to provide short-term loan assistance to exonerees—people who have been released from prison after being found innocent of the crime for which they were convicted. By statute, such exonerees are entitled to compensation from the State, but that has proven to be a slow process so the loan fund is designed to provide "bridge loans" to meet exonerees' immediate needs after release. The loans will be repaid from exonerees' statutory compensation, making this a self-replenishing fund once it is under way. Guest speaker Attorney Kerry Wissner presented a comprehensive update of the law concerning the equitable remedies of traditional and reverse (and

triangular) corporate veil piercing, and issues addressed in the recently decided Supreme Court case of *Commissioner of Environmental Protection v. State Five Industrial Park, Inc.*

#### **CLE**

We presented two full CLE programs, both concerning the new rules for electronic discovery in Connecticut. The first program was presented on November 29, 2011 and the second was presented at the CBA's annual meeting on June 11, 2012. A wealth of material was provided to meeting participants on disc, including relevant forms and pleadings. These materials are also posted on the Litigation Section's Webpage.

#### **Publications**

Publications were posted on the Litigation Webpage throughout the year, primarily materials presented at our meetings and CLE programs. These are in-depth materials that can be put to immediate use by our members.

#### **Legislative Efforts**

The Litigation Section opposed Connecticut House Bill No. 5434 ("An Act Concerning the Professional Standard of Care for Emergency Medical Care Providers"). Section members voted to request that the special Committee of Connecticut Bar Association officers that deals with legislative matters when the House of Delegates is not in session adopt the vote of the Litigation Section against HB 5434 as a Connecticut Bar Association position. A Section position was authorized by CBA.

# **PARALEGALS SECTION**

**ATTORNEY REGINA C. GRAZIANI AND JANICE E. FAVREAU RP, CO-CHAIRS**

## **PURPOSE**

The purpose of the Section on Paralegals is to disseminate information to attorneys regarding the paralegal profession, to publicize issues of importance regarding this profession, to encourage attorneys to practice with qualified paralegals in order to lower costs, and to improve the quality of service to clients.

# PLANNING AND ZONING SECTION

IRA W. BLOOM, CHAIR

## PURPOSE

The Planning and Zoning Section has continued to emphasize its core goals, which are to educate our own Section members and the Bar in general about the changing law of land use, to educate lay members of local land use agencies about their legal authority and responsibilities, to improve the legislative structure within which land use decisions are made, and to foster goodwill and credibility between the Bar and the general community.

## ANNUAL REPORT

### Cle Seminars

On October 18, 2011, our Section sponsored a seminar entitled “Advanced Planning and Zoning.”

On March 16, 2012, our Section sponsored a Webcast seminar, “Everything You Always Wanted to Know About the New Rules Regarding Administrative Appeals.”

At the CBA Annual Meeting on June 11, 2012, we will present a session on “Land Use Law and First Amendment Issues.”

### Monthly Meetings

This Section has continued to have monthly meetings in New Haven. We have addressed a number of important topics such as the recent *Chabad Lubavitch v. Litchfield Historic District* case; Fair Housing Choice; the *PPL Montana* case, an interesting case involving ownership of riverbeds (a joint meeting with the Environmental Law Section and the Yale Environmental Law Section); the new public act regarding bonds; housing demands and changing demographics; zoning enforcement and the recent *Bozrah* decision; the new Practice Book section on administrative appeals; and the upcoming land use court. We have been pleased to have as speakers the Hon. Richard A. Robinson and the Hon. Marshall K. Berger, Jr. A focus of several of our meetings has been the new Practice Book rule on administrative appeals, which went into effect on January 1, 2012.

### Legislation

Our legislative liaison, Attorney Eric Knapp, has provided us with regular updates of important legislation. We have not taken any positions on pending legislation this year.

### Practice Book and E-Filing Rules

As noted above, the addition of Section 14-7B to the Connecticut Practice Book went into effect in January 1, 2012. Our Section was instrumental in helping to draft these important changes, which streamline the process and move us closer to complete e-filing. Last year, we worked with members of the Judicial Branch, including the Chief Court Administrator, Hon. Barbara M. Quinn, Hon. Marshall K. Berger, Hon. Henry Cohn, Hon. Dennis Eveleigh, Hon. Patrick Carroll, and Joseph D. D’Alesio and Alice Mastrony of the Judicial Branch, in an effort to incorporate the new e-filing rules and improve the administrative law appeal process. This year, we have tried to educate practitioners regarding these new rules. As chair, I wrote an article in the March 2012 issue of the *Connecticut Lawyer* describing the new rule.

### From the Chair

This concludes my last year as chair of this Section. As land use practitioners, we are often forced to attend long evening meetings before boards and commissions. Fortunately, the lawyers with whom we practice are among the most collegial in the state. The past three years as chair have been enjoyable and rewarding thanks to my land use colleagues, particularly those who are active in this Section. I wish to extend my thanks to all of them and best wishes to the new chair and officers.

# **PUBLIC UTILITY LAW SECTION**

**MICHAEL E. KOZLIK, CHAIR**

## **PURPOSE**

The purpose of the Section is to promote the educational and professional objectives of the Connecticut Bar Association within the general field of public utility law, including in particular state and federal statutory and regulatory supervision of public utility companies.

## **ANNUAL REPORT**

### **Meetings**

The Section is very active and includes members from all aspects of public utility law. The Section meets regularly for dinners which include a broad range of guest speakers addressing topics of interest and concern to practitioners in this area of law. The following meetings were held during the 2011–2012 term: October 6, 2011 with guest speaker Attorney General George Jepsen; November 15, 2011 with guest speaker Public Utilities Regulatory Authority Chairman Kevin DelGobbo; March 22, 2012 with guest speaker Consumer Counsel Elin Swanson Katz; and May 29, 2012 with guest speaker Gregory Butler, Senior Vice President, General Counsel, and Corporate Secretary of Northeast Utilities. In addition, on January 11, 2012 the Section hosted a joint meeting with the Connecticut Power & Energy Society with Energy and Technology Committee Chairs Senator John Fonfara and Representative Vickie Nardello as guest speakers.



# REAL PROPERTY SECTION

**MITCHELL S. JAFFE, CHAIR**

## **PURPOSE**

The purpose of the Real Property Section is to promote the educational and professional objectives of the Connecticut Bar Association within the field of real property law. The Section provides a forum at executive committee and section meetings throughout the year for the exchange of information and ideas relative to real property issues, concerns, and transactions, both residential and commercial. The Section also welcomes consideration and discussions of issues related to conveyancing, mortgages, land use, title insurance, and other matters of interest to the real estate Bar.

## **ANNUAL REPORT**

### **Officers**

Mitchell S. Jaffe, Chair  
Elton B. Harvey, III, Vice Chair  
Matthew Cholewa, Treasurer  
Brian S. Cantor, Secretary

### **Meetings**

The Real Property Section, one of the largest and most active Sections in the Connecticut Bar Association, presented a series of programs at its monthly meetings to provide professional development and enrichment to its members. The following programs were presented at the full Section and Executive Committee meetings:

- Joint Meeting with Environmental Section discussing revisions to environmental laws, including the brownfields legislation, Transfer Act and Environmental Land Use Restrictions
- Revisions to the Foreclosure Mediation Program
- Presentation on bank fraud mitigation and loss management, discussion of “good funds” and check clearing safety practices
- Presentation on the processing, transfer, release, and foreclosure of residential mortgage loans in the “MERS” system
- Presentation on the creation, development, and mission of a new community bank in New Haven
- Discussion of tax aspects of real estate transactions including conveyance and controlling interest transfer taxes, installment sales, loan restructures, cancellation of indebtedness, recourse and nonrecourse debt, capital gains, and ordinary income and losses
- Primer on mechanics’ lien statutes with its affect on commercial lending practices

### **Legislation**

The Legislative Committee made up of Matthew Cholewa and Edward M. Rosenblatt monitored legislation of interest to real estate attorneys and led discussions and evaluations of proposed legislation. The Section passed resolutions to sponsor an amendment to Section 1-217 of the General Statutes to minimize the potential adverse affect of a ruling on a Freedom of Information case that could lead to nondisclosure of party and address information on the land records. The Section’s position as part of a broad-based coalition with the Town Clerks Association was adopted by the CBA. Other Section positions adopted by the CBA included opposition to private transfer covenants, removal of witness requirements on recordation of documents, and different bills potentially hindering the “MERS” residential mortgage transfer process. In addition, the Section supported the removal of a loop hole to the Unauthorized Practice of Law statute with an increase in an existing penalty thereunder.

The Section made a \$1,500 contribution to the prize fund that it had established at the University of Connecticut School of Law. The Section is also authorized to contribute a \$1,500 prize to a law student at Quinnipiac University Law School.

The Section contributed \$1,000 towards the February 24, 2012 Gallivan Conference on “The Economic and Demographic Transformation of Connecticut's Housing Market” at the University of Connecticut School of Law.

Under the leadership of Edward M. Rosenblatt, the Section developed regulations for a Residential Real Property Certification Program for presentation and approval by the CBA.

The Section has established and is supporting the Model Residential Contract Committee, co-chaired by James Nugent and Eugene Marconi, whose mission is to develop a model standard residential purchase and sale agreement for the entire state. Members of the Section have provided extensive comment and input on the initial draft of such agreement.

The Section’s program at the CBA Annual Meeting on June 11, 2012, will be its annual review entitled “Recent Developments in Real Property Law—Cases and Legislation.”

# SMALL FIRM PRACTICE MANAGEMENT SECTION

DAVID M. S. SHAIKEN, CHAIR

## PURPOSE

The purpose of this Section shall be to enhance the practice of lawyers engaged in the solo and small firm practice of law, through communication, study, collection, development, and dissemination of material on subjects of interest and concern to the solo and small firm practitioner, in cooperation with other Sections of the Connecticut Bar Association, gearing its activities to basic principles and procedures and utilizing publications, meetings, seminars, committees, and other suitable media for this end, thereby promoting the objectives or goals of the Connecticut Bar Association.

## ANNUAL REPORT

This report covers the period July 1, 2011 through June 30, 2012.

### Officers

David Shaiken, Chair

Douglas Brown, Vice-chair

Anthony Minchella, Treasurer

Thea Martin served as Legislative Liaison; Scott Schaffer drafted a comprehensive revision of our bylaws; Steven Basche and Scott Schaffer have organized our program for the CBA's Annual Meeting; Patricia Moss and Gregory Smith have organized a Section booth for the CBA's Annual Meeting.

### Meetings

We held monthly Section meetings on the following topics:

- September: "Organizational Meeting"
- October: "E-Discovery for the Small Firm"—Anthony Minchella
- December: "Forensic Accounting and Fraud Examination: How to Better Protect Your Law Practice from Employee Embezzlement and How Forensic Accounting May Help You Solve Your Client's Problems"—Stephen Pedneault, CPA, CFF, CFE
- January: "Limited Scope Representation in Connecticut (Joint meeting with Litigation Section)"—CBA Taskforce on Limited Scope Representation
- February: "Passion and Profits: Creating The Life You Once Imagined"—Walt Hampton
- March: "Roundtable Discussion: Small Firm Practice, Non-Traditional Career Paths, and the CBA"—Thea Martin
- April: "Minimizing Risk: Tips for Solos and Small Firm Practitioners on Avoiding Malpractice and Disciplinary Claims"—David Atkins, Bruce Stanger
- May: "Violations and Laws on Writing Engaging Website Content"—Chris Amorosino

### Legislative Efforts

Our Executive Committee voted to support legislation to stabilize funding for legal aid and to fund the Judicial Department's revolving technology fund.

### Other Programs and Events

We are presenting a program at the CBA's Annual Meeting on "Growing Your Business through Internet Marketing."

# **SPORTS AND ENTERTAINMENT LAW SECTION**

**DOUGLAS G. LILLY, CHAIR**

## **PURPOSE**

The goals of the section are: (1) Provide a forum for attorneys to discuss and take action on issues important to the law and business of the sports and entertainment industries; (2) Provide a networking system for attorneys in this area; (3) Prepare and present seminars on sports and entertainment law for those attorneys and participants in the industry; (4) Promote such other legal and equitable programs as the section of Board of Governors of the Association deems fit.

## **ANNUAL REPORT**

### **Meetings**

The Sports & Entertainment Committee will have a meeting at the Traveler's Championship in June. We are planning on having a Golf Marketing Representative speak to the members

### **Executive Committee Meetings**

Executive meetings were held on August 11, 2011, October 25, 2011 and January 10, 2012

### **Legislative Efforts**

No legislative efforts have been needed. There has been no new legislation that has come to the attention of the Sports & Entertainment Committee. The Committee does have a legislative liaison in place to keep abreast of any new legislation.

### **Volunteer Activities**

The Executive Committee met with an attorney to discuss reforming the Connecticut Volunteer Lawyers for the Arts. The Connecticut Volunteer Lawyers for the Arts was originally under the Connecticut Tourism Commission. However, with recent budget cutbacks and consolidation of State Agencies, the CTVLA was disbanded. The Sports and Entertainment Committee will be looking into starting up the CTVLA by working with Law Students from Yale University. The proposed CTVLA will work in conjunction with NY Chapter of the Volunteer Lawyers for the Art.

### **Other Programs and Events**

The Committee had an event at the Hot Stove Luncheon sponsored by the New Britain Rock Cats on January 19, 2012. Bill Smith the General Manager of the Minnesota Twins spoke about the state of his baseball club and the status of the New Britain Rock Cats. The event was well attended. Approximately 17 people attended the event. Five of the 17 people who attended the event were interested in joining our committee. In fact there has been an increase of our membership from the prior bar year.

The Executive Committee sent out Questionnaires to all current and past members of the Committee. We received few responses.

The executive committee is collecting a list of potential speakers for upcoming dinner/meetings/CLE. The potential list includes; Robert Harris, Esq. attorney with the firm of Levett Rockwood, PC. Mr. Harris Specializes in arbitration in Golf Disputes. Mr. Harris also has a blog which topic discusses legal issues in the sports of golf; Jonathan Orleans, Esq. Pullman & Comley, LLC Attorney Orleans is the lead attorney in the Title IX case against Quinnipiac University; Charles Grimes of the Law Firm of Grimes & Battersby-Attorney Grimes is a leading Intellectual Property Attorney.

# TAX SECTION

**KAREN L. CLUTE, CHAIR**

## **PURPOSE**

As per the Tax Section's bylaws, the purpose of the Section is to promote the objectives of the Connecticut Bar Association within the field of taxation; to further the continuing legal education of members of the Section and the Association; to serve as a resource concerning federal and state tax laws to Section members, the General Assembly and the Association; and to serve in a liaison capacity on behalf of the Association with the Internal Revenue Service and Connecticut Department of Revenue Services.

## **ANNUAL REPORT**

### **Meetings**

The Executive Committee of the Section had five meetings, two of which were open to all members of the Section. In addition, all members of the Tax Section have been invited to the June 12, 2012, meeting of the Business Law Section.

The September 14, 2011, meeting of the Executive Committee focused on plans for the coming program year and included a discussion resulting in a reorganization of the Executive Committee's subcommittees. After merging some committees and creating new committees, there are now 15 sub-committees focusing on specific areas of tax practice and professional development. Louis Bucari, first assistant commissioner and general counsel of the Connecticut Department of Revenue Services (DRS), also gave an update on recent State tax court litigation matters at the meeting.

The November 17, 2011, meeting of the Executive Committee included reports from the various subcommittees and a special presentation by Don Phillips, CBA director of public affairs and government relations, concerning the 2011 elections, the 2012 Connecticut legislative session, and the process for having positions on pending or proposed legislation approved by the CBA. Louis Bucari from the DRS also gave an update on recent State tax court litigation matters.

The January 18, 2012, meeting was an open meeting to which all members of the Section were invited. In addition to routine business and sub-committee reports, the meeting featured a special presentation by members of the Sales and Use Tax Subcommittee (Scott Sebastian, Eric Green, Lindsay LaCava, and Jack Shaugnessy) concerning recent developments. Alan Lieberman also gave a report on the status of discussions with the DRS concerning certain legislative and administrative initiatives of concern to the Tax Section (in particular, the burden of proof in tax litigation).

The March 17, 2012, meeting was also an open meeting to which all members of the Section were invited. In addition to routine business and sub-committee reports, the meeting featured a special presentation by Susan Nevas, a member of the International Tax Subcommittee, concerning foreign asset reporting compliance (IRC §6038D). Michael Spiro also gave a report about an important recent case (*TIFD III v. USA*) concerning what constitutes debt, as opposed to equity, in the partnership context.

The May 21, 2012, meeting of the Executive Committee highlighted the work of the subcommittees over the past year, and discussed programs presented in conjunction with the Connecticut Society of Certified Public Accountants (CSCPA) (discussed below). There was also discussion of work being done by Tax Section members in conjunction with Business Law Section members concerning possible changes to Connecticut's LLC statute. Members of the Tax Section have been invited to attend the June 12, 2012, meeting of the CBA Business Law Section which will include a presentation by speakers from the National Conference of Commissioner of Uniform State Laws (NCCUSL) comparing the Connecticut LLC statute with model statutes drafted by the NCCUSL and the ABA.

**CLE**

The Tax Section is sponsoring “Tax 101 for the General Practitioner: A Tax Guide to Everyday Transaction,” at the CBA Annual meeting on June 11, 2012. The program will review the tax implications of routine transactions and events, such divorce, sales of real estate and foreclosures, business transactions, and litigation awards and settlements. The speakers are Richard Convicer, Eric Green, Peter H. Gruen, John J. Palmeri, and Robert J. Percy.

The Tax Section is also sponsoring with the Business Law Section “Unraveling the Mysteries of Tax Allocation Provisions” at the 2012 CBA Annual Meeting. This program will explain the fundamentals of tax allocation provisions for pass-through entities and review alternative approaches for achieving specific economic results. The moderator of the program is John H. Lawrence, Jr., and the speakers are Leslie E. Grodd, Louis B. Schatz, and Stephen Ziobrowski.

Although primarily organized by the CSCP, during the 2011-2012 program year members of the Tax Section also participated in two liaison dinner meetings with representatives the IRS and two liaison dinner meetings with representatives from the DRS.

The Tax Section was a co-sponsor of a CLE with the Young Lawyers Section on March 21, 2012. Tax Section members Scott Sebastian, Laura Pisarello, and Eric Green were speakers.

The Tax Section was asked to provide a speaker to discuss tax law aspects of real estate transactions at one of the Real Property Section meetings. Rich Convicer spoke at the Real Property Section’s March 29, 2012, meeting.

**Legislative Efforts**

The Tax Section has a standing subcommittee on Legislative and Administrative Initiatives with the DRS. The work of this subcommittee, led by Alan Lieberman, was especially important this year, as the DRS has a new commissioner, appointed by the newly elected governor.

Assisted by Don Phillips and Bill Chapman at the CBA, the Tax Section has been making diligent efforts to introduce and support legislation to address concerns about the current Connecticut law on the burden of proof in tax cases and the statute of limitations for filing refund claims in certain sales and use and personal income tax matters. Unfortunately, these efforts came to naught this year, but the Section intends to try again in the next legislative session.

**Other Programs and Events**

Members of the Tax Section were very involved in the newly revitalized Federal Tax Institute of New England (FTINE), which is a project of the CBA and chaired by Frank Berall. (As chair of the Tax Section, I am an *ex officio* second vice-chair of the FTINE.) The first program was given on September 23, 2011, and the speakers included Tax Section members Eric Green, Rich Convicer, and Morris Banks.

The Tax Section is a member of the National Association of State Bar Tax Sections (NASBTS). As chair of the Tax Section, I attended the annual meeting of NASBTS in Washington, D.C. on October 28-29, 2011.

Respectfully Submitted  
Karen L. Clute  
June 4, 2012

# **TECHNOLOGY LAW SECTION**

**STEVEN A. CERTILMAN, CHAIR**

## **PURPOSE**

The purpose of the Technology Law Section is to provide leadership on issues concerning science and technology and the law. The Section's goals are as follows: (a) to provide a forum for members of the profession to review, analyze, and correlate developments in science and technology and to evaluate the impact of such developments on society and the law; (b) to study, report, and make appropriate recommendations on the regulation of science and technology and related legal issues; (c) to establish and maintain liaison and cooperation between the scientific and technological communities and the organized bar, to the end of facilitating desirable scientific and technological, and related legal, developments; (d) to contribute to public and professional understanding of the effects of science and technology on law, of the problems arising therefrom, and of the processes by which the law responds; (e) to cooperate with and assist other CBA entities interested in associated or related areas of activity.

## **ANNUAL REPORT**

### **Executive Committee Meetings**

The Executive Committee held a meeting in the fall of 2011. Approximately seven people attended. It had been some time since a meeting had been held and we discussed possible activities for the Section. The consensus view was that the Section fills an esoteric niche for technology law practitioners, lawyers generally, and the public, and that it is quite challenging to offer programs that are well-attended.

# WORKERS' COMPENSATION SECTION

DAVID J. WEIL, CHAIR

## PURPOSE

The Workers' Compensation Section is one of the most active parts of the Connecticut Bar Association. The Section has a relatively equal balance of attorneys representing claimants and attorneys representing respondents. In addition to the Section members, the Section has an executive committee consisting of 35 members. The purpose of the Workers' Compensation Section and executive committee is to promote an equitable system of compensation and medical treatment for the injured workers and employers as administered by the Workers' Compensation Commission which is the adjudicative body for the workers' compensation claims. Our Section attempts to work in concert with the Workers' Compensation Commission to provide swift, efficient, and equitable justice, while at the same time recognizing the inherent nature of an adversarial system and the rights of the litigants. The Section has an array of activities to promote these objectives and to raise the level of the practice before the Workers' Compensation Commission and the appellate courts.

## ANNUAL REPORT

During the past year I have been greatly assisted by my fellow officers, Lawrence Morizio, Vice-chair, Colette Griffin, Treasurer, and Joseph Passaretti, Secretary.

This past year began at the 2011 Annual Meeting at which Workers' Compensation Commission Chairman John Mastropietro spoke about the state of the Workers' Compensation Commission, Attorney Jack Clarkson provided his annual comprehensive review of appellate decisions, and Attorney Lucas Strunk provided an overview of legislative developments during the 2010–2011 legislative session. Finally, Appellate Court Judge Robert E. Beach, Jr. addressed the section with a wonderful presentation.

Lawrence Morizio as chair of the Continuing Legal Education and with assistance of his entire committee sponsored two informative and well attended seminars. The fall seminar, held on November 4, 2011, in Rocky Hill addressed "Psychiatric Claims and Their Interplay with Pain." The speakers were Dr. Peter Zeman, Robert Kerns, Jr. PhD, Dr. Dwight Ligham, Chairman John Mastropietro, Commissioner Christine Engel, Commissioner David Schoolcraft, Attorney Andrew Hems, and Attorney Mark Merrow.

The spring seminar was held on May 18, 2012, at the CBA offices in New Britain, regarding "Liens and Outside Benefits That Can Affect Workers' Compensation Claims and Indemnity Benefits." The speakers were Attorney Stephen Lattanzio, Attorney Francis Vignati, Jr., Attorney John D'Elia, Attorney Brian Smith, and Attorney Jane Carlozzi. Both seminars were very well-attended and received.

Additionally, in March 2012, Kevin Coombes with the assistance of Jeremy Brown and Joseph Passaretti ran a very successful "Exotic Seminar" in Las Vegas, Nevada. There were 27 attendees at the seminar. The seminar included presentations by Dr. Donald Grayson a forensic psychiatrist, Commissioner Stephen Delaney, Commissioner Amado Vargas, and George Cayer, RPh. from the Injured Workers' Pharmacy who discussed drug interactions and narcotics in workers' compensation claims.

At our fall section meeting, former Commissioner Donald Doyle discussed mediation and how it is used in the workers' compensation forum. At the spring Section meeting, we honored former Commissioner A. Paul Berte upon his retirement from the practice of law. We also held four executive committee meetings that were well-attended and productive.

The area that consumed most of our members' and officers' efforts involved Governor Malloy's proposal that the Workers' Compensation Commission be merged into the Department of Labor. At the February 15, 2012 executive committee meeting, the committee unanimously voted to oppose the bill. Thereafter, numerous members of the Workers' Compensation Section testified before the legislature and met with legislative aides in an effort to defeat



the governor's proposal. The Section was wonderfully assisted by Don Phillips of the CBA in the efforts to oppose the governor's bill. It appears that the Section members efforts helped to defeat the bill by successfully convincing the legislature that the governor's proposal would not provide any cost savings and would negatively affect one of the better run government agencies.

The *Compensation Quarterly* under the direction of editor-in-chief, Frank Costello, continued to be an excellent source of information and discussion regarding workers' compensation law, as well as one of the finest publications from any section of the CBA. The publication includes topics that range from in-depth legal articles to medical issues discussed by respected physicians throughout Connecticut and case analysis from the workers' compensation legal community.

The Examining Committee led by Diane Duhamel held a new examination in May 2012 to determine if any new attorneys are qualified to be certified specialists in workers' compensation. The examinations are currently being graded and new specialists will be announced in the near future.

Attorney Cori-Lynn Webber continued to update our web page on the CBA Web site including indexing of the *Compensation Quarterly*.

On September 19, 2011, Rick Aiken and his Golf Committee ran the very successful 13th Annual Verrilli/Belkin Golf Tournament at the Shuttle Meadow Country Club. Once again, the weather was beautiful and everyone had a wonderful time. The event included 90 golfers and 18 additional participants at the reception and dinner. There were also 53 sponsors and all of the net proceeds from the tournament (in excess of \$10,000) were donated to Foodshare and the Connecticut Food Bank.

Additionally, as we approach the 100th anniversary of the passage of the Workers' Compensation Act in Connecticut, a committee has been formed to honor this historic event and celebrate the many accomplishments of the Workers' Compensation Commission.

Finally, as we look forward to another year of enthusiastic participation in all events by our Workers' Compensation Section, I note the recent deaths of former Workers' Compensation Commission Chairman John Arcudi and more recently the sudden loss of Commissioner Clifton Thompson. Although Chairman Arcudi was a commissioner for many years and Commissioner Thompson for less than two years, they will both be deeply missed.

# **YOUNG LAWYERS SECTION**

## **JONATHAN S. WEINER, CHAIR**

### **INTRODUCTION AND PURPOSE**

The Young Lawyers Section (YLS) is the largest section within the Connecticut Bar Association (CBA) and is comprised of approximately 1,300 CBA members who are either 37 years of age or younger or have been practicing less than six years. In addition, the YLS includes law student members of the CBA.

The Section's mission is to further the CBA's goals and purposes, and thereby to serve the community and the legal profession; to represent members in the Association, and to represent the Association to members; to help shape the policies and priorities that affect members and the legal culture in which they practice; to create a deliberate forum for the exchange and expression of members' views, and a voice to advocate views; to promote diversity within the CBA, the Bar, and Connecticut law schools; to perform acts of charitable service to the Bar and the community; to provide continuing legal education; and to facilitate the participation of members in the American Bar Association.

### **GOVERNANCE AND EXECUTIVE COMMITTEE MEETINGS**

The 2011-2012 YLS officers are:

Chair: Jonathan S. Weiner

Chair-Elect: Jonathan M. Shapiro

Vice Chair: Chris R. Nelson

Treasurer: Emily Graner Sexton

Secretary: Tushar G. Shah

The activities of the YLS are governed by its Executive Committee, which is comprised of approximately 75 lawyers, representing a variety of practice areas and parts of the state, who are selected each spring through an open and competitive application process. To remain in good standing, Executive Committee members are required to: (1) attend 2/3 of designated Executive Committee and Section meetings, (2) participate in one of the Section's pro bono or public service opportunities, and (3) take an active role in planning the section's programming: each member is responsible for planning, individually or in collaboration with other members of the group, two programs to be held during the Bar year, such as formal continuing legal education (CLE) seminars, practice area dinners, networking events, or other sectionwide programs.

The Executive Committee met for the first time at the Annual Executive Committee Retreat, which was held at the Mystic Hilton on June 10 and 11, 2011. At the day-and-a-half-long event, extensive seminars and breakout sessions were held in order to introduce Executive Committee members to each other, orient them to CBA and YLS policies and practices, and develop much of the Bar year's programming in order to maximize the Section's productivity during the remainder of the Bar year from September through June. Connecticut Supreme Court Senior Associate Justice Flemming L. Norcott, Jr., served as the keynote speaker at the annual leadership luncheon, where, consistent with the year's focus on civics education, he impressed upon Executive Committee members the importance of conveying to young people respect for the law as a socially appropriate dispute resolution mechanism. At the luncheon, Past Chair Jeff White also presented the annual "Stars of the Year" awards to several Executive Committee members for outstanding efforts and programming in making the 2010-2011 Bar year a success.

Starting in September 2011, the Executive Committee held monthly meetings across the state, with most business meetings being held in New Haven. As in previous years, some of the Executive Committee meetings also were held in conjunction with sectionwide meetings or special events, which are described below in part III.

### **SECTIONWIDE MEETINGS AND SPECIAL EVENTS**

- A. Pro Bono Fair/New Admittee Welcome Reception: November, 2011

For the first time ever, the YLS combined the annual Pro Bono Fair, which provides legal services organizations from around the state with the opportunity to educate attendees about programs and pro bono opportunities that are appropriate for newer attorneys, with a reception to welcome attorneys who were admitted to the bar at the November ceremonies. The event was held on November 9, 2011, at the Mark Twain House and Museum in Hartford. Chief Justice Chase T. Rogers and Superior Court Judge William Bright joined us to explain the Judicial Branch's latest pro bono initiatives, including the new Pro Bono Portal Web site, and representatives from agencies including the Connecticut Veterans Legal Center, Hartford HELP, Pro Bono Partnership, Lawyers without Borders, Connecticut Legal Services, New Haven Legal Assistance, Greater Hartford Legal Aid, Statewide Legal Services, Lawyers for Children America and Center for Children's Advocacy were all present to share their programs and recruit volunteers. Nearly 150 attorneys attended the Pro Bono Fair, making it the most heavily attended Pro Bono Fair in the event's history. YLS Pro Bono Director Emily Gianquinto, along with Vice-chair Chris Nelson, organized this year's Pro Bono Fair.

B. Billings Forge Holiday Party and Book Drive: December 2011

On December 14, 2011, the YLS, following up on last year's extremely well received inaugural effort, again organized a holiday party for the children of the Billings Forge Community in the Frog Hollow section of Hartford (one of the poorest zip codes in the country). The law firm Stratton Faxon again served as the event's lead sponsor, with additional support being provided by Joey's Restaurant Group. The party included food, games, toys, crafts, and gifts and was again a smashing success with the help of nearly 20 lawyers and numerous CBA staff members volunteering their time and effort in advance and on the day of the event. More than 50 children participated in the event. YLS members and CBA staff also organized a book drive to collect hundreds of children's books for the Billings Forge Community, many of which were distributed as gifts at the children's party, with others serving as the basis of a community children's library. Later that evening, the YLS held its annual members' holiday party next door at the Firebox restaurant, which serves as a funding source for Billings Forge's community initiatives. Past Chair Jeff White, and Senior/Special Projects Directors Sara Goldfarb, Julia Lentini Marquis, and Elizabeth Conklin served as co-chairs of the holiday event.

C. Sectionwide Business Meeting/Bylaws Amendment: February 2012

On February 8, 2012, the YLS met as a Section at the LoRicco Tower Ballroom in New Haven to consider proposed amendments to the YLS bylaws, which had been proposed by a Bylaws Review Committee consisting of Jonathan Weiner, Jonathan Shapiro, Chris Nelson, Emily Graner Sexton, Tushar Shah, Andrew Knott, and Matthew Necci.

At the meeting, the Section voted to amend the YLS bylaws as follows: (1) Amended §§ 4.1 and 7.1 governing the selection of the Executive Committee for the ensuing bar year, to clarify that the Chair-elect chairs the Selection Committee, which consists of the current year officers and other members appointed by the Chair-elect, meets to reviews all submitted applications, and issues recommendations to Chair-elect about who to appoint when he or she becomes chair; (2) amended § 5.2 (b) to make the Chair-elect formally responsible for membership development and representing the section on CBA Membership Committee; (3) amended § 5.2 (c) to clarify that the Vice-chair is third in the line of succession and authority behind the chair and Chair-elect; (4) amended § 7.7 to provide that the Chair-elect, in addition to chairing Long Range Planning, also appoints that committee; and (5) amended § 10.1 to require one-third of the Executive Committee for quorum at Executive Committee meetings and thirty (30) members of the Section for quorum at Section meetings, as previously 23 members were required as quorum for either. These changes subsequently were approved by the CBA Board of Governors at its April meeting.

D. Diversity Award Dinner: March, 2012

The seventh annual YLS Diversity Award Dinner was held on March 22, 2012, at Anthony's Ocean View in New Haven. This year's honoree was Attorney Matan Koch, a Connecticut native and Presidential appointee to the National Council on Disability, who also holds the distinction of being the youngest person

ever to receive the award and the first honored for advancing the rights of disabled persons. YLS Diversity Directors Anthony Cenatiempo and Nicholas Yorio organized this inspiring event.

E. YLS Gala: April, 2012

The seventh annual YLS Gala was held on April 21, 2012 at the Inn at Middletown in Middletown. Approximately 75 YLS members and their guests attended the black tie optional event, which featured a cocktail hour, full dinner and dancing. Gala sponsors included the Inn at Middletown, Bin 228, Billy Grant's Restaurants, The Hartford Club, Wise Old Dog, Lyman Orchards Golf Club, Shipman & Goodwin LLP, and Schoonmaker, George, Colin & Blomberg PC. YLS Treasurer Emily Graner Sexton chaired the Gala Committee.

F. Distinguished Speaker Award Luncheon: May, 2012

The seventh annual Distinguished Speaker Award Luncheon was held on May 31, 2012, at the Hartford Club. This event historically has featured inspirational speakers of national prominence, including United States Supreme Court Justice Antonin Scalia, former United States Attorney General Michael Mukasey, former Solicitor General Kenneth Starr and Attorney Barry Scheck. This year, we were pleased to honor as our keynote speaker Margaret Marshall, Chief Justice (retired) of the Massachusetts Supreme Judicial Court, for her activities in advancing the equal rights of all persons both in the United States and in her native South Africa. Chief Justice Marshall was introduced by Connecticut Supreme Court Chief Justice Chase Rogers. As in the past, the Luncheon was widely supported by the leaders of the Connecticut legal profession and the federal and state judiciary. In total, nearly 100 people attended the event, which was co-chaired by Senior Directors Sara Goldfarb and Julia Lentini Marquis.

## **CONTINUING LEGAL EDUCATION (CLE) PROGRAMMING**

This year, the YLS again set a new record for the most CLE programs—37—organized by the Section. The programming garnered rave reviews and covered a wide variety of topics and skill levels. The most heavily attended seminars were "My First Trial," organized by Kelly Reardon, Sylvia Rutkowska, and Eamonn Wisneski, and "A Primer For Attorneys Serving on Non-Profit Boards," organized by Scott Sebastian, Christine Miller and Steve Stafstrom, which will be presented again at the CBA Annual Meeting. All of the CLE programs will be explained in greater detail in part XI of this report, which encompasses the activities of the YLS substantive law committees. CLE Directors Daniel Lindenberg and Melanie Dunn, along with CBA staff CLE Director Amanda Evans, did yet an excellent job in organizing this record setting number of CLE programs.

## **PUBLIC SERVICE AND COMMUNITY OUTREACH PROGRAMS**

A. "Lawyers in the Classroom; Kids in the Courtroom" Initiative

Every year, the incoming YLS Chair chooses an initiative on which to focus the section's energies and resources in developing new programming in an area of need, both within the legal profession and the community at large. Although the YLS has customarily supported CBA-wide civics initiatives such as Constitution Day, following the success of CBA Past President Ralph Monaco's Civics Education Initiative in the 2010-2011 Bar year, the YLS revitalized its own civics education offerings in a program called "Lawyers in the Classroom; Kids in the Courtroom," which was implemented by Civics Education Directors Francesca Lefante and Stacy Votto.

1. Mock Trial Programs

The first part of the "Lawyers in the Classroom; Kids in the Courtroom" initiative was to increase the participation of the YLS in the statewide high school and middle school mock trial tournaments organized by Civics First. In addition to continuing our long standing sponsorship of the New Haven region of the high school competition, which includes the recruitment of volunteer attorneys to serve as judges, the YLS organized a hands-on judges training, which was held at

Quinnipiac University Law School on December 1, 2011. At the training, prospective mock trial judges had the opportunity to work with students from Kingswood-Oxford School (West Hartford) and West Haven High School in becoming more comfortable with presiding in the mock trial process. Many attorney coaches and teacher coaches have since complimented the increasing number of younger attorneys who serve as mock trial judges, noting in particular their preparation and sensitivity to the students' work.

## 2. Classroom Visits

The second yearlong portion of the "Lawyers in the Classroom; Kids in the Courtroom" initiative was to arrange visits by volunteer attorneys to elementary school classrooms across the state in order to teach our youngest citizens about the importance of the rule of law and the legal process in our society--perhaps even inspiring some to consider careers in the law. The state Judicial Branch contributed to this project by providing copies of its publication, *Laws and the Courts: A Workbook for Upper Elementary Students* for our volunteer attorneys to use in planning and conducting their lessons. After the YLS reached out to every elementary school in the state by mail, fifteen schools located in Bridgeport, Colebrook, Fairfield, Hartford and New Britain requested visits from attorney volunteers to classrooms in grades 3-5. All of the attorney volunteers reported having a wonderful time visiting with the students, and many reported that their visits went well beyond the prepared materials and were consumed largely by the students' spontaneous questions about the law and the court system. Given the teachers' requests for return visits, the YLS intends to continue this initiative into future years. The following attorney volunteers visited elementary school classrooms: Steven Bidwell, Natalie Carpenter, Anthony Cenatiempo, Emily Gianquinto, Sara Goldfarb, Michael Goldfarb, Tammy Laracuenta-Rissolo, Francesca Lefante, Christine Miller, Peter Murphy, Chris Nelson, Christopher Sanetti, Steve Stafstrom, Jonathan Weiner, and Aidan Welsh.

## 3. Crosby High School Mock Trial Fundraising Golf Tournament

The YLS continued its support of high school mock trial programs by organizing a golf outing, held on May 25, 2012 at Quarry Ridge Golf Course in Portland, to benefit the state high school mock trial championship team from Crosby High School in Waterbury. The \$3,000 raised at this event, in conjunction with other donations from across the state's legal and educational communities, gave the Crosby High School team the opportunity to represent Connecticut in the national mock trial tournament held in New Mexico. Halloran & Sage LLP served as the title sponsor of the mock trial event; other sponsors included Connecticut Association of Legal Recruitment Administrators, Carmody & Torrance LLP, CRC Services, LLC, Del Vecchio Reporting, Edwards Wildman Palmer LLP, Matthew & Jennifer Necci, Jonathan & Alyssa Weiner, and Wolf & Shore, LLC. Programming Director Matthew Necci chaired the golf tournament committee.

## B. Soup Kitchen Project

The Young Lawyers Section Soup Kitchen Project has completed its third bar year in its current format. Members of the YLS, aided by family, friends and colleagues from the Section and the Senior Bar, again helped to prepare and serve meals once per month from September, 2011 through May, 2012 at the St. Elizabeth House/Mercy Shelter in Hartford, the Norwalk Emergency Shelter, and at the Downtown Evening Soup Kitchen in New Haven. In recognition of the fact that there are other underserved areas of the state, we also obtained a grant through the American Bar Association Young Lawyers Division (ABA/YLD) to enable the expansion of the project on a pilot basis to soup kitchens in New London, Waterbury, and Willimantic. As always, many volunteers took the time to report what a rewarding experience they had and have asked to volunteer again. Public Service Directors Brette Fitton and Tammy Laracuenta-Rissolo again did an indefatigable job in coordinating the Soup Kitchen Project.

## C. Horn of Plenty

The Horn of Plenty Food & Clothing Drive, conducted during the holiday season, is the YLS' longest-standing public service project. YLS members, under the lead of the Section's Local Unit chairs, coordinated food and clothing drives throughout the state to benefit a variety of charities. This year, more than 40 firms participated in the Horn of Plenty drive, donating thousands of dollars of cash, food and clothing. The Horn of Plenty drive was coordinated this year by the following Local Unit chairs: Bridgeport: Betsy Edwards, Steven Stafstrom; Hartford: Elizabeth Dimoulas, Susan Kirkeby, David McGrath; Middlesex: Sylvia Rutkowska, Jeannine Wyszowski; New Haven: Joshua Hecht, Stacey Pitcher; New London: Amity Arscott, Kelly Reardon; Tolland: Danielle Angliss, Steven Bidwell; Waterbury: Peter Ryan; Stamford; Jonathan Kelson.

D. Other Community Service Activities

YLS members continued to answer the call for volunteer assistance for a variety of good causes around the state. For example in November, 2011, Christina Hage, Tammy Laracuente-Rissolo, Daniel Lindenberg and Jeff White continued our relationship with Billings Forge by helping at its Farm to Table Fundraiser.

## **LEGISLATIVE AND GOVERNMENT RELATIONS EFFORTS: "CONVERSATIONS WITH THE GOVERNMENT"**

Under the lead of Government Relations Director/Legislative Liaison Michael Goldfarb, the YLS implemented a new three-part series of events known as "Conversations with the Government," which was intended to augment existing programs and provide increased access to leaders of the three branches of Connecticut's state government.

A. "Separation of Powers: The Importance of an Independent Judiciary"

On October 7, 2011, at the University of Connecticut Law School, Connecticut Supreme Court Associate Justice Peter Zarella addressed YLS members and students and faculty on "Separation of Powers: The Importance of an Independent Judiciary." At the event Justice Zarella engaged attendees in a discussion of the history of separation of powers in Connecticut and how current events, like the state budget crisis, have impacted the Judicial Branch's core mission of resolving cases. After the discussion, a breakfast reception allowed attendees to socialize informally with Justice Zarella.

B. "A Conversation with Governor Dannel P. Malloy"

On January 12, 2012, the YLS held a breakfast reception at the State Capitol entitled: "A Conversation with Governor Dannel P. Malloy." This was the first time in recent history that the YLS had an exclusive opportunity to meet with the governor. At the event, Governor Malloy spoke about his first year in office and his legislative agenda for 2012. Christopher Drake, Deputy Legal Counsel to the Governor, also addressed YLS members about the role of the attorneys who work in the Office of the Governor.

C. Annual Legislative Breakfast

On April 11, 2012, the YLS held its annual Legislative Breakfast at the State Legislative Office Building. Representative Larry Cafero, Jr., House Republican leader, was the keynote speaker and gave spirited remarks about current matters of interest, including the repeal of the death penalty and the redrawing of electoral district maps following the 2010 Census. The event was well attended by many state legislators and other government leaders, giving members an opportunity to meet with them in a relaxed and social setting and to discuss both legal and legislative issues facing Connecticut today.

## **CAREER DEVELOPMENT PROGRAMS**

A. Statewide Mentoring Program

The YLS has worked with the CBA's reconstituted Task Force on Mentoring New Attorneys to achieve the task force's goals of: (1) establishing pilot programs with the regional bar associations; (2) publicizing and

promoting the mentoring program; and (3) attracting young lawyers to participate in the program. The YLS played an important role with facilitating the goals of the Task Force; Chair-elect Jonathan Shapiro and Diversity Director Anthony Cenatiempo were both members of the task force, and Anthony took on the additional responsibility of serving as Statewide Mentoring Coordinator charged with directing all mentee inquiries and requests for assistance to the appropriate regional bar association.

YLS members also worked to publicize the Mentoring Program and implement it on a regional level. Anthony Cenatiempo worked with the Fairfield County Bar Association to implement the mentoring program in that area by recruiting its past president, Stephen Conover, to serve as that association's mentoring coordinator. Jonathan Shapiro aided in the creation of a mentoring program in Middletown, and Amity Arscott and Brette Fitton helped with developing a mentoring program for the New London County Bar Association. In addition to its endorsement in Chief Justice Rogers' letter to new admittees and in Mark Dubois' column in the *Connecticut Law Tribune*, the new Mentoring Program was also publicized in a variety of YLS venues, including through a devoted chair's column in *Connecticut Lawyer* and the "Going Commando" programs moderated by Chair-elect Jonathan Shapiro, described in the Solo Practice and Small Firm section in part XI of this report.

Anthony Cenatiempo, as statewide mentoring coordinator, received and assigned thirty (30) inquiries from November, 2011 through May, 2012 from persons seeking mentoring, the vast majority of which sought assistance in the Hartford area.

#### B. Law School Career Panels

The YLS continued its career panel series at the University of Connecticut and Quinnipiac Law Schools. The career panels continue to be an important function of the YLS insofar as they provide insight for law students on what the practice of law is like in a particular field, from the perspective of a new attorney. The career panels also provide a direct opportunity for the recruitment of law student members, who we hope will become likely to continue as active attorney members after graduation from law school. The panels were facilitated by Law School Outreach Director, Susan Kirkeby, and organized by practice area committees as described in part XI of this Report.

#### C. Career Development Programs for Members

Daniel Lindenberg, CLE director and co-chair of the Health Law Committee, organized two career development programs of general interest to young lawyers. On November 3, 2011, Dan organized "From Associate to Partner," which featured a panel moderated by Chair-elect Jonathan Shapiro, including Charles R. Welsh (Edwards Wildman Palmer LLP), Joey Lee Miranda (Robinson & Cole, LLP), Lee D. Hoffman (Pullman & Comley LLC), and Mark A. Milano (Milano & Wanat LLC). On April 26, 2012, Dan hosted "Whine and Wine: How to Network," featuring career coach Julie Jansen.

## **PUBLICATIONS**

During the 2010-2011 Bar Year, the YLS Green Initiative, a yearlong project envisioned by Past Chair Jeffrey White, and currently under the supervision of Special Projects Director Elizabeth Conklin, made strides toward raising environmental awareness among members of the Bar and community at large. The Green Initiative culminated in the production of a comprehensive *Green Guide for Law Firms*, which provides tips and resources for firms looking to reduce their environmental impact and conserve resources and money. Under Elizabeth's continued supervision, and with the assistance of CBA staff members Laurie Nivison and Dan Anderson, the *Green Guide for Law Firms* was published online this year on the YLS page of the CBA Web site.

## **AMERICAN BAR ASSOCIATION/YOUNG LAWYERS DIVISION (ABA/YLD) REPORT**

YLS participation in ABA/YLD activities continues to increase steadily following a slight lull over the last few years, which reflects the section's renewed commitment to participation in organized bar activities on the national level. Specifically, the YLS sent representatives to all of the ABA/YLD conferences during the 2011-2012 bar year.

A full slate of five certified delegates, in addition to Dana Hrelc, the elected ABA/YLD District Representative for Connecticut and Rhode Island (District Representative), attended the ABA/YLD Annual Conference in Toronto in August 2011, and actively participated in approving the various policy and rule recommendations made to the ABA House of Delegates for adoption. Two YLS members attended the Fall Conference in Seattle. Four delegates in addition to the District Representative attended the Midyear Conference in New Orleans. Three members, including our District Representative, attended the YLD Spring Conference in Nashville. Finally, we have four certified delegates in addition to the District Representative, registered to attend the upcoming Annual Conference in Chicago in August, 2012.

Dana Hrelc, the ABA/YLD District Representative for Connecticut and Rhode Island, has coordinated all of the YLS' participation in ABA activities this year. Specifically, Dana also represented Connecticut in the implementation of a variety of national ABA/YLD initiatives, including the new "Touch 10,000" Project, which involves reaching out to new attorneys for membership and networking opportunities in the ABA. Dana Hrelc also spearheaded local participation in the FEMA Disaster Assistance Legal Services project in the fall of 2011. She had the YLS prepared to provide a full complement of CBA resources in response to Tropical Storm Irene and the October Blizzard if called upon by government homeland security agencies per ABA protocol. As that formal request for services was not received, YLS members devoted their energies instead to assisting with the staffing of the Insurance Law Section's local disaster legal services hotline.

## **FUTURE LEADERSHIP**

Chair-elect Jonathan Shapiro will automatically assume the office of Chair for the 2012-2013 Bar Year. In April, 2012, the Executive Committee, acting in its capacity as Nominating Committee, nominated the following slate of additional officers, who subsequently were elected to serve for the 2012-2013 Bar year: Chair-elect, Chris Nelson, Vice-chair; Emily Graner Sexton; Treasurer, Tushar Shah; Secretary, Matthew Necci.

## **REPORTS SUBMITTED BY YLS PRACTICE AREA COMMITTEES**

### **A. Administrative Law & Government (Elizabeth Dimoulas, Patrick Lamb)**

The Administrative Law & Government Committee organized two career panels on public sector legal employment, one at Quinnipiac University School of Law and the other at the University of Connecticut School of Law.

The Administrative Law & Government Committee was also extremely active in YLS public service activities, including the Billings Forge Holiday Party and the Horn of Plenty Drive in Hartford.

### **B. Appellate Practice (Dana Hrelc, Jay Sexton, Matthew Weiner)**

The Appellate Practice Committee sponsored its Annual Appellate Advocacy Dinner on October 25, 2011, with Connecticut Supreme Court Associate Justice Richard Palmer serving as the keynote speaker. Justice Palmer's remarks were interesting, funny, and entirely pertinent to young lawyers hoping to develop their own appellate practices.

The Appellate Practice Committee also co-sponsored, with the Litigation Committee, "Administrative Appeals: The Nuts and Bolts of Appellate Practice under the UAPA, § 8-8 Land Use Issues, and Tax Appeals," held on November 28, 2011. The speakers included Superior Court Judges George Levine and Henry Cohn of the New Britain Tax and Administrative Appeals Session, as well as Assistant Attorney General Nyle K. Davey and Mary Alice Moore Leonhardt (Moore Leonhardt LLC).

Finally, the Appellate Practice Committee is exploring the possibility of co-authoring several substantive articles in the area of appellate law, for the upcoming Bar year.

### **C. Business Law & Financial Institutions (Christine Miller, Steven Stafstrom)**



The Business Law & Financial Institutions Committee co-sponsored, with the Tax Committee, a CLE program in the fall titled, "A Primer for Attorneys Serving on Non-Profit Boards." The CLE focused on topics that all attorneys serving on (or interested in serving on) a non-profit board should know, including the basics on the governing state law, conflicts of interest issues, and recent developments in the non-profit field. Panelists included: Susan Roberts, David Atkins, Jack Horak, and Ed Spinella. This CLE was extremely well received and will be presented once again at the CBA Annual Meeting.

The Business Law Committee also was active in YLS community service activities, including the Soup Kitchen Project and classroom visits.

D. Child Welfare & Juvenile Law (Amity Arscott, Tamarah Evanko)

The Child Welfare & Juvenile Law Committee held a CLE seminar on Open Adoption on December 5, 2011, featuring national authorities Douglas Monaghan, a certified child protection attorney from Groton, and Dr. Nancy Randall, a child and adoption psychologist from East Lyme.

E. Consumer Law (Steven Bidwell)

The Consumer Law Committee hosted a CLE seminar on student loan issues, entitled "A Priceless Education," featuring Joshua Cohen, a nationally known expert on the subject. The Consumer Law Committee also was active in assisting with civics education programming and classroom visits.

F. Corporate Counsel Committee (Natalie Carpenter, Joanne Rapuano)

The Corporate Counsel Committee organized a CLE on November 9, 2011, entitled "Lawyer Ethics in a Corporate Setting: Corporate Counsel for the 21st Century." The CLE addressed current issues facing in-house counsel, such as social media policies, the corporate hierarchy, Freedom of Information issues, and e-discovery.

The Corporate Counsel Committee also held a networking event in April 2012 for in-house counsel and firm attorneys titled "In-House in the House." Held at the offices of TicketNetwork in Vernon, the program, which was keynoted by Steve Greenspan, chair of the CBA Corporate Counsel Section, provided in-house and outside attorneys the chance to mingle in a corporate setting.

The Corporate Counsel Committee also participated in the Habitat for Humanity build held in the fall, as well as three of the soup kitchens taking place in Hartford at St. Elizabeth House/Mercy Shelter, and also took time to assist with pro bono initiatives for organizations such as the Norwich Figure Skating Association.

G. Education Law Committee (John DiManno, Peter Murphy)

The Education Law Committee held a CLE seminar on May 21, 2012 titled "Education Law Update." Featuring Gary Brochu (Shipman & Goodwin LLP), Marc Mercier (Beck & Eldergill), and Jeffrey Pingpank (Cooney Scully & Dowling), the seminar provided attendees with an overview of recent developments in the federal and state laws governing student suspensions, expulsions, discipline of special education students, residency hearings, and transportation hearings.

H. Elder Law/Estates & Probates Law (Peter Ryan, Lisa Staron, Jeannine Wyszowski)

The Elder Law/Estates & Probates Law Committee was extremely active in 2011-2012, and organized six CLE programs. The Committee organized four programs on its own, including "Nuts and Bolts of Conservatorships," in November 2011, "Basic Estate Planning," in December, 2011, "Financing Home and Community-Based Services for the Elderly and Disabled," in April 2012, and "Estate Planning Considerations for Animal Owners," in May 2012. The Committee also co-sponsored two CLE programs, the "Medicare/Medicaid Primer," described in the Health Law Committee Report, and "Irrevocable Life Insurance Trusts," co-sponsored with the Insurance Law Committee. The Committee reports that all were

well attended and received, reflecting the quality of the speakers and the increased demand for elder law services.

The Elder Law/Estates & Probates Law committee also participated in a variety of community service activities, and Jeannine Wyszowski, along with Sylvia Rutkowska, organized a networking reception for Middlesex County attorneys at Mezzo Grille in Middletown.

I. Environmental Law/Planning & Zoning (Joshua Hecht, Amber Sarno)

The Environmental Law/Planning & Zoning Committee organized a CLE titled, "Anatomy of a Commercial Property Purchase: Real Estate, Environmental, and Zoning/Wetlands Considerations," which featured Geoffrey Hecht (Caplan & Hecht LLC), Chris Smith (Shipman & Goodwin LLP), and Douglas Pelham (Cohn Birnbaum & Shea PC).

The Environmental Law/Planning & Zoning Committee also served on a career panel at Quinnipiac Law School discussing environmental law opportunities for younger attorneys, and assisted with a wide variety of public service programs, including the Billings Forge Holiday party, mock trial judging, and the Soup Kitchen Project.

J. Family Law (David McGrath, Aidan Welsh)

The Family Law Committee organized three CLE programs for 2011-2012. On February 16, 2012, the Committee hosted "Introduction to Family Law," featuring Superior Court Judge Holly Aberly-Wetstone, Jill Blomberg, Kristi Hanney, Aidan Welsh and David McGrath. On May 23, 2012, the committee hosted "Show Me the Money: The Financial Side of Divorce," featuring accounting and financial professionals John Raspante, Charles Strickland III, and Joseph DeCusati. On June 1, 2012, the committee organized "Divorce and Discovery—Tips, Tricks and Best Practices for Getting the Information You Need to Know in a Divorce Case," featuring Anthony Cenatiempo and Norman Roberts, II.

The Family Law committee also presented a career panel discussion at the University of Connecticut Law School, and was active in community service events including classroom visits, mock trial judging, and the Soup Kitchen Project.

K. Federal Practice Committee (Julianne Lombardo, Alison Weir)

In September 2011, the Federal Practice Committee presented a CLE program titled "Federal Practice 101," with a panel of practitioners and United States District Court Judge Alfred Covello. The panel provided attendees an overview of the Federal Rules of Civil Procedure and the Local Rules of the District of Connecticut, and Judge Covello offered his insights about the judiciary's expectations of lawyers.

In March, 2012, in conjunction with the CBA Criminal Justice Section, the Federal Practice Committee organized the 2012 Connecticut Conference on White Collar Criminal Defense and Government Investigations. This program, which was chaired and moderated by Sara Goldfarb, featured a distinguished panel from all cross-sections of the white collar arena, including Deputy United States Attorney Deirdre M. Daly, Executive Assistant State's Attorney Michael A. Gailor, Fox-TV Reporter Laurie Perez, General Electric Chief Compliance Officer Gary H. Collins, and numerous high-profile Connecticut criminal defense attorneys, including Ross Garber, William Dow, and Alex Hernandez. The speakers' remarks led attendees through a step-by-step discussion about how each would proceed in a hypothetical fraud investigation initiated by a whistleblower.

On May 23, 2012, the Federal Practice Committee hosted the annual Federal Judges Dinner to honor the judges in the District of Connecticut at the Quinnipiack Club in New Haven.

L. Health Law Committee (Christina Hage, Daniel Lindenberg)

In addition to organizing career development programs described in part VII.C of this report, the Health Law Committee organized a two-part series of CLE programs this year; the first session provided consumers with an overview of Medicare/Medicaid programs, and the second session provided medical providers with an overview of the laws regulating their business and the major agencies' investigatory measures. The first program, a "Medicaid/Medicare Primer," was co-sponsored by the Elder Law and Estates & Probate Committee, and featured Kevin C. Kelly (Bishop Jackson & Kelly LLC), William Schempp (Southwestern Connecticut Agency on Aging, Inc.), and Judith A. Stein (Center for Medicare Advocacy Inc.). The second CLE, "Medicaid/Medicare Primer for the Provider," featured Christopher T. Godialis (Office of the Chief State's Attorney), Michael J. Kolosky (Robinson & Cole LLP), Arnold I. Menchel (Office of the Attorney General), Richard M. Molot (United States Attorney's Office), Daniel M. Lindenberg (Bershtein Volpe & McKeon PC), and Michele M. Volpe (Bershtein Volpe & McKeon PC).

M. Human Rights & Responsibilities Committee (David McGuire)

On February 22, 2012, the Human Rights and Responsibilities Committee presented a program called "Integrating International Human Rights Law into Your Connecticut Practice." The program was held at Yale Law School and featured two distinguished speakers, Hope Metcalf (director, Liman Public Interest Program) and Steven Watt (ACLU Human Rights Program), who discussed the benefits of incorporating human rights law into your litigation and advocacy. The speakers outlined how to initiate direct and indirect application of international human rights law arguments, and discussed when and where such arguments are appropriately made.

N. Insurance Law Committee (Jonathan Kelson, Gregory Podolak)

On March 19, 2012, the Insurance Law Committee held a CLE seminar titled "Mediating Insurance Coverage Disputes," which explored the benefits of the mediation process to insurance coverage disputes, as well as the dynamic between and among the mediator and policyholder/insurer counsel and key strategic/practical considerations from each perspective for effective and efficient resolution. The guest speakers included the Honorable Beverly J. Hodgson, David Friedman, and Regen O'Malley.

Insurance Law Committee Chair Jonathan Kelson, in his capacity as chair of the Stamford Local Unit, also coordinated the 2011 Horn of Plenty Food & Clothing Drive for Stamford-area law firms, which yielded food, clothing, and cash gifts donated to the Stamford Salvation Army.

O. Intellectual Property Law (Nike Agman, Kathryn Picanso, Walter Welsh)

The Intellectual Property Law Committee sponsored two CLE programs in 2011-2012. The first CLE, held on September 21, 2011, was titled, "What's That Patent Really Worth? A Patent Damages Primer," and featured Edward Mathias (Axinn Veltrop & Harkrider LLP) and Matthew Murphy (Axinn Veltrop & Harkrider LLP). The second, held on December 12, 2011, was more introductory and was titled, "Intellectual Property Matters: Protecting Your Client's Intangible Assets," and featured Jennifer Calcagni (Carmody & Torrance LLP), Diane Ragosa (Axinn Veltrop & Harkrider LLP), and Walter Welsh (Michaud-Kinney Group LLP).

The Intellectual Property Law Committee also sponsored two non-CLE events in the spring. First, on March 27, 2012, the Committee hosted on a career panel at University of Connecticut Law School held in conjunction with the IP Law Society Annual Practitioners Dinner. The panelists were Kathryn Picanso (Carmody & Torrance LLC), Amy Span Wergeles (Henkel Corporation), Holly Moore (United Technologies Corporation—Hamilton Sundstrand), Walter Welsh (Michaud-Kinney Group LLP), Nike Agman (Axinn Veltrop & Harkrider LLP), and William Mauke (Alix Yale & Ristas LLP). The career panel was so well received that it will become a permanent fixture of the IP Law Society Annual Practitioner Dinner.

On April 26, 2012, the Intellectual Property Law Committee hosted a Meet and Greet luncheon at the Hartford Club with William Rubenstein, Commissioner of the Connecticut Department of Consumer Protection, and Michelle Seagull, the Department's Deputy Commissioner. This event presented the rare

opportunity to have an informal and candid conversation about the current responsibilities of the Department of Consumer Protection and the Commissioner's plans for the future.

P. Labor & Employment Law (Danielle Angliss, Tiffany Spinella)

The Labor & Employment Law Committee organized two CLE seminars during the 2011-2012 bar year, "Non-Compete Agreements: Soup to Nuts," in the fall, and "Tips and Tools of the Trade: Negotiating and Drafting Labor & Employment Agreements," in the spring, which was a live broadcast that permitted the speakers to take questions from web-based participants.

The Labor & Employment Law Committee also organized a non-CLE program, "Secrets of the Law Bloggers," which was a panel discussion that covered numerous practice areas and enabled many of the state's law bloggers, including Past Chair Daniel Schwartz, to meet for the first time in person, while educating aspiring bloggers as well.

Q. Litigation Committee (Sylvia Rutkowska, Kelly Reardon, Eamonn Wisneski)

The Litigation Committee organized three CLE programs for 2011-2012. In addition to co-sponsoring "Administrative Appeals: The Nuts and Bolts of Appellate Practice Under the UAPA, § 8-8 Land Use Issues, and Tax Appeals," which is discussed in greater detail in the Appellate Practice Committee report, the Litigation Committee organized "Short Calendar 101" and "My First Trial." "Short Calendar 101," which was held in October, 2011, provided a summary of procedures and practice tips for young attorneys appearing at short calendar, featured as speakers Superior Court Judge Wilson J. Trombley, Peggy George (Superior Court Operations), James Healey (Hartford Superior Court), and Peter K. Menard (Law Office of Mark Gilcreast). "My First Trial," which was held in December, 2011, provided an overview of everything a young lawyer would need to know before handling their first trial, including witness preparation, motions practice, identification and introduction of key evidence, and war stories, in December 2011. "My First Trial" featured as speakers now-Appellate Court Judge Michael R. Sheldon, Patrick Kennedy (RisCassi & Davis PC), Kelly Reardon (The Reardon Law Firm PC), and Steven Seligman (Katz and Seligman).

The Litigation Committee also assisted the Judicial Branch by organizing a Focus Group on E-Filing, moderated by Alice Mastrony from Superior Court Operations, which was held at the Baci Grill in Cromwell, in March, 2012.

R. Professional Responsibility Committee (Sandra Bevans, Laurie Bloom, Lila McKinley)

The Professional Responsibility Committee sponsored a CLE program in December, 2011, titled "Ethics Pitfalls for New and Not-So-New Attorneys," featuring new CBA Vice President Mark Dubois (Geraghty & Bonnano). The Committee also hosted a networking event at Leon's Restaurant in New Haven on June 7, 2012.

The Professional Responsibility Committee was active in other CBA and YLS activities as well. Sandra Bevans represented the YLS on the CBA's Professional Ethics Committee, and all committee members were active in attending ABA/YLD programming and YLS community service programs, particularly the Billings Forge Holiday Party.

S. Real Property Committee (Matthew Flanagan, Jennifer Mira)

The Real Property Committee held a six hour CLE program on the basics of the residential real estate transaction. The program was a comprehensive seminar demonstrating the ins and outs of the real estate transaction from inception to closing. The CLE was geared toward teaching the day-to-day as well as understanding the functions of each vendor involved, and featured speakers that included in-house counsel at a large title company, a title searcher, a loan officer, and real estate attorney Jennifer Mira. The seminar was very highly attended.

T. Small Firm & Solo Practice (Lucas Hernandez, Jennifer Levine, Kyle Wilkinson)

The Small Firm & Solo Practice Committee assisted with the planning of, and served as panelists for, the Going Commando series of panel presentations organized by Chair-elect Jonathan Shapiro, which were intended to inform young attorneys and law students about the basics of starting a solo law practice. One Going Commando discussion was held at Quinnipiac University Law School and the other at University of Connecticut Law School.

U. Tax Law (Scott Sebastian)

The Tax Law Committee held three CLE programs during 2011-2012. The first, "A Primer for Attorneys Serving on Non-Profit Boards," was co-sponsored with the Business Law committee and is discussed in detail in that Committee's report. The second, "Irrevocable Life Insurance Trusts," was co-sponsored with the Elder Law/Estates & Probate Committee. The third program was "A Primer on IRS and DRS Tax Practice and Procedure," featuring Eric Green and Laura Pisarella, and moderated by Scott Sebastian. This program focused primarily on the effective representation of a taxpayer before the Internal Revenue Service and the Connecticut Department of Revenue Services, including discussions of process and strategy.

V. Women in the Law Committee (Deneka Cummings-Garcia, Kori Wisneski)

On October 27, 2011, the YLS Women in Law Committee held a networking event, "Lady Lawyers' Night Out," at Agave Grill in Hartford. The event was well-attended and provided an informal setting for female attorneys to socialize. On May 10, 2012, the Committee held its second annual Women's Professional Golf Event, at Lyman Orchards Golf Club in Middlefield. The golf event again was well attended and introduced the game of golf to female attorneys who may have otherwise felt uncomfortable on the golf course. The event featured a morning clinic, followed by a discussion on golf etiquette, lunch, and an opportunity to play the course in the afternoon. Kathleen Lamanna, (Shipman & Goodwin LLP) served as the keynote speaker.

The YLS Women in the Law Committee also assisted the CBA's Women in the Law Committee with the planning of the annual Pathways event, which was held on March 29, 2012 at the Inn at Middletown. At Pathways, the YLS Women in the Law Committee presented the annual Ladder Award to Elizabeth Stewart, managing partner of Murtha Cullina LLP, for her efforts in promoting the professional development of women attorneys. Former Connecticut Supreme Court Justice Joette Katz, currently commissioner of the Department of Children & Families, served as the keynote speaker at Pathways.

W. Workers Compensation Law Committee (Jeremy Brown, Jill Morrissey)

The Workers Compensation Law Committee organized two CLE seminars for 2011-2012. In the fall, the committee hosted Workers Compensation 101, and in the spring, the Committee organized a seminar on Vocational Experts and Functional Capacity Exams. Among the speakers were Workers Compensation Commissioners Ernie Walker and Daniel Dilzer.

The Workers Compensation Committee also organized a networking reception at Salute in Hartford, which was sponsored by Injured Workers Pharmacy.

## CONCLUSION

In conclusion, on behalf of the YLS officers—a hard-working and collegial group to which I am proud to belong—I respectfully submit this report, and thank the House, Board, and Officers of the CBA for your continued support of the YLS mission. I also thank the CBA's professional staff for their tireless support in implementing the Section's programs. It has been a true honor to serve as chair of this dynamic group of young lawyers, and I will always value the dedication and friendship extended to me this year, and beyond, by my colleagues in the YLS.



# **COMMITTEE REPORTS**





# **AUDIT COMMITTEE**

**JAMES T. SHEARIN, CHAIR**

## **PURPOSE**

The Audit Committee's purpose is to oversee the Connecticut Bar Association's audit function, including coordinating with both management and the Association's outside auditors.

## **ANNUAL REPORT**

During the course of the last year, the Committee met with the auditors before and after their audit to discuss the Bar Association's finances, the presentation of same, and various management issues. The Committee thereafter met on several occasions to discuss ongoing management efforts as they affected the Bar Association's finances.

# AWARDS COMMITTEE

LYNN A. USTACH, CHAIR

## PURPOSE

The Awards Committee is charged with making recommendations to the CBA Board of Governors with respect to nominees for the association's annual Distinguished Public Service Award, the Naruk Judiciary Award, the John Eldred Shields Distinguished Profession Service Award, the Charles J. Parker Legal Services Award, and for such other awards as may from time to time be considered by the association.

## ANNUAL REPORT

Our Committee had five meetings, four of which were held via teleconference. The Committee recommends the following individuals for each of its awards:

### Distinguished Public Service Award

The Committee considered a few potential nominees. It pursued one individual in particular who is unable to accept the award as she is out of town. After much discussion, it was the consensus of the Committee that we should consider having an interesting dinner speaker instead (perhaps along the lines of the Young Lawyer Distinguished Speaker Series). The Committee did not feel that the award should be abolished but rather awarded in the years when there is an interesting and viable candidate.

### Henry J. Naruk Award

The Committee recommends Chief Court Administrator Barbara Quinn for her efforts in improving relations with the Connecticut Bar Association and in implementing Judge Alexandra DiPentima's Task Force recommendations.

### John Eldred Shields Award

Attorney John Logan of Litchfield, Connecticut, is being recommended for his lengthy and dedicated service to the Bar, which is self-explanatory. He has served as a House of Delegate member, Officer, Chair of the Executive Compensation and Review Committee, and Co-chair of the Ethics Committee. There are countless other activities in which he has also engaged dating back to his service with the Young Lawyers Section.

### Charles J. Parker Legal Services Award

Attorney Jill Plancher of Greenwich, Connecticut, is our recommendation for this award. She is a full-time volunteer for the Stamford Office of Connecticut Legal Services spending at least thirty (30) hours per week representing victims of domestic violence and children in contested family matters. In addition to her representation of clients, she has also donated more than \$150,000 to CLS from fees that she earned in representing children as a court appointed guardian *ad litem* or attorney for children in highly contested cases.

### Tapping Reeve Legal Educator Award

The Committee recommends Dean Phillip Blumberg of the University of Connecticut Law School for his leadership in transforming the Law School to a place of national and international prominence. He recruited a number of outstanding faculty members and spearheaded the relocation from West Hartford to the current facility, the former Hartford Seminary. He continues to be a demanding and caring professor and is the nation's leading scholar on Corporate Groups. Furthermore, he championed the Law School Clinic in a First Amendment law suit during Governor Thomas Meskill's administration. In his early 90s, he continues to work daily and recently published *Repressive Jurisprudence in the Early American Republic: The First Amendment and the Legacy of English Law*.

### Citizen of the Law Award

The Committee recommends Attorney Timothy Hollister of Hartford, Connecticut, who served on Governor Jodie Rell's Teen Save Driving Task Force whose recommendations resulted in one of the toughest teen driver statutes in the country. Attorney Hollister is an active speaker, writer, and blogger on the issue of safer teen driving.

# **CIVICS EDUCATION COMMITTEE**

## **LIVIA DEFILIPPIS BARNDOLLAR AND RALPH J. MONACO, CO-CHAIRS**

### **ANNUAL REPORT**

The Law Related Education Committee and the Task Force on Civics Education were combined this year to create the Civics Education Committee (hereinafter “Committee”). Past Presidents Livia DeFilippis Barndollar and Ralph J. Monaco co-chaired the Committee, which is comprised of a Connecticut Superior Court Judge, the Secretary of State, the Executive Director of Civics First, educators, and lawyers.

The Committee was active this year in three primary initiatives. First, the Committee spearheaded a speakers’ bureau for Constitution Day, which placed judges and lawyers in approximately 40 schools across Connecticut on September 16, 2007, to speak about the importance of the U.S. Constitution. The schools were mostly middle schools and high schools. Teachers and district administrators from the participating districts praised the efforts of the Bar, and, in particular, the volunteer speakers. This was the second year for this speakers’ bureau, which appears to be well-received by educators. The Committee also worked on a second teacher training in civics that was scheduled for April 26, 2012. We held a successful program in April 2011. Unfortunately, we did not have enough teachers registered to proceed with the program in April 2012. However, we intend to hold this training in October 2012. We believe that the speakers and materials that were prepared for the April program will be utilized when the program is held in October. As part of this program, we prepared an outstanding educational poster regarding the 2012 Presidential Election, which will be useful to teachers in the fall. Moreover, we are working with the Secretary of State’s office to promote teacher education regarding the Presidential election, as this topic is likely to be discussed in classrooms this fall.

Third, the Committee organized the CBA’s 2012 Law Day activity. On May 1, 2012, the CBA co-sponsored a debate between two premier high schools students from Valley Regional High School in Deep River, and two prominent lawyers, Anne Dranginis and Mark Dubois. The Connecticut Judicial Branch and Civics First, Inc. co-sponsored the event with us. The debate was held at the Connecticut Appellate Court, with Chief Judge Alexandra Davis DiPentima welcoming the participants and spectators. Judge Herbert Gruendel, Judge Robert Beach, and Dean Brad Saxton of Quinnipiac Law School “judged” the debate, declaring the students to be the winning team. The event was recorded by video and placed on YouTube.

The Committee also was involved in grading Law Day essays for the CBA’s Law Day Essay Contest. Finally, the co-chairs of the Committee proudly accepted one of the ABA’s Law Day 2011 Awards on behalf of the CBA and the Connecticut Judicial Branch, which was given at the ABA Mid-Year Meeting in New Orleans on February 3, 2012. This award was given for the 2011 Law Day program, a re-enactment of the Boston Massacre trial. The Committee plans to continue its extensive activities in the area of Civics Education.

## **TASK FORCE ON CIVIC EDUCATION IN CONNECTICUT**

### **LIVIA DEFILIPPIS BARNDOLLAR, CHAIR**

#### **PURPOSE**

The purpose of this Task Force is to address the following: (1) assess the current state of civics education at the elementary, middle, and high school levels in Connecticut and (2) make recommendation(s) for the improvement of civics education in Connecticut. The Task Force works in conjunction with the Civics Education Committee.

# COMMERCIAL FINANCE COMMITTEE

THOMAS J. WELSH, CHAIR

## PURPOSE

The Commercial Finance Committee is a committee of members of the association demonstrating knowledge, experience, and reputation in the field of commercial finance. The Committee is appointed by the President of the Connecticut Bar Association and has members who are the leading practitioners in this field. The purpose of the Committee is to provide a focus on issues and developments in the rapidly changing and vital area of commercial finance law.

## ANNUAL REPORT

The beginning of the 2011–2012 Committee season was marked by the inadvertent disappearance of the Committee from the directory of the Connecticut Bar Association. This resulted in a discussion among the CBA leadership and the leadership of the Commercial Committee and the Commercial Law and Bankruptcy Section of the role of the Committee in conjunction with the role of that Section. Since the Commercial Finance Committee was organized as an appointed committee of the Connecticut Bar Association, rather than as a Section, the Committee has no dues income and a relatively small membership—so the current and past chairs of the Committee had restricted its role to providing high-level treatment of particular legal issues and legal projects as well as only co-sponsoring, with affected CBA Sections, dinner programs in relevant matters in commercial law and finance. A proposal was discussed in the spring to reform the Committee and the Section into two sections, one dealing with bankruptcy and creditor and debtor’s rights and the other dealing with commercial law and finance—with the thought that this might spur greater CBA activity in commercial law and bankruptcy than the current single Section and the Committee. This proposal was discussed by CBA leadership and the Executive Committee of the Commercial Law and Bankruptcy Section, which was decidedly cool to the idea of potentially interfering with a functioning Section. The result was that the Committee was reauthorized in September of 2011 and the Section and the Committee’s leadership pledged to work more closely together in the future to provide programs and engage in joint activities.

During the truncated 2011–2012 season, the Committee sponsored and held an evening dinner seminar on November 17, 2011, jointly with the Commercial Law and Bankruptcy Section and the Connecticut Society of Certified Public Accountants, with the Committee’s portion of the program being a presentation titled “Alternative Dispute Resolution In Commercial Finance Transactions.” Presenting this program were Sandra K. Partridge, vice president of the American Arbitration Association and vice-chair of the ABA Dispute Resolution Section Task Force on ADR in Commercial Finance Transactions and Committee member Thomas J. Welsh, who is the chair of the joint Task Force of the ABA Business Law and Dispute Resolution Sections on this topic.

The Committee, together with the Commercial Law and Bankruptcy Section, obtained permission from the Connecticut Bar Association to support the adoption of the revisions to UCC Article 9 drafted by the Connecticut Law Revision Advisory Committee in 2010. [This Law Revision Advisory Committee was chaired by Thomas J. Welsh and included several members of the Committee, Andrew R. Lubin, Michael F. Maglio, James C. Schulwolf, as members.] Committee member James C. Schulwolf testified and presented written materials on behalf of the Committee and the Section before the Judiciary Committee on March 9, 2011. These revisions to UCC Article 9 were adopted by the Connecticut General Assembly as Public Act 11-108.

In 2011 a number of members of the Committee were appointed to the Connecticut Law Revision Advisory Committee on the adoption by the State of Connecticut of the Uniform Certificate of Title for Vessels Act (UCOTVA) drafted by the National Conference of Commissioners on Uniform State Laws. Since Connecticut has no certificate of title requirement for vessels this committee studied this model law and modified the uniform act to comply with existing state laws and procedures and prepared a report to advise the Judiciary Committee of the

General Assembly relating to relevant issues. This Bill was introduced in the Connecticut General Assembly in 2012 as a portion of Senate Bill 418. Participants in this process from the Committee were Michael F. Maglio, James C. Schulwolf, R. Jeffrey Smith, and Thomas J. Welsh, as Co Chair of the Advisory Committee. The Committee, together with the Commercial Law and Bankruptcy Section, obtained permission from the Connecticut Bar Association to support the adoption of Senate Bill 418 adopting UCOTVA – unfortunately, due to the short legislative session and the press of other business the Senate passed the bill without sufficient time for the House of Representatives to act upon it before adjournment of this session. We anticipate that this UCTOVA proposal will be introduced into the 2013 session of the General Assembly and that the Committee will request permission to support the adoption of this Bill at that time.

As a current project, the Committee has now undertaken the drafting of the Connecticut comparative law chapter in the book titled 50 STATE SURVEY OF THE LAW OF GUARANTIES, to be published by the American Bar Association in 2012-1013 under the auspices of the ABA Business Law Section. Several Commercial Finance Committee members have signed-up to complete this chapter for Connecticut, which we expect to complete by the end of the summer of 2012.

The Committee is currently planning at least one evening dinner seminar to acquaint practitioners with the revisions to Article 9 of the UCC that will go into effect on July 1, 2013 – which will be presented in conjunction with the Commercial Law & Bankruptcy Section in the Fall of 2012 or Spring of 2013. In addition the Committee will consider sponsoring additional educational content in the 2012-2013 season including potentially a half-day survey seminar on UCC Article 9 (Secured Transactions) as a primer for new attorneys and to re-acquaint practitioners on this topic. Additional projects and educational content will be considered as the year progresses.

# CONNECTICUT BAR JOURNAL BOARD OF EDITORS

**ERIKA L. AMARANTE, CHAIR**

## **PURPOSE**

The Board of Editors is charged with the responsibility of producing, editing, and publishing the *Connecticut Bar Journal*, the official publication of the Connecticut Bar Association. The bylaws of the CBA mandate publication of Formal Opinions of the Committee on Professional Ethics and the Committee on Unauthorized Practice of Law in the *Connecticut Bar Journal*. The *Connecticut Bar Journal* also publishes scholarly articles of interest to the Bar.

## **ANNUAL REPORT**

The *Connecticut Bar Journal* originated after a resolution passed on April 26, 1926, at the Connecticut Bar Association Annual Meeting. The resolution stated that "...the President of the State Bar Association appoint a Special Committee of five members to consider the advisability of publishing with power to publish if they deem it wise to do so, a quarterly bulletin or journal of the State Bar Association." President Terrence F. Carmody appointed the five-member panel in June 1926. The first issue of the *Connecticut Bar Journal* was published in January 1927 and has been published at least quarterly since that date.

This past year the Board of Editors, a group of volunteers, published four issues of the *Connecticut Bar Journal*. The Board held two meetings this past year. In the March meeting, the Board discussed additions to the Editorial Board, including areas of practice such as elder law, ethics, insurance, and environment. At this meeting, the Board decided that it was no longer necessary to include an index at the end of each volume, because the volumes are not bound altogether anymore as they were in the past and that the *Connecticut Bar Journal* is searchable on Westlaw and Casemaker. The Board thanked Domenic Perito and Jim Streeto for the hard work they have put into preparing the index in the past. The issues of the publication this year contained articles on a range of topics, including the legal aspects of same-sex relationships, equitable subrogation in the context of interests in real property, nursing facility collection cases, founding the Connecticut delinquency court, developments in family law, and questioning the effectiveness of oral argument before the U.S. Supreme Court. The most recent issue of the *Connecticut Bar Journal*, Volume 86, Number 1 featured the annual appellate review, the review of tort developments, and recent developments in elder law.

This year in an effort to provide the delivery of the *Connecticut Bar Journal* as fast, green, and convenient, the Board decided to offer the membership the choice of receiving the *Connecticut Bar Journal* as a digital publication. The digital version would be sent as an e-mail attachment to the membership. The digital *CBJ* offers some advantages in that it has much faster delivery, because members will receive it in their inbox sooner without the delay of printing and mailing. It has a positive effect on the environment because it will save in the use of paper to print and recycle. The digital version is also more convenient because members can load it into their laptops, tablets, or smartphones and read it anywhere. Starting with Volume 86, Numbers 1 and 2, all members of the Connecticut Bar Association will receive both the print and digital version of the publication. As members renew their membership, they can select a box on their membership renewal form to opt-in for a print copy. Starting with Number 3, only members who opt-in for the print version will receive a printed copy; others will receive the digital version.

# **CONNECTICUT COUNCIL OF BAR PRESIDENTS**

**BARRY C. HAWKINS, CHAIR**

## **PURPOSE**

Established in 1975, the Connecticut Council of Bar Presidents' primary purpose is to provide a forum for the exchange of ideas, activities, and information between the CBA and county, metro, and specialty Bar associations. Other objectives of the council are to enhance the relationship between the legal profession, the general public, the news media, and members of the General Assembly; to advance the leadership of the organized Bar in matters of public importance in the state; to promote the standing of the legal profession and practitioners; and to improve the practice of law and the administration of justice.

## **ANNUAL REPORT**

The CCBP held two meetings during the 2011-2012 Bar Year. The first, on October 19, 2011, consisted of an in-depth discussion concerning the minimum continuing legal education ("MCLE") initiative of the CBA between the presidents of regional, metro, and affinity bar associations with CBA leadership and members of CBA's CLE Committee. The second meeting, on March 20, 2012, was a presentation by The Honorable William Bright, chair of the Pro Bono Committee of the Judicial Branch's Public Service and Trust Commission, and Steven Eppler-Epstein, executive director of Connecticut Legal Services, who both spoke on the need for pro bono legal services and other initiatives, such as the court funding bill then pending in the General Assembly, a portion of which would be used for funding legal services. At the second meeting, the presidents in attendance discussed the frequency with which the council meets and concluded that two meetings per year, one in the fall and one in the spring were sufficient unless there were special circumstances requiring more frequent meetings. To the extent that the CBA governing documents imply a requirement for more frequent meetings, the governing boards will be asked to amend any such requirement. Kim Knox, CBA president-elect for the 2012-2013 Bar Year, will serve as chair of the CCBP for the next 12 months.

# CONNECTICUT LAWYER ADVISORY COMMITTEE

**STEVEN J. ERRANTE, CHAIR**

## **PURPOSE**

The *Connecticut Lawyer* is a major publication of the Connecticut Bar Association. It publishes articles on new legislation, court decisions, changes in ethics rules and procedures, significant developments in the legal profession, law office management, and CBA activities. The *Connecticut Lawyer* Advisory Committee reviews submissions for publication, selects topics and authors for articles, and establishes editorial policies. Committee members may also write articles for the magazine.

## **ANNUAL REPORT**

This Bar Year, the *Connecticut Lawyer* begins its 23rd year of publication in magazine format. The magazine continues to publish an average of five articles on substantive areas of the law in each issue. The magazine also publishes ethics opinions from the CBA's Committee on Professional Ethics, highlights from recent superior court decisions, legal news, updates on the activities of the Young Lawyers Section, the "Professional Discipline Digest" on a periodic basis, the President's Message column, a column analyzing Connecticut Supreme Court decisions, a column on law firm management, and a column on pro bono opportunities. The *Connecticut Lawyer* continues its coverage of significant CBA events including the Annual Meeting, the CBA's legislative agenda, pro bono work, initiatives, and others.

## **Meetings**

The Connecticut Lawyer Advisory Committee met on January 5, 2012. The following were the topics covered: the best approach to a readership survey, new ideas to obtain articles, how to best utilize the *Weekly Docket* in relationship to the magazine, and the advent of a Communications Task Force.

The *Connecticut Lawyer* is produced nine times per year, with combined issues in December/January, May/June, and August/September. As in past years, members of the committee volunteered their time to review and write articles. The *Connecticut Lawyer's* continued success would not be possible without the interest and hours invested by many volunteers from the Advisory Committee and the support of the CBA's general membership.



# **STANDING COMMITTEE ON DISPUTE RESOLUTION IN THE COURTS**

**FRANCES Z. CALAFIORE AND WILLIAM DeVANE LOGUE, CO-CHAIRS**

## **PURPOSE**

The goals and purposes of the Committee shall be to make recommendations to the Judicial Branch and the legislature concerning appropriate policy statements on the use of alternative dispute resolution; the rationale and goals for expanding a court-connected ADR system; recommendations and proposed uniform rules and legislation regarding programs, standards, and qualifications of programs and neutrals, screening and referral mechanisms for private ADR services, fees and funding mechanisms, ethical standards for attorneys, neutrals, and providers; and educational program goals for judges, court personnel, lawyers, and the public.

## **ANNUAL REPORT**

For the last several years the Committee has been largely quiescent consisting only of the co-chairs while awaiting developments within the Judicial Branch concerning strategic planning for court annexed ADR. This year, the co-chairs met several times and observed meetings of the Judicial Branch ADR Commission. The co-chairs assisted in drafting comments to the ADR Commission that were signed by a number of ADR organizations in the state. They also met in person and by telephone with a number of the Commission members to provide insight and guidance on the draft recommendations of the Standing Committee that had been submitted to the ADR Commission for consideration. One of the recommendations of the ADR Commission is the establishment of a standing committee by the Judicial Branch. Should such a Commission committee be established, the Standing Committee of the Connecticut Bar Association will likely sunset.

# **DIVERSITY COMMITTEE**

**SUNG-HO HWANG, CHAIR**

## **PURPOSE**

The Diversity Committee meets on a quarterly basis with the aim at making the Connecticut Bar Association (CBA) and its leadership more diverse. In particular, we focused on fostering frank and open discussion that encourages all members of the CBA to own and take responsibility for diversifying the CBA through active involvement in diversity and inclusion programs in their own organizations and their communities in the areas of recruitment, retention, and promotion.

## **ANNUAL REPORT**

Our initiative this year was to create a synergy between the CBA and the major affinity Bars (George W. Crawford Black Bar Association, Connecticut Asian Pacific American Bar Association, South Asian Bar Association of Connecticut, and Connecticut Hispanic Bar Association). We wanted to encourage affinity Bar members to play a more active role within the CBA and its leadership. We were able to achieve this goal, with the help from the CBA Leadership, by amending the CBA constitution to allow for designated affinity Bar seats for the CBA House of Delegates. Additionally, we lowered the CBA membership rate for affinity Bar members. We feel that the actions taken should have a lasting effect on diversifying the CBA. To date, all the major affinity Bars, except South Asian Bar Association of Connecticut, have qualified for a House seat. I have been in contact with South Asian Bar Association of Connecticut and we are hopeful that they will qualify next year. Finally, all the affinity Bars have begun internal initiatives to increase their CBA membership. This should result in an overall increase in CBA members.

# **FAIR AND IMPARTIAL COURTS COMMITTEE**

**WILLIAM H. CLENDENEN AND JAMES T. SHEARIN, CO-CHAIRS**

## **PURPOSE**

The Fair and Impartial Courts Committee was established by the Connecticut Bar Association to assist our state and federal judges when confronted by systemic attacks on their proper functions and from unfair and inappropriate criticism or assault, whether from individuals, organizations, the press, or other sources, which are political and/or private in nature and which undermine the independence and fairness of the judicial system. We also investigate any issues that may arise concerning judges who may be questioned because of actions arising while performing their judicial role, particularly when these issues arise during re-appointment or the appointment process (for our sitting judges nominated to the Connecticut Appellate or Supreme Court).

## **ANNUAL REPORT**

The Committee met this past year on a periodic basis, together, and with members of the judiciary, to discuss the Committee's business. We tracked legislation and other political actions by the governor and General Assembly to determine whether action was necessary by the Committee to support the Judicial Branch.

The Committee, along with the Connecticut Bar Foundation, Inc., presented a seminar on November 11, 2011, entitled "Judicial Independence: A Crisis or Business as Usual?" to increase the awareness of the importance of judicial independence. Committee members also wrote a series of editorials on judicial independence during the Bar Year.

# **FEDERAL JUDICIARY COMMITTEE**

**WILLIAM H. CLENDENEN, CHAIR**

## **PURPOSE**

The Federal Judiciary Committee reviews and reports on nominations proposed by Connecticut's U.S. Senators for judicial appointments, primarily to the U.S. District Court for the District of Connecticut. Our recommendations are reported to the president of the Connecticut Bar Association and are then communicated to the two Senators.

## **ANNUAL REPORT**

The Federal Judiciary Committee voted to rate the Honorable Christopher F. Droney, the President's nominee for the U.S. Court of Appeals for the Second Circuit, as "qualified" by a unanimous vote.

The Committee reviewed and discussed the nominee's background and qualification and interviewed Judge Droney on June 28, 2011. Once the Committee determined that no further information or interviews were required, it voted on Judge Droney's qualifications.

The CBA appreciates the opportunity to comment and participate in the judicial nominee review process.

Christopher F. Droney's nomination was confirmed by the United States Senate on November 28, 2011.

# **INSURANCE PROGRAMS FOR THE BAR COMMITTEE**

**KENNETH J. LASKA, CHAIR**

## **PURPOSE**

The Insurance Proposals for the Bar Committee reviews and endorses insurance products for the members of the Connecticut Bar Association. Those products are professional liability insurance; health insurance; and pension plans. In addition other products available to the members of the bar are health insurance, workers compensation, long-term care, and disability insurance. In order to ensure that the members of the Connecticut Bar Association have the best products available the committee relies upon various agents.

## **ANNUAL REPORT**

Kronholm Insurance Services LLC administers the professional liability insurance underwritten by CNA. The health insurance is administered by American Financial, NEBCO. The Connecticut Bar Association also endorses the American Bar Association Retirement Funds Program.

During the past five years this committee has sought the endorsement of various local Bar associations for the programs offered to the members of the Connecticut Bar Association. The purpose behind seeking these endorsements is to have a greater number of lives within the group so that we have a better negotiation position with the endorsed carriers. As a consequence we have received the endorsement of the New Britain Bar Association, the Greater Bridgeport Bar Association, and the Fairfield County Bar Association for all the programs endorsed by the Connecticut Bar Association. In addition, we have also received the endorsement of the Hartford County Bar Association for the professional liability insurance and pension plan.

Our most popular program is the professional liability insurance. Presently we have one of the best policies issued in Connecticut. Some of the features which are committee has negotiated on your behalf are: free extended tail coverage if an attorney has been continuously insured for over three years with the indoors carrier and the attorney either dies, becomes a Connecticut Superior Court judge or Workers' Compensation Commissioner or permanently retires from the Bar. Furthermore there are discounts offered to law firms that participate in our risk management seminars.

The Connecticut Bar Association was one of the first two associations to endorse the American Bar Association Retirement Funds Program. This endorsement was made in 1996. There are no administration costs for a law firm to participate in this program.

Finally one of the most volatile aspects of the insurance is the health insurance program. Because of the uncertainty in the market regarding health insurance, as well as employers shopping around for the best premium your committee has received numerous inquiries over this past year for health insurance.

Each law firm that participates in one or more of these programs has the benefit of not only the backing of the Connecticut Bar Association but also all the other associations mentioned above. As a consequence many issues regarding insurance are resolved in favor of those members.

# **LAWYER-TO-LAWYER DISPUTE RESOLUTION COMMITTEE**

**DALE P. FAULKNER, CHAIR**

## **PURPOSE**

The purpose of the Lawyer-To-Lawyer Dispute Resolution Program is to provide a mechanism for resolving economic disputes between lawyers that is quick and efficient, cost-effective, and beneficial to the judicial system. The program improves relations between attorneys and alleviates some additional burden on our court system.

## **ANNUAL REPORT**

As we enter our 22nd year, the program continues to offer three resolution options: (1) mediation only, (2) mediation followed by binding arbitration of all issues not resolved through mediation, and (3) arbitration only.

For the fiscal year 2012 to date (April 1, 2011 through March 31, 2012), staff reports the following activity:

Opened from 2010:	5
New files opened 2011:	8
Resolved by mediation:	1
Resolved by arbitration:	7
Mediated but not resolved:	0
Settled by parties during arbitration hearing:	3
Cases pending:	0
Cases Inactive:	2

The CBA provides a valuable service by ensuring that lawyers can be reviewed and judged by their peers in a confidential and professional manner. Program participants are very satisfied with the program judging by the letters of thanks received by mediators and program staff.

# **LEGISLATION POLICY AND REVIEW COMMITTEE**

**BARRY C. HAWKINS, CHAIR**

## **PURPOSE**

The Legislation Policy and Review Committee reviews proposals for and the taking of positions concerning legislation, including Administrative Regulations and Rule Making, and makes recommendations to the governing bodies of the association whether such proposals or positions, as the case may be, should be authorized. It conducts a thorough analysis of the requested authorization, the underlying legislative or regulatory issue, the impact on the Bar and on Connecticut law, and whether the requested authorization is inconsistent with any other legislative regulatory rule or making position being taking or having been taken by the association or any of its sections or committees. The Legislation Policy and Review Committee is appointed annually by the president and consists of not fewer than seven (7) nor more than nine(9) members of the association, not including the chair, each of whom shall be members of the House of Delegates or the Board of Governors, but not a member of the association's Executive Committee. The members for 2011-2012 were Alice Bruno (until she became executive director on April 16, 2012), Brian Rice, Daniel J. Krusch, Howard Schiller, Janet Van Tassel, Jeffrey F. Bubendorf, Lynne Ustach, Steven Greenspan, and Suzanne Caron. James T. Shearin was appointed to replace Alice Bruno. The Legislative Policy and Review Committee is chaired by the president-elect of the association.

## **ANNUAL REPORT**

The Legislation Policy and Review Committee (newly named in 2011-2012 by combining the previously separate functions of the Legislation Policy Committee and the Legislation Review Committee) met weekly by telephone during almost every week of the legislative session and less frequently both before and after the session. Each meeting had a quorum of the members and was usually attended by one or more representatives from the CBA Sections interested in sponsoring or opposing a particular legislative or administrative proposal. In addition, one or more representatives from the CBA legislative staff attended all meetings and provided the members both with copies of the legislative or regulatory proposals and an analysis of each such proposal.

The Committee concluded a very active and partially successful legislative session in May 2012, with perhaps its most notable achievements being the passage of the court fees legal aid assistance funding package sponsored both by the Judicial Branch and the various legal aid providers in Connecticut.

The rest of the current Bar Year following the legislative session was devoted to an analysis of a complex recommendation concerning the possible unauthorized practice of law before Connecticut's various administrative agencies, most of which maintain markedly different procedures and requirements.

In a departure from past practices, the Committee intends for Bar Year 2012-2013 to attempt to use the fall period for reauthorization of positions previously taken by Sections and Committees, which authorizations may have expired, and for analysis of positions which Sections would like to affirmatively sponsor. By placing more of the less time-sensitive work in the fall, the hope is that the hectic spring schedule of meetings can be more efficiently devoted to analyzing bills that have been introduced by the Executive Branch and Judicial Branch and other such "surprise" legislative or regulatory proposals from any source.

# **LIAISON WITH THE STATE GOVERNMENT COMMITTEE**

**ANTHONY C. DEFILIPPIS, CHAIR**

## **PURPOSE**

The purpose of the Committee is to discuss matters of mutual interest among those who administer our state court system, those who are regularly engaged with the court system, and members of the Bar with representatives of the legislative and executive branches. The objective is to attempt to improve and/or modify the system to the extent necessary and possible and to improve matters of importance to members of the Bar.

## **ANNUAL REPORT**

The Committee plans to hold its forum during the interim between legislative sessions. We will be altering the list of attendees to the event and the format of the discussion. These, together with the new timing, are designed to maximize discussion on a pre-determined agenda and provide all participants a better opportunity to develop issues important to our membership.



# **MEDIA AND THE LAW COMMITTEE**

**JAMES W. BERGENN AND STEPHEN E. NEVAS, CO-CHAIRS**

## **PURPOSE**

This Committee is charged with bringing together those Connecticut Bar Association members practicing in the fields of Freedom of Information, First Amendment, privacy and other areas, with members of Connecticut's print, radio, and television media to discuss current issues affecting these radically and rapidly developing subject areas, and to foster a more positive relationship between Connecticut Bar Association members and Connecticut's media.

## **ANNUAL REPORT**

The Media and Law Committee responded to a crisis created by a State Supreme Court interpretation of law that threatened the transparency of town and city government everywhere in the State. The Court last year interpreted a section of the Freedom of Information law in a way that would have compelled municipal governments to remove the home addresses of broad categories of state and local government employees from everything from land records and building permits to voting lists to marriage and dog licenses. Such an interpretation would have crippled the ability of local governments to function prompting the public and media to monitor and hold them accountable. Local governments had no way of knowing who those people, entitled to hide their addresses, were. Working with the a statewide coalition led by the Association of Town and City Clerks and legislative liaison Donald Philips, we succeeded in persuading the legislature to amend the existing law in a way that eliminated the worst features of the Supreme Court's interpretation. A public employee seeking to have his or her name removed from public records must now make a formal request in each instance. The problem is not entirely repaired. The Committee will continue to monitor the situation.

The Committee, who last year testified before a Legislative Committee in support of legislation to require state agencies to post their regulations online, worked with and supported Donald Philips and the Administrative Law Section on a successful effort during the 2012 Session to bring State government into the digital age. All State departments and agencies will henceforth be required to make their regulations instantly available to the public and media via their Web sites. While this is a major step, the Committee will continue to follow and encourage efforts to require that the computer systems of disparate state departments be enabled to communicate with each other.

# **MEMBERSHIP COMMITTEE**

## **STEPHEN J. CURLEY, CHAIR**

### **PURPOSE**

The Membership Committee shall have between five and seven members who shall be appointed by the President to staggered three-year terms, and shall include a member of the House of Delegates and a member of the Young Lawyers Section. The Executive Director shall be an ex-officio member. The Committee's duties shall include the promotion and reaffirmation of membership in the Association by, among other approaches, affirmatively reaching out to the diverse lawyer population of Members and potential members. Consistent with the purpose of the Association, the Committee should advocate the highest level of professionalism, emphasize the common interests of the members of the profession, and foster inclusion within the Association of a broadly diverse membership.

### **ANNUAL REPORT**

The Membership Committee had a very successful year. The Committee's primary focus has been to grow CBA membership in the area of diversity, including exploring the relationships between the CBA and Affinity Bar Associations. The Committee also focused on developing a strategy to attract new members through a new \$99 membership dues campaign as well as engaged members of the State Prosecutors office to identify membership opportunities and benefits. Lastly, the Committee proposed and implemented a Law School Faculty Membership Program for Connecticut law schools.

The 2011-2012 Membership Committee consisted of the following members: Chair Stephen J. Curley; Secretary Jonathan Shapiro; Laurie Bloom, John L. Bonee, Jim Nugent, and Diane Whitney. CBA Past-President Ralph J. Monaco served as member ex-officio of the Committee. Staff advisors included Norman Janes, Interim Executive Director; Holly Spina, Director of Membership and Development; and Laurie Nivison, Marketing Specialist.

### **Specific initiatives of the Committee included the following:**

#### ***1. FY11-12 \$99 Membership Campaign***

The House of Delegates authorized a special FY11-12 membership dues rate of \$99 to first-time members, beginning in September 2011. This campaign targeted the list of all licensed attorneys we received from the State of Connecticut, through an e-mail campaign. The initiative was a success and generated 365 new members. The CBA surveyed these new members and received a 10 percent response rate. The results indicated that 71% percent would not have joined the CBA without this deep discount. A majority of those that joined were solo practitioners with most being white males, aged 45 or older.

#### ***2. New FY12-13 "Sophomore" Rate for \$99 Members***

The Committee proposed the CBA should consider an initiative on a special rate going forward, specifically, to retain the members that joined under the \$99 membership dues campaign. The Board of Governors approved the \$149 rate as part of proposed FY12-13 Dues Schedule.

#### ***3. New Affinity Bar Associations Dual Membership and HOD Seats***

At the end of the 2010-2011 Fiscal Year, the Membership Committee began collaborating with the new CBA Diversity Committee, chaired by Atty. Sung-ho Hwang, to develop a dual membership proposal with the local

diversity bar associations. The Committee also explored the relationships between the CBA and Affinity Bar Associations, to include joint membership opportunities and added ways for the CBA to provide logistical support to these groups.

On January 23, 2012, the House of Delegates approved the recommendations of the Diversity Committee and the Membership Committee to:

- Amend the CBA Constitution to allow for additional six (6) Affinity members to the House of Delegates
- Modify the membership dues structure through the end of FY11-12 to include a \$49 membership rate for new Affinity Bar Members. For FY12-13, the dues rate will be \$99 for new Affinity Bar Members to join the CBA

The following Affinity Bar Associations were invited to be certified by the CBA to become Affinity Bar Associations:

- The George W. Crawford Black Bar Association
- The Connecticut Hispanic Bar Association
- The Connecticut Asian Pacific Bar Association
- The South Asian Bar Association

With the exception of The South Asian Bar Association, all of these groups were certified as CBA Affinity Bar Associations for FY12-13.

#### ***4. Law School Faculty Group Faculty Membership Program***

On October 11, 2011, the HOD unanimously approved the following Membership Committee's *Resolution Approving a Law School Group Faculty Membership Program*:

The CBA Membership Committee recommends that the CBA House of Delegates adopt a Law School Faculty Membership Program wherein each Connecticut law school would pay a single annual fee, enabling all of its regular, full-time otherwise eligible faculty to become CBA Members. The Law School Group Faculty Program rate for the bar year 2011-2012 will be \$3,500 for each Connecticut Law School.

Both Quinnipiac University School of Law and the University of Connecticut School of Law took advantage of this group rate. The new program generated nearly 100 new members for the CBA this year.

#### ***5. Membership Dues Collections***

As of **May 31, 2012**, the CBA membership consisted of **10,068 members**, including:

- 8,944 Member Attorneys
- 907 Student Members (Law Students and Paralegal Students)
- 223 Associate Members

This figure compares to **9,668 members** on **May 31, 2011**, including:

- 8,663 Member Attorneys
- 795 Student Members (Law Student and Paralegal Students)
- 210 Associate Members

**Thus, membership has increased at all levels.**

The Membership Committee is also pleased to report a year-over-year increase in dues revenues, which is due primarily to the \$99 Membership Campaign.

#### ***6. Vendor Affinity Relationships***

The CBA renewed its contract with Bank of America in September 2011 for a term of two years. In addition to our current robust member benefit portfolio, with the assistance and appreciation of CBA member Diane Whitney, the Committee supported entering into a new member benefit relationship with Hartford Symphony Orchestra. CBA members can now receive a discount on single tickets to performances at the Hartford Symphony Orchestra. The 10 percent discount will apply to any advance single adult tickets purchased for Masterworks, POPS, and Talcott Mountain Music Festival tickets. This resource is hosted on the CBA's Web site for all members.

The CBA Staff will continue to make benefit recommendations to the Committee, based on member feedback, recommendations, and staff research.

#### ***7. CBA Legal Directory***

With the assistance of the Judicial Branch and the CBA, the new CBA Legal Directory was released for sale in November 2011 to all CBA members (and non-members). As of the end of May 2012, a total of approx. 3,400 legal directories were sold. Although the number of directories that were sold failed to meet budget projections, the project generated sufficient income to pay for its expense.

#### ***Special Thanks***

The Membership Committee would like to recognize its members, as well as non-committee members, and CBA Staff for giving their time and talent throughout this year for the benefit of all CBA members. Particular thanks go out to the following people:

Sung-Ho Hwang, Chair, CBA Diversity Committee  
Sandy Broadus, Co-Chair, CBA Diversity Committee  
Kevin Kane, Connecticut Chief's State Attorney  
Hope Seeley, Chair, CBA Criminal Law Section  
Holly Spina, Director of Membership & Development  
Laurie Nivison, Marketing Specialist  
Mary Etter, Director of Operations  
Don Philips, Director of Public Affairs and Government Relations

The Committee also thanks the House of Delegates, Board of Governors, Officers, and the Executive Committee for their continued support and counsel.

# NOMINATING COMMITTEE

**RALPH J. MONACO, CHAIR**

## PURPOSE

The Committee's duties shall include the nomination of candidates to serve as officers.

## ANNUAL REPORT

Dear President Gallant:

Please accept this letter as an amendment to my letter of February 13, 2012. Due to the resignation of Kathryn A. Calibey as Treasurer prior to her nomination being submitted to the membership, the Nominating Committee nominates Jeffrey F. Buebendorf as Treasurer. Accordingly, pursuant to Article VIII, Section 2 of the Constitution of the Connecticut Bar Association, the Nominating Committee, composed of Ralph J. Monaco, Chairman, Francis J. Brady, Livia DeFilippis Barndollar, Alice A. Bruno, Suzanne E. Caron, Rosemary Giuliano, Matthew D. Gordon, Steven M. Greenspan, Sung-Ho Hwang, Ndidi Moses, Frank W. Murphy, Jeffrey M. Sklarz, and Janet L. VanTassel presents the following nominations for officers for 2012-13:

President-Elect.....Kimberly A. Knox  
Vice-President.....Mark A. Dubois  
Secretary.....Brian P. Rice  
Treasurer.....Jeffrey F. Buebendorf  
Assistant Secretary-Treasurer.....Jonathan S. Weiner

Furthermore, pursuant to said article and section of the Constitution, Barry C. Hawkins automatically succeeds to the office of the President.

Thank you for the opportunity to serve on this important committee to our bar association.

Please do not hesitate to contact me with any questions.

Respectfully submitted,

Ralph J. Monaco  
Immediate Past President and  
Chair, Nominating Committee

# PRO BONO COMMITTEE

**KIMBERLY A. KNOX, CHAIR**

## **PURPOSE**

The charge of this committee is to increase the availability of free legal services to indigent Connecticut residents through recruitment, support, and training of private attorneys, and by other appropriate and effective programs and projects.

## **ANNUAL REPORT**

The Pro Bono Committee, principally comprised of members of the private Bar, executive directors, and attorneys of the State's legal aid agencies, and the Connecticut Bar Association's Public service specialist, met monthly (with the exception of December 2011) with the objective of raising the consciousness of lawyers throughout the state as to their professional responsibility to ensure access of our judicial system for the neediest of Connecticut residents. Volunteer services are provided through the Connecticut Pro Bono Network, which is a list of lawyers maintained by the CBA who have indicated a willingness to handle pro bono cases. The Integrated Refugee and Immigrant Services organization was approved as a member of the Connecticut Pro Bono Network Organization. In addition, the Judicial Branch conducted a pro bono survey for the first time, utilizing the annual attorney registration forms. As of January 2012, 27,486 attorneys had registered. Of that number, 18,551 responded to the pro bono survey. Of the 18,551 who responded, 12,603 reported zero hours of pro bono service; 1,843 reported 1-10 pro bono hours completed; 1,452 had 11-20 hours of pro bono service; 1,029 had 21-35 hours; 616 had 36-50 hours completed; and 1,008 attorneys had more than 51 hours of pro bono service completed.

## **Meetings**

- September 20, 2011
- October 17, 2011
- November 21, 2011
- December 19, 2011 (*cancelled*)
- January 17, 2011—Guest Speaker: Honorable William H. Bright, Jr., chair of the Pro Bono Committee of the Judicial Branch Public Service and Trust Commission
- February 27, 2012—Guest Speaker: Patricia King, Acting Chief Disciplinary Counsel, Office of the Chief Disciplinary Counsel
- March 20, 2012
- April 23, 2012
- May 21, 2012—Guest Speaker: Honorable Lorraine M. Weil, U.S.D.C. of CT, Bankruptcy Court Chief Judge, and Attorney Matthew K. Beatman, chair, CBA Commercial Law and Bankruptcy Section and presentation by Christopher George, Integrated Refugee and Immigrant Services

## **CLE**

The Pro Bono Committee sponsored several successful CLE seminars. Seminars are held at the CBA Law Center, unless otherwise noted. This year's seminars were:

- September 13, 2011—Pro Bono ThunderDome Divorce Clinic—a five-part series that concluded on December 13, 2011
- October 5, 2011—Pro Bono Summit held at the Legislative Office Building in Hartford
- January, 2012—Beyond The ThunderDome
- March 15, 2012—Pro Bono Summit of New Haven held at Bentara Restaurant in New Haven with guest speakers Chief Justice Chase T. Rogers and Judge William H. Bright, Jr.

## **Publications**

The “Time to Go Pro Bono” column in the *Connecticut Lawyer* continued throughout the 2011-2012 Bar Year. In each issue, a different member of the Pro Bono Committee wrote a column about pro bono opportunities, events, or volunteers to highlight the very important pro bono work being conducted in Connecticut.

## **Legislative Efforts**

The chair of the Pro Bono Committee, along with other service officers of the CBA, lobbied members of the Connecticut Congressional delegates in April 2012 for ABA Days in Washington, D.C. The primary focus of the lobbying effort this year was to restore funding for the legal services corporation to the point where pro bono services could be sustained. The Pro Bono Committee also supported State legislation to increase funding for legal aid and to provide funding for the Judicial Branch’s revolving technology fund.

## **Volunteer Activities**

- Call4Law Pro Bono—a pilot program where attorneys give pro bono advice to low income clients via phone working in conjunction with Statewide Legal Services
- Homeless Experience Legal Protection Program (H.E.L.P.)—volunteer attorneys meet with clients in homeless shelters for two hours at a time
- Army One Source Legal Awareness Campaign—Reach out to lawyers to help explain the issues presented by veterans returning from overseas and/or active duty
- Foreclosure Court Project—attorneys assist self-represented parties in foreclosure actions
- Pro Bono volunteer registration extended to law students

## **Other Programs and Events**

- Attorney Mentoring Program—mentoring sessions occur on the first and third Thursday of the month via conference call between the attorney mentor and mentee
- CBA Emeritus Project—a program to utilize retired attorneys for pro bono work
- Law Student Assistant to Pro Bono Attorneys Project—pilot program to allow law students to assist pro bono attorneys to work on research projects and draft documents
- Bankruptcy Court Pro Bono Project

## **Pro Bono Awards**

The Pro Bono Awards are given annually to outstanding volunteers who are registered members of both the CBA and the Pro Bono Network, who are not salaried employees of a legal aid or similar non-profit organization, demonstrating dedication in providing legal services to indigent individuals without expectation of payment. These awards are presented at the CBA Annual Meeting Bench/Bar Luncheon. The following individuals were chosen to be recognized for their commitment:

- Attorneys Allan Cramer and Anthony Ahern of Cramer & Ahern
- Attorney Richard D. Harris of Day Pitney LLP
- Attorney Edward J. Heath of Robinson & Cole LLP
- Paralegal Lynn Logemann
- Attorney Gregory N. Smith

# PROFESSIONAL DISCIPLINE COMMITTEE

## RICHARD A. CERRATO, CHAIR

### PURPOSE

The Professional Discipline Committee is the voice of the Connecticut Bar Association in lawyer discipline, spearheading and coordinating efforts towards the improvement of professional discipline and responsibility in Connecticut. The Committee is charged with the responsibility of reviewing the procedures involved in disciplining attorneys and drafting, or assisting in drafting, changes to the Rules which govern the Statewide Grievance Committee, Statewide Bar Counsel, the Connecticut Superior Court, and the Bar. The Committee prepares the Professional Discipline Digest, which appears four (4) times a year in *Connecticut Lawyer* magazine.

### ANNUAL REPORT

#### Meetings

The Professional Discipline Committee has met four times during the membership year. Our agenda items include proposed rule modifications to the Connecticut Superior Court Rules which have originated from the offices of the Statewide Grievance Committee and the Statewide Bar Counsel.

The Committee continues to oppose a Rule change that would prohibit retired, inactive, disbarred, or suspended attorneys from employment in any capacity by another attorney or law firm. This proposed amendment would have subjected the lawyer(s) employing such an individual to discipline. The Committee was concerned that such a rule was overbroad and it is working with the Office of Chief Disciplinary Counsel to develop more appropriate language.

The Committee has formally opposed a proposed Rule change to Sections 2-32, 2-34A, and 2-35 that would have allowed new charges against an attorney to be added to a grievance complaint by Statewide Bar Counsel. The Committee worked together with the office of Statewide Bar Counsel to assure proper due process and at least a 30-day notice of any new allegations of misconduct. The revised proposal was endorsed by the Committee and sent to the Rules Committee of the Connecticut Superior Court.

#### Publications

Committee members have prepared the Professional Discipline Digest and they have been published in *The Connecticut Lawyer*.

The Committee is continuing to create a database of all grievance decisions.

#### Legislative Efforts

The committee has two members serving as legislative liaisons who monitor those bills that impact lawyer discipline.



# COMMITTEE ON PROFESSIONAL ETHICS

**JOHN R. LOGAN, CHAIR**

## **ANNUAL REPORT**

The 2011-12 Bar Year was quite a busy time for the Committee. Ten informal opinions were adopted, addressing a myriad of topics from the ethics of confidentiality provisions in settlement agreements to a lawyer's prohibition from providing financial assistance to a client. Further, the latest opinions from the Committee are now available on the CBA's Web site on the page dedicated to the Professional Ethics Committee. Further work on the Committee's Web pages is underway to provide Committee opinions from prior year's as well as a convenient place to fill out a request for a written ethics opinion.

The Committee has recommended (and the Connecticut Superior Court's Rules Committee is currently considering) a change to Rule 1.10 designed to avoid disqualification of law firms through the establishment of appropriate screening procedures ensuring that a lawyer does not participate in a matter where he or she is disqualified by affiliation with a prior firm. Further, the Committee has forwarded to the judges of the Connecticut Superior Court a proposed rule change to Rule 3.8 designed to provide for prosecuting attorneys ethical responsibilities when confronted with information about the innocence of an already convicted person. This rule change proposal was the result of collaboration with representatives of the Chief Public Defender's office, the Chief State's Attorney's office, and the Connecticut Innocence Project.

The Committee created a subcommittee charged with providing recommended changes to the Rules of Professional Conduct [and the comments therein] in the event the judges of the Connecticut Superior Court deemed it advisable to adopt rules permitting limited scope representation. The Professional Ethics Committee subsequently adopted the subcommittee's recommendations and forwarded the same to the CBA Taskforce on Limited Scope Representation. These proposals will be forwarded to the judges of the Connecticut Superior Court for their consideration in the event the rules are changed to permit limited scope representation.

In 2009, the American Bar Association created the Commission on Ethics 20/20 to "perform a thorough review of the ABA Model Rules of professional Conduct and the U. S. system of lawyer regulation in the context of advances in technology and global legal practice developments." [See ABA Web site]. In the fall of 2011, the Commission published for comment a significant number of proposed changes to the Model Rules. The CBA's Professional Ethics Committee was able to analyze these proposals and, upon approval of the House of Delegates, provided written comment to the Commission for its consideration. The Commission has since published some of its recommendations and, apparently, took many of this Committee's suggestions into account.

The Committee also continues to provide ethics education to members of the Bar. This is accomplished not only by the opinions it issues, but also by answering phone calls from practitioners regarding ethical topics/concerns and through our continuing legal education subcommittee which conducts formal seminars covering multiple ethics topics. Further, the Committee answers inquiries from both the press and members of the public.

Personally, I commend the hard-working members of the Professional Ethics Committee for their time, dedication, and professionalism. The consistent level of high quality work product produced by these members is a tribute not only to their legal acumen, but to the serious nature of the task. I hope the members of the Bar find the work of the Committee helpful in their practice. Members of the Bar interested in serving on this Committee should make such preference known to the CBA staff.

# PROFESSIONALISM AND CLE COMMITTEE

## TIMOTHY DIEMAND AND LOUIS R. PEPE, CO-CHAIRS

### PURPOSE

The mission of the Connecticut Bar Association Standing Committee on Professionalism is to enhance the level of professionalism among lawyers and judges and to promote their commitment to the *Lawyers' Principles of Professionalism* (adopted by the Connecticut Bar Association House of Delegates on June 6, 1994), by: 1) encouraging, recommending and providing assistance to CBA Committees and Sections in the development and coordination of professionalism initiatives; 2) encouraging and providing assistance to local Bar associations, law schools, and the judiciary in their efforts to improve professionalism; 3) educating members of the legal profession and the public about professionalism issues; and 4) identifying, evaluating, and reporting on trends and developments affecting lawyer professionalism and proposing and implementing programs to address them.

In September 2011, President Brad Gallant combined the Standing Committee on Professionalism with the Continuing Legal Education Committee in the hope and expectation their common objectives in many areas would result in a synergy in the combined group that would enhance its effectiveness and service to the CBA members. The experiences of the past year indicate his decision was right on target.

### ANNUAL REPORT

The Committee conducted its signature event, the Bench-Bar Professionalism Symposium, in the Waterbury Judicial District, on November 4, 2011. The event was attended by more than 125 lawyers and judges, who uniformly reported substantial benefit from the program. The Committee has conducted the symposium in a different Judicial District every year for the past ten years, and this November it will be presented in conjunction with the Middlesex, Windham and New London County Bar Associations on November 2, 2012.

The rule changes providing for Minimum Continuing Legal Education, pending before the Superior Court Rules Committee, received substantial attention from the Committee during the past year. It was the consensus of the Committee that the proposed rules, which were adopted by the CBA House of Delegates on March 12, 2007, should be adopted by the Rules Committee as soon as possible, and that objective was pursued with the support of the entire CBA leadership, for which the Committee is most grateful. While the Rules Committee did not adopt the proposed rules this year, it did suggest the Chief Justice appoint a commission to examine the issue, and we remain optimistic that step will lead to adoption of Minimum Continuing Legal Education in the near future.

The Standing Committee on Professionalism also continued its support to the recently appointed Mentoring Task Force II, which is co-chaired by the Honorable Kenneth Shluger, a member of the Committee, and on which two other committee members serve. The objective of the Task Force is to carry forward the work of the first task force on this issue and implement a statewide mentoring program for new admittees to the bar who would otherwise not have a mentor to guide them in the customs, usages and standards of professionalism of the bar during their first year as lawyers.

The Committee's Law School Liaison Subcommittee, chaired by Carrie Kaas, moved its objectives forward with a program in professionalism at the UConn Law School in January. A panel of judges and lawyers address the question of "What it is Like to Practice Law," which was well received by the law students.

The undersigned would like to take this opportunity to thank the Committee members for their ongoing work to enhance professionalism, and for the full support for that endeavor the Standing Committee has always received from the Judicial Branch.

Respectfully Submitted,

Louis R. Pepe and Timothy A. Diemand, Co-chairs

# COMMITTEE ON THE RESOLUTION OF LEGAL FEE DISPUTES

WILLIAM H. CHAMPLIN III, CHAIR

## ANNUAL REPORT

For the past 34 years, the Connecticut Bar Association, through its Resolution of Legal Fee Disputes Program, has provided a solution to lawyers and clients who have reached impasse over a legal fee dispute. The program is free, informal, and impartial. Whether through mediation or arbitration, the attorney and client have the opportunity to present their positions to disinterested third parties. In the case of arbitration, a hearing panel comprised of three volunteers (2 attorneys and 1 lay person), decide the case based on written and oral presentations from both sides. There is no charge for this service.

The Committee on the Resolution of Legal Fee Disputes consists of 40 members of the Connecticut Bar Association appointed by the President of the Association for 3 year terms. The activities of mediation and arbitration are conducted by the Legal Fee Resolution Board. Members of the Committee represent all judicial districts in Connecticut and form a broad spectrum of the bar both from firm size and type of practice. The Committee provides a base of 40 members of the Legal Fee Resolution Board. The Board also includes additional members of the Association who do not serve on the Committee but nevertheless provide voluntary and important service to the community by serving on panels for the purpose of binding the arbitration. Lay persons from throughout the state are also members of the Legal Fee Resolution Board and serve on all of its arbitration panels.

From June 1, 2011 to May 31, 2012, the Committee had a full, complete compliment of 40 attorneys for the Board.

During the year June 2011 to May 31, 2012, attorneys or clients filed 63 new disputes with the Committee. This is down only 3 disputes from the prior year. In the same period, 33 of these matters were settled by the parties or closed without the need for a final hearing. Unfortunately in a number of instances, the client refused to participate in the program and the attorney did not have in the fee retainer agreement a commitment to use the services of the Legal Fee Resolution Board to arbitrate any legal fee dispute. The Board mediated or arbitrated 12 cases fully to conclusion. These matters were resolved without charge to the attorney or client. Finally, the Committee is working diligently to schedule mediations and arbitrations for 18 open matters pending at this time, a reduction in the outstanding cases this year of 25 percent compared to the end of the prior year.

In addition to mediation and arbitration, Committee members and the Chairman respond to questions about fee disputes and the rules of the Fee Dispute Board throughout the year. The Rules for Mediation and Arbitration are available on the CBA's website.

The Committee appreciates the support of the Bar and the Committee volunteers in its important work.

# **COMMITTEE ON SECTION AND COMMITTEE OVERSIGHT**

**BARRY C. HAWKINS, CHAIR**

## **PURPOSE**

This Committee is charged with the following tasks:

1. Oversee the structure of CBA Sections and Committees
2. Determine whether changes to Sections and/or Committees are appropriate, including but not limited to elimination, consolidation, and/or reclassification and make appropriate recommendations to the House of Delegates and President with respect to same.
3. Undertake such other tasks as the president and/or executive committee requests.

## **ANNUAL REPORT**

The Committee on Section and Committee Oversight is comprised of the following members in addition to the chair: Amy Todisco, Brian Rice, Ira Bloom, Lawrence Morizio, Livia Barndollar, Howard Schiller, Jennifer Janik, Suzanne Caron, Stephen Curley, Alexis Highsmith, Charles Lee, Alaina Doolan, and Jonathan Shapiro. Mary Etter serves as the principal staff support person.

The Committee met twice in person this Bar year on December 7, 2011 and March 27, 2012, and intends to meet one more time in the month of June. Much of the work of the Committee this year was done in two subcommittees.

The first consisted of a project creating model bylaws for the new Sections recommended during the 2011-2012 Bar year, mostly by converting substantive law Committees into Sections. This project was chaired by Committee member Brian Rice. Six of the seven recommended new Sections have now adopted model bylaws.

The other major work of the Committee this year was done by a subcommittee consisting of Charles Lee and Jonathan Shapiro, chaired by Ira Bloom, to deal with certain non-performing Sections where the existing leadership was apparently experiencing difficulty in meeting the standards for activity, finance, and governance last year. This is extremely difficult work and the subcommittee has reported making slow but measureable process. The June Committee meeting is scheduled to deal with this subject at further length.

The other major decision made by this Committee as a recommendation was accepted by the House of Delegates. That recommendation is to change the leadership of the Committee so that it becomes a task assigned each year to the immediate past President of the Association. The purpose of this change, which will become effective as of July 1, 2012, is to balance out the workload assigned to the Executive Committee and to provide this Committee with the perspective of a seasoned Bar volunteer with three years prior membership on the Executive Committee. Brad Gallant will reprise his earlier role as Committee Chair for the upcoming year.

# **STANDING COMMITTEE ON STANDARDS OF TITLE**

**DENIS R. CARON, CHAIR**

## **PURPOSE**

The Standing Committee on Standards of Title has the responsibility of (1) considering, formulating, and proposing new Standards of Title; (2) reviewing and updating present Standards of Title; and (3) soliciting suggestions from members of Connecticut's conveyancing Bar with respect to title matters where the formulation of new standards would be helpful.

## **ANNUAL REPORT FOR 2011-2012**

The Committee has completed its work on a new chapter addressing title issues encountered in the area of leaseholds. It is anticipated that this new chapter will begin the formal approval process in the fall. Also, the Committee has completed revisions to Standard 18.5, "Effect of Unreleased Mortgages on Marketability of Title," which is probably the most frequently used of all standards. The revisions will help clarify some of the issues and concerns that have come to light since the time the standard was first adopted in 2000.

The Committee has begun work on a new chapter addressing conveyances by powers of attorney.

The Committee is always attentive to requests or suggestions by the Bar regarding potential new standards or modifications or corrections to existing standards. Please feel free to contact any member of the Committee with any such proposals.

Richard J. Beatty, Guilford  
Denis R. Caron, Rocky Hill (Chair)  
George H. Jackson III, Danielson  
James A. Nugent, Orange  
James E. Rice, Southport  
Michael W. Sheehan, New London  
Ellen L. Sostman, Rocky Hill  
William C. Stokesbury, Farmington  
John D. Thomas, East Hartford

# UNAUTHORIZED PRACTICE OF LAW COMMITTEE

## CARL PORTO, SR., CHAIR

### PURPOSE

The Unauthorized Practice of Law (UPL) Committee receives inquiries and complaints regarding various UPL issues from admitted Connecticut attorneys and attorneys admitted in other jurisdictions as well as others not admitted to the practice of law. Complaints are referred to the Office of the Chief Disciplinary Counsel when appropriate. Inquiries are responded to and, when requested or deemed appropriate by the UPL Committee, a written opinion is issued.

### ANNUAL REPORT

The Unauthorized Practice of Law Committee continues to receive inquiries, complaints, and requests for information regarding what does and does not constitute the authorized practice of law in the State of Connecticut. When appropriate, the UPL Committee issues written “informal opinions” that are now available on the CBA Web site. The business of the UPL Committee most recently has mainly consisted of responding to inquiries from attorneys from other jurisdictions who are not admitted in Connecticut, regarding what they can and cannot do in Connecticut. The UPL Committee has, however, responded to questions from admitted Connecticut attorneys regarding particular activities that they are either engaged in or wish to engage in. Similarly, at the UPL Committee’s request, the CBA leadership is currently reviewing the issue of whether out-of-state attorneys in private practice not admitted to practice in Connecticut representing clients in formal matters and proceedings before Connecticut state agencies are engaged in the unauthorized practice of law, and, if so, whether the CBA should take appropriate measures to address this issue.

The UPL Committee and the Office of Chief Disciplinary Counsel continue to work closely on UPL issues, and the UPL Committee refers complaints and inquiries that involve UPL issues to that office for review, investigation, and enforcement when necessary. The overwhelming number of inquiries received by the UPL Committee still concern services proposed to be offered by out of state companies, banks, and non-admitted attorneys wishing to represent Connecticut clients in various aspects of Connecticut commercial and real estate transactions.

The UPL Committee has again, for at least the fourth time, supported proposed legislation raising the penalty for the unauthorized practice of law in Connecticut from a misdemeanor to a felony under Section 51-88. There continues to be a concerted effort by the CBA, led by CBA Past President Ralph Monaco, to increase the penalty for the unauthorized practice of law to a felony. For the fourth year in a row, despite modifications to the proposed bill, the bill has not yet received legislative approval. The elevation of the penalty for the unauthorized practice of law in Connecticut from a misdemeanor to a felony continues to be a priority for the UPL Committee. The UPL Committee also supported a proposed bill which would have prevented notaries from holding themselves out as attorneys.

Finally, companies and individuals, through Web sites, that offer legal services and, therefore, engage in the unauthorized practice of law in Connecticut, continue to be an issue, and one that must be recognized and responded to. The UPL Committee recently referred an individual who was not an attorney in any jurisdiction to the Office of Chief Disciplinary Counsel for what appeared to be the unauthorized practice of law through her Web site.

As I have previously indicated, the business of the UPL Committee continues to be active, and I again wish to thank all of the UPL Committee members for their time, effort, and hard work.

# VETERANS AND MILITARY AFFAIRS COMMITTEE

JOHN K. JEPSON, CHAIR

## ANNUAL REPORT

First and foremost we would like to thank CBA staff members for their outstanding support during the year. Especially helpful is the e-mail effort re Connecticut Legislative actions and highlighting those proposals that may impact veterans and military activities!

Thanks also go to CBA leadership in support of its Veteran's Task Force (VTF) of approximately 12 members, including CBA Past Presidents Fran Brady and Bill Prout. In addition to members, others provide input and assistance including CBA staff, law firm "volunteers" (perhaps with some guidance from the Past Presidents), and legal and veterans agency service providers. The newly dedicated Army Strong activity leader briefed the VTF on its facility in Bristol and its wide range of services and referrals available to all service veterans **regardless of branch**.

The CBA VTF is planning some Veterans Service Officer (VSO) training this fall, if appropriate trainers are available. Information will follow if details can be firmed up. Some concern has been expressed by those who previously qualified as VSOs regarding lack of referrals. If needed services are being received, even if from other sources, this is good! Starting with Iraq tens of thousands of service members have or will be returning to the United States and many serving at home may need services as well. This is especially true if the threatened military downsizing occurs.

A special accolade goes to VMAC member, Army Colonel Morton Katz (Ret) for his outstanding Memorial Day presentation in Avon.

# **WOMEN IN THE LAW COMMITTEE**

**ALICE A. BRUNO AND ANDREA BARTON REEVES, CO-CHAIRS**

## **PURPOSE**

The Women in the Law Committee (WILC) has a long history of providing a forum for CBA members to explore issues of concern to women in the profession, to expand their knowledge, and to educate others about issues impacting our legal community, and women. It also affords its members a ready network of like-minded colleagues with whom to share ideas, friendship, and knowledge.

## **ANNUAL REPORT**

Over the recent years, the WILC has focused its programming in three areas: committee meetings, special events, Annual Meeting programs. It has also been charged with continuing the work of the CBA Task Force on the Future of Women in the Legal Profession by continuing to strive for implementation of the Best Practices for Gender Equity at legal employers across Connecticut.

The WILC works in concert with the leaders of the WILC of the CBA YLS to promote mutual interests and concerns. The WILC is a member of the National Conference of Women's Bar Associations, which serves as a forum for the exchange of ideas and nurtures connections among the leadership of women's Bar associations on a national and international basis. This membership provides additional valuable resources for the committee members.

## **Membership**

The WILC has been led by co-chairs for several years, and welcomes any and all CBA members to join its efforts and activities. WILC is also hopeful that its membership roster will increase significantly over the next one to two years as we continue to develop meaningful programming for attorneys in the association and across the state.

In 2011-2012, the co-chairs were Andrea Barton Reeves and Alice A. Bruno, both of whom have long-standing commitments to women's issues and who have had extensive and varied experience in the CBA leadership as well as in other women's groups. In April 2012, Alice became the first woman Executive Director of the CBA. Andrea will stay on as able co-chair and she welcomes the opportunity to work with another colleague to re-energize and refocus the committee going forward.

## **Best Practices for Gender Equity**

The WILC remains the delegate of the CBA Task Force on the Future of Women in the Profession with respect to advancing the Best Practices for Gender Equity and the accompanying pledge for legal employers. The ongoing projects of the WILC include: monitoring employers' commitments to the Best Practices, providing resources for firms and for prospective employees about hiring practices, and other aspects relating to continuing the mission of the task force. Specific plans include an informative meeting for law students regarding what being a "Best Practices" employer means, programming for legal employers regarding their own obligations under the pledge, and implementing a survey as a follow up to the survey the Task Force conducted to assess the progress of the profession with respect to issues important to and faced by women in the profession.



# **STANDING COMMITTEE ON WORKERS' COMPENSATION CERTIFICATION**

**MICHAEL R. KERIN, CHAIR**

## **PURPOSE**

The Standing Committee on Workers' Compensation Certification is responsible for administering the CBA program that evaluates, tests, and approves qualified attorneys as Board Certified Specialists in Workers' Compensation, pursuant to authority granted by the Rules Committee of the Connecticut Superior Court.

## **ANNUAL REPORT**

The Examination Committee reviewed the applications of 25 candidates who applied for recertification as Board Certified Specialists in Workers' Compensation and submitted its list of recommended applicants to the Standing Committee for approval. The Standing Committee met on June 23, 2011 and accepted the recommendations of the Examination Committee. The recertification certificates were issued at the Fall Workers' Compensation meeting.

There are currently 48 Board Certified Workers' Compensation Specialists in the State of Connecticut.

The Examination Committee offered another test on May 11, 2012. The Examination Committee is in the process of grading those examinations and is expected to submit the preliminary results to the Standing Committee during the summer of 2012, with certificates to be issued at the fall Workers' Compensation Section meeting.

On August 30, 2011, the Standing Committee submitted an Application for Authority to the Legal Specialization Screening Committee, which was approved. The Application was forwarded to the Rules Committee of the Connecticut Superior Court, and was approved on October 24, 2012. The authorization for the Standing Committee's Certification is valid until October 20, 2016.

During the last year, the Standing Committee's staff has been involved, as it has every year, in assisting other Sections of the Connecticut Bar Association that are considering, exploring, or attempting to qualify other recognized specialties for certification in the State of Connecticut.

# **WORKERS' COMPENSATION CERTIFICATION EXAMINING COMMITTEE**

**DIANE D. DUHAMEL, CHAIR**

## **PURPOSE**

The Examining Committee administers the application process and the certification examination. The chair of the Standing Committee on Workers' Compensation Certification appoints members to the Examining Committee. The Examining Committee must include (1) at least one member of the Standing Committee; (2) an experienced practitioner with substantial involvement in the area of workers' compensation law; (3) an individual experienced in the administration and operation of the program which certified lawyers as workers' compensation specialists; (4) an individual experienced in educational testing and measurements who holds at least a master's degree in the field; and (5) a current faculty member of an ABA accredited law school knowledgeable in the area of workers' compensation or a workers' compensation commissioner.

# **TASK FORCE REPORTS**



# TASK FORCE ON AWARDS

**KIMBERLY A. KNOX, CHAIR**

## **PURPOSE**

The CBA Awards Task Force was formed by the President of the CBA in February 2012 for the purpose of examining the existing awards structure and to recommend whether we should make any changes (including abolishing or combining some Awards, redefining criteria for some Awards and/or making changes to the selection process.) The Task Force considered the awards' criteria and the awards' process, including a review of the past recipients of the awards. The Task Force submitted its report to the CBA President and Executive Director that will be submitted to and considered by the Board of Governors in September 2012.

## **ANNUAL REPORT**

The Task Force considered the following Connecticut Bar Association Awards: Distinguished Public Service Award, Henry J. Naruk Judiciary Award, John Eldred Shields Distinguished Professional Service Award, Charles J. Parker Legal Services Award, Tapping Reeve Legal Educator Award, Citizen of the Law Award, Citizen for the Law Award, and the Edward F. Hennessy Professionalism Award. The Task Force addressed issues or concerns which have repeatedly arisen during the award process.

### **Recommended Revisions to Awards Criteria**

(Recommended revisions are italicized):

#### **Distinguished Public Service Award**

1. *Current or former Connecticut resident or other significant and meaningful relationship to Connecticut.*
2. Usually non-lawyer.
3. Distinguished self in his or her profession.
4. Made significant contribution to society. This contribution should be in addition to or outside of a candidate's area of endeavor.
5. Mandatory that recipient attends the Annual Dinner of Connecticut Bar Association to accept award.
6. *Not necessarily an annual award.*

#### **Henry J. Naruk Judiciary Award**

1. Member of Connecticut Judiciary.
2. Federal or State Court.
3. Epitomizes long-term, dedicated, conscientious service to the community in a judicial role.
4. Integrity.
5. Hard-working judge who labors long at duties.
6. Selfless in approach to demand of position.
7. Legal ability of highest quality.
8. *Not necessarily an annual award.*

#### **John Eldred Shields Distinguished Professional Service Award**

1. Member of the Connecticut Bar Association.
2. Performed outstanding service through or on behalf of the Connecticut Bar Association.
3. Such service to have benefited members of the Connecticut Bar Association, the legal profession or the community at large. This service should cover a period of years and not be a single or isolated activity.

4. *Service as Past President of the Connecticut Bar Association shall not be considered in evaluating the candidates for this award.*
5. Not necessarily an annual award.

**Charles J. Parker Legal Services Award**

1. Member of the Connecticut Bar Association.
2. Should have deep and abiding interest and dedication to delivery of legal services to the disadvantaged in Connecticut.
3. Given selflessly of themselves in advancing goal of providing legal services to Connecticut residents. This service should cover a period of years and not be a single or isolated activity
4. *Recognizes all practitioners in Connecticut, including legal service attorneys.*
5. Not necessarily an annual award.

**Tapping Reeve Legal Educator Award** (*Approved by the Board of Governors December 12, 2011*)

1. Member of the CBA who has contributed greatly to the legal education of his or her colleagues, as a member of the faculty, a clinical instructor, or an adjunct instructor at UCONN Law School, Quinnipiac Law School, Yale Law School or Western New England Law School.
2. May be posthumous, but only if a recipient passes away after being nominated, but before the award is bestowed by the CBA.
3. Must have a minimum of 10 years teaching experience at one or more of the four schools listed, or at least 10 years as an attorney admitted to the Connecticut Bar.
4. Must have demonstrated a sustained commitment and made significant contributions to the cause of legal education *over a period of years and not be a single or isolated activity.*
5. Distinguished himself or herself as a legal educator of the highest quality through experience as a teacher, scholarly writer, or both.
6. *Not necessarily an annual award.*

**Citizen of the Law** (*Approved by the Board of Governors 2004*)

1. Judge, attorney, or paralegal who is a member of the Connecticut Bar Association.
2. Significant contribution to a charitable or public service cause that does *not* involve professional legal skills, but provides inspiration, and contributes to the needy, the good of society, the environment, or our way of life.
3. Activities undertaken on a non-professional, charitable basis with little or no personal economic reward, and some personal sacrifice.
4. *Not necessarily an annual award.*

**Citizen for the Law** (*Approved by the Board of Governors 2004*)

1. A person who is not employed in the legal area.
2. Significant contribution to the institution of justice and the law on a voluntary basis.
3. Activities undertaken to advance the law for purely beneficial reasons, with little or no personal reward, and some personal sacrifice.
4. *Not necessarily an annual award.*

**Edward F. Hennessey Professionalism Award**

**Objective:** To recognize and honor a member of the Bar of this state whose career has manifested a dedication to the highest ideals and standards of the legal profession, so as to provide inspiration to other members of the Bar and to honor the memory of Edward F. Hennessey, whose forty-one years at the Bar exemplified the criteria of this award.

**Criteria:** A lawyer who has demonstrated such integrity, character, competence, ethics, civility, and mentoring over the course of his or her career as to inspire greater professionalism among lawyers and pride in their profession and who has enhanced the public's perception of the legal profession.

**Other:**

1. The recipient must have practiced at least 20 years and be a member of the Connecticut Bar Association.
2. The awardee will be nominated by the CBA Standing Committee on Professionalism after solicitation of nominations and then submitted to the CBA Board of Governors for confirmation.
3. The award will be made at the CBA Annual Meeting—but not necessarily every year.
4. The awardee will be presented with a suitably inscribed plaque or scroll.

**Recommended Procedures for the Award Committee**

The Awards Committee shall be comprised of 15 members, including a chair. Each year, the President shall appoint five new members to the Committee to serve for a term of three years. The President shall also appoint a chair of the Awards Committee. Beginning in 2015, the chair shall be selected from the five members who are serving on the Committee for their third and final year. Prior to 2015, the President shall appoint a present member of the Committee to serve as chair. No person may serve as chair for more than one year.

**Nominations**

There is no written nomination process. The Task Force recommends a written guideline be developed and proposes the following nomination procedures:

1. **Nominations from CBA members:** Announcement of the Awards to the CBA membership. It is recommended that the CBA publicize that the Awards Committee is accepting nominations for the respective awards during the period commencing October 15th and closing on or before December 1st of the year preceding the Annual Meeting. The publication should be transmitted to the members of the CBA through the appropriate means, but should include the *Connecticut Lawyer*, the CBA Web site, and a general membership electronic communication. At the direction of the Executive Director, the CBA should assume responsibility for the publication, regardless of whether or not the Awards Committee has been constituted for the year. The publication should clearly state the following:
  - Name of the award and its criteria.
  - Contact information for the person accepting the nominations. The chair of the Awards Committee would be the preferred contact person, but the nominations may also be submitted to an appropriate CBA staff person.
  - A deadline date for the submission of nominations on or before December 1st.

Individuals who submit nominations should be encouraged to include a letter identifying which award the nominee is being recommended for, explain the reasons for the nomination, and provide a resume of the nominee, if possible.

2. **Nominations by Awards Committee members:** The Committee shall also be responsible for considering candidates, in addition to those nominees received through the above-nomination process. The Committee shall gather the information about such candidates which is set forth in 1 above, or as necessary to make an informed decision. The Committee shall take all steps necessary to ensure a careful consideration of potential nominees for the awards, regardless of source of the nominee's name.

**Meetings**

The Awards Committee meets as necessary and at the discretion of the chair for consideration of the nominations and a determination of recommended recipients. The Awards Committee should not vote upon any recommended recipient of any award until such time as the nominations process is closed. The Task Force recommends no change in this process. *Caveat:* In the discretion of the chair, the Committee may commence its consideration of nominees and the process of obtaining information for those nominees during the period of time in which the membership at large nomination process is ongoing, namely October 15th–December 1st.

**Communications and Confidentiality**

The Awards Committee limits its consideration of candidates to the individual's credentials and the award criteria. The Awards Committee must act in a professional, respectful, and confidential manner in the service of selecting

and recommending recipients for the CBA Annual Awards. There has been a need to solicit additional information from third persons who are more knowledgeable about a candidate's credentials. This is permissible.

**Reporting of Recommended Recipients**

The chair must report its recommendations for recipients of the Annual Awards to the CBA President in a manner to allow for timely proper notice to the Board of Governors for the February meeting preceding the CBA Annual Meeting of the given year. Upon the acceptance of the recommendations by the Board, the purpose of the Awards Committee shall be deemed completed. However, the Awards Committee chair shall oversee the writing of the tributes for the respective award recipients.

# **TASK FORCE ON CIVIC EDUCATION IN CONNECTICUT**

**LIVIA DEFILIPPIS BARNDOLLAR, CHAIR**

## **PURPOSE**

The purpose of this Task Force is to address the following: (1) assess the current state of civics education at the elementary, middle, and high school levels in Connecticut and (2) make recommendation(s) for the improvement of civics education in Connecticut. The Task Force works in conjunction with the Civics Education Committee.



# **TASK FORCE ON COMMUNICATIONS**

**MARK A. DUBOIS, CHAIR**

## **PURPOSE**

The Communications Task Force was charged with examining the various methods and media by which the CBA communicates, both internally and externally, and with recommending policies, procedures, new initiatives, or modifications to existing protocols which would advance the CBA mission and/or make the association's communications function more effective and efficient.

## **ANNUAL REPORT**

The work of the Task Force is ongoing and a report will be submitted to the House of Delegates upon the completion of the work of the Task Force.

# **TASK FORCE ON LIMITED SCOPE REPRESENTATION**

**STEPHEN J. CONOVER, CHAIR**

## **PURPOSE**

This Bar year, President Keith “Brad” Gallant took the initiative to form this Task Force to evaluate “limited scope representation” under consideration by the Connecticut Judicial Branch which developed forms, guidelines, and protocol for use in limited scope representation matters. The Judicial Branch was considering the adoption of limited scope representation also known as unbundled legal services; limited scope representation allows a lawyer and client to agree in advance that the lawyer will only represent the client for a defined portion of a proceeding, thereby allowing them to set a fee based on the identified scope of the lawyer’s work. The Working Group of the Judicial Branch developed and circulated for comment and review draft forms and sample text for changes to the Rules for implementation of limited scope representation.

## **ANNUAL REPORT**

The Task Force of which I, Attorney Stephen J. Conover, served as the chair, was comprised of Attorney Norman K. Janes, Attorney Barry F. Armata, Attorney Frances Z. Calafiore, and Attorney Sheryl A. Shaughnessey.

The Task Force met several times since its origination in November 2011, to educate its members about motivation of and the steps taken by the Judicial Branch to develop the draft forms, guidelines, and text for limited scope representation.

The Task Force met with and, on several occasions, spoke to the Judicial Branch Working Group representatives (Honorable Raymond Norko and Krista Hess) to understand the goals and progress of its development of the draft forms, guidelines, and text for limited scope representation. The Judicial Branch provided pointed answers to questions on various topics that revealed the flexibility and evolving nature of the goals of the Branch and its sensitivity to lawyers’ concerns in its consideration of limited scope representation.

The Task Force solicited input from various CBA Sections through its use of roundtable forums with the Family Law Section, the Litigation Section, the Paralegal Section, and the Small Firm Practice Management Section; these Sections included the practice areas most directly affected by the limited scope representation under consideration by the Judicial Branch. The Task Force members received insightful and well-reasoned input from each Section.

The Task Force met with and solicited input from the CBA Standing Committee on Professional Ethics with particular focus on the relationship between existing Rules and the text changes being considered by the Judicial Branch to implement limited scope representation. After extensive research and careful consideration, the Professional Ethics Committee provided the Task Force with detailed input and suggested changes to the draft forms, guidelines, and Rules to assist lawyers in understanding the impact of limited scope representation.

The Task Force remains hard at work and its members have already scheduled time together to finalize a Final Report with its findings and recommendations, to be released shortly.

# **TASK FORCE ON MENTORING NEW ATTORNEYS**

**THE HONORABLE KENNETH L. SHLUGER AND HOWARD KLEBANOFF, CO-CHAIRS**

## **PURPOSE**

The objective of the task force is to provide every new admittee to the Bar with access to an experienced lawyer to serve as his or her mentor, who would teach the new lawyer the practical and unwritten rules, customs, and usages applicable to the practice of law in this jurisdiction; provide guidance and advice with respect to the professional and ethical questions that confront him or her during the first year of practice; and enhance the new attorney's exposure to and experience with rendering actual legal services.

## **ANNUAL REPORT**

The Task Force is comprised of 21 members. It created six district sub-groups around the state to set up and manage mentoring programs. The groups have actively mentored dozens of newly admitted lawyers around the state, mostly in Hartford, New Haven, and New London. The Task Force spreads information about the mentoring program by sending representatives to all the swearing-in ceremonies for new admittees, through the Young Lawyers Section of the CBA, and by visits with the local schools.

The Task Force met on the following seven occasions during this past Bar year: 4/20, 5/25, 7/26, 9/7, 11/30, 1/19/12, and 5/15/12

# **TASK FORCE ON VETERANS ASSISTANCE**

**JOHN BASHAW AND WILLIAM H. PROUT, CO-CHAIRS**

## **ANNUAL REPORT**

The CBA Veterans Task Force meets generally on a quarterly basis to discuss means for providing legal services to Connecticut's veterans. Attendees at the Task Force meetings include the co-chairs, Attorney Francis J. Brady of Mutha Cullina LLP, CBA staff, Sharon Pope of the CBA Elder Law and Estates and Probate Section, John Bozzi of Statewide Legal Services (SLS), Pat Kaplan of New Haven Legal Assistance (NHLS), John Jepson, and Margaret Middleton of the Connecticut Veterans Legal Center (CVLC). Individuals from other groups such as the Public Defender's Office and the Army Strong Community Center have attended Task Force meetings.

In the last year, the Task Force has continued to focus its efforts in the following areas: (1) training to CBA attorneys in areas of law specific to veterans, (2) providing workshops and information sessions on legal issues of interest to veterans, and (3) participating in coordinated activities with CVLC, SLS, NHLS, and other groups currently assisting veterans in legal matters.

In 2010, the CBA provided a Veterans benefits training program to 50 attorneys. Much of the benefits cases are handled by Veteran Service Organizations (VSOs) but on occasion, additional legal assistance may be required. The CBA-trained attorneys provide a potential source of such assistance. The Task Force plans on providing a reaccreditation veterans benefits program in the fall of 2012. In addition, the Task Force is considering a broader-based training program for attorneys who wish to assist veterans in other issues such as family law and housing law.

The CBA Elder Law and Estates and Probate Section, through the guidance of Sharon Pope, has provided four workshops to veterans and their spouses on wills, health care directives, and powers of attorney. The program provides veterans with information about these documents and then pairs the veteran with a CBA attorney to draft and execute the documents. The CBA is planning another similar event in Hartford in the fall of 2012.

One of the strengths the CBA Task Force brings is a stable of qualified attorneys willing to assist veterans with a wide array of legal issues. The best means for connecting attorneys to the veterans is through referrals from other veteran organizations in the state such as CVLC, and from SLS and NHLS. The Task Force is continuing to expand its referral network to other organizations that are assisting veterans.

The Task Force also works with other organizations to support and promote legislation focused on veterans' issues. CVLC, for example, was instrumental in the passage of SB 114—An Act Concerning Pretrial Diversionary Programs which provides veterans with a second opportunity for diversionary programs. CVLC reported regularly to the Task Force on the progress of this legislation and some Task Force members assisted with the passage of this bill. Other potential legislative changes are brought to the Task Force for consideration and where appropriate, the Task Force lends support and guidance.

