

CONNECTICUT BAR ASSOCIATION ANNUAL REPORT
Of Sections and Committees
2015-2016

Connecticut Bar Association

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2015-2016



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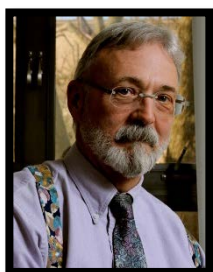
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District	Name	City
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HOUSE OF DELEGATES

District	Name	City
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16	Douglas J. Monaghan	Groton
17	Cassie N. Jameson	New Haven

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ANNUAL REPORT OF THE PRESIDENT

William H. Clendenen, Jr., 2015-2016 President



As my year as your president draws to a close, I would like to offer the following reflections on how far we have come, the difference we are making, and our readiness for the future.

Our long-term success as an association depends on having strong and consistent leadership over multiple years. This year we built a strong collaborative team of officers who work well together, as well as with our executive director, to manage the many facets of our organization and prepare us for the future. I prepare to leave the presidency secure in the knowledge that the progress of the last several years will continue well into the future.

We made great strides this year in adopting and implementing our Strategic Diversity and Inclusion Plan. The tenets of this plans are becoming embedded in how we operate at every level, including our sections, committees, and in our education programming. I know that this journey will take many years, but we must take it together to ensure the future of our profession and to fulfill our

mission. I appreciate the great efforts of all of the leaders who have embraced the challenge and who will work hard to move us into the future.

By now you know my passion for providing access to justice for those who cannot afford representation. The passage by our legislature of the commission to study Civil Gideon is a milestone for our state and a success for our association. We are hopeful that this task force can develop solutions to the legal aid and related pro se crises. Getting all of the stakeholders around the table should generate practical, inexpensive ways to provide lawyers to Connecticut's economically disadvantaged.

Our legislative and advocacy programs enjoyed another extraordinarily successful year making a difference for the public and our members. A few examples include the passage of the Uniform Limited Liability Company Act, updating the uniform law on access to digital assets and the Uniform Power of Attorney Act, protection of victims of human trafficking and improving funding of legal services to the poor, and many more. With the diligent work of our lobbyists and our members, the CBA's ability to work with the General Assembly for the benefit of our members and the general public continues to grow. We continuously discover that our legislators want to know what we think, and that our voice truly makes a difference to them.

This relationship will be important in the coming year as the state continues to deal with growing budget deficits that harm the courts, access to justice, and the livelihoods of our members. We enjoy a positive relationship with the Connecticut Judicial Branch and work collaboratively as much as possible to protect the interests of the public and our members. Yet the branch continues to be the target of budget cuts, and that trend will continue in the coming years. I encourage all members to increase their involvement in our legislative process and to ensure that our voices are heard in the battles to come.

In the CBA annals, this year may be remembered as the year that Connecticut judges adopted a mandatory continuing legal education rule. Many Connecticut attorneys and CBA members are not happy with the rule for many reasons. We did not propose the rule and our suggestions for improving it were not adopted by the judges. If the rule becomes "the law of our land," we have plans to adapt and provide our members with even more options to receive the highest quality, and highest value, programs. I am confident that the great success of our education programs in recent years will continue into the future with the growth and expansion of new programs such as

BarChat, Healthy Lawyer, Back to Practice, Practice Tips, as well as traditional and online programming provided *by* our members, *for* our members.

My year will close with net growth in membership for the first time in recent memory and we will have another year of solid financial results. This is important because it reverses a trend of declining membership and establishes a track record of financial success that will prepare us for the future. Knowing that our operational and financial house is in order and in good hands will allow our leaders to tackle the challenges ahead. It has been a pleasure serving you.

SECTION REPORTS

ALTERNATIVE DISPUTE RESOLUTION SECTION

Sylvia R. Rutkowska and Alexandra Gillett, Co-chairs

Purpose

This Section aims to increase the awareness of alternative dispute resolution (ADR) within the Bar and the general public; promote communication among lawyers and others involved in ADR; act as a resource to the courts and other entities; improve the quality of ADR services; and encourage members of the Bar to serve as neutrals in various ADR settings.

Annual Report

Executive Board

Co-Chairs: Sylvia R. Rutkowska, Dzialo, Pickett & Allen, P.C. and Alexandra B. Gillett,

Secretary: Jacqueline Kercelius

Treasurer: Charles A. Pillsbury

Bylaws Committee: William D. Stempel & Donna Morris

Education Committee: Peter W. Benner, Karen Jalkut, Eric Wiechman, James Stapleton, Susan Connolly, Steven Certilman, Barbara Aaron, & Steve Rolnick

Judicial Committee: Caroyln Kaas, Peter Brenner, & Fran Calafiore

Law School Liaison: Charles A. Pillsbury, Alex Soter, Steven Rolnick, Charles Howard, & Michael Curley

Law School Student Liaison: Emily C. Kaas, Quinnipiac University School of Law, J.D. Candidate 2016

Legislative Committee: Gary F. Sheldon, Houston Lowry, Houston Lowry, & James Stedronsky

Long-Range Planning Liaison: Roy L. De Barbieri & Lawrence Mix

Website Liaison: Jacqueline Kercelius

Publicity Committee: Eric Wiechman, Steven Rolnick, William Stempel

Membership Liaison: *Unfilled*

Diversity Liaison: *Unfilled*

Executive Committee Meetings & Section Meetings

October 14, 2015: The Executive Committee and Section members met at the Quinnipiac University School of Law in North Haven to discuss SideBar, legislative procedure, law student engagement, education and programming, publicity, bylaws revisions, and taking over the fee dispute programs for the CBA. Students were invited to the meeting with a stipend for the majority of the cost of attendance given by the Section and the Quinnipiac Center for Dispute Resolution.

November 19, 2015: The Executive Committee and Section members met at the Quinnipiack Club in New Haven at a joint meeting with the Litigation Section. The meeting included a presentation by Eric Wiechmann on "Preparing for a Productive Mediation."

March 30, 2016: The Executive Committee and Section met at the UConn Law School in West Hartford. The substance of the meeting centered on the designation of officer, liaison, and committee roles for the 2016-2017 bar year, an update from the legislative committee, revisions to the bylaws (expressly including the CBA Diversity Policy therein), and an update and discussion regarding the Section's management of fee disputes. Also, the featured presentation for the meeting was by Peter Benner on his CLT article: *Solving the Med-Mal Riddle Through Co-Mediation*, and an exploration on whether the Section would be interested in a CLE/Seminar/Event involving the same in the upcoming year.

Section Activities

The Section has placed a priority on increasing our age diversity, with a goal of establishing stronger connections with law students interested in ADR. In addition to meeting at Quinnipiac University School of Law, the Section

offered to pay for a limited number of law students to attend Section dinner meetings as guests of the Section. Additionally, the Section initiated a law student mentorship program, matching Section members with law students interested in a career in ADR. The Section is offering up to three scholarships to the Connecticut Legal Conference to qualified law students with a demonstrated interest in ADR.

Additionally, the Section has begun its utilization of trending technology by commencing a web series of BarChats beginning April 2015 and hopes to continue this in the future. The BarChats will focus on various aspects of ADR and its utilization in diverse ways to benefit practice management and a wide range of legal issues. In light of the small size of the Section and the fact that the Section's focus applies to many substantive areas of law, the Section initiated outreach for joint section programming, joint section meetings, to affinity bars, and to the Connecticut Mediation Association.

This year, the ADR Section was also asked to revitalize the lawyer to client and lawyer to lawyer fee dispute programs administered by the CBA. The Section has been diligently working to clear the multi-year backlog of pending cases and to establish an effective and efficient system to mediate and/or arbitrate the disputes. The Section is establishing a sub-committee to work exclusively on this program.

Seminars/CLE

April 20, 2016: "Mediating Construction Disputes: How to Handle Tough Issues, Tough Lawyers & Tough Clients," a joint ADR Section and Construction Law Event, held at a Construction Law Meeting. Moderator Steven B. Kaplan, of Michelson Kane, Royster & Barger PC, led a panel discussion with Claimants' Attorney, Gary F. Sheldon of McElroy Deutsch Mulvaney & Carpenter LLP; and Respondents' Attorney, Brian J. Donnell of LeClairRyan, at the Inn at Middletown. Using a "show and tell" presentation format, the panel re-enacted several typical scenarios to illustrate the more difficult, recurring aspects of mediating construction disputes, with suggestions on how the participants can maximize the success of the mediation process.

Connecticut Legal Conference

June 16, 2016: The ADR Section will sponsor, "Advocacy Skills in Commercial Arbitration," a joint ADR Section and Franchise, Distribution and Dealer Law Section Event. Moderator Roy L. DeBarbieri led a panel discussion with David Reif, Melissa Durso, and Steven A. Certilman. This program was a conversational and interactive presentation by a group of individuals who have learned the Do's and Don'ts of arbitration and are willing to share their experiences and insights. The program included an overview of sources of arbitral authority and the role of the arbitrator and the advocate. The program included a discussion of who decides, a judge or an arbitrator, whether contract provisions (including provisions regarding class arbitration and available remedies), are enforceable. The panel discussed what to look for in the arbitration clause, how to manage discovery (including e-discovery), what to expect from the arbitral process, how to present your case, and what might happen after the award.

Incoming (2016-2017) Executive Committee:

After an announcement at our March 30, 2016 meeting, and emails/Sidebar communications, the following members have expressed interest in serving on the Executive Committee*:

Alexandra B. Gillett

Sylvia Rutkowska

Gary F. Sheldon

Jacqueline Kercelius

William Stempel

Peter Benner

Emily C. Kaas

Fran Calafiore

Kathleen Conway

Clarence J. Jones., retired judge

Houston Lowry
Michael O'Connor
Charles Pillsbury
Roy DeBarbieri
Michael Curley
James Stapleton
John Bonee
Barbara Aaron
Karen Jalkut
Steve Certilman
Harry Mazadorrian
Donna Morris
Steve Rolnick
Eric Wiechman
Melissa Durso

* The following members are currently on the Executive Committee (2015-2016) year but have not responded to our announcements:

Carrie Kaas
Alex Sotor
Charles Howard
Lawrence Mix
James Stedronsky
Susan Connolly

Incoming (2016-2017) Officers and Committees:

Co-Chairs: Alexandra B. Gillett and Gary F. Sheldon

Secretary: Jacqueline Kerceland

Treasurer: Charles A. Pillsbury

Bylaws Committee: William D. Stempel (chair) and Donna Morris

Education Committee:

Peter W. Benner
Karen Jalkut
James Stapleton
Fran Calafiore
Steven Certilman
Harry Mazadorrian

Law School Liaison:

Melissa Durso (QUSL)
Barbara Aaron
Emily Kaas (QUSL)(Co-Chair)
Michael Curley (UConn)(Co-Chair)

Law School Student Liaison: Alesha Davis, Quinnipiac University School of Law, J.D. Candidate

Legislative Committee: Houston Lowry (chair)

Long-Range Planning Liaison: Roy L. De Barbieri (chair)

Website Liaison: Jacqueline Kerceland

Publicity Committee:

Michael O'Connor
John Bonee

Membership Liaison:

Unfilled

Diversity Liaison: Clarence J. Jones., retired judge

Fee Disputes Committee:

Alexandra B. Gillett
Sylvia K. Rutkowska
Gary Sheldon
Eric Wiechmann
David Atkins
Steven Rolnick
Kathleen Conway

ANIMAL LAW SECTION

Colette S. Griffin and Suzan M. Porto, Co-chairs

Purpose

Formed in 2002, 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 section meetings have been held.

Executive Committee Meetings

Executive meetings have been held quarterly.

Legislative Efforts

The section has followed pending legislation concerning animals and has forwarded information to the members accordingly. The section has sought and obtained authority to take positions on pending legislation and has submitted testimony to the legislators regarding multiple bills.

Volunteer Activities

We have continued to provide legal guidance regarding animal laws to a number of not for profit organizations as well as to individuals who have contacted us with legal inquires.

Other Programs and Events

On October 8, 2015, the Animal Law Section joined with Quinnipiac University School of Law to host a conference on the link of violence. The purpose of the conference was to educate practitioners in the importance of the link. The conference was open to both legal professionals and the non-legal community. Speakers included Phil Arkow, the founder of the Link Coalition and author of the publication on the link of violence, Diana Urban, Connecticut State Representative from North Stonington, Connecticut, and Nick Cafferri, New York prosecutor who has been assigned the animal cruelty unit on a regular basis, given New York's commitment to taking the issues related to animal cruelty seriously. The conference examined the link of violence, why it is important to understand and how the link can be used to protect both people and animals. The conference was recorded by a news association and can be made available.

Antitrust and Trade Regulation Law Section

Michael Kurs, Chair

Purpose

This section aims to familiarize CBA members with all aspects of state and federal antitrust and trade regulation law.

Annual Report

Our Section developed and co-sponsored a luncheon program titled, "Teeth Whitening and Antitrust Immunity: Are State Licensing Boards Exposed," a roundtable discussion about the implications for Connecticut's professional licensing boards and tribunals of the 2015 United States Supreme Court ruling in *North Carolina State Board of Dental Examiners v. FTC*. The Administrative Law, Consumer Law, Federal Practice, Health Law, and Professional Discipline Sections joined us as meeting co-sponsors. Our speakers included Commissioner of Consumer Protection Jonathan A. Harris, Deputy Commissioner Michelle Seagull, and David P. Atkins of Pullman & Comley LLC, with special participation by former Section Chair Robert M. Langer of Wiggin and Dana LLP.

We presented a program at the Connecticut Legal Conference titled, "CUTPA After Four Decades: Addressing the Unanswered Questions," featuring speakers, David L. Belt of Hurwitz Sagarin Slossberg & Knuff LLC and Robert M. Langer of Wiggin and Dana LLP, two of the co-authors of the leading CUTPA treatise.

At the invitation of Connecticut Attorney General George Jepsen, Robert M. Langer and current Section Chair Michael Kurs, met with selected staff of the attorney general's office to assist with their planning of the National Association of Attorney General's upcoming programs on, "Competition, Cost and Confidentiality in the Health Care Marketplace." Attorney General Jepsen is the incoming president of the National Association.

We anticipate having a deputy assistant attorney general from the United States Department of Justice Antitrust Division address us in September.

We look forward to other similar activities in 2016-2017 with our section members and members of the Association's other sections.

Appellate Advocacy Section

Dan Krisch, Co-chair

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 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 Section met a number of times during the year to discuss appellate practice and procedure:

In September 2015, Associate Justice Andrew McDonald of the Connecticut Supreme Court joined the Section to share his observations about the interplay between the legislative process and his work on the state's highest court.

In November 2015, the Section meeting was a combined training session with members of the Connecticut Judicial Branch, who instructed attendees on the e-filing procedures implemented on January 1, 2016. In January, the Section met with Judge Eliot Prescott and Judge Raheem Mullins of the Appellate Court, who discussed their perspectives on appellate practice in light of their significant experience as both appellate practitioners and appellate judges. During our March meeting, Judge Ingrid Moll joined the Section to discuss the problem that the high percentage of unrepresented parties presents to the Connecticut justice system, and possible long term solutions to that problem.

In addition to holding our regular meetings, the Section worked collaboratively with members of the Judicial Branch to organize e-filing training sessions in advance of the e-filing rules that went into effect on January 1. Over 140 lawyers attended the training sessions. The Section created an Audio-Visual Evidence Committee, which is collaborating with the judicial branch to address problems related to the preservation of the record of audio-visual evidence at trial for reference upon appeal. The Section also worked collaboratively with the Young Lawyers Section, including producing an event in February regarding the Supreme Court's use of its supervisory authority.

In June, the Section presented a CLE at the Connecticut Legal Conference titled, "Appellate Tips and Traps for Trial Lawyers: What to Do at Trial for a Strong Appeal." Section Co-chair Dan Krisch and his partner Attorney Laura Zaino, discussed the four most common trial traps that will doom an appeal and the ins-and-outs of the final judgment rule. Approximately 20 lawyers attended the CLE.

BUSINESS LAW SECTION

Mark G. Sklarz, 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 addition, the Section focused on seeking to encourage greater participation of members of the Young Lawyers Section. In furtherance of this purpose, the Executive Committee of the Section conducts monthly meetings to which all members of the Section are invited. At each monthly meeting, the Section presents a program of topical interest to its members, often with guest speakers. The Section also monitors local, regional and national developments affecting business law and, from time to time, proposes legislation designed to keep pace with those developments. Finally, the Section serves as a resource to the General Assembly, the Governor’s office and state agencies on business and securities law matters.

Annual Report

Officers and Committee Chairs

The following persons served as officers of the Section during 2015-2016: Mark G. Sklarz, Chair; Hillel Goldman Vice Chair and Legislative Liaison; Carl Robton Perelli-Minetti, Vice Chair and Program Chair; Robert M. Fleischer, Secretary; and Kenneth B. Lerman, Treasurer. Committee chairs and co-chairs were Andrew C. Glassman, Business Corporations; Edward B. Whittemore, Securities Law; Mathew H. Gould, Non-Stock Corporations; and Marcel J. Bernier and David M. Levine; Limited Liability Companies and Other Pass-through Entities.

Monthly Programs

The Business Law Section again offered informative programs at our regular monthly meetings.

September 8, 2015: Marcel Bernier and David Levine, co-chairs of the Uniform Limited Liability Company Act Drafting Subcommittee discussed the activity of the Subcommittee during the summer, including a telephone conference with Professor Harry Haynsworth of the National Conference of Commissions on Uniform State Laws and a principal author of the ULLCA.

October 13, 2015: Overview of Canadian M&A Considerations and Legal Issues in Acquiring and Operating Businesses in Canada. Jay Lefton, a partner in the Toronto, Ontario office of Borden Ladner Gervais LLP, Canada’s largest law firm, presented an overview of key issues that United States’ attorneys need to understand to advise clients in acquiring a Canadian business or otherwise establishing a presence in Canada. Lefton identified various corporate, employment, tax and IP issues, and discussed the effect of Canada’s Privacy Act, Anti-Spam Law, Anti-Trust Law, Investment Canada Act legislation, and the Civil Code regime in Quebec. All of these issues are relevant when establishing a new business in Canada, as well as from a due diligence perspective in conducting mergers and acquisitions (M&A) in Canada in various sectors, including tech and real estate.

Based upon his participation in the ABA’s Market Trends studies, Lefton identified various key “deal point” differences between United States and Canadian practice, and described various methods of doing Canadian M&A, including using “amalgamations” and court-approved “plans of arrangement,” as well as identifying issues of relevance under the Competition Act. He also advised transactions in which the non-Canadian acquirer paid some or all of the purchase price in its own equity (including a discussion of using “exchangeable shares”). The law and practice relating to the use of restrictive covenants was discussed in the context of both M&A transactions and more generally in employment relationships.

November 10, 2015: Thomas J. Walsh, Jr. of Brody Wilkinson and Michael Fox of ICR discussed, "Helping Your Clients Prepare For a Rainy Day: Best Crisis Management Practices." Topics included:

- Development of a crisis management plan.
- Creation of the crisis management team.
- Establishing external and internal communication channels.
- Looking at crisis situations in a holistic way that includes not only the legal strategy, but also considers management of other interests such as protection of brand reputation.

December 8, 2015: Retired Judge Robert L. Holzberg, a member of Pullman & Comley's Alternative Dispute Resolution Group and Peter Benner, a former partner of Shipman & Goodwin, both full-time resolution practitioners, presented a program offering ideas and a toolkit for business lawyers to assist their clients in efficiently and successfully resolving disputes, particularly those that arise out of business deals gone sour. The presenters offered tips on drafting, effective collaboration between business counsel and litigators, and creative approaches to resolution such as early, interest based mediation that enable business lawyers to provide insightful advice to their clients in finding solutions to inevitable disputes, addressing the question: How can a lawyer most effectively work with a client to accomplish a fast, inexpensive, and favorable solution to a business conflict?

January 12, 2016: Marcel Bernier and David Levine discussed the legislative status of the proposed Connecticut Limited Liability Act.

February 9, 2016: Louise DiCocco, Assistant Counsel of the Connecticut Business Industry Organization, provided an overview of CBIA and its governmental/legislative affairs team. CBIA is Connecticut's largest business advocacy organization and has effectively promoted and championed the interests of the business community for decades.

The presentation included a summary of what to expect during the 2016 Legislative Session which convened on February 3, including collaboration of CBIA with CBA on Business Law and Judiciary Committee matters (such as the Uniform Limited Liability Company Act), budgetary and spending issues and other legislative topics important to the business community. Attorney DiCocco further provided an update on CBIA's Business Law and Liability Council which consists of attorneys specializing in this area of business law. The Council identifies and provides input on legislative actions and court rulings affecting business liability costs. Members of the group meet with legislators on a regular basis, furnish recommendations for amicus briefs and often present testimony at public hearings to further CIBA's and the business community's interests.

March 8, 2016: Rob Feiner of Feiner Wolfson LLC, discussed the case of *ECl v. Whiting Turner*, et al., U.S. District Court (CT) March 30, 2015. The subcontractor lost its contract claims for compensation for scheduling delays and inefficiencies, and for breach of the covenant of good faith dealing as a result of its own failure to honor the notice provisions of the subcontract, and the board power and control granted to the general contractor and limited remedies granted to subcontractor in the subcontract.

Paul Edelberg of Fox Rothschild LLP, presented, "Orchestrating a Tender Offer by a Controlling Member of a Privately Held Company under Delaware Law."

A controlling shareholder that wants to acquire the target company who will seek to avoid the application of the fairness doctrine under Delaware law and thereby avoid the prospect of shareholder actions to enjoin the process and to litigate share value, with the potential for a more costly acquisition. The Delaware courts have shown greater leniency in avoiding the fairness doctrine in tender offers than in mergers. Attorney Edelberg discussed the development of Delaware case law in the context of a tender offer of a privately owned company and will base his discussion on a case study involving a tender for shares of a Delaware limited liability company, which presents additional unique issues.

April 19, 2016: Ted Whittemore and Mark Klein jointly presented the 2016 Securities Law Mini-Seminar in four parts: (1) Accredited Investor Definition; (2) SEC Crowdfunding Update; (3) Massachusetts Crowdfunding Rule; and (4) New Section 4(a)(7) Exemption.

May 10, 2016: David Albin of Finn, Dixon & Herling, presented his “Mini M & A Seminar.” The program covered a number of current issues in M&A Practice, including the sudden use of representation and warranty insurance in sales of companies, issues in negotiating non-compete provisions with private equity sellers, and Delaware case law developments regarding non-reliance clauses.

June 14, 2016: A Discussion of P.A. 16-95. Rand Mathieson of Pullman & Comley, LLC, will discuss the major provisions of Connecticut Public Act 16-95; “An Act Concerning Matters Affecting Physicians, Health Care Facilities and Medical Foundations,” which, among other things, significantly limits non-compete clauses in physicians’ contracts and expands the type of entities that can employ doctors. Mr. Mathieson’s presentation will focus on the major changes that the act brings to long-standing employment and business practices in the medical field.

Legislative Activity

The Business Law Section continued its tradition of proposing and introducing important legislation to update our business laws. Spearheaded by co-chairs Marcel Bernier and David Levine, a special committee of dedicated Business Law Section members completed an intensive three-year review of the Uniform Limited Liability Company Act and with unanimous support of the Section as well as the strong support of the CBA, introduced a bill that was enacted by the General Assembly on the final night of its special session to create the Connecticut Uniform Limited Liability Act. The Act replaces the current Connecticut Limited Liability Act, enacted 1993, and modernizes Connecticut law relating to limited liability companies. Section members Marcel Bernier, David Levine, and Mark Sklarz testified in support of the bill before the Senate Judiciary Committee.

CHILD WELFARE AND JUVENILE LAW SECTION

Karen Oliver Damboise, 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 had meetings in December 2015, March and May of 2016, averaging three to four members per meeting. The agenda items for each meeting include review of pending legislative matters, discussing proposal for CLE trainings, and mini-CLE for Section members. This year the executive committee did not propose any new legislation or rule changes. The subject of amending C.G.S. § 52-466(f) (that foster parents utilizing this statute be required to give notice to biological parents whose rights have not been terminated), and the interplay of the family court with juvenile and probate court matters, to allow access of attorneys for minor children access to all files. The cases of *In re Yasiel R.* and *In re Daniel N.*, were among the subjects of mini-CLEs.

CLE

The Section proposed several areas of training to include Risk Assessments and the payment of services, including Medicaid available services and adoption and permanent transfer of guardianship benefits to be discussed at possible brown bag lunches at each courthouse, and domestic violence services.

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. The Section's executive committee monitors legislation which impacts the areas of law related to the Section's mission. The Section monitored S.B. 187 regarding changes to the definition of fictive kin, S.B. 247 which proposed the establishment of a CASA program, H.B. 5642 regarding changes to FWSN petitions and S.B. 184.

Other Programs, Events and Activities

This Section continues to explore ways for child protection lawyers to advance their professional objectives. The Section has held meetings in various venues to encourage attendance and renew interest in the mission of the Section. The Section has discussed the ability of videoconferencing for monthly meetings to encourage increased attendance.

COMMERCIAL FINANCE SECTION

Michael W. Kaufman, Chair

Purpose

The Commercial Finance Section is intended to promote the educational and professional objectives of the Connecticut Bar Association within the practice area of commercial finance, which includes the substantive topics of commercial law, finance law and transactions, real estate finance law and associated topics in the law of contracts, administrative law, enforcement and remedies in litigation and otherwise, and bankruptcy law.

Annual Report

Meetings

A new executive committee was installed for this Section in the fall of 2015, and this new leadership meets in person and telephonically to coordinate meetings with other section groups and arranges for speakers. In particular, this Section is in discussions with a professor of finance at the Charles F. Dolan School of Business at Fairfield University to deliver a presentation on business matters relating to financing transactions. This year was a rebuilding one, and we look forward to events in 2016 and 2017 with our section members and members of other sections.

Publications

Members of the Section published an update to the Connecticut comparative law chapter in the book, "Commercial Lending Law: A State-By-State Guide." The chapter provides commercial lenders and businesses doing business in the state of Connecticut with an overview of various aspects of Connecticut commercial lending law. The book is a publication of the Commercial Finance Committee of the Business Law Section of the American Bar Association and is the 2nd edition of the book, which was originally published in 2009.

Legislative Efforts

Our group supported certain technical revisions to Section 108 of Article 4A of the Connecticut Uniform Commercial Code, the purpose of which is to allow Article 4A to govern portions of funds transfers that are not governed by the Electronic Funds Transfer Act of 1978, when only a portion of the transaction is governed by federal law. In March of this year, our legislative liaison testified before the Connecticut House Judiciary Committee on behalf of the Commercial Finance Section in favor of this amendment.

COMMERCIAL LAW AND BANKRUPTCY SECTION

Evan S. Goldstein, Chair

Purpose

The purpose of the Commercial Law and Bankruptcy Section is “to promote objectives of the State Bar Association of Connecticut within the field of commercial law and bankruptcy,” (section 2, bylaws of Commercial Law and Bankruptcy Section of the Connecticut Bar Association). This Section achieves this purpose by encouraging the free exchange of ideas and scholarship among its members and by providing a forum to educate and update its members in matters of interest in the area of creditor/debtor relations in commercial transactions. To further these goals, each monthly Section meeting is open to the entire Section, and attendance is encouraged.

Annual Report

The Commercial Law and Bankruptcy Section has been very active and has had a very good year.

On September 10, 2015, Judge Ann Nevins’ Investiture Ceremony took place at the United States District Court New Haven division. Hon. Hall, Hon. Dabrowski, Hon. Shiff, Hon. Manning and several other federal and state court judges were present for the ceremony and reception. After the investiture, the Commercial Law and Bankruptcy Section held its first Executive Committee Meeting in New Haven.

On October 25, 2015 at the Milford Yacht Club, the Section featured a panel discussion with Liz Austin, Patrick Linsey, Bonnie Mangan, Kara Rescia, and Jeff Hellman regarding fraudulent transfer actions against schools, colleges, and universities.

On November 12, 2015 at Max Downtown in Hartford, the Section held a mock short calendar argument before Superior Court Judge Antonio Robaina.

On December 8, 2015 at the Quinnipiac Club, the Section held a retirement party for Hon. Shiff. The Section held its second Executive Committee Meeting prior to Hon. Shiff’s retirement party, paying attention to the Strategic Diversity and Inclusion Plan, Legislative Updates, and Local Bankruptcy Rules.

On January 21, 2016 at the Quinnipiac Club, RUST OMNI sponsored the Section event and presented about RUST OMNI’s administrative services, certificate of service, bankruptcy administrative assistance, and innovative technology services.

On January 22, 2016, Section Officers Hon. Manning, Hon. Nevins, and Clerk Myrna Atwater, met at the New Haven Bankruptcy Court and discussed issues and concerns of the Bar related to the Bankruptcy Court, as well as contested procedures, the pro bono program and the Judge Krechevsky Pro Bono Fund, Local Bankruptcy Court Rules, and other procedural and EFC matters.

On February 18, 2016 at Updike, Kelly & Spellacy, P.C., Loretta Peters of Competitive Edge Branding, presented about client development, rainmaking, and social media. After Peters’ presentation of Competitive Edge Branding, the Section attended the UConn v. SMU men’s basketball game at the XL Center in Hartford.

On March 10, 2016, Hon. Ann Nevins spoke to the Section at the New Haven Lawn Club about the State of Bankruptcy Court, being a “baby judge,” and about contested matter procedure. Hon. Nevins took specific questions about contested matter procedure.

On April 21, 2016 at Fairfield University, the Section held a joint meeting with the Sports and Entertainment Section. Jim Berman of Zeisler and Zeisler PC, and Daniel Kesner of CohnReznick LLP, presented on The Intersection of Celebrity and Insolvency: Individual Bankruptcies of the (Not So) Rich and Famous.

On April 25, 2016 the Section delivered a list of attorneys interested in volunteering or considering a potential referral from Trustee to represent Ressler existing clients, to Attorney Vincent Marino and Attorney Carrasquilla.

On May 26, 2016 at the Quinnipiac Club, the Section held an election of officers, presented the First Annual CLABBY Awards (Career Achievement Award, Rising Star Award, and Service to the Profession Award), and Attorneys Irve Goldman, Charlie Maglieri, and Patrick Crook discussed the New England Tel. case and its implications, including how a secured creditor can lose its lien under chapter 11 or 13 if a plan does not expressly preserve it, and deciphering whether a tax claim is a prepetition or post-petition claim.

On June 13, 2016 at the Annual CBA Legal Conference, John Cessaroni, Nick Quesenberry, and Agnes Romanowska presented on behalf of the Section about the year in review, Chapter 11, Chapter 7s, Chapter 13s, and commercial law. The Section presented along with the Education Law Section on the dischargability of student loan debt and collections.

In June 2016, the Section held an event at the Hartford Yard Goats stadium for Section members and family.

The officers are trying to coordinate a follow-up meeting with the Judges in the summer/fall of 2016 after the new Bankruptcy Judge is appointed. The Section committees continue to amend and make suggestions related to the Local Bankruptcy Rules. The Section's financials and treasury are strong as the membership and dues have increased and revenue has been generated from sponsorships.

Construction Law Section

Mark A. Rosenblum, Chair

Purpose

The purpose of the Construction Law Section is to bring together those CBA members practicing in the fields of construction and design law 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 collegial relationships between those practicing attorneys and the members of the construction industry.

Annual Report

During the 2015-2016 fiscal year, the Construction Law Section continued its long-standing tradition of presenting informative programs to its members and to the construction industry at large.

On April 22, 2015, the Executive Committee met to endorse a new slate of officers for the next two fiscal years, which was unanimously approved under the new bylaws. Effective July 1, 2015, the chair for the past two years, Brian J. Donnell, became an ex officio member of the Executive Committee; Mark A. Rosenblum became the chair; Thomas G. Librizzi became vice chair; Donald Doeg became the secretary; and Michael J. Donnelly was named treasurer.

On September 16, 2015, the Section and Executive Committee met in a joint session and charted the Section's course for the fiscal year addressing, among other topics, the Section programs to be offered, developments with the CBA website and scholarship program, the Section's legislative positions regarding mandatory ADR provisions in some construction contracts, pass-through claims by subcontractors on state projects, and False Claims Act issues. The general discussion was followed by a presentation by long-time Section member and former Section Chair Dennis C. Cavanaugh, who discussed his successful result in the case of *Old Colony Construction vs. Southington*, 316 Conn. 202 (2015), relating to "termination for convenience" clauses.

On October 21, 2015, the Section and Executive Committee met in a joint session and sponsored the Section's eighth annual program in association with the Construction Management Department at Central Connecticut State University (CCSU) in New Britain. The program entitled, "Analyzing, Presenting and Defending Delay Claims, and Scheduling Impacts," was ably presented by Navigant Consulting, Inc. The dinner meeting was attended by Section members, students, and faculty members from the CCSU Construction Management Program.

On January 20, 2016, the Executive Committee met to discuss new business, including presentation of the 2015 Case Law Update at the CBA Annual Meeting in June. Proloy Das of Murtha Cullina LLP, gave an informative presentation of the issues, holding and legal strategies, involved in *Lawrence v. O&G Industries*, 319 Conn. 3 (2015), which included important holdings regarding the economic loss doctrine in Connecticut.

On April 20, 2016, the Executive Committee met jointly with the Section and also invited the ADR Section to its program demonstrating a mock mediation of a construction dispute. Former Section Chair Steven B. Kaplan, served as the mediator and Executive Committee members Deborah Montieth Neubert, Gary Sheldon, and past Section Chair Brian Donnell, as well as distinguished guest, Robert Dunn, Vice- President and General Counsel of KBE Building Corp, played the roles of the lawyers and their clients. The program was well-attended and enjoyed by all.

Approximately 15 years ago, the Section established a scholarship fund at CCSU to benefit undergraduate students in the Construction Management or Civil Engineering Programs. The Section was pleased 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. There are plans to continue the scholarships in the future. This spring,

the CCSU Foundation gratefully acknowledged the receipt from the Section of an additional \$1,600.00 to help fund those two scholarships in addition to the income generated from the prior investments in the scholarship fund.

Carrying on a longstanding and valuable annual project, the Section once again committed to produce its annual Construction Case Law Summary in May 2016, detailing important court decisions and legislative developments that affected the construction industry in Connecticut during 2015. This extensive analysis and compilation of materials (amassed and edited by about 20 Section members), will be made available online as a resource for all Section members. The Section's annual presentation of this material will be made on June 13, 2016 at the CBA Legal Conference.

This year the Section's Executive Committee reauthorized its opposition to legislation prohibiting mandatory ADR provisions in Home Improvement and New Home Construction contracts, and reauthorized its support of amendments to C.G.S. Section 4-61 regarding pass-through claims of subcontractors and suppliers.

The final event of the fiscal year will be on June 13, 2016 at the CBA Legal Conference when the annual Construction Case Law Summary will be presented to the Section and all other CBA members who attend.

ELDER LAW SECTION

Peter J. Boorman, Chair

Purpose

The Elder Law Section brings 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

Peter J. Boorman, Chairperson

Amy Todisco, Vice Chairperson

Paula Boa Sousa, Treasurer

Margaret M. Murphy, Secretary

Members of the Elder Law Section continue to engage 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, continued service to our veteran's all help to achieve the purpose of our section. Elder Law Section continues collaboration with legal services to recruit private attorneys to accept pro bono referrals for low income elders all help to achieve the purpose of our Section.

Consistent with its prior practice, the Section continues to open its monthly meetings to the entire Section membership. (All meetings are noticed as Executive Committee meetings for voting purposes under the Section's bylaws). Over the past year the Elder Law Section provided educational presentations to the Section on issues such as: 1) Income only Trusts and Medicaid; 2) Medicaid update – view from DSS; 3) Annuities and Elder Care Planning; 4) ABLE accounts and Planning; 5) PLAN of Connecticut and Planning; 6) The Connecticut Uniform Power of Attorney Act; 7) DRA – update; and 8) Home Health Care Benefits Update.

Continuing Legal Education (CLE)

Chaired by Laurel Mangan.

The Continuing Legal Education (CLE) Committee consists of Laurel Mangan, Deborah Hadaway, Joy Maini, Jeannine Lewis, and Amy Orlando.

In addition to assisting with the selection of monthly meeting topics and identification of speakers, the CLE Committee continues to coordinate an Elder Law Section presentation for the CBA Annual Meeting program.

Legislative Workgroup

Chaired by Amy Todisco.

The Elder Law Section continues to vigorously engage in relevant legislative and regulatory advocacy on the state level. Our emphasis continues to be a positive engagement with our lobbyists, legislators, and members of the Department of Social Services to advance the concerns of our existing elders, future elders, and their caregivers. Amy Todisco, coordinates this workgroup, which includes Sandra Sherlock-White, Paula Boa Sousa, Steve Allaire, Barry Horowitz, Cynthia Cartier, Christine Andrew, Kathleen Tetrault, Lisa Davis, Scott Rosenberg, and Peter J. Boorman. Various other Section members participate on an issue by issue basis.

Some of the areas of effort include:

1. Advocate for the Uniform Power of Attorney Act.
2. Advocate for the Uniform Fiduciary Access to Digital Assets Act.
3. Advocate for the increase of the community spouse protected amount. Under the Medicaid program, it is sound public policy to increase the amount of assets allowed for the spouse who remains in the community to promote his/her ability to successfully remain in the community instead of being put in a position of need and therefore necessitating additional social welfare.
4. Advocate for the approval of appropriate regulations from the Department of Social Services to implement provisions of the Federal Deficit Reduction Act.
5. Advocate for an increase of the personal needs allowance for nursing home residents on Medicaid.
6. Advocate for an increase of home care services for the elderly and individuals with disabilities.
7. Advocate for a pilot program to implement the use of medical orders for life sustaining treatment (MOLST).
8. Advocate for ABLE accounts.
9. Advocate for state agencies to comply with probate court orders.
10. Oppose elimination of the Commission on Aging.
11. Oppose DSS proposed regulations that would change the calculation of interest on life estate issues and expand the state's recovery for medical assistance benefits paid to include claims against life uses.
12. Oppose the addition of new grounds for the discharge of the elderly from nursing homes.

During the 2016 legislative session Section members have, and continue to present, written and oral testimony to legislators on bills as they work their way through the legislature. The Section utilizes the services of our lobbyists, on frequent occasions. All of these measures are designed to promote the areas discussed above.

DRA Workgroup

Chaired by Amy Todisco and Brendan Daly.

This group was first established in the Fall of 2006 to address implementation of the Deficit Reduction Act of 2005 (DRA) by presenting summaries of relevant federal and state law, interaction with DSS, and leading the advocacy effort to challenge the DSS proposed regulations promulgating the DRA before the Legislative Regulations Review Committee of the General Assembly.

This effort resulted in the rejection of proposed DSS regulations by the Legislative Regulations Review Committee in 2009 and a directive from that Committee to DSS to meet with all stakeholders to address the issues concerning their proposed regulations. Legislative advocacy efforts by the DRA Workgroup continue to promote final regulations that comport with applicable law. This effort continues due to the delay in the final adoption of the DRA regulations. Certain critical issues remain contested and it is expected that this matter will come before the Legislative Regulations Review Committee this summer.

Over all, the Section's legislative perseverance, determination, and time commitment is unparalleled in the history of the Section and its work embraces the purpose of our Section.

ENERGY, PUBLIC UTILITY, AND COMMUNICATIONS LAW SECTION

Michael A. Chowaniec, Chair

Purpose

Our Section's main focuses are education and programming. Because energy, utility, and communications law is complex and ever-changing, our members seek educational opportunities at every turn, and the Section meetings provide a convenient way to provide this service to our members. In addition to allowing for collegiality and discussion among the members, our speakers provide the Section with up-to-date information that members can use for their practice.

Annual Report

Our programming year began in December, with guest speaker Michael Caron, commissioner of the Connecticut Public Utilities Regulatory Authority. The commissioner engaged in an extensive question and answer discussion with Section members which addressed a wide range of issues including recent changes to the agency's organizational structures, his regulatory philosophy, and views on current trends involving the energy sector.

In January, in what has become an annual event, the Section hosted a joint meeting with the Connecticut Power and Energy Society and invited the leadership of the Legislature's Energy & Technology Committee to address our members. Senate Co-chair Paul Doyle; House Co-chair Lonnie Reed; and Ranking Members Senator Paul Formica, and Representative Tim Ackert, participated in the event. The Committee leaders outlined their agenda for the upcoming session, and discussed various pending energy-related issues. Following their presentations, the legislators engaged the audience in a robust question-and-answer period.

In April, in what also has become an annual event, we co-hosted an event with UConn's Center for Energy & Environmental Law on the Law School's campus. The event featured a panel discussion on the topics of demand response, FERC Order 745 and litigation on these issues, and most notably, the recent U.S. Supreme Court ruling on demand response. In addition to our Section, school faculty members and many students attended the meeting. We were very pleased to work with the Center to organize informal networking sessions with our members. The event provides a great opportunity for students to gain a first-hand perspective from active practitioners. It has quickly become an event eagerly anticipated by both the Section and the students. The Section plans to continue the partnership in next year.

Our final meeting of the bar year occurred on June 2. Bryan Garcia, President and CEO of Connecticut's Green Bank, and Brian Farnen, the Green Bank's Chief Legal Officer and General Counsel, discussed the Green Bank's success and how that has led to its replication in other states, as well as policy and legal issues that have arisen as of late, including Residential Property-Assessed Clean Energy financing. This meeting also included the election of a new slate of officers for the Section.

ENVIRONMENTAL LAW SECTION

Christopher P. McCormack, 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. October 29, 2015: The Quinnipiack Club, New Haven (joint meeting with Planning and Zoning Section) - Featured speaker Robert Bell, assistant director of the Remediation Division of the Connecticut Department of Energy and Environmental Protection (DEEP), made a presentation on environmental land use restrictions and the alternative “notice of activity and use limitation” being developed by DEEP pursuant to Public Act 13-308. His presentation was followed by questions and discussion.

B. December 3, 2015: The Hartford Club, Hartford - DEEP Commissioner Robert Klee spoke on his department’s ongoing initiatives and priorities. His remarks were followed by an open discussion of issues of interests and concerns to the Section.

C. February 16, 2016: The University of Connecticut School of Law, Hartford (joint meeting with the UConn Law Center for Energy and Environmental Law) - Representative James Albis and Senator Ted Kennedy, co-chairs of the General Assembly’s Joint Standing Committee on the Environment, spoke to Section members and UConn Law faculty and students about pending legislation and environmental policy. Their remarks were followed by questions and discussion. As has become traditional at this meeting, members of the Section arrived early to speak with students about the practice of environmental law. The Section extends its thanks to Professor Joseph A. MacDougald, Director of the UConn Center for Energy and Environmental Law, for his collaboration and support.

D. June 21, 2016: The Quinnipiack Club, New Haven - The final meeting of the year will feature presentation of the Section’s Clyde O. Fisher Award to former Bridgeport Mayor and State Senator, Bill Finch. The award recognizes individuals or entities who have made significant contributions to the preservation or enhancement of environmental quality through work in the field of environmental law, environmental protection, or environmental planning.

Executive Committee Meetings

February 16, 2016: The Executive Committee met before the Section meeting (see above) to discuss issues involving the power of the Commissioner of the Department of Energy and Environmental Protection to revoke negotiated administrative consent orders unilaterally without the consent of the Respondent. The Committee generally endorsed the concept of taking a Section position on the matter. Further developments are discussed below under, “Legislative Efforts.”

A. June 15, 2016: the Executive Committee met by telephone conference to discuss planning for the 2016-2017 bar year.

Continuing Legal Education

At the Connecticut Legal Conference on June 13, 2016, the Section presented, “Environmental Land Use Restrictions 101: Life with LURs,” a program designed to introduce the substantive requirements governing ELURs under current law and regulations, to illustrate the potential for creative use of ELUR options to foster brownfield redevelopment, and to provide information about ongoing developments concerning ELURs, the new Notice of Activity and Use Limitation alternative, and related amendments of the Remediation Standard Regulations. The program was organized and moderated by Section Vice Chair Anne Peters. Participating as speakers and panelists were Robert Bell, assistant director of DEEP’s Remediation Division, and David Waters, general counsel to Building and Land Technology of Stamford, Connecticut.

Legislative Efforts

The Section sought and received authorization to support a legislative proposal concerning the authority of the DEEP commissioner to revoke negotiated administrative orders on consent unilaterally. The issue came to the Section’s attention in the form of an opinion issued by the Superior Court affirming the existence of such authority. Independent of the circumstances leading to revocation in that case, which were both highly unusual and intensively contested, the Section had concerns with the public policy implications of the holding for existing and future consent orders.

When Senate Bill 431 was introduced to address the revocation issue, the Section expressed support through written and public hearing testimony provided by the Section chair. In collaboration with Bill Chapman, the Association’s lobbyist, the chair also met with representatives of DEEP, which opposed the bill, to discuss the Section’s public policy perspective and to hear DEEP’s positions and concerns. The Section Executive Committee was engaged in the effort through phone conferences and email updates. The Section as a whole was informed as part of the legislative updates provided throughout the session. The proposal initially advanced as SB 431 was added by amendment to another bill that passed the Senate late in the session, but did not progress further. The Section will be considering whether to pursue discussions of the public policy concerns presented by the revocation issue with DEEP and other interested stakeholders.

Volunteer Actions

None by the Section as a whole, but members of the Section devote significant time to pro-bono or public and charitable efforts.

Budgetary Notes

The Section had a fund balance of \$10,879.31 as of May 31, 2016, the latest report available at this writing.

FEDERAL PRACTICE SECTION 2016 ANNUAL REPORT

James R. Smart and Patrick A. Klingman, Co-chairs

Purpose

The Federal Practice Section (the "Section") is involved with all aspects of practice in the federal courts in Connecticut. Working primarily with the federal district and magistrate judges, who are *ex officio* members of the Executive Committee, with the invaluable assistance of Clerk of Court Robin Tabora and Chief Deputy Clerk Dinah Milton Kinney, the Section seeks to create a forum for consultation and dialogue between members of the federal bar and the bench on issues of mutual interest, including rules and practice in the federal courts, relevant legislation, content for general meetings, presentations, and topics for the Section's bench-bar conference. On its own or through its two main Committees (Civil Practice and Criminal Practice), the Section takes an active role in shaping and commenting on legal and procedural developments affecting federal practice in the District of Connecticut.

Annual Report

On October 1, 2015, the Section hosted a reception to celebrate the appointment of Judge Sarah Merriam as Magistrate Judge for the District of Connecticut. The event was held in the ballroom of the Union League Café in New Haven. The evening began with comments from James Smart, Jamie Cowdery, and Audrey Felsen, recognizing Judge Merriam for her contributions as an attorney in private practice and as an assistant federal defender. Following remarks by Chief Judge Hall, Judge Merriam gave short remarks thanking the approximately 75 people in attendance.

On November 19, 2015, the Section held an Executive Committee meeting at the Quinnipiac Club in New Haven, attended by approximately 26 members of the Executive Committee. Discussions included the preliminary planning for the next bench-bar conference in the fall of 2016; a report from Judge Thompson, on behalf of the Court, regarding pro se cases; a report regarding an upcoming CLE to be hosted at the New Haven courthouse; and preliminary planning for the commissioning of portraits for the District's retired U.S. Magistrate Judges.

On January 20, 2016, the Section presented a CLE program entitled "Rediscovering E-Discovery: How to Get and Use It Under the Revised Rules Without Getting into Trouble," held at the Richard C. Lee U.S. Courthouse in New Haven. The panel discussion addressed changes in the law and technology, the applicable ethical standards, and a variety of practical and technical challenges that practitioners confront when conducting e-discovery. The panelists were Hon. Michael P. Shea, Hon. Maria Araujo Kahn, Prof. Julia Simon-Kerr of the University of Connecticut School of Law, and Jonathan A. Kaplan of Pullman & Comley LLC. Nathaniel J. Gentile, also of Pullman & Comley LLC, and Kristen L. Zaehring of Murtha Cullina LLP, served as moderators. With 88 practitioners and judges in attendance, the program was well-received by all; (those in attendance were eligible to receive two CLE credits). The Section has conducted similar CLEs in the past, which have been well-attended by the membership. With CLE now mandatory in Connecticut, the Section expects to undertake similarly engaging CLE presentations in the future.

On March 15, 2016, the Section celebrated the appointment of the Honorable Robert A. Richardson as Magistrate Judge. Approximately 75 members joined many of the District's judges at a reception in the ballroom of the Union League Café, which included remarks from Judge Richardson, Joe Garrison (Judge Richardson's longtime partner at Garrison Levin-Epstein Richardson Fitzgerald & Pirrotti PC), and Chief Judge Hall.

The Section presented another CLE program on April 20, 2016 at Quinnipiac University School of Law in Hamden, entitled "*Brady v. Maryland* is Over 50 Years Old: Is it Ailing? What's The Cure?" A diverse panel offered several perspectives on the federal criminal discovery process, including how it operates, its perceived flaws, and

suggestions for improvement. The panelists were Robert M. Cary of Williams & Connolly LLP, Nuala E. Droney of Robinson+Cole LLP, Christopher W. Schmeisser of the U.S. Attorney's Office, and Leonard C. Boyle of the Chief State's Attorney's Office. Hon. Jeffrey Alker Meyer served as moderator and Shelley Sadin of Quinnipiac University School of Law, hosted the program. This program, which also included Attorney Cary's discussion of his experience in the prominent trial of former Senator Ted Stevens, received high marks from the many practitioners and Quinnipiac law students in attendance.

During 2015 and 2016, the Section also assisted the District Court in its effort to commission photographic portraits of the District's retired Magistrate Judges. With assistance from the Section and the Magistrate Judges' former law clerks, portraits were created to honor Hon. Arthur H. Latimer, Hon. F. Owen Eagan, Hon. Thomas P. Smith, and Hon. Holly B. Fitzsimmons. A special court ceremony was held on June 3, 2016 at the Richard C. Lee Courthouse in New Haven. Upon motion from James Smart and Patrick Klingman, as well as the former clerks for the Magistrate Judges, the court accepted these portraits and ordered them to be displayed in courthouses across the District. Judges Eagan, Smith, and Fitzsimmons were in attendance, along with their families, as well as a full courtroom gallery of practitioners, law clerks, and court staffers. Judge Hall presided over the proceedings and Judge Chatigny offered remarks about the history and role of magistrate judges. A short reception followed. This was one of a number of events held in the Richard C. Lee Courthouse over the past couple of years. Clerk of Court Robin Tabora, as well as others in the clerk's office, the U.S. Marshal's Service, and other district staffers, have been gracious hosts and provided a great deal of assistance to coordinate these events. Hosting such events at the courthouse has been a success, and promotes interest in the Section and its events among both the membership and the judiciary. We hope to continue coordinating such events in the future.

In the spring of 2016, the Section also offered or co-sponsored a variety of additional educational programs, including the following:

- "The Essentials of Federal Practice," which was co-presented by the Federal Practice Section and the Young Lawyers Section, and took place on May 10. The panel discussion featured Hon. Stefan R. Underhill, James T. Shearin of Pullman & Comley LLC, and Elizabeth J. Stewart of Murtha Cullina LLP, with moderator Kristen L. Zaehring, also of Murtha Cullina LLP;
- "Teeth Whitening and Antitrust Immunity," which was co-presented by the Federal Practice Section, the Administrative Law, Antitrust and Trade Regulation Section, the Consumer Law Section, the Health Law Section, the Professional Discipline Section and the Connecticut Health Lawyers Association, occurred on May 19. Led by David Atkins of Pullman & Comley LLC, there was a round table discussion of the implications for state health care regulation of the Supreme Court's decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*; and
- "The Art and Science of Successful Opening and Closing Statements," co-presented by the Federal Practice Section and the Litigation Section at the CBA's Law Conference on June 13, featured speakers Hon. Warren W. Eginton of U.S. District Court, District of Connecticut, Hon. Joseph Shortall of Connecticut Superior Court, Ernie Mattei of Day Pitney LLP, and Lou Pepe of McElroy Deutsch Mulvaney & Carpenter LLP.

The Section's year ended with its traditional Bench-Bar Social at the Pine Orchard Country Club in Branford on June 15, 2016. Practitioners and judges enjoyed an ocean-side cocktail reception, followed by dinner. Chief Judge Hall thanked a number of outgoing court committee members, as well as James Smart and Patrick Klingman for their efforts on behalf of the Section during their term as co-chairs. She also welcomed Shelley Sadin and Jonathan Orleans, who will serve as co-chairs for the next term.

2015 - 2016 Officers

James R. Smart, Section Co-chair, McElroy Deutsch Mulvaney & Carpenter LLP, Southport
Patrick A. Klingman, Section Co-chair, Klingman Law LLC, Hartford
Robert Frost, Treasurer, Frost Bussert LLC, New Haven
James J. Healy, Secretary, Cowdery & Murphy LLC, Hartford

Sherwin M. Yoder, Legislative Liaison, Carmody Torrance Sandak & Hennessey LLP, New Haven
Joseph Martini, Co-chair, Criminal Practice Committee, Wiggin & Dana LLP, New Haven
Brian Spears, Co-chair, Criminal Practice Committee, Spears Manning LLC, Southport
Jonathan Orleans, Co-chair, Civil Practice Committee, Pullman & Comley LLC, Bridgeport
Adam S. Mocchiolo, Co-chair, Civil Practice Committee, and Chair, Bench-Bar Retreat Planning Committee, Pullman
& Comley LLC, Bridgeport

Franchise, Distribution & Dealer Law Section

Nicole Liguori Micklich, Chair

Purpose

This section aims to provide (1) a forum in which those practicing in the field of franchise law can share ideas, continue their professional growth, and meet others who share the same professional interests; (2) an educational forum for those who may not practice in the field on a regular basis, but want to learn more about the field of franchising in order to better serve clients with needs in that area; and (3) a resource for groups outside the legal profession who want to learn more about the business, legal, and practical aspects of franchising.

Annual Report

This year the Section had multiple officers, filled every liaison position, adopted revised bylaws, and enjoyed a truly engaged membership. I am pleased to report that at least six new members joined the Section during this bar year. In addition, the Section presented well-attended and meaningful programs to its members and guests.

The Section had four meetings this year. The first two meetings were held at the Quinnipiac Club in New Haven. The first meeting was a business meeting during which Section members discussed revisions to the Section By-Laws. This ultimately led to further discussion and finally the adoption of revised bylaws for the Section. During that first meeting the Section also adopted a memorial resolution upon the death of Edward Wood "Jack" Dunham, something not previously done by this Section. The resolution was accepted by the CBA and signed by Bill Clendenen in November.

The second and third meetings were educational in nature. The second meeting included an educational program presented by Doug Thomas, out-going education liaison, regarding both Tesla's bid to end-run the dealer franchise process and sell directly to consumers and Volkswagen's obligations to indemnify dealers in connection with the emissions scandal. The third meeting included an educational offering presented by Hugh Murray of McCarter & English LLP, who presented on employee misclassification and joint employment issues facing franchise owners and start-up businesses. Approximately fifteen attendees enjoyed that presentation at Dakota Steakhouse.

A fourth and final meeting of the year was held on April 19, 2016 at Anna Liffey's in New Haven. About ten Section members engaged in roundtable discussions about business opportunity investment acts, new concepts in franchising, inadvertent franchisors, and state and federal rules to be aware of when dealing with clients in the franchise industry.

Section members authored or co-authored articles published in the *Franchise Law Journal* and the "Franchise Lawyer" publications of the ABA Forum on Franchising, as well as in the *Connecticut Lawyer* and the *Connecticut Law Tribune* during this year.

In addition to events in Connecticut, a number of our Section members attended and presented during the ABA Forum on Franchising, in New Orleans, and the Section's Publicity Liaison reported to the Section about those meetings, as well.

Finally, this Section, in conjunction with the ADR Section, is presenting "Advocacy Skills in Commercial Arbitration" during the CBA Annual Legal Conference. Melissa Durso and David Reif are panelists from this Section.

We are excited about next year. We are still working towards a joint program with the bankruptcy section, which may be held on the new QU Law campus. All of our liaison positions are filled and the Executive Committee is consistently engaged in the affairs of the section and the work of its members.

INSURANCE LAW SECTION

Regen O' Malley, Chair

PURPOSE

The Insurance Law Section, (the "Section" or "ILS"), includes approximately 210 members who represent the interests of insurance policyholders, insurance companies, and industry representatives in legal matters. 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

Section Accomplishments

Much was accomplished this year by many members of the ILS working together. The chair of the Section communicated with all section members on a regular basis through e-mail and LinkedIn, keeping them informed of ILS activities and encouraging members to be active participants in Section activities.

Programs

We are pleased to report that by the conclusion of FY 2016, the ILS will have:

- Conducted and/or co-sponsored four CLE programs;
- Hosted a dinner meeting with, and presentation by, the Deputy Insurance Commissioner;
- Co-hosted/hosted two networking events;
- Held four Section meetings;
- Held four Executive Committee meetings;
- Begun efforts to devise a Section diversity plan; and
- Devised language to amend Section bylaws to allow cost-free CLE programs for JD, LLM, and paralegal students (subject to approval by Section and Board of Governors.)

Legislative Efforts

Legislative review and communication efforts were well-coordinated, timely and comprehensive, resulting in a better-informed membership. Our legislative liaisons provided detailed electronic updates and written materials regarding pending legislative matters.

YLS/UConn Law School Involvement

For the second year in a row, we had very direct involvement and participation in the Section by the Young Lawyer's Section ("YLS") contingent, much more than in past years. As a Section, we are effectively utilizing the resources available to both sections and are bridging the relationship to younger constituents in order to solidify our base for the future. We also were pleased to have to Executive Committee members this year from UConn Law School. We added LLM student, Brian Glenn, and we were pleased that Peter Kochenburger, associate clinical professor of law and executive director of the Insurance LLM Program and deputy director of the Insurance Law Center, continued to serve on the Executive Committee ("EC").

Membership

We increased our membership over last year by about 15 members. Our membership liaisons also worked with the chair to create a letter for future use that will be sent to new members of the CBA to encourage them to join and participate in the Section.

Communication

Meeting minutes have consistently been posted to the CBA ILS website, and announcements and articles have been posted regularly to the Section's LinkedIn site.

2015-2016 Meetings and Events

These meetings and events held to date are as follows:

- **September 9, 2015 Executive Committee Meeting:** At the first EC meeting, Jessica Pace presented to the group on “sidebar,” the CBA’s recently implemented “enhanced listserv” communication tool. Officer elections were held, and the following officers were re-installed from the prior bar year: Marilyn Fagelson as vice chair, Greg Podolak as secretary and Elizabeth Ahlstrand as treasurer. Meeting minutes were approved and Regen O’Malley gave a financial report in the absence of the treasurer. She also discussed planning for a networking event with the ILS and a presentation by the Insurance Department’s deputy commissioner. Another Storm Law program and the Disaster Hotline were discussed as well as a February symposium at UConn Law School and a spring program with the YLS were also discussed as future CLEs. A planned agenda for the coming year was set.
- **October 7, 2015 Section Meeting & Networking Event:** We held a Section meeting at The Pond House Café in Hartford in advance of the first of two networking events, the latter of which was planned by Section Publicity Liaison Brianna Spinnato and Section Chair Regen O’Malley. The YLS and University of Connecticut School of Law also co-sponsored the networking event. About 20 attended the Section meeting, with many more joining the networking event. At the Section meeting, Section Chair Regen O’Malley introduced herself to members. Attendees were informed regarding financials and meeting minutes from the September 9, 2015 EC meeting and were approved. Co-Legislative Liaison Theresa Guertin was introduced. Section Chair Regen O’Malley reported on the status of CLE planning, including three planned events: a reprised program on the Storm/Disaster Hotline; a symposium in February at UConn Law School to focus on streamlining discovery in insurance coverage cases; and a spring program in collaboration with the YLS, Insurance Law Committee, with the topic to be determined. Regen O’Malley also reported that the November 3, 2015 Insurance Law Section meeting would take place at the Quinnipiack Club and feature Deputy Insurance Commissioner John Thompson as the guest speaker. Finally, Regen O’Malley advised of the next Executive Committee meeting to take place telephonically in early December, 2015.
- **November 3, 2015 Section Meeting with Deputy Insurance Commissioner:** Section Chair Regen O’Malley advised Section members regarding the CBA’s new Strategic Diversity and Inclusion Plan, going through each of the “Action Recommendations” in the plan and noting that part of the plan is that “each section will adopt and submit to the Committee on Diversity and Inclusion specific diversity and inclusion plans that are consistent with the CBA Diversity and Inclusion Policy.” She also introduced the Section’s new Presidential Fellows as appointed by the CBA. Meeting minutes were approved and in the absence of the treasurer, the chair also reported on Section finances. Regen O’Malley also discussed CLE events planned for January, February, and March as well as a collaborative event in the spring with the YLS (topic and date to be determined). Subsequent to the Section meeting, Deputy Insurance Commissioner John Thomson gave an excellent presentation on a wide range of topics concerning the Insurance Department and took questions from ILS members.
- **January 8, 2016 CLE Program:** The ILS sponsored a half-day/2.0 credit-hour CLE program at the CBA Law Center entitled, “Storm Law: Helping Clients Prepare For and Respond to Natural Catastrophes.” The seminar, coordinated by Section Chair Regen O’Malley, provided: 1) an overview of homeowner’s and commercial insurance policies; 2) a review of pertinent exclusions in those policies as well as the basics of business interruption coverage; 3) a discussion of the National Flood Insurance Program; and 4) guidance on the claims handling process and proof of loss. Speakers included Gerard O’Sullivan, director of consumer affairs at the Connecticut Insurance Department, Marshall Gilinsky of Anderson Kill’s Burlington, Vermont office, Kip Dwyer of Robinson+Cole, Karen Cusato of Cusato & Associates, and Peter Kochenburger of UConn Law School. Lenny Isaac of Isaac Maki also assisted in updating materials relating to the Disaster Hotline and website.

- February 4, 2016 Executive Committee Meeting:** The meeting started off with a discussion regarding recommended changes to the bylaws. Specifically, EC members discussed proposed changes drafted by EC member Brian Glenn related to allowing law students and paralegal students free membership in the Section and free attendance at CLE or other training events sponsored by the Section. Although all were in agreement in this regard, one of the additional issues discussed was whether or not there should be a budgetary floor or threshold for allowing students free attendance at CLE programs. The discussion on this issue was continued to a later date. Thereafter, the EC approved prior meeting minutes and Section Treasurer Elizabeth Ahlstrand gave a financial report. In the absence of the Section's legislative liaisons, Regen O'Malley reported that the Legislative Session just began and legislative updates from the CBA began on February 3, 2016 (the day prior to the meeting), and noted that Section members would start receiving electronic updates. Regen O'Malley discussed the Storm Law Seminar and Hotline Training program that took place in January. Marilyn Fagelson discussed the status of the upcoming symposium to explore alternative discovery strategies for insurance coverage disputes. The program was set to take place on Friday, February 26, 2016 at UConn Law School. Regen O'Malley discussed the status of planning the annual review of insurance law CLE program, noting that a Section meeting would also be held on the same date, March 15, 2016, at the Quinnipiac Club in New Haven. The group then discussed and decided on a case the program should highlight with a "point/counter-point presentation," and plans were made to contact additional presenters for that portion. Tamar Bakhbava of the YLS Insurance Law Committee also discussed the status of planning for the June program on "The Nuts and Bolts of UM/UIM Law and Beyond." Finally, Regen O'Malley again noted the CBA's new diversity initiative and Susan Kirkeby, who agreed to act as a diversity liaison, also agreed to put a draft bylaws statement together in advance of the next Section meeting.
- February 26, 2016 CLE Program:** The ILS sponsored a 3.0 credit-hour CLE "Getting to Less: Strategies for Reducing Discovery in Insurance Coverage Litigation," at UCONN Law School. This symposium, coordinated by Section Vice-Chair and Education Liaison Marilyn Fagelson, began by looking at some of the many strategies for reducing and streamlining discovery that have been adopted by practice rules in federal and state courts, or by judicial order in specific cases. Panel presentations and breakout groups then considered the benefits and dangers of applying those strategies to reduce discovery in specific types of insurance coverage cases. Specifically, program participants learned: 1) about various efforts to streamline discovery in civil litigation generally, and in specialties other than insurance coverage; 2) about the recommendations of the Committee on Discovery and Expedited Litigation; and 3) how reducing discovery might work for specific coverage issues. The symposium included 15 speakers and/or moderators including two judges, the Honorable William Bright and the Honorable Charles Lee. Following the CLE program, the Section hosted a networking cocktail reception, which provided an opportunity for ILS members and students from the UCONN Insurance Law Program to socialize and network.
- March 15, 2016 Section Meeting & CLE Program:** We held a dinner meeting and 2.0 hour CLE program at The Quinnipiac Club in New Haven. At the meeting, meeting minutes were approved and ILS members were updated regarding Section finances, insurance-related legislation, the CBA's Diversity and Inclusion Plan and the Section's efforts to comply, the proposed amendment of Section bylaws, and prior and upcoming CLE programs. Thereafter, Regen O'Malley of Gordon & Rees LLP and Assaf Ben-Atar of Pullman Comley LLC, presented an "Annual Review of Insurance-Related Case Law" from 2015. Attendees were also provided with an electronic handout summarizing the various cases from 2015. In addition to case summaries, the program included a "point/counter-point" presentation by Philip T. Newbury, Jr. of Howd & Ludorf LLC and Brianna K. Spinnato of Biller Sachs Raio & Zito, regarding the decision they obtained from Judge Charles Lee in *Williams v. Safeco Insurance Co. of America*. That decision set forth, in the context of motions in limine, the legal standard for proof of unfair settlement practices that were part of a "general business practice" in violation of CUIPA, Conn. Gen. Stat. 38a-816(6). The event was attended by 28 section members.
- March 28, 2016 Executive Committee Meeting:** The EC held a meeting by teleconference. The meeting was necessary to discuss: 1) the need for review and amendment of the bylaws; 2) the Section's diversity

policy; 3) leadership succession within the ILS Executive Committee, including officer, committee and liaison positions; and 4) Executive Committee membership. The EC was able to come to agreement on certain changes in language in the bylaws. Discussion of additional issues was not completed and the same were tabled, except that it was agreed that Marilyn Fagelson, current vice-chair, would take over as chair. Regen O'Malley also noted her recommendations for new EC members, including: Tamar Bakhbava of McGivney & Kluger, Bethany Barrese of Saxe Doernberger & Vita, Joseph Blyskal of Gordon & Rees LLP, Bill Goddard (replacing Ernie Mattei) of Day Pitney LLP; and Brianna Spinnato of Biller Sachs Raio & Zito.

Plans for the Rest of the Bar Year

- **June 13, 2016 CLE Program - Connecticut Legal Conference:** At the Connecticut Legal Conference on June 13, 2016, the YLS/ILS will present a CLE program entitled, "The Nuts and Bolts of UM/UM Law and Beyond." This program will provide an overview of uninsured/underinsured motorists' coverage as well as related statutes and case law. The program will also update participants regarding recent developments in the law. ILS members who will participate include Jon Berk of Gordon Muir & Foley and Mark Riley of Conway Stoughton as presenters. Additionally, Tamar Bakhbava of McGivney & Kluger PC, will serve as moderator.
- **June 28, 2016 Executive Committee Meeting:** This meeting will be held from 1:30p.m. - 2:30 p.m. by teleconference. The EC meeting will focus on approval of language in the bylaws regarding the provision of cost-free CLE programming to students, succession issues and event planning for the fall. We will also discuss the Section's efforts to incorporate diversity language into the bylaws. With regard to succession and leadership, the Section will need to officially fill the following officer positions and other roles: chair (Marilyn Fagelson of Murtha Cullina is the presumptive chair); vice-chair (Beth Ahlstrand of Seiger Gfeller Laurie LLP, presumptive); secretary (Assaf Ben-Atar of Pullman & Comley, presumptive); treasurer; education liaison(s); legislative liaison(s) (Theresa Guertin of Saxe Doernberger & Vita, presumptive); Diversity Liaison (Susan Kirkeby, presumptive but possibly resigning); membership liaison; publicity liaison; and website liaison. Proposed new EC members will be noted again as well. Finally, the EC will discuss CLE planning for the coming bar year.
- **June 29, 2016 Section Meeting and Networking Event:** This meeting and event will be held from 5:30p.m. - 7:30 p.m. at Salute Restaurant in downtown Hartford. The Section meeting will focus on the proposed amendments to the Section bylaws and updating the Section on leadership succession, the CBA and Section's diversity initiative and event planning for the fall. UConn Law JD and LLM students will also be invited to attend.

Plans for the Coming Bar Year

- **CLE Planning:** The ILS is in the process of planning CLEs for FY 2017. A crime insurance program is planned to be the first CLE topic for the fall. Other topics under consideration for the year are: (1) expert testimony in insurance coverage cases; (2) "Valuation Basics for Insurers" or "The Four Methods for Calculating Economic Harm"; and (3) the history of the insurance industry in Connecticut. These and other CLE programs will be discussed further at the June 28, 2016 Executive Committee meeting.
- **Disaster Relief Hotline/Web Page:** As a follow-up to this year's training for the Disaster Relief Hotline, we will be working on developing the CBA website page to encourage volunteers, make training readily accessible to new volunteers and advertise the hotline's service after a weather event.
- **Discovery Working Group:** As a follow-up to the February 26, 2016 Symposium on Reducing Discovery, the ILS will explore the formation of a working group with the goal to ultimately make some modest recommendations to the Connecticut Superior Court as to methods for streamlining insurance coverage litigation.

- **Networking Event:** The Section is planning another networking event for the fall and will look for co-sponsorship of the event from UConn Law School and at least one other affiliate. This will be discussed further at the next Executive Committee meeting.
- **Membership:** The ILS hopes to continue to increase interest and participation by more members in Fiscal Year 2017. Consistent with the CBA's goals, ILS expects that continued coordination with the YLS on CLEs and networking events will encourage an increase in membership in the Section, a more diverse membership, and greater participation in all ILS activities. This includes attendance at CLEs and other events and participation in the ILS LinkedIn group. The goal for LinkedIn is to increase article postings and interactive on-line discussions among ILS members.
- **CBA Approval of ILS Bylaws Change:** The Section will seek approval from the Board of Governors regarding the addition of language to the ILS bylaws stating the Section's intent to provide cost-free CLE programs to JD, LLM, and paralegal students.
- **Diversity:** The Section will continue to develop diversity language to add to its bylaws and otherwise comply with the CBA's Diversity and Inclusion Plan.

INTELLECTUAL PROPERTY LAW SECTION

Alaine C. Doolan and Deb Vennos, Co-chairs

Purpose

The purpose of this Section is to promote patent, trademark, copyright, trade secret, unfair competition, and other technology-related areas of the law.

Annual Report

In this term the Intellectual Property Law Section increased its members to the Executive Committee to 20 and the Section's membership continues to grow with over 190 members.

To date the Section has held the following events/programs:

- In early September 2015, the Executive Committee for the Section requested that the entire Section take a 5 minute online survey so the group could gauge what members wanted out of the Section. Approximately 31 Section members took the survey.
- On October 22, 2015, the Section held a networking event at the Lawn Club in New Haven. The event was a kick-off for the 2015-2016 bar year and there was an informal discussion on what the Section should focus on and what members expected from the Section. In addition, a review of the results of the Section's online survey was provided. Nineteen people attended the event.
- On February 25, 2016, the Section co-hosted with the CBA Indian Law Section, the UConn Law School Intellectual Property and Technology Law Society, and The Thomas F. Gallivan Chair of Real Property Law, a panel discussion entitled, "Matter Which May Disparage." Over 50 people attended, which included a mix of CBA members, UConn law students, and invited guests.
- On March 3, 2016, the Section hosted a program entitled, "The Intellectual Property Summary of the Patent, Trademark, and Copyright Cases of 2015." The program was held at the CBA's office and about 20 people attended the event.
- On May 5, 2016, the Section will be co-hosting a luncheon with the Hartford County Bar Association. The keynote speaker will be the Deputy Commissioner of Trademarks for the United States Patent and Trademark Office.
- In the fall the Section plans to host a social networking event to help support a local charity. The Section is large, therefore, such an event would allow members to get to know each other and hopefully create a comradery whereby the members would get more involved in the Section.

Meetings

The Section has held four Executive Committee meetings.

The Section has held two full Section meeting.

LAW LIBRARIANS SECTION

Jason Eiseman, 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.

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Overview

This year the Law Librarians Section of the CBA has been focused on outreach to CBA attorneys, with a particular focus on delivering educational content using new technologies. We have also been exploring collaborations with other sections on future CLE opportunities.

Meetings

The Law Librarians section has officially held three meetings as of June 1, with another June meeting to follow, and an online webinar meeting in February. The meetings have focused on developing ideas for collaborating with other CBA sections, CLE and webinar content, and discussion of Access to Justice issues.

Webinar

The most important accomplishment by the Law Librarians section this year was our eRegulations webinar. This webinar was held live on January 29, 2016 and recorded so that those unable to attend the webinar could attend.

Utilizing Adobe Connect conferencing software hosted by Yale Law School, the section was able to host this webinar by Kristin Karr eRegulations System Manager at the Office of the Secretary of the State, moderated by Section Chair, Jason Eiseman, and attended by librarians and attorneys all over the state of Connecticut. The webinar walked attendees through Connecticut's new eRegulations system features, how to use the new system for research, tracking regulations, and even discussed potential future enhancements.

Over 100 people signed up for the webinar, with about half attending live, asking questions, and participating online through chatting with the moderator and presenter. Approximately another 100 have accessed the recorded webinar, available online to the public at: <http://goo.gl/FZ5e3J>.

We hope this webinar provides a model for future delivery of educational content. We already have plans to host a webinar on Access to Justice in the Fall 2016.

CLE

This year Law Librarians section member, Catherine Kellett, from Yale Law School presented at the "Legal Entrepreneur Conference: Solo and Small Firm Practice Management." Ms. Kellett participated on the panel entitled, "Legal Research: Free Legal Research Tools and Casemaker Tips." We believe that this type of CLE participation will continue to open up opportunities for similar collaborations on future CLEs.

2016-2017 Planning

In 2016-2017 we hope to expand on our educational offerings from the previous two years. We already have speakers who have verbally committed to participating in an Access to Justice webinar in the Fall 2016. We believe that the webinar model gives us a unique opportunity to reach out to attorneys throughout Connecticut.

We also hope to collaborate with other sections on CLE offerings. This may include offering speakers for panels, co-sponsoring events, or hosting joint meetings or webinars.

LITIGATION SECTION

Scott M. Harrington, 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.

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Section Meetings for 2015-2016

The Litigation Section has had six (6) full Section meetings, which Section meetings each included an Executive Committee business meeting. There were speakers on litigation topics at each of the Section Meetings. The Litigation Section also had one telephone Executive Committee meeting. The meetings are summarized below.

1. On September 29, 2015, the Section met at Dakota Steakhouse in Rocky Hill. Ralph Monaco, our Legislative Liaison, spoke about statutes of interest to the Litigation Section that were passed in the previous legislative session, and he reported on potential new legislative initiatives which could affect the Litigation Section in the 2016 legislative session. William O’Sullivan, Vice Chair, also spoke on the proposed Uniform Limited Liability Company Act that the Business Law Section was supporting, which the Litigation Section also voted to support.
2. On October 27, 2015, the Section met at the Quinnipiac Club in New Haven. David Reif presented a program entitled, “Who is the Decider – the Arbitrator or the Court?” – in which he discussed which forum gets to decide issues regarding arbitrability of claims, whether an arbitration may proceed as a class action, third party discovery, equitable relief and securing a potential award.
3. On November 19, 2015, the Section had a joint meeting with the ADR Section at the Quinnipiac Club in New Haven. Attorney Eric Wiechmann presented a program entitled, “Preparing for a Productive Mediation.”
4. On January 21, 2016, the Executive Committee had a telephonic meeting. The primary business conducted during that telephonic meeting reviewed proposed Practice Book changes, reported on LPRC action on requests from the Litigation Section to take a position on proposed Practice Book changes, discussion of proposed programs for the Connecticut Legal Conference, discussion of a proposed program on social media legal issues to be held at Quinnipiac University Law School, and a discussion about a possible retreat at a remote location for the Litigation Section.
5. On February 9, 2016, the Litigation Section met at Baci Grill in Cromwell. Honorable Paul J. Knierim, Probate Court Administrator for the State of Connecticut, presented a program “Probate Court Litigation for the Civil Litigator: Avoiding Common Pitfalls.” Judge Knierim also reported on the budget difficulties the Probate Courts currently are facing.
6. On April 13, 2016, the Litigation Section met at the Quinnipiac University School of Law. Matthew Wagner and Jane Christie presented a program entitled “#lawyered: The Effective Use of Social Media in Litigation.” Attorneys Wagner and Christie led a practical discussion about online and

social media content in the litigation context, and they reviewed the latest cases and issues related to discovery, collection, preservation, and admissibility of content on-line and in social media. Quinnipiac University School of Law students were invited and attended as guests of the Section free of charge.

7. On May 12, 2016, the Litigation Section met at Still Hill Brewery in Rocky Hill. Edward McCreery and Ernest Mattei gave a presentation on corporate designee depositions under state and federal law. We also took a tour of the brewery, which recently opened. Young Lawyers Section members were also invited to attend this meeting.

CLE/Connecticut Legal Conference

The Litigation Section, together with the Federal Practice Section, is planning to present a program on “The Art and Science of Successful Opening Statements and Final Arguments” at the Connecticut Legal Conference on June 13, 2016. It is our understanding that the program is eligible for 1.5 hours of CLE credit. Attorneys Ernest Mattei and Louis Pepe, Honorable Joseph Shortall from the Superior Court, and Honorable Warren Eginton from the United States District Court will be on the panel. Attorney Emily Gianquinto, the Litigation Section’s fellow, will serve as the moderator.

Legislative Efforts

This year, the Litigation Section has made a concerted effort to be more active, and more proactive, in considering and responding to proposed legislation and proposed Practice Book rule changes which affect the practice of law in the Connecticut courts. In particular, the Litigation Section sought to take positions on three proposed Practice Book changes and two pieces of legislation. The Litigation Section also joined the Business Law Section’s position supporting passage of the Uniform Limited Liability Company Act. Scott Harrington, Chair of the Section, appeared (by phone conference) before the LPRC on three separate occasions seeking permission to take Section positions on legislation and Practice Book change proposals. Section positions were permitted on proposed changes to Practice Book Section 17-45 regarding summary judgments, HB 5183, which sought to prohibit contingency fee agreements in certain municipal tax appeals, and HB 5525, which sought to impose a FRCP Rule 11 type of court rule permitting sanctions in the Connecticut Superior Courts. The Chair prepared and submitted written testimony in opposition to HB 5183, and that bill was not reported favorably out of the Planning and Development Committee and ultimately did not pass. The Chair submitted written testimony on behalf of the Section in opposition to HB 5525, and also appeared before the Judiciary Committee to present oral testimony in opposition to the Bill on March 18, 2016. HB 5525 did not pass. Vice Chair of the Section, William O’Sullivan, submitted written testimony in support of the Uniform Limited Liability Company Act on behalf of the Litigation Section’s support of that bill.

The Chair also attended a meeting of the Civil Commission in December of 2015 as an observer in order to obtain an understanding of the proposed Practice Book changes flowing through the Civil Commission to the Rules Committee so that the Litigation Section can be advised of what is being proposed and hopefully be involved in the process prior to adoption of rule changes. CBA President William Clendenen suggested that the Litigation Section have a seat on the Civil Commission provided that the Litigation Section representative agrees to attend all meetings. The current officers of the Litigation Section are willing to accept a position on the Civil Commission and attend all meetings.

The Litigation Section is planning to invite some legislators who serve on the Judiciary Committee to the September 2016 Section meeting to discuss legislative initiatives that may be coming up during the next session of the General Assembly.

Other Programs and Events

The four officers of the CBA Litigation Section, Scott Harrington, Andrew Nevas, William O’Sullivan, and Edward McCreery, all attended and participated in a CBA new member event on February 25, 2016. The Chair also spoke at that event and introduced the Litigation Section to those new CBA members. This was

part of an effort on the part of the Litigation Section to get younger members involved in the CBA in general and the Litigation Section in particular.

In an effort to get new CBA members involved in the Litigation Section, the Litigation Section agreed throughout the fiscal year to pay the cost of attending Section meetings for the first five (5) members of the Young Lawyers Section who sign up for each meeting.

Emily Gianquinto, the Section's fellow, has been a great resource in our efforts to try to market the Litigation Section to younger members of the bar, including helping organize the May 12, 2016 Section meeting at Still Hill Brewery to which YLS members were invited.

The April 13, 2016 meeting at Quinnipiac University School of Law, in which law students were guests of the Section, was also part of the Section's efforts to bring in new and younger members in the Section. The Section plans to do more programs in the future at Quinnipiac University and the University of Connecticut School of Law.

The Litigation Section is also exploring the possibility of a two-day seminar to be held at a resort location or out of state location. The plan at this point in time is to have the Section pick up the cost of bringing in a noted speaker for the program, and also to subsidize the cost of the program for younger lawyers who wish to attend but otherwise could not attend due to cost. John Bonee, Chair of the Section's Programming Committee, is leading the effort to assess interest in and to organize such a seminar.

Paralegals Section

Marc Vallen and Joshua LaPorte, Co-chairs

Purpose

The purpose of the Paralegals Section 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.

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Meetings/CLEs

October, 2015: Consumer Law with Attorney Daniel Blinn

November, 2015: Indian Law with Attorney Andrew Houlding

February, 2015: Involuntary Conservatorships with Attorney Taylor Domi

March, 2015: Joint meeting with YLS on Registered Paralegals and the LLLT model as implemented in Washington

May, 2015: Electronic Discovery with Attorney Cynthia Courtney

Other activities

The section has done significant research on licensure and regulation of paralegals in other jurisdictions in the United States and Canada, including telephone interviews of licensed paralegals in Ontario, Canada and Limited License Legal Technicians (LLLTs) in Washington. We have closely monitored discussions of licensure and related topics in Connecticut, the region, and nation-wide. The Paralegals Section is prepared to participate and assist in discussions of this and related topics at the CBA.

SPORTS AND ENTERTAINMENT LAW SECTION

Donald P. Tutson, Jr., Section 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.

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Meetings, Programs & Presentations

1. Bankruptcy Issues Facing: Co-Sponsored Panel Discussion:

The section co-sponsored a substantive panel with the Commercial Law & Bankruptcy Section in April to examine the legal and financial concerns facing entertainers in bankruptcy proceedings. This event, which was held at Fairfield University's School of Business, was attended by over 25 attorneys.

2. Sports Law Careers For Law Students:

Section leaders were featured guest speakers for both UCONN Law School and Quinnipiac Law School's Entertainment & Sports Law Societies. On each of these occasions, students were given up close and personal instruction and advice by section members on how to identify viable options to get work in the niche areas that are sports and entertainment law. The section members also offered advice and resources to university staff who were in the process of expanding the availability of externships that are now, or soon will be, available to UCONN & QU Law students specifically seeking sports and entertainment law assignments for credits. As result of these volunteer outreach efforts, the Section was able to recruit 20 new law student members and energize what is a growing base of future practioners.

3. Television, Film, and Digital Media CLE at the Connecticut Legal Conference:

The Section has organized a CLE for the June 13 Conference that will provide practioners with a basic overview of the key legal issues facing clients who produce television, film, and digital media products here in Connecticut. Such presentation is, in part, the evolution of the topics we researched as to the flux in legislation regarding state tax credits and incentives available to producers of these works.

Membership Development Initiatives

The Executive Committee was not a focused or cohesive group during this year. It was common for executive sessions and meetings to be canceled for lack of response and attendance. The current leadership roster is being held over by necessity as proper votes at scheduled meetings were not possible prior to this report. The chair will, to the extent allowed under the bylaws, work to mitigate any gaps in appointments prior to the end of this bar year. This being the conclusion of the third year under the current chair, substantial change among executive leadership at all levels must be discussed and implemented. Those who take on leadership rolls will need to re-double and follow through on pledges of time/commitments to the Section members and mission in order for the section to maintain and service its 80 members.

Community Activities

Members supported Quinnipiac University School of Law's Sports & Entertainment Law Society by providing two member-attorneys to participate on a panel for law students as stated above. Members also have participated and

made donations to support the bike riding fundraiser for the Connecticut Veterans Legal Center [CVLC]. Since last year's report, section members have raised over \$2,000.

Legislative Efforts

The section is reviewing pending legislation and trends related to the regulation of Fantasy Sports. This topic is very much in flux and will be an ongoing source of study and assessment among members.

WOMEN IN THE LAW SECTION

Carmina K. Tessitore, Chair

Purpose

This section aims to monitor the progress and enhance the status and opportunities available to women in the legal profession; to provide women attorneys in Connecticut with an opportunity to share concerns, communicate, and network with one another in a supportive forum; and to promote the participation of the Bar Association in substantive areas of law and legislation that present issues of particular concern to women in the profession, and to those who seek legal services.

Annual Report

Executive Board

Chair: Carmina K. Tessitore

Vice Chair: Alaine C. Doolan

Treasurer: Frances Z. Calafiore

Secretary: Leandra Smith

Legislative Liaison: Jennifer Wheelock

Membership Liaison: Thea Bounce-Martin

Publicity Liaison: Heather Spaide

Website Liaison: Melanie E. Dunn

Education Liaison: Caroline Beitman

Diversity Liaison: Carmina K. Tessitore

EXECUTIVE COMMITTEE AND SECTION MEETINGS

September 29, 2015: The Executive Committee and Section members met at the CBA headquarters in New Britain to discuss community outreach projects, programming, and long term planning. Bill Chapman, Government & Community Relations Director at the CBA, joined us for part of our meeting. We discussed creation of a subcommittee for legislative matters. As we had a quorum of our executive committee present, we were able to vote upon and create the 'Standing Committee for Legislative Matters,' which would be overseen by the legislative liaison to assist the section in timely voting upon potential legislative matters for the section to, take or not take, a position on during the legislative session period.

October 29, 2015: The Executive Committee and Section members met at the UCONN School of Law, via an invitation extended by the UCONN Women's Law Student Association, to hold a joint meeting and panel discussion entitled "Work/Life Balance Across Different Career Paths." This meeting/seminar helped to further our diversity and student/community outreach goals for this bar year. Our panelists consisted of representatives from diverse backgrounds and legal fields to discuss their personal journeys and answer law student and section member questions. Panelists: Andrea Barton Reeves, President and CEO of HARC Inc.; Alaine Doolan, Intellectual Property Associate, Robinson+Cole LLP; Courtney George, Employment and Labor Practice Group Chair at Cohen and Wolf. Moderator: Carmina Tessitore, Attorney and Mediator, Law Offices of Carmina K. Tessitore LLC.

February 17, 2016: The Executive Committee and Section members at the CBA headquarters in New Britain met via invitation from the Connecticut Bar Foundation Oral History of Women Project Planning Meeting, after which our Section met to discuss finalizing logistics for the Pathways to Leadership Dinner in March, and to begin thinking about filling leadership roles for the next bar term.

April 26, 2016: The Executive Committee and Section met at the CBA headquarters in New Britain for a meeting and seminar. The meeting portion consisted of finalizing leadership and liaison roles for the Section's 2016-2017 bar term. The seminar portion was entitled, "Tips to Improve Your Networking Skills and Grow Your Practice" featuring Melanie Szlucha, Area Director for Business Networking International (BNI). The substance of the seminar

was informative regarding goal setting and marketing, and consisted of role playing networking pitfalls and ways to improve.

SECTION ACTIVITIES

The Section has placed a priority on increasing our diversity and expanding our membership, with a goal of establishing stronger connections with law students. In addition to holding a joint meeting and panel discussion with the Women Law Students Association at the UCONN School of Law on October 29, 2015, Section members paired with student mentees extended offers to attend section meetings and events.

March 24, 2016 - Pathways to Leadership Dinner: Annually this Section hosts, in association with the Young Lawyers Section (YLS), a dinner celebrating the many advances made on behalf of women in the legal profession over the years in Connecticut. Same was held at the Grassy Hill Country Club in Orange, Connecticut on March 24, 2016, featuring keynote speaker Catherine Bailey, Legal and Public Policy Director for the Connecticut Women's Education and Legal Fund (CWEALF). This year the Young Lawyers Section WILC co-chairs selected Tanya Bovee, Office Managing Principal at Jackson Lewis, as the Ladder Award Recipient. The dinner also acknowledged the eleven law firms to date that have signed the CBA Best Practices for Gender Equity Pledge, and provided copies of the pledge and report available for attendees. The evening was a success.

SEMINARS/CLE

October 29, 2015: Joint meeting and seminar/panel discussion with the Women Law Students Association at UCONN School of Law entitled, "Work/Life Balance Across Different Career Paths." Panelists: Andrea Barton Reeves, President and CEO of HARC Inc.; Elaine Doolan, Intellectual Property Associate, Robinson+Cole LLP; Courtney George, Employment and Labor Practice Group Chair at Cohen and Wolf. Moderator: Carmina Tessitore, Attorney and Mediator, Law Offices of Carmina K. Tessitore LLC.

April 26, 2016: Seminar entitled, "Tips to Improve Your Networking Skills and Grow Your Practice," featuring Melanie Szlucha, Area Director for Business Networking International (BNI).

SECTION LEADERSHIP ROSTER FOR 2016-2017 BAR TERM

1. Chair - Jennifer Wheelock
2. Vice Chair - Kaitlyn Fydenkiewicz
3. Treasurer - Kelly Masi
4. Secretary - Brittany Rehmer
5. Legislative Liaison - Carmina Tessitore
6. Membership Liaison - Kaitlyn Fydenkiewicz
7. Diversity Liaison - Margaret Castinado
8. Publicity Liaison - Heather Spaide
9. Website Liaison - Marybeth Roy
10. Education Liaison - Deborah Delbarba

WORKERS' COMPENSATION SECTION

Joseph J. Passaretti, Jr., Chair

PURPOSE

Our Section represents one of the most well-represented and active in the entire Bar Association. In the selection of our 35 members on the Executive Committee, we attempt to balance the presence with attorneys representing both the injured worker (claimant), and employers/insurance carriers (respondent). In addition to those members and due to a recent change in our bylaws, the Section now recognizes "Emeritus" members as those that have either completed a term as chair/immediate past chair and/or have spent 20 or more years on the Executive Committee. Emeritus members have voting rights as well. We are proud to be the only current Section to offer members the opportunity to become a Board Certified Specialist. In order to be certified or recertified, applicants or pending specialists are required to maintain a sum certain of CLE credits. Our Section, guided by our CLE committee, ensures that the highest level of CLE programming is available for Section members and specialists throughout the bar year.

ANNUAL REPORT

The 2015-16 bar year started out with a couple of summer meetings with veteran officers Joseph Passaretti (Chair), Colette Griffin (Treasurer), and new offices Francis "Bud" Drapeau (Vice Chair) and Jill Morrissey (Secretary). Having Jill join us in leadership has served the two-fold purpose of both adding a younger perspective, as well as projecting to the bar at large that leadership in our section is not reserved to the veterans.

Continuing Legal Education Committee

With Vice Chair Bud Drapeau at the helm of our CLE/Education Committee, we have put on several exciting and dynamic programs, with still more to come. We started off the year with "Pain, Pills & Pot" – a cleverly named, but by all means serious look at the age of legalized medical marijuana and how it will impact the day to day handling of workers' compensation practice.

Just recently, we had our annual Workers' Compensation Retreat (formerly the Exotic Seminar), in Condado Beach, Puerto Rico, March 3-6, 2016. Fifty one attendees were treated to as much fun, food, and (legal) gambling, as we were, to one of the most captivating and dynamic two day seminars we have put on in recent years. Leading Neurosurgeon, Michael Karnasciewicz, and Pain Specialist, Dean Mariano, added insight and enlightenment to our theme of pre-existing conditions, leaving all with renewed understanding of this perplexing issue. We were also privileged to have Commissioners, Charles Senich and Randi Lynn Cohen, as well as former Commissioner, Amado Vargas, to lend their unique perspectives to these issues, as well as engage us in some compelling ethical questions and exercises. We are already planning next year's retreat for a New England location (Cape Cod, Vermont, Newport are the finalists).

On April 28, 2016, we presented the 4.0 credit course entitled, "Perfecting an Understanding of Liens in Workers' Compensation," a multi-disciplinary approach to identifying and tackling the complex issues associated with liens of all kinds being placed on a claimant's entitlement to workers' compensation benefits. More than 80 attendees participated in this hands-on analysis of many controversial issues from presenters who included representatives from the attorney general's office, the Office of Attorney Discipline, and many experts on both the Claimant and Respondent side of these issues.

On June 13, we intend to present two CLE programs as our year culminates with the Connecticut Legal Conference. Session 1 will be targeted to younger attorneys in the field, though with application to all practitioners, and will focus on the techniques and tactics to be employed when deposing a medical expert in a workers' compensation claim. Session 2 will feature our comprehensive annual "State of the State" of Workers' Compensation which will see reports from Chairman Mastropietro, our legislative liaison, and our judicial decision guru, Jack Clarkson,

bringing us a comprehensive overview of the political, legislative, and judicial developments, and a targeted analysis of each over the past year.

Compensation Quarterly

Editor-in-Chief, Attorney Frank Costello, continues to produce an incredible resource with focused articles and content along with the assistance from the editorial board. The *Compensation Quarterly* is, in the words of Robert Enright, "The Crown Jewel" of our Section, and one of the Bar's finest ongoing publications. CQ continues to deal with cutting edge issues, secure dynamic and engaging authors, and keep our Section up to date with the latest in CRB, Appellate and Supreme Court action that affects our day to day practice. This year saw the editorial board addressing such diverse issues as the emergence of medical marijuana in our system, the mandatory continuing legal education controversy, and continuing developments of the dynamic issues associated with the Motion to Preclude in workers' compensation practice.

Charitable Efforts

Attorney Rick Aiken and his Charitable Golf Outing Committee had another beautiful day and successful charitable effort at the 17th Annual Verrilli/Belkin Golf Tournament at the Shuttle Meadow Country Club. This year, over 100 golfers participated. A total of \$11,289.66 (our highest ever), profit was generated and later split between the two charities, FoodShare and Connecticut Food Bank. The event also serves as a wonderful opportunity for our members to interact with other counsel and commissioners socially after the outing and during dinner.

Attorney Chris Setaro, appointed as chair of the Charitable Efforts committee, has organized a long term plan that will enable the Section to continue its efforts to contribute to the community for years to come. Attorney Setaro and his team have met twice this year and are putting into place several charitable initiatives that will take form in the early Fall of 2016. Most notably, Attorney Setaro and I have partnered with the Injured Workers' Scholarship Trustees, recently invigorated after many years of inactivity with our 100 Year Symposium, in an effort to keep this valuable program from falling off the map. Most notably, through our efforts, the program was renamed, The Matthew Shafner Memorial Scholarship for the Children of Injured Workers, in honor of the passing of Matthew Shafner, one of the scholarship's founders, and its most active benefactor.

Medical/Legal Cooperative

The Committee continues as a core group of attorneys, led by Mike Kerin and Colette Griffin, to meet with individual medical practices to address the guidelines that physicians are called upon to follow and the case law that governs. Many physicians commented that they came away with a better understanding of how the workers' compensation system worked and how the presentation would give them a better dialogue with their patients suffering from work related injuries. These meetings also facilitated physician and staff interaction with workers' compensation carriers, adjusters and third party administrators. The efforts of this group have furthered a spirit of cooperation between attorney and physician within the system.

This spirit of cooperation was taken one step further just recently when the members of the Chairman's Legal Advisory Committee (all Executive Committee members except one), and the Chairman's Medical Advisory Committee, met in March 2016 for the first time in joint session to have a real dialogue about the complexities and controversies created by multiple dichotomies and inconsistencies between the AMA Guidelines 5th and 6th Editions. A medical-legal subcommittee was formed to initiate practical solutions and report back in an effort to make further progress.

Pomeranz/O'Brien Award

This year, I was pleased to preside over the honoring of the career of Attorney Douglas Drayton by awarding him the prestigious Pomeranz/O'Brien award. The award, named after two former members that dedicated their lives to the practice of workers' compensation law, serves to honor those practitioners who have achieved excellence as attorneys and who have contributed to our Section. Attorney Drayton, currently a principal in the firm Pomeranz, Drayton & Stabnick, continues to practice representing the interests of the respondent and remains a great contributor to the Section. The ceremony at the Middletown Inn was well attended by Section members, friends and family.

Board Certified Specialists

An incredible convergence of circumstances this year in our Board Certification Program. In 2001, our program launched with the certification of the state's first 25 Workers' Compensation Specialists, a group among which I am proud to count myself. This year, the "First Class" is re-certifying for the third time, a process which comes every five years. More significantly, on May 13, we administered the 2016 Board Certification exam to nine new applicants, a nearly unprecedented number of new candidates since the exam was first offered. This extraordinary interest renews my belief that board certification is as important, relevant, and valuable to the practice of Workers' Compensation Law as when the program began.

Kudos to our Standing Committee on Specialization (Brian Smith, Chair), and our Examining Committee (Diane Duhamel, Chair), on all they have done so far, and all they must do to make this extraordinary class of Re-Certified and Newly Certified Specialists a reality.

I am proud to point out as well, that in keeping with the CBA's diversity initiatives, that our newest additions, Tushar Shah, Melanie Kolek, Elycia Solimene, and Michael McAuliffe, reflect not only the best and brightest in our Bar today, but reflect the diversity of origin and gender the CBA is seeking to achieve. I am pleased with our progress thus far, and look passionately forward as great things are still yet to come.

Young Lawyers Section

Matthew Necci, Chair

Purpose

The goal of the 2015-2016 CBA-YLS year was three-fold. First, we wanted to maintain the high level of education programs that our membership has grown accustomed to. Second, we wanted to focus on membership growth initiatives, with the intent of increasing and maintaining membership by having non-legal programs that focused more on networking and leadership development skills. Third, we wanted to offer events in geographic regions beyond the Greater Hartford area, with the intent to make further in-roads into Fairfield, Middlesex, and New London counties. As chair of the organization, I am confident that this year's Executive Committee achieved those goals.

With the help of association staff, the CBA-YLS Executive Committee was responsible for organizing and administering approximately 50 programs. Additionally, through our public service initiatives, we were able to donate approximately \$5,000.00 of event proceeds to various non-profits throughout Connecticut.

Annual Report

Public Service

1. Domestic Violence Restraining Order Project – The Domestic Violence Restraining Order Project training taught young lawyers how to represent victims of domestic violence seeking civil restraining orders. The training sessions in Hartford and Litchfield were presented by the CBA-YLS in conjunction with Connecticut Legal Services, Greater Hartford Legal Aid, Robinson+Cole LLP, and the Connecticut Coalition Against Domestic Violence, who all served as speakers at the event. Approximately 55 participants attended the training. In addition to the aforementioned speakers, Chemtura Corporation was also critical in securing interest and responsiveness from this area of the state.
2. Billings Forge School Supply Fundraiser – The CBA-YLS hosted a networking event took place at Bear's Smokehouse in Hartford. We collected school supplies for Hartford children based at the Billings Forge community in Hartford, and also attended and donated volunteer services at a barbecue and festival at the community this summer.
3. Holiday Party Fundraiser – The CBA-YLS hosted a holiday pizza party for all YLS members at BAR in New Haven. All proceeds were donated to Life Haven, a non-profit in New Haven that provides shelter to single mothers and pregnant women, as well as their families. The donation was made in honor of Richard H. Bowerman, the first chair of the CBA-YLS, who had passed away shortly before the event.
4. Habitat for Humanity Build – the CBA-YLS hosted members from the Hartford region for a building project with Habitat for Humanity. Members worked on two homes in the Frog Hollow neighborhood of Hartford.
5. Connecticut Trees of Honor Memorial – CBA-YLS members commemorated Veterans Day by volunteering at the CT Trees of Honor Memorial in Middletown. Attendees mulched, raked, placed American flags, and otherwise beautified the memorial. A networking event was held afterwards at Eli Cannon's.
6. Save a Suit – To commemorate Memorial Day, CBA-YLS members organized a clothing drive for veterans. Executive Committee members collected shoes, suits, shirts, and other clothing from practitioners throughout the state and donated it to veterans that needed the clothing for work and for job interviews.
7. Open Hearth – CBA-YLS members volunteered with this Hartford non-profit throughout the year. The Open Hearth's primary goal is to help homeless men enhance their capacity for self-help, self-respect and dignity, and to achieve their full potential as responsible citizens of Greater Hartford and Connecticut.

Through work service projects, such as in the organizations wood yard (where products like mulch, fire wood, and kindling are created), Open Hearth helps homeless men transition to work life.

8. Pro Bono Fair – a staple of the CBA-YLS, the organization held its annual Pro Bono Fair at the Mark Twain House in Hartford. This event also served as our new admittees’ reception. Members of the bar and judiciary attended from throughout the state, and had the opportunity to learn about a variety of non-profit legal entities that can provide training and pro bono work for our membership. New admittees also had the opportunity to network with Executive Committee members.
9. Lawyers in the Classroom – The CBA-YLS continued its Lawyers in the Classroom program at Head O’Meadow Elementary School in Newtown. There, we taught students about laws, the government, what attorneys do, and why the legal system is important to a functioning society.

Network and Leadership Training

1. Leadership Greater Hartford – CBA-YLS Executive Committee members attended a training session with staff from Leadership Greater Hartford, a non-profit based in Hartford that specializes in leadership and executive training. The program focused on the enneagram, a training tool used to learn the different types of personalities and leadership, as well as how to deal with people that think and act differently than what each member is accustomed to.
2. Networking at the Connecticut Open – Members from Fairfield, Hartford, and New Haven counties attended the Connecticut Open at Yale. The CBA-YLS attended Connecticut’s premier tennis event in New Haven, and socialized with new attorneys and law students in the area.
3. Lunch with Judge Meyer – CBA-YLS members attended a brown bag lunch with United States District Judge, Jeffrey A. Meyer, at the Federal Courthouse in New Haven. Members had a unique opportunity to have lunch in an intimate setting with Judge Meyer as he answered questions about his decision-making process and courtroom procedure.
4. Headshots & Networking with Young Accountants – The CBA-YLS co-sponsored a networking event with the Connecticut Young Professionals and Accountants in Hartford. In addition to the networking, attendees had the opportunity to have professional headshots taken.
5. UConn Football with HYPE – The CBA-YLS co-sponsored a tailgate at a UConn football game with the Hartford Young Professionals and Entrepreneurs at Rentschler Field in East Hartford. Attendees were able to network and interact with non-legal young professionals from throughout the Greater Hartford area, and attended the game after the tailgate.
6. CBA-YLS Tasting Series – The CBA-YLS hosted its first ever tasting series. Serving both as a networking events and as informational sessions where members could learn what and when to drink in a particular setting, we held three tastings throughout the state: 1) Beer tasting at Stony Creek Brewery in Branford; 2) Spirit tasting at Herd Restaurant in Middletown; and 3) Wine tasting at Salt Water Farm Vineyard in Stonington. The wine tasting event also served as a members’ family event and YLS alumni reunion, where Executive Committee members, current and past, attended with their families.
7. Spinning for Charity – The CBA-YLS hosted a spinning event at JoyRide Cycling Studio in Westport. The event’s proceeds were given to the Connecticut Food Bank, and the event was followed by a meal at Shake Shack.
8. Consumer Law Networking - The Consumer Law committee planned a networking event at Salute in Hartford for attorneys who practice in the area of consumer law to meet the Commissioner of the Department of Consumer Protection, as well as attorneys in that office. Assistant attorney generals assigned to that department also attended.

9. Art for Lawyers – The CBA-YLS hosted its first Art for Lawyers events. Two events, one in West Hartford and the other in Westport, took place at Muse Paint Bar. Attendees had time to network and to paint a mural with the help of an instructor.
10. Karaoke for Charity – The CBA-YLS co-sponsored a networking and karaoke event at Butterfly in West Hartford with our affinity bar partners. All donations received at the event were given to the Connecticut Food Bank.
11. Women in the Law Ladder Award & Women in the Law Golf Event – Two additional signature events, the CBA- YLS teamed up with the senior bar Women in the Law Committee to coordinate the Pathways Dinner, where the YLS presented the 2016 Ladder Award to Tanya Bovee of Jackson Lewis. For the golf event, we enjoyed a beautiful day of golf, networking, and a luncheon address by former CBA-YLS member Kori Termine Wisneski.
12. Legislative Breakfast & Young Lawyers in Government Networking Event - The CBA-YLS hosted its first networking and politics panel at the Wood n’ Tap in Hartford. The event was attended by young lawyers from throughout the state, and gave attendees the chance to learn how to get involved in politics and what opportunities are available for attorneys. Our audience included Quinnipiac and UConn law students who heard from a panel that included Representatives, Ritter and Harding; CBIA Lobbyist, Jennifer Herz; and the Director of Legislative Affairs for the City of Hartford, DeVaughn Ward. Additionally, the annual legislative breakfast’s guests included Attorney General Jepsen, Secretary of the State Merrill, and several state Representatives. Representatives, O’Dea, Carpino and Stafstrom, offered comments about the value of young attorneys to get involved in politics.
13. The YLS Cup – Members of the CBA-YLS Executive Committee were broken into teams for a year-long competition to enhance personal and team development. Events included a video scavenger hunt in Norwich, a trivia night in New Haven, and a trampoline dodgeball event in New Britain. Teams were also required to participate in public service events.
14. ABA Participation - In the 2015-16 bar year, the YLS sent numerous representatives to each of the major American Bar Association meetings: the annual meeting of the full ABA in Chicago; the Fall conference of the Young Lawyers Division (YLD) in Little Rock; the Midyear meeting of the full ABA in San Diego; and the YLD’s Spring conference in St. Louis. YLS representatives participated in the House of Delegates of both the full ABA and the YLD, in addition to attending a great many lectures and events, at each of the meetings this year.

Education Events

1. Diversity Town Hall – In lieu of hosting our annual dinner, this year the CBA-YLS hosted a Diversity Town Hall at Quinnipiac Law School in Hamden. The topic of the event was diversity on college campuses, where first amendment rights of students, schools, and the media intersect. Panelists included administrators and a professor from UConn and UConn School of Law, a Quinnipiac Law School student, a reporter from Fox 61, and an Assistant Attorney General. The event was attended by CBA-YLS members and law students, as well as by members of CBA leadership and the judiciary, including Supreme Court Justice Richard Robinson.
2. Child Welfare - The Child Welfare Committee held one CLE entitled, Achieving Better Custody Outcomes. The panel of speakers comprised of Dr. Eric Frazer from Child Custody Analytics, Dr. Linda Smith from Child Custody Analytics and Attorney Samuel Schoonmaker from The Schoonmaker Legal Group LLC. This program was designed to improve both new and experienced lawyers’ outcomes in child custody cases by using psychological information.

3. Education Law - The Education Law Section helped plan the Diversity Town Hall by acting as the student representative liaison. Students from local colleges and universities, both undergraduate and graduate, who have leadership roles in on-campus organizations and who appeared to be good candidates were identified to serve as the student representative at the event. The Education Law Section is also co-sponsoring a CLE with the Consumer Law and Bankruptcy Section that will be presented at the Annual Legal Conference. The topic of the CLE is managing student debt.
4. Appellate Practice - The YLS Appellate Practice Committee organized two events for members focusing on appellate law. The first, in February, was a panel discussion about the Connecticut Supreme Court's use of its "inherent supervisory authority" and how it might impact how practitioners represent clients on appeal. The panelists were Wesley Horton, Daniel Klau, and Jay Sexton. The second event was the annual Appellate Advocacy Dinner. The event, targeted to younger appellate practitioners, featured candid remarks and advice from Appellate Court Judge, Michael R. Sheldon, about how to prepare appellate arguments and present them in briefs and at oral argument.
5. Health Law – In addition to co-sponsoring the paint nights with the Women in the Law Committee, the Health Law Committee will be holding an e-Discovery seminar at the upcoming Connecticut Legal Conference in June. The presentation will focus on “e-breaches” and the practical aspects of e-discovery in the new world of privacy and data breaches. Discussion will involve the inadvertent disclosure of personal health information (PHI) or personal identifying information (PII) through the routine document production process. Speakers will include Andrea Napp (Robinson+Cole) and Amanda E. Gordon (Robinson+Cole).
6. Federal Practice - The Federal Practice Committee put on two CLEs this bar year. The first CLE was a presentation comparing and contrasting jury selection processes and strategies in federal and state court. The panel consisted of Judge Grant H. Miller, Judge Jeffrey A. Meyer, Attorney John Houlihan, Attorney David Nelson, and Attorney Ralph Monaco. The second CLE was a presentation on the essentials of federal practice and procedure in Connecticut. This CLE was co-presented by the CBA Federal Practice Section. The panel consisted of Judge Stefan R. Underhill, Attorney Elizabeth Stewart, Attorney James (Tim) Shearin, and Attorney Kristen Zaehring.
7. Professional Responsibility – The Professional Responsibility Committee conducted a CLE entitled, “Ethics: Avoiding Common Pitfalls in Law Practice,” at the CBA Law Center in New Britain. The CLE covered ethical rules and issues most commonly encountered in legal practice, how to avoid them, and what to do when problems arise (including IOLTA and law practice management techniques). The speakers invited included Frances Mickelson-Dera, First Assistant Bar Counsel of Statewide Grievance Committee and Karyl Carrasquilla, Connecticut Chief Disciplinary Counsel.
8. Solo & Small Firms - The YLS Solo & Small Firms Committee once again presented the Legal Entrepreneur Series during 2016. This three-part series, focused on important business aspects such as generating revenue, best practices, and marketing for solo and small firms was hosted at the Quinnipiac School of Law in February, March, and April of this year.
9. Workers’ Compensation - The Workers’ Compensation Committee held a CLE entitled, “The Essentials of a Workers’ Compensation Claim.” This program introduced practitioners to the structure and procedure of workers' compensation claims. Speakers Scott Carta, Maribeth McGloin, and Workers’ Compensation Commission Chairman, John Mastropietro, provided a nuanced overview of a workers’ compensation claim which addressed common issues that arise, both from a claimant, a defense, and the Commission's perspective. The Committee is also holding a CLE at the Legal Conference, with a focus on expert witness depositions.
10. Family Law - The Family Law Committee put on a CLE focusing on the intersection of Trusts and Estates and Family Law in conjunction with the Trusts and Estates co-chairs.

11. Criminal Justice - The Criminal Justice Committee organized and held three CLE's during the 2015-2016 bar year. The committee's first CLE focused on Connecticut's recent legislative reforms surrounding juvenile life without parole. The CLE featured the foremost experts in this practice area and was recorded by the CLE for later use. The second CLE focused on defending clients charged with operating under the influence. Panelists discussed best practices for advising and defending clients through every stage in the superior court and DMV process. The committee's final CLE will take place at the Connecticut Legal Conference in June and will serve as an extension of the committee's first CLE on defending clients charged with driving under the influence.

12. Insurance Law - The Insurance Law Committee planned two events this year. First, it co-hosted a networking event with the senior bar Insurance Law Section at the Pond House in West Hartford. The second event, a nuts and bolts CLE on UM/UIM coverage, is also being co-hosted by the Insurance Law Section and will take place at the Connecticut Legal Conference in June. Participants will learn the basics of UM/UIM coverage and about recent developments in the law.

COMMITTEE REPORTS

AWARDS COMMITTEE

Moy Ogilvie and William Prout, Jr., Co-Chairs

Purpose

The 2015-2016 Awards Committee (“Committee”) was initially constituted by the CBA in August, 2015. Consistent with CBA goals of inclusiveness and diversity, the Committee roster included 20 members from throughout the state, each of whom actively participated in the work of the Committee. A list of Committee members is attached.

Annual Report

All CBA members received calls for nominations advising them that nominations would remain open through November 2, 2015 and urging them to submit nominations for each of the awards within the Committee’s jurisdiction:

- Citizen for the Law Award
- Citizen of the Law Award
- Charles J. Parker Legal Services Award
- Distinguished Public Service Award
- Henry J. Naruk Judiciary Award
- John Eldred Shields Distinguished Professional Service Award
- Tapping Reeve Legal Educator Award

During the nominations period, the Committee met by conference call on various occasions to (1) review the criteria for each award; (2) review the lists of award recipients from prior years; (3) identify organizations and individuals to contact directly urging nominations; (4) appoint individual “precinct captains” to lead Committee discussions as to each award; and (5) address other issues. All nominations and related documentation provided to the Committee, from whatever source, during this period, and thereafter, was shared with each member of the Committee. An impressive group of potential recipients was compiled for each award. This year, the Committee received more nominations from the CBA membership at large in comparison to previous years. Consistent with past practices, the Committee itself also recommended nominees for consideration.

Once the nominations period closed, the Committee continued to meet by conference call, but ultimately met in person on two occasions to reach agreement on its final slate of proposed award recipients, which slate was submitted to the CBA Executive Committee on January 13, 2016. That slate was thereafter recommended by the Executive Committee to the Board of Governors and approved on January 22, 2016. On April 14, 2016 the following distinguished recipients were presented their awards by President Clendenen and President-elect Frank at the CBA’s “Celebrate with the Stars” reception:

- Citizen for the Law Award – Father James, Manship
- Citizen of the Law Award – The Honorable Maurice B. Mosley
- Charles J. Parker Legal Services Award – David A. Pels
- Distinguished Public Service Award – Sister Maureen Faenza and Sister Theresa Fonti (House of Bread)
- Henry J. Naruk Judiciary Award – The Honorable Antonio E. Robiana
- John Eldred Shields Distinguished Professional Service Award – The Honorable Lubbie Harper, Jr.
- Tapping Reeve Legal Educator Award – Marilyn J. Ford

Submitted on 5/25/16 by co-chairs M. Ogilvie and W. Prout, Jr.

2015-2016 AWARDS COMMITTEE

- Nike Agman – Law Office of Nike V. Agman
- William Aselyne – Yale New Haven Health System
- Fran J. Brady – Retired; formerly with Murtha Cullina LLP
- Maggie Castinado – Office of the Chief Public Defender/CHBA President
- Eric Daniels – Robinson+Cole LLP
- Karen Friedman - Boehringer Ingelheim/CHBA Past President
- Patricia Kaplan – retired formerly with New Haven Legal Assistance
- Najia Khalid – Wiggin and Dana LLP/SABAC Board Member
- Susan Kirkeby - Allied World Insurance Company/CAPABA Officer
- John Logan – Logan & Mencuccini LLC
- Kirk Lowry – Connecticut Legal Rights Project
- Ernie Mattei – Day Pitney LLP
- Moy Ogilvie – McCarter & English LLP
- Cherie Phoenix – City Of New Haven
- William Prout, Jr.– Wiggin and Dana LLP
- Ann Rubin – Carmody Torrance Sandak & Hennessey LLP
- Judge Angela Robinson – Connecticut Superior Court
- Alix Simonetti –Connecticut Commission on Human Rights & Opportunities
- Elizabeth Stewart - Murtha Cullina LLP
- Cecil Thomas – Greater Hartford Legal Aid/SABAC Board Member

CONNECTICUT BAR JOURNAL BOARD OF EDITORS

James Wildes, 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.

The Board is committed to serving the interests of CBA members and remaining relevant in the quickly changing legal landscape of the times. With this goal in mind, the following summary of the steps the Journal has taken is outlined below.

In the 2012-2013 Bar 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 has been 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. In addition, the digital version 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 then be able to read it anywhere and anytime. Starting with Volume 86, Numbers 1 and 2, all members of the Connecticut Bar Association received both the print and digital version of the publication. As members have renewed their membership, they have selected a box on their membership renewal form to opt-in for a print copy. Starting with Number 3, only members who opted-in for the print version received a printed copy; others received a digital version. The above choice continued through the last two years and it is expected to continue into future years.

In the 2013-2014 Bar year, the Board discussed and agreed to implement a new way of delivering the Journal to members. As articles are completed, they are posted to the CBJ page. When enough articles are received and edited, a full traditional issue is still assembled. The objective of the proposal was to deliver articles in the Journal in a timelier manner without sacrificing the scholarly quality that the Journal is known for. The Board implemented this new delivery in 2014 and it has continued into 2016. This has not been a substitute for the regular issues; rather it has been in addition to. The articles have been edited as all other articles, so quality has not been negatively impacted. There has been no extra cost to the CBA. Announcements of this change were sent out to CBA members. The articles have also been announced by way of the Weekly Docket with a link to the article on the CBJ page.

The Board also received and reviewed the results of a CBA survey regarding the Journal. The purpose of the survey was to hear from CBA members about what has been going well and what the Journal could do to meet the evolving needs and expectations of members. The Board also sent representatives to an executive meeting of the CBA YLS with the hope of hearing ideas from newer members of the Bar. Although the feedback has been positive,

the Board also elicited feedback that it would benefit the Journal and CBA membership to add some new members. To that end, five new members were added in 2014-2015, of which four were newer members of the Bar and/or members of the YLS.

This past year, 2015-2016, the Board of Editors published four issues of the Connecticut Bar Journal. The Board held two meetings this past year. The Board has also continued with the above initiatives. The Board is also working with the Editor of the CBA in the use of analytics to track how often CBA members read the digital version of the Journal. In addition, the Board is exploring ways with the Editor of the CBA as to how best to alert CBA section members when a particular article may be of interest to members of a section.

The Board looks forward to serve the interests of CBA members.

FAIR AND IMPARTIAL COURTS COMMITTEE

Nuala Droney 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 occur 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 Appellate or Supreme Court).

Report

The Committee conferred 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. We also investigated and addressed issues relating to the judicial re-appointment process.

FEDERAL JUDICIARY COMMITTEE

James T. Shearin, Chair

Purpose

The Federal Judiciary Committee reviews and reports on nominations proposed by Connecticut's United States Senators for judicial appointments, primarily to the United States District Court for the District of Connecticut.

According to the Rules, our recommendations are reported to the President of the Connecticut Bar Association, where he or she forwards the findings to the proposed nominee, the Office of the President of the United States, the two U.S. Senators from Connecticut, the Attorney General of the United States, and the Chair of the Committee of the Judiciary of the United States Senate.

Annual Report

The Committee was not asked to consider any candidates this past year.

HOUSE OF DELEGATES LEGISLATIVE AGENDA

Bill Chapman

Annual Report

The CBA has a comprehensive legislative agenda of authorized positions. Below are only the positions which were lobbied extensively during the 2016 February 3 – May 4 Legislative (SHORT) session. These positions were promoted, opposed, amended to other bills, killed in committee or on the floor; others we tried to amend but just ran out of time. Some positions were approved in one chamber and unpredictably were not called in the other.

The session was tumultuous with the ever-evolving budget, 15% of the general assembly retiring and impending elections effecting how legislators voted and what bills would be raised.

As of this date, the governor has signed 231 bills and vetoed eight of the 2016 Legislative Session. The governor has signed four bills and has exercised line item veto authority on PA 16-2 of the 2016 May Special Session. The general assembly has overridden three of the governor's vetoes.

The CBA had 47 active legislative positions this session, and we had more than 26 WINS in this short session, some made it through one chamber and they will get passed next year, and others were voted out of committee but were not raised in the chamber. The budget did create a 'loss' for some.

The Connecticut Bar Association has authorized Association positions on the following issues for the 2015-2016 regular legislative session of the Connecticut General Assembly:

WIN Tax on Legal Services. The CBA, on behalf of the Executive Committee, opposes the imposition of any tax on legal services. To be sure that this was not included, this issue was fought hard during a tumultuous budget discussion.

WIN Pro hac vice admission. The CBA, on behalf of the Unauthorized Practice of Law Committee supports a modification to Rule 2-16 of the Rules of Practice which provides for pro hac vice admission to non-admitted attorneys to appear in state and municipal agency, board and commission proceedings on the same terms and conditions for pro hac admission in Superior Court proceedings. The proposed rule change would clarify that any such requests go to the judicial branch, even if no court proceeding is pending. This will be included on the agenda of the Superior Court judges Annual Meeting in June.

WIN Legal Aid Block Grant Funding. The CBA, on behalf of the Pro Bono Committee, supports restoration of the social service block grant regarding legal aid funding to the state budget. This was included in the budget this year.

Ethics Reporting Requirements. The CBA, on behalf of the Executive Committee, supports [HB 5229](#), an Act Changing Certain Reporting Requirements in the State Codes of Ethics, which would eliminate the requirement that lobbying organizations report public officials that attend and actively participate at an event. This bill was approved in the House.

Animal Law Section:

WIN Animal Cruelty Penalties. The Animal Law Section supports [legislation](#) to adopt the same penalties for malicious and intentional animal cruelty as the state of Massachusetts. This bill was signed by the governor.

Business Law Section:

WIN Uniform Limited Liability Company Act. The Business Law and the Litigation Sections support adopting the [CT Uniform Limited Liability Company Act](#). This bill has been signed by the governor.

Commercial Finance Section:

2012 Amendments to Article 4A (Funds Transfers) of the Uniform Commercial Code ("UCC"). The [Commercial Finance Section](#) supports adopting the 2012 Amendments to Article 4A (Funds Transfers) of the Uniform Commercial Code ("UCC") drafted and approved by the National Conference of Commissioners on Uniform State Laws and the American Law Institute which would clarify the interaction of UCC Article 4A and the federal Electronic Funds Transfer Act of 1978. The adoption of these amendments in Connecticut will correct a problem in the existing statute exacerbated by recent changes in the federal Dodd-Frank legislation and, when adopted, will make its laws and practice generally conform to that of other states. This legislation was included in another bill, and once again, the unpredictable happened when the bill was referred and not placed on a committee agenda, causing the bill's demise.

Disability Law Section:

Asset Limits. The Disability Law Section supports legislation that eliminates [asset limits](#) for individuals to qualify for the Med-Connect program, which provides Medicaid coverage to working individuals with disabilities. Because of budget implications, this bill which was referred to Appropriations, died in Committee.

Elder Law Section:

Personal Needs Allowance. The Elder Law Section supports legislation increasing the [personal needs allowance](#) for nursing home residents on Medicaid. Though the bill passed out of the Committee on Aging, it was referred to Appropriations and because of budget implications it died in Committee.

Community Spouse Protected Amount. The Elder Law Section supports legislation and/or administrative and regulatory advocacy that would increase the minimum [Community Spouse Protected](#) Amount to the maximum Community Spouse Protected Amount in the Medicaid long-term care coverage group for married couples. Though the bill was reported out of the Human Services Committee, it was never raised in the House.

Probate Court orders. The Elder Law Section supports [legislation](#) that would require state agencies to recognize, apply and enforce any order, denial or decree of a probate court. Though this bill was consented in senate, it was not raised in the House.

WIN Legal Services for the Poor. The Pro Bono Committee and the Elder Law section support [SB428](#), an Act Concerning Funding of Legal Services for the Poor, which would increase funding of the delivery of legal services to the poor by creating grant-in-aid from the Client Security Fund and to increase certain court fees by 3%. The governor has signed this legislation.

WIN Life Insurance Policy value. The Elder Law Section supports [SB 107](#), an Act Concerning the Treatment of the Cash Value of Life Insurance Policies When Evaluating Medicaid Eligibility. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 session. This bill has been signed by the governor.

WIN Written Agreements. The Elder Law Section opposes [legislation](#) that would require a written agreement between a Medicaid applicant or recipient and a family member. Though this bill passed Human Services, we were convincing in that the bill was not raised in the senate.

WIN Waivers. The Elder Law Section opposes Section 32 of SB17 which would repeal C.G.S. 17b-8. C.G.S. providing legislative oversight by the Appropriations and Human Services Committees over requests for waivers by the Department of Social Services to the Centers for Medicare and Medicaid Services. This was

in the governor's initial budget which was withdrawn.

WIN Agency Efficiency in the Regulation Process. The Elder Law Section opposes [legislation](#) that would allow agency heads the ability to not promulgate certain legislative regulations. This legislation died after the public hearing.

DSS payments. The Elder Law Section supports [legislation](#) requiring the Department of Social Services to provide payments for Medicaid services almost immediately upon application for services, as long as the individual didn't transfer any assets for less than fair market value during the 60 months before applying for services. This bill was not raised in the House.

WIN Annuity Income. The Elder Law Section opposes [legislation](#) that seeks to include the nontaxable annuity income from the spouse of an institutionalized individual who is a Medicaid recipient to the spouse's income for purposes of determining the amount that the spouse owes as a contribution as a "legally liable relative." This bill was left on the House floor.

Transfer of Assets. The Elder Law Section opposes and seeks changes to proposed regulations effecting patient transfer of assets and nursing home eligibility qualifications issued by the Department of Social Services intending to implement provisions of the 2006 Federal Deficit Reduction Act (DRA). This regulation is still being bandied about in the Regulations Review Committee.

Elder Law and Real Property Section:

Prior Title Holders. The Elder Law and Real Property Sections supports [SB 407](#), "An Act Preserving the Interests of Prior Title Holders," which prevents a previously recorded interest in property from losing its priority to an unrecorded or subsequently recorded claim or lien by the state against a person for repayment of state aid. Though this bill was voted out of Banking, Judiciary and Finance, it was left on the Senate floor.

Elder Law and Estates & Probate Section:

WIN Uniform Power of Attorney. The Elder Law and the Estates & Probate Sections supports legislation adopting the [Uniform Power of Attorney Act](#) with modification. The governor has signed this legislation.

Estates and Probate Section:

WIN Uniform Fiduciary Access to Digital Assets Act. The Estates & Probate Section supports the "Uniform Fiduciary Access to [Digital Assets](#) Act" that ensures account-holders retain control of their digital property and plan for its ultimate disposition after their death. This legislation has been signed by the governor.

Uniform Recognition of Substitute Decision-Making Documents Act. The Estates & Probate Section supports the "[Uniform Recognition of Substitute Decision-Making Documents Act](#)" which is a joint endeavor of the Uniform Law Commission and the Uniform Law Conference of Canada undertaken to promote the portability and usefulness of substitute decision-making documents for property, health care, and personal care whether the documents are created within or outside of the jurisdiction where a substitute decision is needed. At the beginning of the session, the Judiciary Committee joined this bill with the Power of Attorney Act. With less than 10 days to end the session, the Bankers had a problem with language regarding "acknowledgement." Instead of losing the whole bill, this legislation was pulled so that the POA was saved. We will deal with our Banker friends before the next session.

WIN Probate fees. Estates & Probate supports legislation to modify probate court fees on decedents' estates and to receive funding from the general fund. Throughout the session we worked tirelessly to endorse state funding of the probate system and a cap on the probate fees.

Environmental Law Section:

Administrative Orders on Consent. The Environmental Law Section supports [legislation](#) to clarify that the

power of the Connecticut Department of Energy and Environmental Protection to "issue, modify or revoke" administrative orders under Conn. Gen. Stat. §22a does not authorize unilateral revocation of administrative orders on consent. This legislation was a scrum in the last couple of days. SB431 was amended to [SB326](#), and it passed the circle. DEEP had not wanted to discuss until the bill became 326. Though the bill did not get raised in the final hours, there were promises to discuss during the summer.

Family Law Section:

WIN Teacher Pension Retention. The Family Law Section supports legislation concerning an Act Concerning Retention of the Co-participant Option under the Teachers' Retirement System [after Divorce](#). This legislation has been signed by the governor.

Human Rights & Responsibilities Section:

WIN Human Trafficking. The Human Rights and Responsibilities Section supports potential [legislation](#) that seeks to reduce human trafficking and assists the victims of human trafficking. This legislation was signed by the governor.

WIN CHRO Independence. The Human Rights and Responsibilities Section opposes legislative efforts in [HB5049](#) to eliminate CHRO's independence in order to, among other things, maintain its eligibility for continued federal funding and preserve the independence of the decision-making process. CHRO still remains independent.

WIN Domestic Violence. The Human Rights and Responsibilities Section supports [legislative efforts](#) to make changes in various laws that relate to orders of protection and service of process. This legislation was signed by the governor.

Litigation Section:

WIN Rule 11. The Litigation section opposes [HB5525](#), an Act Concerning Court Authority to Impose Sanctions in Civil Actions, which purports to authorize the courts to impose sanctions in civil actions similar to Rule 11 under the Federal Rules of Civil Procedure. This bill was not raised for a vote in Judiciary Committee.

WIN Uniform Limited Liability Company Act. The Litigation Business Law and the Sections support adopting the [CT Uniform Limited Liability Company Act](#). This bill has been signed by the governor.

Litigation and Tax Law Sections:

WIN Municipal Tax Appeals. The Litigation Section and the Tax Law Section oppose [HB5183](#), an Act Concerning Attorney Fee Agreements in Municipal Tax Appeals, which proposes to prohibit contingency attorneys' fee agreements in certain appeals of property tax assessments to the Connecticut Superior Court. This bill did not move out of the Planning & Development Committee.

Media and the Law Section:

State Civic Network. The Media and the Law section supports [legislation](#) that would create the Connecticut Network (CT-N) into the State Civic Network providing expanded viewing of state government meetings and hearings through video and internet streaming. The senate placed this bill on the foot of the calendar.

Real Property Section:

Building Permit. The Real Property Section supports legislation that would deem any building permit older than nine years closed by operation of law, thereby eliminating the need to obtain a ["6 year letter"](#) after a period of nine years from the date the permit was issued. This will save time and money for property owners selling the property, and the purchaser understanding that nothing further is needed. This bill was one of the first to make it out of the House, however, though promised it was running on the last day, it was never raised in the senate.

Adverse Possession. The Real Property Section opposes [legislation](#) that would eliminate the possibility of acquiring property by adverse possession property when the owner pays the taxes on the land in question. We proposed to fix this bill which had unintended consequences, however, though approved in committee, it was never raised in the Capitol.

Veterans and Military Affairs Section:

Military Spouse Licensing Rule. The Veterans and Military Affairs Section supports a proposed amendment to Practice Book 2-13 which would provide a licensed attorney spouse of a transferred military member licensure in CT without having to take the CT bar exam. Although approved by the CT Bar Examining Committee, the proposal was not placed on the May 2016 Rules Committee agenda; waiting until next year.

Soldiers Sailors Fund. The Veterans and Military Affairs section supports [legislation](#) which would subject records of the American Legion State Fund Commission to disclosure under the Freedom of Information Act. This is a state fund with a corpus of over \$68 million, the beneficiaries of which are our state's veterans. This bill was left on the Senate floor.

Homeowner tax benefit. The Veterans and Military Affairs Section supports legislation which would supplement the real [property tax](#) freeze for qualified homeowners aged sixty-five years or older with an additional \$3,000 benefit to veterans that have a disability rating of at least 10 percent. This bill was left on the Senate floor.

Veterans Home Eligibility. The Veterans and Military Affairs Section supports legislation which expands [veteran eligibility](#) to the state Veterans' Home by removing the service in time of war requirement. The bill also lowers the residency requirement from two years to thirty days of continuous residency. This bill was left on the House floor.

Tuition Waiver. The Veterans and Military Affairs Section supports legislation which would waive payment of [tuition](#) and enrollment fees for veterans and members of the Connecticut National Guard enrolled at any public institution in the state. This bill was also left on the Senate floor.

WIN Health Records No Charge. The Veterans and Military Affairs Section supports legislation that would prohibit health providers from charging for [health records](#) requested in support of claims or appeals for veterans' benefits. This bill has been signed by the governor.

WIN Veteran-Owned Business. The Veterans and Military Affairs section supports [legislation](#) which would permit the Commissioner of Administrative Services to give a 15 percent preference with open market orders or contracts to veteran-owned micro businesses. A "veteran-owned micro business" is defined as a company that has less than \$3 million in gross revenues for the preceding year and has at least 51 percent ownership held by veterans. The bill would also waive the business entity tax for any veteran owned business, established after July 1, 2016, for the first taxable year. This bill has been signed by the governor.

Pro Bono Committee:

WIN Civil Gideon. The Pro Bono Committee and the Elder Law section support [SB 426](#), an Act Creating a Task Force to Improve Access to Legal Counsel in Civil Matters, creating a 33 member task force that will examine and make recommendations on different mechanisms to increase legal representation in civil proceedings in the state of Connecticut. The governor has signed this special act.

WIN Legal Services for the Poor. The Pro Bono Committee and the Elder Law section support [SB428](#), an Act Concerning Funding of Legal Services for the Poor, which would increase funding of the delivery of legal services to the poor by creating grant-in-aid from the Client Security Fund and to increase certain court fees by 3 percent. The governor has signed this legislation.

Cash Bail Bonds. The Pro Bono committee supports legislative efforts in [Section 27 of Governor's Bill 18](#), an Act Concerning a Second Chance Society, proposing that cash bail bonds posted by criminal defendants be deposited in interest bearing accounts. The interest earned on such deposits and bonds forfeited by accused individuals failing to appear for a court date would be used to fund civil legal assistance for low income residents. The Second Chance bill was never raised.

Special Committee on Sex Trafficking of Children:

WIN Vacating Prostitution-Related Offenses. The Special Committee on Sex Trafficking of Children supports an [amendment](#) to section 54-95c of the Connecticut General Statutes to rectify the gaps in its protection by vacating prostitution convictions of adults deemed sex trafficked individuals who have been criminalized as a result of their victimization. The governor has signed this bill.

Standing Committee on Professional Ethics:

Proposed Rule Changes. The CBA's Standing Committee on Professional Ethics proposes the following changes to the Rules Committee of the Superior Court:

- To oppose the proposed amendment of Rule 1.11 (Special Conflicts of Interest for Former and Government Officers and Employees), as proposed to the Rules Committee of the Superior Court. This proposal is on the agenda for the Judges Annual Meeting in June.

HUMAN TRAFFICKING COMMITTEE

Richard Meehan, Ernie Teitell, and Cindy Robinson, Co-chairs

Annual Report

The Committee began with a presentation at the Legal Conference in June, 2015. Participants in the round table discussion included the undersigned, Cindy Robinson, Assistant United States Attorney Krishna Patel, DCF Commissioner Joette Katz, and Tammy Sneed, also from DCF. The presentation was well attended.

In addition, our group has met periodically throughout the past year. Our membership has grown and expanded to include others outside of the Bar Association who are involved in the anti-human trafficking initiative. One of our more vocal and involved members is Krishna Patel. Attorney Patel resigned from her position as an assistant in the United States Attorney's Office to accept the position as general counsel and director of justice for Grace Farms Foundation in New Canaan. In November 2015 she spearheaded a two day initiative, on human trafficking, sponsored by Grace Farms Foundation, bringing together segments of the legal, law enforcement, and social service agency communities.

This Committee also joined together with the Human Trafficking Coalition of the International Academy of Trial Lawyers. A number of the members of our committee are Fellows of the International Academy. To that end we sponsored a presentation in New York City in conjunction with a regional academy meeting. Our speakers were Krishna Patel and Dr. William Casey King. Dr. King is a professor in the School of Public Health at Yale University. Through his work, creating a computer algorithm based on a comprehensive analysis of ads on the site www.Backpage.com, his group is potentially now able to track traffickers through the internet in real time. Dr. King will be a featured presenter at our Committee's presentation at the June, 2016 CBA conference.

Most recently, through the singular efforts of member Pamela LeBlanc, the Committee submitted a draft amendment to §54-95c of the Connecticut General Statutes. That amendment expands the rights to seek expungement of any judgment of criminal conviction on the basis that participation in the event was the result of having been a victim of trafficking. Previously, that statute only applied to convictions for prostitution for trafficking victims. The amendment is now §15 of Substitute House Bill No. 5621, "An Act Concerning Human Trafficking." That bill has unanimously passed both the Senate and the House at this point.

Part of the Committee's focus from its inception has been investigating the possibility of establishing a plaintiff's committee to pursue a cause of action against organizations such as Backpage.com, which have been visible enablers in the trafficking world. To that end, our members have been monitoring litigation in the State of Washington and the Commonwealth of Massachusetts. An impediment to that type of litigation moving forward are the provisions of the federal Communication Decency Act (CDA). The CDA appears to provide a type of "immunity" to internet providers despite the fact that it should be apparent that the sites are being utilized to advertise trafficking victims. In conjunction with the International Academy, we were contacted by staffers from the office of Senator Richard Blumenthal and began a dialogue concerning the Senator's interest in sponsoring a bill that would help close the loophole in CDA that prohibits private rights of action. Members of the Committee recently met with a number of staffers at the Senator's office in Washington to discuss this further. At the suggestion of Sam Simon who leads the effort in the senator's office, our member, Antonio Ponvert, drafted proposed language that would create a private right of action. Most recently on May 3, members of the Committee engaged in a conference call with the senator's staffers on the Ponvert proposal. That proposal is now being submitted by the senator's office to the Office of Legislative Counsel. That proposal is not yet ready for public discussion. We have included in this effort, representatives from the International Academy's Human Trafficking Coalition as well, in an effort to garner support on a national level for this effort.

Another significant point that has come from our periodic meetings is the fact that Connecticut has had anti-trafficking state criminal legislation in existence for over ten years. During that period of time there have been merely 17 arrests and no convictions. Part of the dilemma is that many of the arrests are on a misdemeanor level where neither law enforcement nor prosecutors and judges necessarily recognize that the defendant is engaged in these offenses as a corollary to being a victim of trafficking. One of the proposals that we are studying is to sponsor an information and/or training presentation, utilizing the resources of Grace Farms Foundation, through the kind efforts of Krishna Patel, to be made available to the Judicial Department and the Office of the State's Attorney.

Our committee's presentation at the June conference will include not only Dr. William Casey King, but also Jim Ehrman, executive director of the Love146 Project (a major player in the anti-trafficking movement), Commissioner Katz, Krishna Patel, and Rod Khattabi. Mr. Khattabi recently retired as the Special Agent in Charge of the Connecticut Office of Homeland Security, and is now the director of security at Grace Farms Foundation. Love146 is an international human rights organization working to end child trafficking and exploitation through survivor care and prevention. The co-organizers for the presentation are Committee Chairs Richard Meehan, Ernie Teitell, and Cindy Robinson.

INSURANCE PROGRAMS FOR THE BAR COMMITTEE

Jennifer J. Cavalier-Mozzer and Anthony Nuzzo, Co-chairs

Purpose

The Insurance Programs for the Bar Committee is an advisory committee which is responsible for reviewing insurance products for the benefit of the members of the CBA. Included within these insurance products are professional liability, retirement, health, and disability.

Annual Report

Over the past year, the Insurance Programs for the Bar Committee has been working collaboratively with the CBA, and the endorsed agents for both professional malpractice and retirement benefits, in an effort to revamp the CBA website pertaining to insurance benefits to make a user-friendly platform which would allow both members and potential members to view the variety of insurance options available.

Additionally, over the past year our Committee has worked closely with the agent for the Retirement Funds Program to enter into a new shorter term contract with more focused objectives toward marketing of the vast array of benefits offered.

We have also met with insurance brokers who would be able to provide members with exclusive access to discounted group and individual insurance products, such as life, disability, medical, dental, and vision along with providing education on the products, compliance services with state and federal requirements, and acting as an advocate for our members.

PRO BONO COMMITTEE

Karen DeMeola, Chair

Purpose

Pro bono service is an integral part of the mission of the Connecticut Bar Association and each individual lawyer's responsibility. As such, the CBA Pro Bono Committee should strive to "promote the public interest through the advancement of justice and the protection of liberty," and more specifically, "facilitate the delivery of competent legal services to the public particularly those in greatest need." *Constitution of the CBA*, Art. II. The Committee should investigate, implement, and otherwise provide opportunities for members to render public interest legal service, which includes, "providing professional legal services at no fee or a reduced fee to persons of limited means," or such service as defined in *Rules of Professional Conduct*, Rule 6.1. A most important component of the Committee is the Pro Bono Network, which is a collaboration between the Connecticut Bar Association and Connecticut's legal service organizations.

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, serves a core function of the CBA. Members practice in a broad spectrum of firms from Connecticut's largest firms to solo practitioners. A diverse array of members are from various agencies providing life changing legal services to our most needy residents.

We began the year with a number of requests for support for new pro bono initiatives. Once examined all were either in process, tabled or established by another organization, law school or committee. The Committee took the opportunity to reset the year, focusing on the needs, opportunities, and goals we wanted to implement. One goal was the reinstatement of the Pro Bono Network, which is currently not operational. This year the Committee discussed the role the network could play in reaching attorney and non-attorney pro bono volunteers, messaging to the public about pro bono resources, supporting the established pro bono programs throughout the state, and impacting access to justice. In our discussions, we noted that the CTLAWHELP Pro Bono Portal was designed to inspire attorneys to engage in pro bono service, provide attorneys opportunities for pro bono service, and provide access to resources for the general public. The Committee plans to forward with a new iteration of the Pro Bono Network which will link to the portal and outline the CBA member benefits for those engaging in pro bono service.

Recognizing a need to gauge where we are as a profession and bar association on pro bono service is extremely important. To that end, several members of our committee participated in a Pro Bono Colloquium hosted by the Connecticut Bar Foundation. There are several ways in which the Pro Bono Committee members can lend expertise and for the Committee to lend value to the greater statewide conversation.

The Committee became heavily involved this year in the legislative process supporting the following:

- Restoring Social Service Block grants. The Pro Bono Committee supports restoration to the state budget of the social service block grants for legal aid funding.
- Senate Bill No. 428, An Act Concerning Funding of Legal Services for the Poor, which would increase funding of the delivery of legal services to the poor by creating grant-in-aid from the Client Security Fund and to increase certain court fees by 3 percent. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 session.
- Senate Bill No. 426, An Act Creating a Task Force to Improve Access to Legal Counsel in Civil Matters, creating a 33 member task force that will examine and make recommendations on different mechanisms to increase legal representation in civil proceedings in the state of Connecticut. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 session.
- Senate Bill 505, Section 27, An Act Concerning a Second Chance Society, proposes that cash bail bonds posted by criminal defendants be deposited in interest bearing accounts. The interest earned on such

deposits and bonds forfeited by accused individuals failing to appear for a court date would be used to fund civil legal assistance for low income residents. This Act did not move forward but instead will be examined by committee.

Moving forward the Committee will continue to provide support legislatively, will continue to advocate for and provide resources for those seeking to provide pro bono services. At a time when statewide cuts have impacted social services, legal services and judicial resources, our Committee can play a crucial role in ensuring access to justice.

STANDING COMMITTEE ON PROFESSIONAL ETHICS

Marcy Tench Stovall, Chair

Purpose

The Standing Committee on Professional Ethics provides members of the bar with opinions on matters of professional ethics. Written requests for opinions are referred to a drafting committee of one or two Committee members for preparation of a draft opinion, which is then debated and considered for adoption, revision or rejection at the Committee's monthly meeting in New Haven. Some opinions are referred to subcommittees for research, reconsideration, and revision. All of the Committee members are, therefore, given an opportunity to participate in the activities of the Committee. The Committee issues Formal and Informal Opinions, and the Formal Opinions are published in the Connecticut Bar Journal and the ABA/BNA Lawyers Manual on Professional Conduct. Informal Opinions are provided to the Yale University of Connecticut School of Law, and Quinnipiac Law Libraries, and are made available at the CBA office. Digests are published in the ABA/BNA Manual. The CBA publishes the Professional Responsibility Reference Guide, which includes updated Formal and Informal Opinions rendered by the Committee since adoption of the Rules of Professional Conduct in Connecticut, October 1, 1986. The Reference Guide has not been updated since 2009.

Annual Report

In the past bar year, the Standing Committee on Professional Ethics continued its active pace. As of June 30, 2016, the Committee has adopted nine new informal opinions, addressing a variety of topics, including: ethical considerations in the sale of a law practice, ethical considerations concerning an attorney's participation in a barter exchange program, practice in more than one law firm; the duty to safeguard a discharged attorney's fee, whether client consent is necessary in municipal tax sale representation when a concurrent client's lien on the same property may be extinguished in the tax sale, and two opinions on payment of a referral fee. All the opinions the Committee has adopted in recent years (since 2011), are now available on the CBA's website. These opinions are located on the page dedicated to the Professional Ethics Committee.

We continue to review the Committee's webpage in an effort to update its content for the benefit of the bar.

The Committee has completed its work on integrating the American Bar Association's Commission on Ethics 20/20 changes to the Model Rules of Professional Conduct with the Connecticut Rules of Professional Conduct (RPC). The Committee continues to recommend various rule and commentary changes to Rules of Professional Conduct. With the approval of the CBA's Legislative Policy Review Committee has opposed a proposed amendment of Rule 1.11 of the Connecticut Rules of Professional Conduct (Special Conflicts of Interest for Former and Government Officers and Employees), currently under consideration by the Rules Committee of the Superior Court. The proposal has been tabled until the Rules Committee's next meeting in September 2016.

The Committee also provides ethics education to members of the bar. This is accomplished not only through the opinions issued, but also through answering practitioners' phone calls regarding ethical topics/concerns. Of course, the committee provides continuing legal education via 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 Standing Committee on Professional Ethics for their time, dedication, and professionalism. The consistently high level of quality work product produced by these members (including the very spirited discussion and extensive revision that precedes the adoption of nearly every opinion), is not only a tribute to their legal acumen, but also 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 the Standing Committee on Professional Ethics should make such preference known to the CBA staff.

In addition, the Committee encourages Connecticut lawyers who have questions about their professional responsibilities in specific situations to request an opinion from the Committee.

PROFESSIONALISM AND CLE COMMITTEE

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

Purpose

The mission of the Connecticut Bar Association Standing Committee on Professionalism and CLE 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. The Committee engaged in the following activities during the past bar year in an attempt to implement those objectives.

Annual Report

Mentoring Program

A symposium on mentoring entitled, "The Mentoring of New Lawyers: Challenges, Rewards, and Best Practices," featuring the directors of several out-of-state mentoring programs was sponsored by the Connecticut Bar Foundation at the State Legislative Office Building on November 13, 2015. Attended by many persons interested and involved in the mentoring of new attorneys, as well as by members of the Committee, it provided the impetus for a renewed interest in expanding the Committee's mentoring program statewide. That led to a special meeting of members of the Committee and other interested parties, including representatives from the Connecticut Bar Foundation, Connecticut Bar Association, and the judicial branch, where the discussion focused on the essential requirement for a program director and the possible sources of funding for such a resource. Several very real possibilities were identified and are being pursued.

In the meantime, the Committee continues to actively manage its mentoring program, matching experienced attorneys with newly admitted lawyers, primarily in the Hartford and New Haven areas.

Mandatory Continuing Legal Education

A tireless effort by several attorneys working with the Superior Court Rules Committee for nearly two years finally resulted in the adoption of an MCLE rule by the Rules Committee on January 11, 2016. The rule, which requires no funding from the judicial branch and is designed to minimize the burden on attorneys, will go to a public hearing in May, and then to the Annual Meeting of the Superior Court Judges on June 24 for final approval. If adopted, it will provide boundless opportunities for our Committee to expand its work in the area of CLE.

Bench/Bar Professionalism Symposium 2015

The signature event of the Committee has been its Professionalism Symposium, which it presents, in partnership with a local bar association, every year in a different judicial district. On November 6, 2015, the Committee held the symposium in the New Haven Superior Courthouse. The plenary session featured Hon. Jonathan E. Silbert, Attorney William Bloss, Attorney Marisa Bellair, Attorney Kristen Wolf, Norm Pattis, and Brad Saxton. After the breakout sessions, the attendees heard from the keynote speaker, Attorney Theresa Amato, lawyer, author, and founder of the Citizen Advocacy Center.

Edward F. Hennessey Professionalism Award

Since its inception, the Committee has recognized a member of the bar of the state of Connecticut for conducting

his/her career with the highest standards of professionalism and civility. This year, the Committee nominated New Haven attorney William "Willie" F. Dow, III, who was subsequently approved by the Board of Governors and who received the award at the Connecticut Bar Association's Celebrate with the Stars on April 14, 2016.

The Committee co-chairs would like to take this opportunity to thank the Committee members for their ongoing work to enhance professionalism, and for the full support the Standing Committee has always received from the judicial branch.

SPECIAL COMMITTEE ON STANDARDS OF TITLE

Denis R. Caron, Chair

Purpose

The Special 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

The committee has finalized two new standards, both of which are beginning the process of obtaining final approval. They are:

1. Proposed Standard 18.9, Home Equity Conversion (Reverse) Mortgage Loans: Unreleased HUD Second Mortgage
2. Proposed Standard 18.10, Effect of Failure to Release a Multi-Town Mortgage or Other Encumbrance in All Towns Where It Was Recorded

In addition, the committee has approved a revision to Standard 18.5, Releases of Corrected, Re-Recorded, or Modified Mortgages.

The committee continues its 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, East Hartford (Chair)
Michael J. Caron, Hartford
George H. Jackson III, Danielson
Elliot G. Kaiman, New Haven
Gregory P. Muccilli, New Haven
James E. Rice, Southport
Michael W. Sheehan, New London
Elizabeth A. Strole, Hartford
Ellen L. Sostman, Rocky Hill
William C. Stokesbury, Farmington
John D. Thomas, Hartford
Nancy L. Walkley, Fairfield

UNAUTHORIZED PRACTICE OF LAW COMMITTEE

Carl Porto, Sr. and Burt Cohen, Co-chairs

Purpose

The Unauthorized Practice of Law Committee (UPL Committee) receives inquiries and complaints regarding various UPL issues from admitted Connecticut attorneys, attorneys admitted in other jurisdictions, and from time to time, members of the public. Appropriate complaints are referred to the Office of the Chief Disciplinary Counsel and inquiries are responded to.

Annual Report

The UPL Committee has been active in some areas during the 2015-2016 bar year, given the changing legal landscape, focusing more on strategic issues concerning its core mission, such as leading the effort to clarify and amend the *pro hac vice* rule. Over the course of the past bar year, the UPL Committee held 5 meetings, two in person and three by telephone conference. One of the meetings was held at the Quinnipiac University School of Law, which was graciously hosted by former Dean, and now UPL Committee member, Brad Saxton.

The UPL Committee proposed a modification to Rule 2-16, of the Rules of Practice, which permits *pro hac vice* admission for non-admitted attorneys to represent Connecticut clients in proceeding before Connecticut state and municipal agencies, boards and commissions. The new rule permits *pro hac vice* admission on the same terms and conditions as *pro hac vice* admission in Superior Court proceedings. The UPL Committee obtained the approval of the CBA leadership, the LPRC, and the House of Delegates. Working with the governor's legal counsel and the judicial branch, the UPL Committee successfully obtained the approval of the Civil Commission, and the rule modification was approved by the Rules Committee of the Superior Court and is being presented for a vote at the annual Judge's Meeting in late June 2016.

The UPL Committee deliberated on its mission and role, following the 2015 U.S. Supreme Court decision in *NC State Board of Dental Examiners v. FTC*. The UPL Committee reported the committee's conclusions to the CBA officers and Board of Governors. Following those reports to the CBA leadership, the co-chairs of the UPL Committee met with representatives of the Judicial Department, including the director and deputy director of Legal Services, and representatives of the Office of the Chief Disciplinary Counsel and Statewide Bar Counsel, to discuss ways the UPL Committee, as presently constituted or reconstituted and redefined, could function within the Judicial Branch consistent with the *NC State Board of Dental Examiners v. FTC* decision, and it is anticipated that those discussions will continue throughout the next bar year.

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 appropriate. Some of the inquiries received by the UPL Committee during this bar year involved unadmitted attorneys representing Connecticut clients on real estate transactions and issues concerning representation and counseling of Connecticut clients on administrative agency and Medicaid matters.

STANDING COMMITTEE ON WORKERS' COMPENSATION CERTIFICATION

Brian L. Smith, Chair

Purpose

The Connecticut Bar Association Standing Committee on Certification (SCWCC) certifies and re-certifies lawyers as specialists in the field of workers' compensation. In addition, the SCWCC promulgates rules and procedures to implement the standards.

Annual Report

The SCWCC was chaired this year by Brian L. Smith and the following Board Certified Workers' Compensation Specialists served on the SCWCC: Diane Duhamel (Chair Examining Committee), Mike Kerin, David J. Morrissey, Jeffrey Oliveira, Charlene Russo, Dominick Statile, and Elizabeth Zaccardi. The SCWCC was greatly assisted by Suzanne Hard and Elizabeth Ferguson of the Connecticut Bar Association.

This year was an especially busy one for our Committee. We re-certified 25 specialists and certified eight others to sit for this year's exam. Approximately 10 other attorneys filed an intent to take the certification exam. In addition, every five years we must apply to the Judicial Branch's Legal Specialization Screening Committee (LSSC), which gives us the authority to certify specialists. We submitted our application to the LSSC in a timely fashion and we await its decision to continue our program.

We reviewed and approved CLE credits from countless seminars, presentations, articles, etc. and updated our list of approved seminars. We also amended our standards and rules to reflect changes that have occurred since the inception of our certification program.