

CONNECTICUT BAR ASSOCIATION ANNUAL REPORT  
of Sections and Committees  
2018-2019

**Connecticut Bar Association**

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# CONNECTICUT BAR ASSOCIATION OFFICERS

2018-2019



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| District | Name                | City        |
|----------|---------------------|-------------|
| 10       | William F. Dezinno  | Meriden     |
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# HOUSE OF DELEGATES

| District | Name                   | City          |
|----------|------------------------|---------------|
| 1        | Giovanni D'Amico       | Greenwich     |
| 2        | Diana Carlino          | Stamford      |
| 2        | Stephen J. Conover     | Stamford      |
| 2        | Scott M. Harrington    | Stamford      |
| 3        | Kara A.T. Murphy       | Norwalk       |
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| District | Name                 | City         |
|----------|----------------------|--------------|
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| 10       | William F. Dezinno   | Meriden      |
| 11       | Patrick J. Cooney    | Bristol      |
| 11       | Kristen Mostowj      | Bristol      |
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| 17       | Emily Gianquinto     | Glastonbury  |
| 17       | Regen O'Malley       | Glastonbury  |

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# ANNUAL REPORT OF THE PRESIDENT

Jonathan M. Shapiro, 2018-2019 President



As the old saying goes: time flies when you are having fun. This year has flown by serving this amazing organization as president. As I joked at last year's legal conference, my primary agenda for this year was not to screw anything up. This is a reflection of the tremendous upward path the Connecticut Bar Association is on. During this journey, we have remained true to our purpose by promoting the public interest through the advancement of justice, aiding our members in the development of their practices, promoting diversity and inclusion, and lobbying our legislature and Congress on matters benefiting the public interest and our members. I am proud to say we continued our upward path this year.

I leave this stewardship as president comfortable that the CBA is in an even better place than when I began my tenure. We are both taking care of our internal business and serving as an example in the community. While many volunteer organizations, including bar organizations, are struggling with membership, the CBA continues to thrive. Membership remains steady and our finances are strong. On the important business side of things, the CBA refinanced its mortgage on our headquarters at 30 Bank Street in New Britain, with a fully amortized 15-year mortgage. This refinancing will help guarantee financial security for the CBA for years to come.

We remain a forward thinking organization, never resting on our laurels, and trying to find ways to provide more value to our members. I am proud that the Board of Governors approved a measure that will allow first year attorneys the ability to join up to three sections for free when they join the CBA. Our sections are the lifeblood of the organization. This will hopefully help introduce our newest members to the incredible work of the sections and get them actively engaged in the CBA from the outset of their careers.

We are continuing our long-term commitment to making the profession a more diverse and inclusive one. In October 2018, the CBA held its third Diversity and Inclusion Summit: The Collaborative Blueprint. This year's summit was designed to empower attendees by outlining the importance of pipeline initiatives and providing the necessary tools to improve the successful recruitment and retention of diverse talent. In addition, the CBA is continuing its own pipeline initiatives by expanding Law Camp, introduced last summer, to include Hartford and New Britain in addition to New Haven. We cannot make these changes overnight. It is only through our ongoing efforts for many years to come that we will create a profession as diverse and inclusive as our society.

Lawyer well-being also remained on the forefront of our efforts. In addition to providing educational programs to help members address their own well-being, the CBA launched its well-being website, which contains resources to aid our members in taking care of themselves. The Well-Being Task Force also started its well-being video series, which provides a forum for members to share their inspirational stories and help members with similar experiences know that they are not alone.

As you will see in the annual reports contained herein, the CBA continues to address the educational needs of our membership by providing award-winning continuing legal education and resources for our members. While all of our sections and committees did tremendous work, I would be remiss if I did not recognize the outstanding work of the Alternative Dispute Resolution (ADR) Section and, in particular, Co-chairs Lynda Munro and Bridget Gallagher, and the ADR Section fellow, Jennifer Shukla, in revitalizing the CBA's Resolution of Legal Fee Disputes Program. This program provides our members with an important alternative in resolving fee disputes with clients in an expeditious fashion.

I would also be remiss if I did not mention the work of the Task Force on the Unauthorized Practice of Law that I established. As you will see in these reports, the Unauthorized Practice of Law Committee, with the Standing Committee on Professional Ethics, is created by the CBA Constitution and is charged with investigating issues related to the practice of law by non-lawyers. After the United States Supreme Court ruled in the 2015 case of North Carolina State Board of Dental Examiners v. Federal Trade Commission that trade regulation efforts by market members might violate antitrust law, bar leadership put the committee on hiatus status while the law settled out and we were able to see how other states handled the matter. Our task force examined these issues and determined that the Unauthorized Practice of Law Committee should resume its work and continue its efforts to help safeguard the profession and the public from those who would engage in the unauthorized practice of law.

For what I believe is a first for the CBA, we organized a trip to Cuba where members were able to learn about the Cuban legal system, history, and culture.

On the legislative front, the CBA continued its lobbying efforts on a wide variety of issues, as you will see in the Legislative Policy and Review Committee's annual report. However, perhaps no legislative issue was more important to our membership, and our profession, than the proposed tax on legal services introduced by Governor Lamont. We came together as a profession in lobbying against the tax on legal services. In addition to testifying against the proposed tax, the CBA coordinated a joint letter to our legislature, which included over 20 different bar associations, opposing the proposed tax. Due to these coordinated efforts, the sales tax on legal services was ultimately removed from the governor's budget, which was signed into law on June 26, 2019. We are confident we will prevail on this front.

Finally, in a time when the Rule of Law is under unprecedented attacks in this country, the CBA stood tall in defending it. In collaboration with the Commission on Women, Children and Seniors, the CBA hosted its third Rule of Law Conference and the first such conference since 2012. At this year's conference, we brought together politicians, members of the media, and students to examine the challenges to the Rule of Law, their role in its advancement, and how we can safeguard the Rule of Law for the future. The conference was enlightening, and if you have not done so already, I encourage you to read the January/February 2019 issue of Connecticut Lawyer, which contains an article dedicated to the conference. As a result of the Rule of Law Conference, the CBA is establishing a Rule of Law Committee committed to protecting the Rule of Law—a bedrock of our democracy.

I must thank all of you for your support over the year, and your dedication to the bar association. This organization would not be where it is without the energy, enthusiasm, and initiative of our members. A special thank you to my fellow officers, President-elect Ndidi Moses, Vice President Amy Lin Meyerson, Treasurer Vincent Pace, Secretary Dahlia Grace, Assistant Treasurer-Secretary Aidan Welsh, Immediate Past President Karen Demeola, Executive Director Keith Soressi, and the entire CBA staff for their ongoing support and counsel. This is not a job you can do alone.

I look forward to seeing the CBA continue to serve as an example for our membership, the entire bar, and the public in promoting justice. As I look down the line of officers that follow, including incoming President Ndidi Moses, I see we have an incredible team of leaders. I know the best is yet to come.

It has been my privilege and joy to serve, and I thank you all for the opportunity.

## SECTION REPORTS



# ALTERNATIVE DISPUTE RESOLUTION SECTION

Bridget C. Gallagher and Lynda B. Munro, 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

### Section Activities

This was a rebuilding year for the section. The major goal of the section for the year was to support the stabilization of the CBA's Resolution of Legal Fee Disputes program. The addition of Jennifer Shukla to the section as a Presidential Fellow whose work was dedicated to this program helped tremendously. The program is now on a good track, with procedures well developed, an enhanced neutral pool in place, and timely administration and determination of matters.

The Executive Committee of the section met periodically to consider what should be the priorities for the committee on a going forward basis. Those are well-established and we look forward to robust programs and more frequent committee interactions in subsequent years.

### Seminars/CLE's

*Be Prepared-Connecticut's New Uniform Arbitration Act-What You Need to Know about Its Substantial Impact on Construction and Commercial Arbitrations*

Co-presented with Construction Law Section

Presenters: Steven B. Kaplan, Houston P. Lowry, David Reif.

This program provided a review of the new act and its impact on participants' practices.

September 26, 2018

1.5 CT CLE Credit, 0 NY CLE Credit

# 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 at a variety of locations and by phone.

### Executive Committee Meetings

Executive meetings have been held quarterly. During conference organization, meetings occur weekly.

### Continuing Legal Education

Connecticut Legal Conference – Write of Habeas Corpus

Speakers included: Steven Wise of the Non-Human Rights Project

### Publications

N/A

### Legislative Efforts

The section has followed pending legislation concerning animals and has forwarded information to the members accordingly. The section actively participated in legislative efforts.

### 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

We will be hosting an event with UConn School of Law in the spring on animals in the law.

This year we will have a presence at the June 10, 2019 Connecticut Legal Conference. We will have a seminar on Animals in the Law of Torts, Matrimonial Cases, and Pet Trusts.

# ANTITRUST AND TRADE REGULATION SECTION

Robert M. Langer, Chair

## Purpose

The Antitrust and Trade Regulation Law Section aims to familiarize CBA members with all aspects of state and federal antitrust and trade regulation law.

## Annual Report

It has been a busy and productive year for the Antitrust and Trade Regulation Section of the Connecticut Bar Association.

To start, a new slate of section officers was elected for the 2018-19 year:

Robert M. Langer of Wiggin and Dana, Chair

Craig A. Raabe of IZARD Kindall & Raabe LLP, Treasurer

Peter A. Barile III of Scott+Scott LLP, Secretary

## Meetings and CLEs

The section held its initial fall meeting on October 8, 2018 in New Haven, during which plans for the remainder of the 2018-19 year were discussed. In addition, Robert Langer of Wiggin and Dana LLP gave a presentation on cases and other legal developments of current interest.

The section held and co-sponsored a number of additional meetings and CLE programs.

### *February 13, 2019*

The section co-sponsored a live CLE program with the Federal Practice and Litigation Sections in New Haven, entitled, "The Anatomy of a Class Action." This well-attended and well-received seminar featured the Senior Judge Warren W. Eginton of the United States District Court for the District of Connecticut, Judge Thomas Moukawsher of the Connecticut Superior Court, as well as Robert A. IZARD of IZARD Kindall & Raabe LLP, and Kim E. Rinehart of Wiggin and Dana LLP. Executive Committee member James T. (Tim) Shearin of Pullman & Comley LLC organized and moderated this very successful event.

### *March 13, 2019*

The section co-sponsored a live CLE program in New Haven, entitled, "The Antitrust Exemption and the Minor Leagues," featuring presentations by Professor Lewis Kurlantzick of the University of Connecticut School of Law and Michael Stival of Excel Sports Management and former assistant general counsel of the Major League Baseball Players Association.

### *April 16, 2019*

The section sponsored a CLE webinar on the landmark *Soto v. Bushmaster* CUTPA case featuring presentations by Robert Langer of Wiggin and Dana LLP and David L. Belt of Hurwitz Sagarin Slossberg & Knuff LLC.

### *May 8, 2019*

The section co-sponsored a live CLE program with the Insurance Section on CUTPA and CUIPA in New Haven. The program featured Robert Langer of Wiggin and Dana LLP, Grace V. Hebbel of Saxe Doernberger & Vita PC, and Joseph Blyskal of Gordon & Rees. It was organized and moderated by Melissa A. Cordima of Travelers.

# APPELLATE ADVOCACY SECTION

Thomas J. Donlon and James P. Sexton, Co-chairs

## Purpose

The Appellate Advocacy Section aims to improve appellate practice through meetings and CLE courses; determine the nature, scope, and interest in an appellate certification program; identify the resources and procedures required to maintain such a program; and identify other means to improve the appellate law practice in Connecticut.

## Annual Report

The Appellate Advocacy Section had a productive and eventful 2018-2019 bar year! To begin, the section held five meetings, organized two of the breakout presentations for the 2019 Appellate Advocacy Institute, and presented a two-hour CLE at the Connecticut Legal Conference.

Our meetings during the bar year typically involve having an appellate judge from the appellate court, Supreme Court, or second circuit join us to foster a healthy dialogue between the bench and the bar. This year was not an exception:

### *September 26, 2018*

At our first meeting of the year, the section was joined by Connecticut Supreme Court Justice Steven Ecker. Justice Ecker shared how his background and personal life experiences influence his decisional process and discussed with the section his view of various challenges presently facing the Judicial Branch.

### *November 28, 2018*

In November, the section hosted Judge Nina Elgo, who joined the appellate court in 2017, for a roundtable discussion of various aspects of appellate advocacy. This was the first meeting where the section relied on video conferencing technology to link conference rooms in two different cities to make it easier for appellate practitioners from around the state to participate. That paradigm proved very successful and was used at subsequent meetings.

### *February 7, 2019*

At our February meeting, Connecticut Supreme Court Justice Raheem Mullins and Appellate Court Judge Douglas Lavine joined us to discuss their views of current appellate practice before the Supreme Court and appellate court. As with our November meeting, our February meeting also relied on video conferencing technology to link multiple conference rooms. Thanks to our friends at Robinson+Cole, Wiggin & Dana, and Day Pitney, we were able to offer members the opportunity to join the meeting from conference rooms in Stamford, New Haven, and Hartford.

### *March 20, 2019*

In March, we were thrilled to host Chief Justice Richard Robinson. In an engaging and wide-ranging discussion, the chief shared his views on current challenges faced by the branch, offered pointers for effective appellate advocacy, and outlined several of his priorities for the branch as its chief justice. This was the first time in the section's history that it had the honor of hosting a sitting chief justice at one of its meetings.

### *June 26, 2019*

Our final meeting for this bar year will be held at the end of June, at which time Judge Christopher Droney of the United States Court of Appeals for the Second Circuit will join us to discuss various issues related to federal

appellate practice. This will be the first time in close to a decade that we have had a federal appellate judge join us for one of our meetings.

In addition to our meetings, the section was active in providing continuing legal education programs in the area of appellate advocacy. At the 2019 Appellate Advocacy Institute, the section organized and presented two of the break-out seminars, and a large number of the section's Executive Committee served as faculty during the mooted sessions. Likewise, at the Connecticut Legal Conference, the section organized and presented a two-hour presentation on appellate issues. The panel for that presentation included Chief Judge Alexandra DiPentima, Judge Eliot Prescott, and Chief Justice Chase Rogers (Ret.).

Through these efforts, the section has continued to promote the educational and professional objectives of the CBA within the area of appellate litigation. Continuing Legal Education credits were made available for all of our section meetings, and the section is actively working with the Judicial Branch to develop programs that will make appellate representation a reality for many who cannot presently afford such counsel. Our programming has been substantially enhanced by the close working relationship that the section shares with Connecticut's appellate bench, and we continue to enjoy consistent attendance of approximately 30 members at each of our meetings. We look forward to continuing to build on these successes in the coming bar year.

The officers of our section serve three-year terms, and the current slate of officers will continue through the 2019-2020 bar year. Specifically, Jay Sexton will serve his third and final year as a co-chair, Thomas Donlon will serve his second of three years as a co-chair, and Jessie Opinion will serve the second of her three years as our secretary-treasurer. Additionally, Danielle Edwards will continue to serve as our legislative liaison.

# BUSINESS LAW SECTION

David M. Levine, 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. The section focused on seeking to encourage greater participation of members of the Young Lawyers Section and law students at Connecticut law schools. 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 2018-2019:

David M. Levine, Chair

Kenneth B. Lerman and Hillel Goldman, Vice Chairs and Program Chairs

Danielle Edwards, Legislative Liaison

Kelly F. O'Donnell, Treasurer

Robert M. Fleischer, Secretary

Committee chairs and co-chairs were:

Andrew C. Glassman, Business Corporations

Edward B. Whittemore, Securities Law

Matthew C. Gaul, Limited Liability Companies and Other Pass-through Entities

### Monthly Programs

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

#### *September 4, 2018*

Christopher Drake and Secretary of the State of Connecticut Denise Merrill presented on developments and initiatives within the Office of the Secretary of State.

#### *October 9, 2018*

Adam Mendelowitz and Daniel Gottfried led a presentation on equity incentives for executive compensation, including stock incentive plans (qualified and unqualified), SAR's, phantom stock, and profits interests.

#### *November 13, 2018*

Marcel Bernier and Patricia Reilly presented a discussion on Restrictive Covenants, one from the drafting perspective and the other from the litigation perspective.

#### *December 11, 2018*

“Monetizing Intellectual Property Assets,” presented by Diane Covello (UConn Law School IP Law Clinic), Charlie O’Brien (Cantor Colburn LLP), and Tom Menard (Alix Yale and Ristas LLP). The program included a mock negotiation on the terms for a trade secrets license agreement.

*January 8, 2019*

“The Bumpier CFIUS Roadmap for Foreign Acquisitions of US Companies: The FIRRMA (Foreign Investment Risk Review Modernization Act) Amendments.” Paul Edelberg was the presenter and took the group through cross-border transactions and this little known regulatory path.

*March 12, 2019*

(Rescheduled from February 12, 2019 meeting cancelled by weather)

First, Jason Marsh gave a presentation for ethics credit on conflict issues in representing multiple parties in closely held businesses. Second, Stephen Cowherd and Karen Wackerman presented, “Healthcare Mergers and Acquisitions in 2019—A Connecticut Lawyer’s Guide,” which was a comprehensive overview of the subject of healthcare issues superimposed into the M&A world.

*April 9, 2019*

Annual M&A Mini-Seminar. The program, produced and led by David Albin focused on three recent Delaware decisions of note: (1) *Eagle Force Holdings, LLC v. Campbell*—Delaware Supreme Court addressing, in dicta “sandbagging” in Delaware; (2) *Akorn, Inc. v. Fresenius Kabi AG*—Delaware Court of Chancery addressing “material adverse effect”; and (3) *Penton Business Holdings LLC v. Informa PLC*—Delaware Court of Chancery addressing the difference between experts and arbitrators under Delaware law.

*May 21, 2019*

Personal Goodwill in Asset Acquisitions. Mark Sklarz, Jason Marsh, and Mark Campbell (CPA) presented on the use of personal goodwill allocations as a tax savings vehicle in the sales of businesses.

*June 18, 2019*

CBCA Revisions Subcommittee Report and War Stories Discussions. John Lawrence and Andrew Glassman will present a draft memorandum outlining the proposed Connecticut changes to the Connecticut Business Corporation Act to conform it with the Model Business Corporation Act. A roundtable discussion will follow in which practitioners will be permitted to share relevant war stories in practical, educational terms.

#### **CLE Programs**

Each of the programs listed above earned 1.0 CLE credit. The April program also earned 0.25 CLE credit in ethics.

#### **Legislative Activities**

The Business Law Section continued its continued review, monitoring and improving the Connecticut Business Corporation Act based upon changes in the Model Business Corporation Act. See the June 18, 2019 meeting entry above for the latest developments on that. The section continued to monitor legislative developments in a Protected Series LLC Act and an amendment to the Connecticut Limited Liability Company Act to permit Benefit LLCs.

# CHILD WELFARE AND JUVENILE LAW SECTION

Christopher N. Oakley, 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 committee 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 committee 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

To date for 2018-2019, the section held seven meetings. We had one meeting at the CBA Center in New Britain. Additionally, we held five meetings in Middletown, Cheshire, Berlin, New Haven, Rocky Hill, and Hartford, respectively, in an effort to boost attendance and interest in the section. Our next meeting is scheduled for September 12, 2019.

During our meetings, we had 7.25 hours of CLE credits. Our topics included:

- (1) *Anders* briefs Jay Sexton.
- (2) Litigating unexplained injury cases in the Juvenile Court by Rob Lewonka.
- (3) Wheeler Clinic's Reunification and Therapeutic Family Time Program by Emy McGaffin and Laura Campbell.
- (4) Court-ordered Evaluations by Dr. Ines Schroeder, Psy.D.
- (5) State of the Juvenile Court from the Judge's Perspective by Judge Bernadette Conway.
- (6) State of the Juvenile Court from the AAG's Perspective by Attorney Cindy Mahon.
- (7) Preserving Issues and Recognizing Final Judgments in Child Protection Cases by Jay Sexton.

In addition, we reviewed a *Point of Law* at each of our meetings. The topics included:

- (1) *In re Madison M.*, specific steps for incarcerated parents in termination of parental rights proceedings.
- (2) Acts Affecting Children; Public Act No 18-186—Timely Notice of Child Placements.
- (3) Legislative Hearing Report Albert J. Solnit Center South and the OCA Review of Circumstances Leading to the Death of Destiny G. September 26, 2018.
- (4) Reports on juveniles in detention for minor offenses.
- (5) *David Dubinsky v. Veronica Reich*, holding that guardians *ad litem* in the Juvenile Court are afforded absolute immunity; Child Advocate Report, Conditions of Confinement for Incarcerated Youth.
- (6) *In re: Jacob W. et al*, no ongoing parent-child relationship test for termination of parental rights proceedings.
- (7) Policing Connecticut's Hallways: The Prevalence and Impact of School Resource Officers in Connecticut.

We have reviewed and discussed multiple pieces of legislation from the Connecticut General Assembly and rule proposals with the Rules Committee. In particular, the Executive Committee voted to support HB 7189 – An act seeking an avenue for DCF and/or the child to reinstate the parents' parental rights when the child is over the age of 14, has been freed for adoption for more than three years, and has not been adopted. We presented our



position to the Legislative Policy and Review Committee and was approved to support the bill. We submitted written testimony in support of HB 7189.

Finally, for the 2019-2020 year, we have ten committee individuals to make up our Executive Committee. They are Trudy Condio, Katherine Dornelas, Bet Gailor, Peter Manko, Ellen Morgan, Chris Oakley, Anita Perito, Caitlin Rauchle, Jon Reducha, Philip Walker, and Catherine Williams. In addition, we hope to renew work with the Young Lawyers Section and their chair, Alison Toumekian. We hope to continue to provide quality CLEs for the section and continue to monitor pending legislation.

# COMMERCIAL FINANCE SECTION

Jane E. Ballerini, Chair

## Purpose

The Commercial Finance Section was formed to promote the educational and professional objectives of the Connecticut Bar Association within the practice area of commercial finance law. The Commercial Finance Section is comprised of attorneys and title insurance agents who actively engage in commercial finance transactions. The section focuses on educating its members and the broader CBA members on issues relating to commercial credit transactions including, without limitation, asset based and cash-flow lending under Article 9 of the Uniform Commercial Code, commercial real estate finance law and associated topics of contract law, insurance and administrative law.

## Annual Report

### Officers

The section's officers for the 2018-2019 year have been:

Chair, Jane E. Ballerini of Neubert Pepe & Monteith PC  
Vice-chair, Catherine A. Cuggino of Murtha Cullina LLP  
Secretary, Taylor A. Shea of Robinson & Cole LLP  
Treasurer, Bridget M. D'Angelo of Murtha Cullina LLP

### Meetings

The current Executive Committee was installed in the fall of 2018, and this leadership has met in person and telephonically throughout the year to discuss relevant issues in the commercial law arena, to coordinate future meetings with other section groups and to arrange for speakers at section dinner meetings which also provide continuing legal education.

The section is currently exploring joint meeting opportunities with other sections of the Connecticut Bar Association, in particular with the Real Property Section and Commercial Law and Bankruptcy Section. The first meeting for the upcoming year is intended to be a joint meeting with the Real Property Section in October 2019 to discuss enforceability of opinion letters for commercial transactions under contract law (or otherwise) and equitable concerns in connection with the issuing of opinion letters.

### Legislative Efforts

The section monitored the bills introduced into the General Assembly session this year, however, very few matters were introduced that would have been directly applicable to the Commercial Finance Section. The section did not take a position on any one proposed legislation.

We continue to screen for legislation that was introduced in past sessions but not passed (including the Uniform Protected Series Act and the Uniform Trust Code Act). The section will continue to work with other CBA sections to support future activities and legislation that could affect commercial finance practice in Connecticut.

# COMMERCIAL LAW AND BANKRUPTCY SECTION

Thomas J. Sansone, 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

### Section Accomplishments

The section kicked off its bar year with a dinner meeting at the Milford Yacht Club on Thursday, September 6, 2018. Prior to the meeting, the section conducted its first Executive Committee meeting of the year, at which the various standing committees provided updates on their respective activities, and the officers discussed programming for the upcoming year. The current officers recognized Jessica Grossarth-Kennedy for her exemplary service as the section’s chair for the past two years. The meeting itself featured a panel presentation, “What I Did over My Summer Vacation,” at which section members Jon Newton, Scott Rosen, and Tom Sansone provided a recap of their involvement in an interesting and complex Chapter 11 bankruptcy case (Re: Rosegarden Health and Rehabilitation Center) in which Jon Newton was appointed the Chapter 11 Trustee, following a motion by Scott Rosen’s client, People’s United Bank (in which Tom Sansone’s client, the employee union, joined) for such appointment. The presentation featured a discussion of the events precipitating the appointment of the Trustee, as well as the challenges faced by the Trustee following his appointment, most of which occurred during the summer of 2018.

On Thursday, October 4, 2018, the section presented the first annual Connecticut Bankruptcy Court Conference, an all-day event at Water’s Edge in Westbrook. Over 170 attendees earned 6.5 hours of continuing legal education credit, as they learned about the implementation of the new local rules of bankruptcy procedure, as well as variety of other topics, including a presentation on ethical considerations in bankruptcy cases. In addition to several section members who served as presenters, all three of the state’s bankruptcy judges (Chief Judge Julie A. Manning, Judge Ann M. Nevins, and Judge James J. Tancredi) also attended and served as presenters. Moreover, several non-section members, including no fewer than three national speakers, gave presentations. Following the event, attendees enjoyed a cocktail reception on the lawn of the resort. Section member and former Section chair, Bob Kaelin, chaired the committee that organized the event, working closely with association staff members, Suzanne Hard, Phanny Cahill, and Shirley Perrin. Attorney Kaelin was recognized for his extraordinary efforts at the section’s December meeting (discussed below), where he was presented with a plaque (as reported in the January/February 2019 edition of *Connecticut Lawyer*, on page 9).

The section’s November Executive Committee meeting and dinner program were postponed because of an early snowstorm on the evening of November 15, 2018. In December, the section held its annual joint holiday party with the Connecticut Chapter of the Turnaround Management Association on Monday, December 10, 2018, at the Quinnipiack Club in New Haven. The event was well attended, and as mentioned above, provided a wonderful opportunity to recognize Attorney Kaelin for his outstanding work on the Connecticut Bankruptcy Court Conference. Planning Committee member Nancy Kinsella presented Attorney Kaelin with a plaque and a gift certificate for a round of golf at a Hartford area course.

On Thursday, January 31, 2019, the section conducted its second Executive Committee meeting and, in addition to receiving reports on the section's finances and standing committees, members also voted to recommend an amendment to the section's bylaws, establishing two new standing committees, one dedicated to periodic review of the local rules of bankruptcy procedure, and a second establishing a bench/bar committee. Both of these committees had existed on an ad hoc basis, but the section believes that their work is so important that they merit standing committee status. Following the Executive Committee meeting, the section voted unanimously to approve the amendments (which have since been ratified by the Board of Governors). Following the vote, the members attended a dinner presentation at which they learned of the benefits of mindfulness/meditation through Deborah Brandt, founder of b2 Mindfulness. Approximately 30 section members attended, and the feedback was overwhelmingly positive.

Aside from the above-described programming initiatives, the section's committees have also been working hard on developing a more comprehensive pro bono program for indigent bankruptcy debtors. This committee, chaired by Matt Beatman, has met regularly and has reported frequently on its progress. The legislative committee, led by Chris Bowen and Joanna Kornafel, has been monitoring bills and other proposed legislation impacting the section's members' practices, and reported on the General Assembly's activity in the current legislative session at the most recent Executive Committee meeting. Erin Boatman chairs the section's Diversity/Inclusion Committee. Because of her absence at the most recent Executive Committee meeting, Attorney Grossarth-Kennedy gave a report on her behalf.

Other notable accomplishments include the section's submission of an amicus brief to the Connecticut Supreme Court on behalf of the association. Section members Robert White, Irve Goldman, Charles Maglieri, and Tom Sansone took on the duties of researching and writing the brief, with assistance from Proloy Das of Murtha Cullina LLP. The brief was filed last summer, and we are awaiting the high court's ruling. Finally, we are delighted to learn that several individuals, including one student in the University of Connecticut School of Law's evening program, accepted the association's invitation to "test-drive" our action, and have decided to join.

On March 19, 2019, the section presented a half-day CLE on the basics of bankruptcy law at the association's offices in New Britain. The program was designed for practitioners who do not regularly appear in Bankruptcy Court. Section Vice-chair Roberta Napolitano and Bob Fleischer were the co-presenters for the program, which was attended by approximately 30 lawyers, the vast majority of whom are not regular bankruptcy practitioners.

The section conducted three more dinner meetings on March 30, April 28, and May 16. The March meeting, at The Hartford Club, featured a presentation by Connecticut Supreme Court Chief Justice Richard Robinson on the topic of civility and diversity and inclusion in the legal profession. On Tuesday, April 30, 2019, the section held the program at The Hartford Club that had been originally scheduled for last November, when Judge Antonio Robaina (Ret.) spoke about effective mediation practice. Finally, at the May meeting, also held at The Hartford Club, attendees enjoyed a sneak preview from the three panelists (Irve Goldman [pinch-hitting for his partner, Jon Kaplan], Kara Rescia, and Jeff Sklarz), who will be presenting the annual update of commercial litigation, business bankruptcies, and consumer bankruptcies at the Connecticut Legal Conference in June. Also at that meeting, the section recognized the recipients of the fourth annual "CLABBY Awards" for (a) career achievement (Bob White), (b) service to the profession (Tom Gugliotti), and (c) rising star (Paige Vaillancourt).

#### **Projects Extending Into Next Year**

Aside from the ongoing work of the section's standing and ad hoc committees, the overwhelming success of last October's Connecticut Bankruptcy Court Conference has made the decision to hold another one in 2019 an easy one. Bob Kaelin has graciously agreed to reprise his role as planning committee chairman, and has already convened several meetings of that committee. The date for that event will be Thursday, October 3, 2019. Due to space concerns, the venue has been changed to St. Clement's Castle in Portland, CT.

#### **Miscellaneous**

This section's officers serve two-year terms, and elections are held in even-numbered years. Thus, there will be no election in 2019, and Tom Sansone will continue to serve as chair. Likewise, Roberta Napolitano and Kristin Mayhew will continue to serve in their respective roles as vice-chair and secretary/treasurer.

The section's finances are in excellent condition, and attendance at events has been robust and enthusiastic.

# CONSTRUCTION LAW SECTION

Thomas G. Librizzi, 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

### Section Officers and Liaisons

Under the section's bylaws, each officer serves a two-year term. The current slate of officers was elected at the section's March 15, 2017 meeting, their terms to be effective as of July 1, 2017 and run to June 2019. The current section officers are:

|                  |            |
|------------------|------------|
| Thomas Librizzi  | Chair      |
| Donald Doeg      | Vice-chair |
| Michael Donnelly | Secretary  |
| Laurann Asklof   | Treasurer  |

In accordance with the leadership succession plan set forth in the section's bylaws, my term as chair expires in June 2019. The bylaws further provide that each remaining officer shall succeed to the next highest officer position upon the completion of their terms, and that the rising chair shall select a member of the Executive Committee to fill the vacant treasurer's position. Martin Onorato has been selected to fill the treasurer's position. Therefore, the officers for the two-year term running from July 1, 2019 through June 30, 2021 will be:

|                  |            |
|------------------|------------|
| Donald Doeg      | Chair      |
| Michael Donnelly | Vice-chair |
| Laurann Asklof   | Secretary  |
| Martin Onorato   | Treasurer  |

The section's liaison appointees were:

|             |                                      |
|-------------|--------------------------------------|
| Legislation | Martin Onorato and Frederick Hedberg |
| Membership  | V. Michael Simko                     |
| Publicity   | Michael V. Pepe                      |
| Website     | Steven Lapp                          |
| Education   | Laurann Asklof                       |

### Meetings and Programming

In accordance with CBA directives, the section had four educational programs. We also held four Executive Committee meetings.

The first combination educational program, section meeting, and Executive Committee meeting was held in September 2018. This was a joint program meeting with the ADR Section that included a presentation on Connecticut's new Uniform Arbitration Act. The guest speakers were Steven Kaplan, Houston Lowry, and David Reif.

Next, on October 30, 2018, we had the section's annual construction law program at CCSU, where we had a program highlighting the challenges and complexities of Constructing UConn's Innovation Partnership Building. The presenters were Brian Gore (UConn's director of project program management), the project architect from Skidmore Owings & Merrill LLP and a representative from the Project's Construction Manager, Skanska. On December 6, 2018, an Executive Committee Meeting was held.

The next combination section meeting, educational program, and Executive Committee was held on April 19, 2019. The educational program was a presentation on proving and defending loss of laborers productivity claims. The presenters were Steve Lapp and Justin Garcia (members of the Section's Executive Committee), and Eric Schatz (a senior claims analysis from Arcadis).

Another Executive Committee meeting is scheduled for June 3, 2019 which will address, among other things, planning for educational programs to take place in the fall of 2019.

Finally, the last section meeting and educational program of the 2018–2019 term will be held on June 10, 2019 at the CBA Connecticut Legal Conference. As has become customary over the past several years, the section will present on new developments in construction law, including recent case holdings of note and legislative updates.

### **Publications**

Carrying on a longstanding and valuable annual project, the section once again produced its annual *Construction Case Law Summary*, detailing important court decisions and legislative developments that affected the construction industry in Connecticut during 2018. 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 10, 2019 at the CBA Legal Conference.

### **CCSU Scholarship Fund**

Approximately 16 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 enable the University to provide \$3,000 worth of scholarships sponsored by our section to students in the current academic year and with plans to continue the scholarships in the future. This total sum of \$3,000 is comprised of \$1,500 from the already-endowed CCSU scholarship fund plus an additional \$1,500 of section earmarked funds.

# CONSUMER LAW SECTION

Daniel S. Blinn, Chair

## **Purpose**

The purpose of this section shall be to promote the objectives of the Connecticut Bar Association relative to the field of consumer law. This section has programs for the education of its members who come from both the public and private sector and who are concerned with consumer protection. Members represent both business interests and consumer interests.

## **Annual Report**

This bar year, the Consumer Law Section continued to work on enlarging its section membership. Periodic reports about developments in the field, including trends and case decisions, were distributed to section members.

Members were also invited to and attended programs of the Antitrust and Trade Regulation Section with Attorney General William Tong.

The section was actively involved in supporting the extension of the superior court's Foreclosure Mediation Program, which had been scheduled to sunset later this year.



## **Purpose**

The purpose of the Criminal Justice Section is to provide a forum for the discussion of criminal law issues of common interest to members of the federal and state Judiciary, the criminal defense bar, and prosecuting attorneys.

## **Annual Report**

The section conducts meetings throughout the year in order to explore and discuss issues relevant to the field of criminal justice. At section meetings, guest speakers address topics of current interest to members. The section also tracks Connecticut legislative developments relevant to criminal law.

### **Continuing Legal Education**

The section co-sponsored a CLE with the Medical Marijuana Section in October 2018 on the Essentials of Cannabis Law, regarding the regulation of marijuana from the civil and criminal perspective.

### **Meetings**

The section also held the following dinner meetings in the 2018-19 year, for which entailed CLE credit was also given:

In September, Hartford attorney and Aspen Institute Scholar Michael Chase spoke on "How Everything became a Federal Crime, and How to Fix it," concerning the over-criminalization of federal criminal law and regulations.

In October, Appellate Court Judge Michael Sheldon, along with Superior Court Judges Joan Alexander and Courtney Chaplin, gave their unique perspectives on counsel do's and don't's when appearing on criminal cases before them.

In December, Assistant Federal Public Defender and former State Assistant Public Defender Moira Buckley, along with First Assistant US Attorney and former Deputy Chief State's Attorney and Commissioner of the state Department of Public Safety Leonard Boyle, spoke about the differences and similarities between state and federal practice, and some ongoing changes to the federal system.

In March, Superior Court Judge Hope Seeley spoke about First Amendment issues; specifically, recent state appellate court developments in "true threats" and "fighting words" jurisprudence.

Finally, in May, Superior Court Trial Referee Jon Blue spoke on the genesis of the Connecticut Constitution of 1818, changes made to then existing law, and its effect on criminal law jurisprudence in the state.

## Purpose

The Education Law Section brings together education lawyers to discuss matters of mutual interest. Lawyers who practice in the area of special education or labor law, hearing officers, litigators, lawyers who are teachers, and school administrators are members. The Education Law Section has an Executive Board consisting of 12 attorneys who practice in the field of education law, representing parents and students K-12 or in college or boards of education throughout Connecticut.

## Annual Report

The section sponsored several well-attended CLE programs between May 2018 and June 1, 2019, as follows:

### *May 11, 2018*

We presented, "Title IX, Sexual Harassment, and Violence in Schools: The Current State of the Law." The CLE featured nationally recognized Adele Kimmel from Public Justice in Washington, DC, as well as Felice Duffy, Waterbury State's Attorney Maureen Platt, and Assistant State's Attorney Catherine Austin. The program was very well-received by participants.

### *September 20, 2018*

We held a CLE training entitled, "The Essentials of School Expulsions," discussing the nuts and bolts of expulsion hearings. Speakers included Erin Shaffer from New Haven Legal Assistance; Peter Haberlandt, attorney for the Commissioner of the State Department of Education; Charlene Russell-Tucker, chief operating officer for the Department of Education; and Michele Lubin. This CLE was well-attended and, according to the CBA, was one of the most highly rated CLE programs the CBA has held.

### *November 13, 2018*

Our section presented a third CLE entitled, "Student Data Privacy: How Secure are Student Records?" Program speakers were Benjamin P. Frazzini Kendrick, of Locke Lord LLP who presented an overview of federal and national privacy laws, and Douglas Casey of the Commission for Educational Technology in Hartford who presented on how to operationalize the law and best practices in schools.

### *December 6, 2018*

At the request of Bill Chapman, Chair Bet Gailor and CLE Liaison Maria Morelli Wolfe participated in the 2019 Rule of Law Conference at the Legislative Office Building. Keynote speaker Asha Rangappa, a former FBI Agent, senior lecturer at Yale University, and CNN Contributor addressed the question, "What is the Rule of Law, and Why Does it Matter?" The program inspired Bet and Maria to consider ways in which the Education Law Section might continue to further the goals of this conference throughout the next bar year.

### *April 4, 2019*

Education Law Section Chair Bet Gailor and CLE Liaison Maria Morelli Wolfe partnered with the Health Law Section, the CBA, and the US Attorneys Office for the District of Connecticut to present a free screening of the film, *Resilience: The Biology of Stress and the Science of Hope* at UConn Law School. Speakers included the Hon. Maria Kahn, Justice of the Connecticut Supreme Court and David R. Johnson, Ph.D. of the Post Traumatic Stress Center at Yale University School of Medicine.

Another session on the impact on trauma and adverse childhood experiences on both children and adults will be presented at the CBA's annual law conference to be held June 10, 2019. The Education Law Section's CLE Liaison Maria Morelli Wolfe will be one of the presenters at the conference.

## Purpose

The purpose of the Elder Law Section is to discuss and consider issues in elder law, promote the continuing education of CBA members and the general community, monitor and develop positions with respect to proposed legislation and regulatory action involving the elderly, and to foster relationships between attorneys and private, public, and governmental organizations dealing with the elderly.

## Annual Report

Paula Boa Sousa, Chair

James Young, Vice Chair

Carmine Perri, Treasurer

Kathleen Tetreault, Secretary

This year the Elder Law Section of the CBA continued its policy of open meetings for all section members. (All meetings were, however, noticed as Executive Committee meetings for voting purposes under the section's bylaws.) Attendance at the meetings continued to be strong with an average of 40 to 50 members at each meeting. New members were welcomed each meeting with a public request that they introduce themselves. All members are continuously encouraged to join committees and have a more integral role in the section.

Most notable of these meetings was the April 2019 meeting held at the University of Connecticut School of Law. Close to 90 law students, probate judges and clerks, and Elder Law Section members came together for a presentation on the new Conservator Standards of Practice. Sandra Sherlock-White and Tanya Spurlin are credited with tackling all of the logistical nuances involved to make this program a reality. The event was a great representation of our section's ability to bring together people from various disciplines (i.e. education, the courts, and private practice) to promote education, with respect to elder law matters, among us all.

As in past years, our Veteran's Project continued on. Led by Peter Smith, members were encouraged to volunteer for pro bono workshops across the state to assist veterans and their families with estate planning documents. This initiative is our section's way of giving back to those who have given us so much. We are grateful to Peter Smith for continuing to lead this effort.

Further, our section continued to remain fiscally sound. As of the writing of this report, our net income for the year is \$9,383.27. We continue to promote the sponsorship of our meetings in an effort to offset the cost of our outside lobbyist, and underwrite the cost of law students to attend our meetings. By inviting law students to attend our meetings at no cost, we are fostering the next generation of section leaders.

### Continuing Legal Education (CLE)

Co-chaired by Tanya Spurlin and Claudia Englishby

A tremendous amount of work goes into producing the continuing education portion of our meetings month after month, and our day-long CLEs. This effort is ably led by Tanya Spurlin, as co-chair in charge of monthly meetings, and Claudia Englishby as co-chair in charge of day programs. This year the CLE committee coordinated programming, which resulted in a total of 20.0 credits. This programming included the following:

1. "Community First Choice: Eligibility, Application, and Benefits," presented on 9/25/18 by Kathleen Tetreault and Dawn Lambert
2. "Hospice Benefits and Care Services," presented on 10/16/18 by Cynthia Roy
3. "Comparing and Contrasting Long Term Care Partnership Policies and Hybrid Policies," presented on 11/20/18 by Aldo Pantano and Andrew Komarow
4. "Residents Rights in Long Term Care Facilities," presented on 12/11/18 by Mairead Painter, Donna Ortelle, and Andrew Knott
5. "New VA Pension Rules: The Good, the Bad and the Ugly," presented on 1/15/19 by Rebecca Hajosy
6. "Medicaid Recovery in Connecticut," presented on 2/19/19 by Suzanne Brown Walsh and Lisa Starron
7. "Caregiver Agreements," presented on 3/19/19 by Malcolm Barlow
8. "Conservator Standards of Practice (effective 7/1/18)," presented on 4/24/19 by Judge Paul Knierim, Judge Jeanine Lewis, Judge Peter Barrett, and Sandra Sherlock White
9. "Welfare Programs Eligibility and Transfer Penalties," presented on 5/21/19 by Lisa Davis and Jean Mills Aranha
10. "Tax Issues in Elder Law," presented on 3/1/19 by Deborah Tedford, Mark Dost, and Joseph Cipparone
11. "Practitioner's Guide to Practicing Elder Law," presented on 4/26/19 by Danielle Ferrucci, Bob Wyld, Kelley Galica Peck, Robert Santoro, Jennifer Reale, Paul Czepiga, and Mark Dubois
12. "Elder Abuse and Exploitation: Medical and Legal Joint Perspectives," to be presented at the CBA Annual Meeting by Carmine Perri and Dr. Harry Morgan

### **Legislative Workgroup**

Chaired by James Young

Our vigorous legislative efforts continued this year, with Jim Young at the helm. Members stepped forward to provide written and oral testimony, prepare writings to refute fiscal notes, and redraft legislation. There were perennial issues such as advocating for an increase in the Community Spouse Protected Amount, an increase in the Personal Needs Allowance, and retroactive eligibility for the Connecticut Homecare Program for Elders.

There was also the issue of the Unauthorized Practice of Law, which continues to be of great concern to our members. Too many of our clients have been misled by entities purporting to be in the position to provide legal advice with respect to Medicaid applications. A CBA task force was formed at the beginning of this year with respect to this matter, and our section was ably represented by Carmine Perri. Unfortunately, little has come of this group. Further, we continue to be unsuccessful in obtaining CBA approval to provide legislative advocacy with respect to this matter. It is my sincere hope that the CBA can recognize this great concern and work with us to seek a resolution to this matter.

Finally, there were certain issues that came into greater focus this year. They are as follows:

- *Handel* – The committee worked to oppose legislation that would compromise the decision in *Handel v. Commissioner of Social Services*, which requires that DSS issue a fair hearing decision within 90 days.
- Medicare Savings Program – Through constant communication with our lobbyist in connecting with key decision makers, and our grassroots network of members who reached out to their legislators, we have (thus far this session) been able to keep the legislature from altering the eligibility requirements for the Medicare Savings Program.
- Supported Decision Making – A workgroup comprised of Deborah Tedford, Christine Tenore, Kathleen Tetreault, Scott Rosenberg, and Erin Duques quickly and effectively worked to revise legislation to permit a person with a disability to enter into a supported decision making agreement with another person. This legislation was sponsored by a key legislator, and with the help of our lobbyist we learned early on that it was likely to gain traction. While the overall purpose of this bill was good, much of the language was problematic and needed revisions. This group came together and put forth a valiant effort to come up with language we could stand behind.

- Prior Title Holders Bill – This piece of legislation is one that we have worked on for years in an effort to keep DSS from being able to supersede prior lien holders. Lisa Davis of our section has worked tirelessly on this effort. At the writing of this report, we continue to promote the bill, while also ensuring language added, as the bill makes its way through the legislative process, does not lead to unintended consequences.

In the 2018-2019 fiscal year, the section remained as dedicated as ever. We continued to provide education opportunities for our members, provide legislative advocacy that serves the best interest of our clients, and continued to weave a web of stakeholders by bringing together private attorneys, legal aid attorneys, probate judges, students, and government entities. This section is tremendously fortunate to have so many dedicated individuals committed to advocating for the elderly. It is good fortune that will serve us well into the future.

# ENVIRONMENTAL LAW SECTION

M. Anne Peters, 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

This year, the section again varied its customary meeting formats, times, and locations in order to expand and diversify our active membership and include more junior level attorneys, government attorneys, attorneys at nonprofits, and small-firm attorneys.

### Full Section Meetings

*November 8, 2018*

Connecticut DEEP's Priorities, Challenges and Opportunities in 2019 and the Clyde O. Fisher Award Honoring Westmoor Park, at the Eli's on Whitney, Hamden. The section opened the meeting with the presentation of the 2018 Clyde O. Fisher Award to Westmoor Park. UConn School of Law Dean Timothy Fisher opened the presentation with remarks about the award's purpose and history. Tim Hollister presented the award, which was accepted by Douglas Jackson and Helen Rubio-Turco on behalf of the organization. Department of Energy & Environmental Protection Commissioner Robert Klee concluded the evening with a presentation on current developments and challenges facing the agency in the next year. *CLE Credit: 1.0 CT CLE Credit.*



*December 5, 2018*

Renewable Energy in Commercial and Large Scale Residential Projects, joint meeting of the Energy, Public Utility and Communications Law Section; Environmental Law Section; and Planning and Zoning Section. The sections met with CBA members; Yale School of Forestry and Environmental Studies students; members of the regulated community; and regulators at Kroon Hall, Yale School of Forestry, and Environmental Studies. The panel discussed practical aspects of renewable energy projects for commercial and large-scale residential developments from the perspectives of a developer, lender, and utility. The discussion was moderated by Bryan Garcia, president and CEO of Connecticut Green Bank. Speakers included, Dave Ferrante, manager, Distributed Energy Resources and Technology, Eversource; William Herchel, co-founder and CEO, Verogy; and Elizabeth "Liddy" Karter, managing director, Enhanced Capital Partners, LLC. *CLE Credit: 1.5 CT CLE Credits.*



*February 7, 2019*

Environmental Issues and Initiatives for the 2019 Legislative Session: Three Perspectives, joint meeting of Environmental Law Section and UConn Center for Energy & Environmental Law, Starr Reading Room, UConn Law School. Speakers: James Albis, senior advisor to the Commissioner; Eric Brown, vice president, Connecticut Business and Industry Association; and Claire Coleman, Connecticut Fund for the Environment. Representatives from CTDEEP, an environmental advocacy group and the environmental and energy council of a business advocacy group discussed their respective legislative, regulatory and enforcement priorities for the 2019 Legislative Session and the year. *CLE Credit: 1.0 CT CLE Credit.*



*April 9, 2019*

2nd Annual "Evening of Connecticut Environmental Leadership" presented jointly by CBA's Environmental Law Section, Environmental Professional Organization of Connecticut (EPOC), Connecticut Environmental Forum (CEF), and Society of Women Environmental Professionals (SWEP-CT) at the Yale Peabody Museum. Ms. DeSombre, the Camilla Chandler Frost Professor of Environmental Studies at Wellesley College spoke on "Why Good People Do Bad Environmental Things: The Social Causes and Consequences of Environmental Problems." *CLE Credit: 1.0 CT CLE Credit.*



*April 24, 2019*

Taking an Appeal to the DEEP: Demystifying the Process, at The Pond House Café, West Hartford. Moderator: Holly Winger, Brenner Saltzman & Wallman LLP. Speakers: Janice B. Deshais, director, Department of Energy and Environmental Protection Office of Adjudications; Timothy S. Hollister, Shipman & Goodwin LLP; and Christopher Marchesi, president, Triton Environmental Inc. Program Description: Members of the environmental community tend to sit up and take notice of the process for appealing DEEP orders only when notable decisions come out which affect all our practices. But many of us really do not know the process which leads to those rulings or how to effectively present points in a way most likely to lead to the rulings that we want for our clients. *CLE Credit: 1.5 CLE Credits | NY: 1.5 CLE Credits*



*June 18, 2019*

Annual Clyde O. Fisher Award Dinner and Recent Successes in Land Conservation in Connecticut at Diorio's Restaurant and Bar. The section will present the 2019 Clyde O. Fisher Award to former section Chair Attorney Gregory A. Sharp; his late wife, Penelope Chester Sharp; and to Catherine Rawson, executive director, Weantinoge Heritage Land Trust. In addition, Connecticut Land Conservation Executive Director Amy Blaymore Paterson will provide an overview of land conservation efforts in Connecticut with case studies from across the state and a review of conservation programs, tools including CLCC's Model Conservation Easement, and relevant CGS statutes. *CLE Credit: 1.0 CT CLE Credit.*

### **Executive Committee Meetings**

The Executive Committee of the Environmental Law Section met electronically in early April 2019, to discuss supporting legislation to shorten the time period during which the Department of Energy and Environmental Protection may conduct an audit of a verification filed pursuant to the Transfer Act, Conn. Gen. Stat. Section 22a-



134 *et seq.*, which governs remediation of certain industrial and commercial properties in Connecticut at the time when ownership of an establishment is transferred. The Executive Committee approved the position request by a vote of 16 to 1 with one abstention. The Legislative Policy Review Committee approved the section's request on April 11, 2019.

#### **Continuing Legal Education**

The section arranged for CT CLE Credit for each of its full Section meetings and New York CLE Credit for its April 24 meeting.

In addition, the section's program planned for the June 10, 2019 Connecticut Legal Conference has been approved for 1.0 hours of CT and NY ethics credit. The program, entitled, "Ethical Considerations in Environmental Law," will address ethical pitfalls in environmental matters—in transactions, administrative proceedings, and litigation—including conflicts of interest, bias, prejudgment, *ex parte* communications, confidentiality, special issues of competency, emergency response, dealing with consultants and experts, addressing the media, and how and when to present information to adversaries and/or regulators. Real-life examples will be used to illustrate the points being made in the presentation. Moderator: Nancy K. Mendel, Winnick Ruben Hoffnung Peabody & Mendel LL. Speakers: Christopher P. McCormack, Pullman & Comley LLC and Dwight H. Merriam, Attorney at Law, Weatogue. *CLE Credit: 1.0 Hours (CT: 1.0 Ethics; NY: 1.0 Ethics)*

#### **Legislative Efforts**

Christopher P. McCormack also testified on behalf of the Connecticut Bar Association's Environmental Law Section in support of HB 5185, "An Act Concerning Consent Orders Entered Into by the Department of Energy and Environmental Protection." HB 5185 would clarify that DEEP cannot unilaterally revoke an administrative order that has been negotiated and issued with the consent of a regulated party. The section's position was and is that such a clarification serves the public interest.

## Purpose

This section works to constantly improve the quality of the section members' practice of family law by providing CLE in various aspects of family law at the section's monthly meetings and at the Connecticut Legal Conference each year in June, by discussing the latest family law appellate decisions at monthly meetings, by working with the legislature to improve the state's family law statutes, by working with the judiciary on Practice Book revisions and family court issues, and by taking positions and arguing those positions in *amicus curiae* briefs.

## Annual Report

### Meetings

This year, the section held six regular section meetings, four "live" Executive Committee meetings, three Executive Committee conference call meetings, and, it is anticipated, will hold its fourth and final Executive Committee conference call meeting on June 18, 2019.

#### *September 12, 2018*

We held our first Executive Committee Meeting of the year at the Graduate Club in New Haven. CBA President Jonathan Shapiro joined us for a question and answer session.

#### *October 9, 2018*

We held our first regular Family Law Section meeting of the year at the Quinnipiack Club in New Haven. We voted for the creation of a diversity scholarship in the name of Allen Gary Palmer, a wonderful person and past section chair, who died far too young, in July, 2018. We also had a discussion and vote on two proposed Practice Book Rule changes, and created a Rule Revision subcommittee. Our one credit CLE was a presentation on the new tax bill and its Impact on family law.

#### *November 1, 2018*

We held our first Executive Committee conference call meeting of the year to discuss a time sensitive matter—an invitation we had received from the Supreme Court to file an *amicus curiae* brief in the case of *Boisvert v. Gavis*, SC 20049/20053.

#### *November 13, 2018*

The Executive Committee held its second "live" meeting of the year, immediately prior to the regular section meeting, to discuss again an invitation from the state Supreme Court to file an *amicus curiae* brief in the case of *Boisvert v. Gavis*, SC 20049/20053, and to vote on whether to accept the invitation (we voted yes) and to take a position.

#### *November 13, 2018*

We held our second regular Family Law Section meeting of the year, this time at Testo's Ristorante in Bridgeport. We discussed the amicus brief in *Boisvert v. Gavis* with the entire section, and the Uniform Family Law Arbitration Act. We had a one credit CLE presentation on mediation by Judge Jane B. Emons (ret.).

#### *December 11, 2018*

We held our third regular Family Law Section meeting of the year at the Quinnipiack Club in New Haven. We discussed the status of the amicus brief. We also enjoyed holiday entertainment by the Doox, a Yale male/female acapella group.

*January 8, 2019*

The Executive Committee Meeting held its third “live” meeting of the year at the Graduate Club in New Haven.

*February 12, 2019*

The regular Family Law Section meeting was cancelled due to weather, but we held our EC meeting by conference call to discuss various pieces of legislation.

*February 26, 2019*

We quickly called and held an Executive Committee meeting to decide whether to accept another time sensitive invitation from the Connecticut Supreme Court to file an amicus brief in the case of *In Re Zakai F.*, SC 29234, which we decided was outside of our field of expertise. We also had a further discussion of a proposed revision to Practice Book Rule 25-5.

*March 12, 2019*

We held our fourth regular Family Law Section meeting at the Quinnipiack Club in New Haven. We had a report from our legislative subcommittee. Our CLE consisted of Appellate Case Updates (0.25 Credit) and a presentation on divorce and special education law (1.0 Credit).

*April 16, 2019*

We held our fourth “live” Executive Committee meeting, immediately before our regular section meeting, to discuss proposed legislation.

*April 16, 2019*

We held our fifth regular Family Law Section meeting at the Inn at Middletown. We had Appellate Case Law Updates (0.25 Credit). Then, Professor Doug NeJaime of Yale Law School presented a tutorial and discussion concerning the Uniform Parentage Act, attempting to show our members how Connecticut would benefit, in his opinion, by enacting similar legislation (1.0 Credit). One CBA member who is not a section member, of the six or so members who had been contacted by the section chair to invite them to try out a meeting, joined us at this meeting.

*May 15, 2019*

“The Annual Judges Meeting.” We held our sixth and final regular Family Law Section meeting, with a panel of six family law judges, at the Milford Yacht Club. A portion of the meeting consisted of a tribute to Allen Gary Palmer. This was followed by a question and answer session with the judges (1.0 Credit).

*June 10, 2019*

As it does every year, the Family Law Section will present at the 2019 Connecticut Legal Conference in Hartford.

*June 18, 2019*

It is anticipated that this will be the final Executive Committee meeting of the year. It will be held for the purpose of discussing whether we are ready to take a position on the UPA, which the state legislature may take up in next year’s legislative session, and to discuss other legislation.

# FEDERAL PRACTICE SECTION

Robert M. Frost and Kristen L. Zaehring, Co-chairs

## Purpose

The Federal Practice Section provides lawyers who practice in Connecticut's federal courts with opportunities for social interaction and education. Working with the district and magistrate judges, who are ex officio members of the Executive Committee, and 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 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 biennial bench-bar conference. As a whole, or through its committees, 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

The Executive Committee held various meetings throughout the year to discuss finances, presentation planning, section goals, and issues of concern to the section and the court.

The section held, or co-sponsored, the following events throughout the year:

### *October 26, 2018*

The section held its biannual Bench-Bar Conference at St. Clement's Castle in Portland. Judge Victor Bolden opened the conference and welcomed the attendees and presenters, after which Chief Judge Stefan Underhill gave an update about the state of the District. At the luncheon, Judge Arterton presented the Pro Bono Award to Amanda C. Nugent from Carmody Torrance Sandak & Hennessey LLP, and Judge Underhill presented Moy N. Ogilvie from McCarter and English LLP with the Raymond B. Green Award. The luncheon concluded with a gift and thank you to Judge Hall in recognition of years of service as our chief judge (2013-2018).

The remainder of the event consisted of three panel discussions: (a) a panel discussing significant cases and trends in the upcoming Supreme Court term, presented by Beth S. Brinkmann (partner, Covington & Burling LLP) and Professor Judith Resnik (Arthur Liman Professor of Law, Yale Law School); (b) a panel discussing the financial and ethical aspects of litigation funding, moderated by Adam S. Mocchiolo (Pullman & Comley LLC) with Ken Epstein (investment manager and legal counsel, Bentham IMF, New York), Hon. Allan L. Gropper (ret.) (adjunct professor of law, Fordham University), Nicholas F. Kajon (partner, Stevens & Lee, New York), and Edward Reilly (principal, Themis Legal Capital, New York); and (c) a panel discussing US immigration and the next wave of family separation litigation, moderated by Erin O'Neil-Baker (principal, Hartford Legal Group), with Anand Balakrishnan (staff attorney, American Civil Liberties Union Immigrants' Rights Project, New York), Professor Michael J. Wishnie (William O. Douglas Clinical Professor of Law, Yale Law School), and Anthony Enriquez, (director, Unaccompanied Minors Program at Catholic Charities Community Services, New York).

### *January 16, 2019*

The section presented a program moderated by Anne Louis Blanchard (Connecticut Legal Services) explaining the process by which federal district judges are selected in Connecticut. The panel included the following members of the Federal Advisory Committee formed by the Connecticut's US Senators: Hon. Anne C. Dranginis (ret.); Rich Kehoe, state director, US Senator Richard Blumenthal; Kenny Curran, state director, US Senator Chris Murphy; and Estela Lopez, Federal Advisory Committee member.

### *February 13, 2019*

The section co-sponsored, along with the Antitrust and Trade Regulation Section, a program entitled, "Anatomy of a Class Action." As the title suggests, the program consisted of experienced federal and state court jurists, as well as seasoned counsel for plaintiffs and defendants, discussing many of the key components of class action practice, such as class certification, special rules with respect to summary judgment, and settlement issues. James T. ("Tim") Shearin of Pullman & Comley LLC acted as moderator for the discussion. Speakers included: Hon. Warren W. Eginton, senior US district judge, United States District Court; Hon. Thomas Moukawsher, Connecticut Superior Court judge; Robert A. Izard, Izard Kindall & Raabe LLP; and Kim E. Rinehart, Wiggin and Dana LLP.

*March 13, 2019*

Section Co-chair Kristen Zaehring moderated a program entitled, "Federal Discovery A to Z." This "skills-based" CLE program gave attendees a complete overview of the discovery process, including how to approach a 26(f) report, highlights of district-specific standing orders and initial protocols, strategies for propounding and/or serving written discovery devices, and common disputes over depositions. Speakers included: Hon. Sarah A.L. Merriam, US magistrate judge; Claire M. Howard, Madsen Prestley & Parenteau LLC; Brian E. Tims, Halloran Sage; and Joshua R. Goodbaum, Garrison Levin-Epstein Fitzgerald & Pirrotti PC.

Upcoming events include the following:

- On **May 23, 2019**, the section and the Federal Bar Council will be co-sponsoring a reception at Ralph and Rich's Restaurant in Bridgeport to congratulate and celebrate the Hon. Kari A. Dooley's appointment to the United States District Court for the District of Connecticut.
- On **June 10, 2019**, the section will present a program at the Connecticut Legal Conference, co-chaired by Gary Klein (Carmody Torrance Sandak & Hennessey LLP) and Brian Wheelin (Robinson+Cole) and joined by the Hon. Vanessa Bryant, US District Court Judge. The panel will be discussing how to prepare for and conduct your first civil trial in federal court. Topics will range from preparation of the joint trial memo, to preparation for the final pretrial, to presenting the case at trial.
- The section's year will end on **June 19, 2019**, with the traditional Bench-Bar Social at Pine Orchard Yacht & Country Club in Branford.

# HUMAN RIGHTS AND RESPONSIBILITIES SECTION

Alix Simonetti, Chair

## **Purpose**

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

## **Annual Report**

### **Meetings**

Meetings are always open to all section members. The section attempts to meet several times a year, but, generally, the section communicates with its members via e-mail.

### **Continuing Legal Education**

2018-2019 was a quiet year for the section. The section again monitored legislation being considered on the Aid in Dying bill, human trafficking, gender identity or expression protections and protection of. We also continue to monitor the budget battles to ensure that the Commission on Human Rights and Responsibility (CHRO) retains adequate funding especially to handle all the discrimination complaints that it faces and the new responsibilities the legislature imposes. The section is organizing CLEs for section meeting CLEs or separate CLEs in 2019-2020 to address gender identity or expression (considering binary and non-binary nonconforming identity), and human trafficking. We are also looking at ICE practices and the rights of immigrants.

# INSURANCE LAW SECTION

Elizabeth F. Ahlstrand, Chair

## Purpose

The Insurance Law Section ("Section" or "ILS"), includes approximately 200 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

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

### Programs

We are pleased to report that by the conclusion of fiscal year 2019, the ILS will have conducted and/or co-sponsored six CLE programs, including a day-long symposium at the University of Connecticut School of Law and presentation at the Connecticut Legal Conference.

### Legislative Efforts

Legislative review and communication efforts were well-coordinated and timely. Our legislative liaisons provided detailed regular reports at meetings and via e-mail.

### YLS/UConn School of Law Involvement

For a number of years now, we have had very direct involvement and participation in the Section by the Young Lawyer's Section ("YLS") contingent. 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. This year, ILS Vice Chair Theresa Guertin attended an early meeting of the YLS to tell its membership about the Section and personally invite them and encourage them to attend our meetings and programs. We also were pleased to have Peter Kochenburger, associate clinical professor of law and executive director of the Insurance LLM Program and deputy director of the insurance law center, continue to serve on the ILS' Executive Committee ("EC").

### Membership

Our membership stayed at approximately the same level as in fiscal year 2018.

### 2018-2019 Meetings and Events

The meetings and events held to date are as follows:

#### *August 21, 2018 Executive Committee Meeting*

An initial meeting of Executive Committee members was held via telephone conference. Program planning for the year was discussed, as the need for a long-term plan for the Disaster Relief Hotline. A tentative agenda for the coming year was set and the new leadership team was approved. A revision needed revision to the Section's bylaws to coincide with the CBA's bylaws as previously approved by e-mail vote of the EC was recapped.

#### *September 17, 2018 Executive Committee Meeting*

The second meeting of the Executive Committee was held via telephone conference. Melissa Cordima (treasurer and co-education liaison) presented the treasurer's report and a more finalized schedule of programs for the

upcoming year. The programs were discussed as well as two liaison position vacancies (website liaison and publicity liaison).

#### *September 24, 2018 Section Meeting and Happy Hour*

The first full meeting of the Section was held at Agave in Hartford. While mostly a social event to kick-off the year and welcome new members to the Section, a meeting was held. The chair welcomed attendees and presented the brief agenda. Melissa Cordima (treasurer and co-education liaison) presented the treasurer's report and the schedule of programs for the upcoming year. She invited all ILS members to provide any additional program ideas they might have and/or to volunteer to help with the topics already confirmed. Hugh Hughes (legislative liaison) presented the brief legislative report.

#### *October 29, 2018 CLE Program*

This CLE program, "Representations and Warranties Insurance in M&A Transactions," was held at the CBA Law Center in New Britain. It was co-sponsored by the ILS, YLS, and Business Law Section. The program was presented by David Albin (Finn Dixon & Herling LLP), John Lawrence, Jr. (Shipman & Goodwin LLP), and John Pitblado (Carlton Fields Jordan Burt PA). The program was well-attended and very informative.

#### *November 13, 2018 Executive Committee Meeting*

The third meeting of the Executive Committee was held via telephone conference. Final details regarding the October 2018 CLE program co-sponsored by the ILS, YLS, and Business Law Section was discussed, as well as the Sections other upcoming programs.

#### *January 17, 2019 Section Meeting and CLE Program*

This combined meeting and CLE program, "Cyber Coverage Issues," was held at Gusto Trattoria in Milford. The chair welcomed attendees, presented the agenda, and welcomed feedback from the Section regarding the programing and meetings to date and anticipated programing for the remainder of the CBA year. Melissa Cordima (treasurer and co-education liaison) presented the treasurer's report and details regarding the upcoming CLE programs scheduled for the spring including an anticipated day-long program on the ALI Restatement at the University of Connecticut School of Law. Hugh Hughes (legislative liaison) presented the legislative report. Melicent Thompson (membership liaison) presented the membership report. Mark Riley (diversity liaison) presented the diversity report. The meeting was followed by the CLE program which was presented by Robert Laurie (Seiger Gfeller Laurie LLP), Melicent Thompson (Litchfield Cavo LLP) and Michael Pepe (Saxe Doernberger & Vita PC). The meeting and program were well attended and very informative.

#### *February 5, 2019 Section Meeting and CLE Program*

This combined meeting and CLE program, "2019 Developments in Connecticut Insurance Law," was held at Eli's on Whitney in Milford. The chair welcomed attendees, presented the agenda and welcomed feedback from the Section regarding the programing and meetings to date and anticipated programing for the remainder of the CBA year. Melissa Cordima (treasurer and co-education liaison) presented the treasurer's report and details regarding the upcoming CLE programs scheduled for the spring including the day-long program on the ALI Restatement at the University of Connecticut School of Law. Hugh Hughes (legislative liaison) presented the legislative report. The meeting was followed by the CLE program which was presented by Thomas Farrish (Day Pitney LLP) and J. Tyler Butts (Robinson & Cole LLP). The meeting and program were well attended and very information.

#### *April 2, 2019 Executive Committee Meeting*

The EC meeting was teleconference to discuss the final details for the upcoming CLE program/symposium, "The ALI's Restatement of Law, Liability Insurance: Was the World Turned Upside Down," in particular the ILS' anticipated attendance and financial contribution to the cost of the luncheon. A financial contribution from the Section of \$2,500 was discussed and approved.

#### *April 5, 2019 CLE Program*

This full day CLE program/symposium, "The ALI's Restatement of Law, Liability Insurance: Was the World Turned Upside Down," was held at the University of Connecticut School of Law in Hartford. It was co-sponsored by the law



school, Rutgers Law School, and the ILS. The chair welcomed the attendees and a number of ILS members participated in the day's panel presentation. The program was very well attended by academics, students, practitioners, and in-house counsel.

*May 8, 2019 CLE Program*

This CLE program, "Significant Developments in CUTPA and CUIPA Jurisprudence," was held at the Quinnipiac Club in New Haven. It was co-sponsored by the ILS and Antitrust and Trade Regulation Section. The program was presented by Joseph Blyskal (Gordon & Rees LLP), Grace Hebbel (Saxe Doernberger & Vita PC) and Robert M. Langer (Wiggin and Dana), and moderated by ILS Education Liaison and Treasurer Melissa Cordima. The program was well-attended and very informative. Of note, two sitting judges and ILS members were in attendance.

**Plans for the Rest of the Bar Year**

*June 10, 2018 Connecticut Legal Conference*

At the conference, the ILS will present a CLE program, "Don't Forget about Us: An Overview of Commonly Invoked but Lesser Known Insurance Policy Conditions." The program will be presented by ILS former Chairs Regan O'Malley (Gordon & Rees LLP) and Michael McCormack ("Sullivan McCormack Jensen & Bliss).

**June 2019 Executive Committee Meeting**

The EC meeting will address (1) appointment of officers for the coming year, (2) membership on the Executive Committee, and (3) program planning for the coming year.

**Plans for the Coming Bar Year**

The ILS is in the process of planning CLEs for fiscal year 2019. There have been many excellent suggestions for programs such as insurance for marijuana, gaps in insurance, mediation/ADR for insurance disputes, ethics in the context of coverage disputes, anti-concurrent causation clauses, practical skills for the insurance coverage attorney (investigations, jury selection, use of social media, etc.), new installment in the insurance history series (how insurers have responded to political and/or social movements such as apartheid, climate change, or NRA lawsuits), banking/mortgage implications in the context of property losses. These and other CLE programs will be discussed further at the June 2019 EC meeting.

The ILS will continue to look for ways to increase the diversity of its membership by planning programs and networking events with other sections, affinity bar groups, the Insurance Law Center at UConn School of Law, and industry organizations.

The ILS hopes to continue to increase interest and participation by more members in upcoming year. Consistent with the CBA's goals, ILS expects that its efforts to provide a wide array of educational and networking programs, to address issues of import to our members, and to coordinate these activities with other interested sections will encourage a more diverse membership to participate in ILS activities.

# INTELLECTUAL PROPERTY SECTION

Scott A. Lydon and James R. Nault, 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 Section membership increased to 172 members.

The section has held the following events/programs during this term:

- On November 13, 2018 the section held a meeting at the offices of Robinson+Cole in Hartford. At the meeting Bruce Carlson, president and CEO of Connecticut Technology Council, led a discussion on positive trends and activities in the state of Connecticut regarding technology companies.
- On December 5, 2018 the section hosted a program entitled, "Ethic and IP: Traps, Pitfalls, and Adventures in IP Lawyering." The event offered 2.0 hours of CT ethics CLE. The program was held at the offices of Cantor Colburn in Hartford.
- On April 17, 2019 the section hosted a program entitled, "Recent IP Cases and Developments." The event offered 2.0 hours of CT CLE. The program was held at the Connecticut Science Center in Hartford.
- On April 25, 2019, the section held a section networking event/mixer at the offices of Moyles IP LLC in Shelton.

The section has begun planning two CLE events to be held during the next term, one in early fall and one in mid-December.

In addition to the meetings held above, the section held two Executive Committee meetings during this term.

# LABOR AND EMPLOYMENT LAW SECTION

Paula N. Anthony, Chair

## Purpose

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

## Annual Report

### Officers

Paula N. Anthony, Berchem Moses PC, Chair  
Jay Crowley, Jay Crowley Law LLC, Vice Chair  
Matthew Curtin, Murtha Cullina LLP, Secretary  
Martha Royston, Murtha Cullina LLP, Treasurer

### Section Meetings

This year the section held six general membership meetings, as well as five planning or administrative meetings for the Executive Committee and five for the officers. The general meetings continued the practice of previous years to partner with other sections of the CBA or with peer organizations in Connecticut. A greater effort was made to ensure all perspectives of the labor and employment bar were represented. The section continued its initiative to offer a reduced cost option to alleviate any cost barriers to attendance for members.

The following section meetings, for which attendees earned CLE credit, were held during the bar year at varied locations throughout the state:

#### *September 26, 2018*

Joint Meeting with CELA: The Impact of EPLI on Settlement Negotiations

How does EPLI impact the way parties involved in employment litigation approach settlement negotiations? The panel provided insight of interest to all parties on the issues and challenges raised from the different, and sometimes conflicting, perspectives of defendant and insurer.

Panel: Kenneth Plumb, Metzger Lazarek & Plumb LLC  
Jessica Fritz Aguiar, Allied World Insurance Company  
Moderator: Matthew Curtin, Murtha Cullina LLP

#### *October 23, 2018*

*Janus v. AFSCME*

Discussion of the implications and implementation issues following the US Supreme Court decision in *Janus v. AFSCME*, which struck down a government union's right to collect agency fees from government employees who choose not belong to the union on free speech grounds. The panel discussed the challenges facing employers and unions in understanding and responding to the consequence—intended and unintended—of the *Janus* decision.

Panel: Floyd Dugas, Berchem Moses PC  
Kelly Rommel, Staff Counsel, ASFCME

*November 13, 2018*

Joint Section Meeting with the Women in the Law Section: #MeToo—One Year Later

The panel discussed legislative, cultural, and legal development in response to #MeToo and what future development we can expect in the context of the workplace and employment law.

Panel: Cheryl Sharp, Deputy Director, Commission on Human Rights and Opportunities  
Lisa Zaccardelli, Hinckley Allen

*January 15, 2019*

Virtual Meeting: Trends in Paid Leave

A discussion of trends in paid leave, including parental, caregiver, and sick leave, as well as related legislation here in Connecticut and elsewhere in the United States. Where are we now? Where are we headed? Meeting sites in Hartford, New Haven, Stamford, and New London participated via video conferencing.

Speaker: Deborah DeHart Cannavino, Epstein Becker & Green

*February 26, 2019*

NLRB: Key Issues under the Trump Administration

The panel looked at the NLRB under the Trump Administration and the impact of policy shifts on both management and labor. Discussion included the roll-back of several Obama-era decisions and guidance, such as those impacting joint employers, independent contractors, and employee handbooks. The panel also looked ahead to changes we can expect in the future, including rule making regarding the union election process.

Panel: Barbara Collins, Law Offices of Barbara J. Collins  
Hugh Murray, McCarter & English LLP

*April 30, 2019*

Joint Meeting with CELA: A Conversation with U.S. District Court Chief Judge Stefan Underhill.

Planning/Administrative Meetings were held in July, August, October, December 2018 and February 2019. Minutes were posted for member access.

### **Continuing Legal Education**

The section also presented extended CLE programs:

*March 14, 2019*

Advanced Labor and Employment Law Symposium

The section organized and hosted its eighth Advanced Labor and Employment Law Symposium, a three-quarter-day educational program. This year's attendance was almost at full capacity, with 115 attendees registered. Again, the focus was on offering a balanced program that would be of interest to the various perspectives represented within the section:

Alternative Facts: An Attorney's Obligation of Candor to the Tribunal

Panel: Hon. Jonathan Silbert (ret.), Garrison Levin-Epstein Fitzgerald & Pirrotti PC  
Desi Imetovski, Former Assistant Chief Disciplinary Counsel  
David P. Friedman, Murtha Cullina LLP

Moderator: Jay Crowley, Jay Crowley Law LLC

Managing Employee Speech: What's Free? What's Not?

Panel: John Stretton, Ogletree Deakins  
Gary Phelan, Mitchell & Sheahan PC

Moderator: Emily Gianquinto, EAG Law LLC

#### Diversity in the Workplace: Is Meeting the Legal Requirements Enough?

Panel: Cindy Cieslak, Rose Kallor LLP  
Cheryl Sharp, Deputy Director, CHRO  
Moderator: Martha Royston, Murtha Cullina LLP

#### Medical Marijuana and Drug-free Workplace Policies

Panel: Henry Murray, Livingston Adler Pulda Meiklejohn & Kelly PC  
Hugh Murray, McCarter & English LLP  
Moderator: Meredith Diette, Berchem Moses PC

#### Use of Forensic Experts in Employment Litigation

Panel: Brian McMahon, FTI Consulting  
Leon Wiser, FTI Consulting  
Moderator: Jay Crowley, Jay Crowley Law LLC

#### Annual Employment Law Update

Panel: Joshua Goodbaum, Garrison Levin-Epstein Fitzgerald & Pirrotti PC  
Joshua Hawkes-Ladds, Pullman & Comley LLC

*June 10, 2019*

#### Connecticut Legal Conference

The section will offer a two hour panel entitled, "Beyond 40 Hours....Wage and Hour Challenges in a 24/7 World." This seminar will discuss the current federal and Connecticut wage and hour laws, the impact on employers and employment practices given e-mail, telecommuting, texting and smartphones, and suggested best practices for managing non-exempt employee work hours.

Panel: Meredith Diette, Berchem Moses PC  
Richard Hayber, The Hayber Law Firm  
Resa Spaziani, Wage & Workplace Standards Supervisor, CT Dept. of Labor

#### **Legislation**

As the section's legislative liaison, Mark Sommaruga of Pullman & Comley LLC, monitors relevant labor and employment law legislation. Attorney Sommaruga presented a legislative update at the February section meeting. Due to the diverse areas of practice and perspectives of its members, the section is generally unable to take a position on particular legislation.

#### **Section Initiatives**

The Board of Governors approved the increase in the Eldergill Prize for Excellence in Employment Law to \$1,500 per recipient, and approved the addition of Western New England School of Law to the recipient schools, UConn, and Quinnipiac University law schools.

The section also updated its group page to include useful links, and at the request of one of our Executive Committee members, coordinated with Casemaker to include arbitration and other administrative decisions from the CHRO, State Board of Labor Relations, and Federal Motor Carrier Safety Administration, as part of its available research data base.

Lastly, the section welcomed 16 new members through the CBA's "Test Drive a Section" initiative.

#### **Goals for the Upcoming Bar Year**

Each year, the section carries a significant surplus of funds. Following up on the suggestion of past section chairs, a subcommittee was appointed to explore ideas about how the section can best use some of those surplus funds for the benefit of the section, the bar, and the community. The subcommittee presented its recommendations, which were approved by the Executive Committee. The recommendations for the 2019-2020 bar year included

expenditures for a national speaker, networking event, support of a legal services agency, community service based project, and contribution to the CBA's commitment to community outreach.

# PARALEGALS SECTION

James A. Budinetz and Vanessa M. Laro, 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.

## Annual Report

The Paralegals Section's priority for this bar year was to continue and build upon our action plan from last year – continued provision of high-quality, cost-effective CLE programs for our members, continued development of a voluntary regulation plan for qualified paralegals in this state, as well as a plan for limited licensing of legal professionals in response to the access to justice gap, outreach to ABA-approved paralegal education programs, recruitment and development of a diverse group of leaders to represent the section, improved access to our educational programs, business meetings and networking opportunities to paralegals throughout the state, and promoting pro bono initiatives.

We have achieved success on all fronts:

- We have continued to work with the Education Director at the CBA to accommodate educational programs designed for paralegals within the new MCLE rules for attorneys.
- We designed four educational programs for paralegals and attorneys—two programs were delivered by attorneys, one was a program presented by a community leader on the importance of networking and branding, and our final event was a presentation on legal technology from a company that has worked in the legal community for many years.
- We have continued work on our voluntary paralegal regulation and limited licensing proposals, including educating paralegals, attorneys and stakeholders on our proposals and related efforts nationwide, and strengthening our coordination efforts regarding the proposals with the other paralegal organization in the state. This year these efforts included reaching out to legislators, the LRPC, and Rules Committee to establish a path forward on these proposals.
- We have continued our outreach efforts to Connecticut's ABA approved paralegal degree and certificate programs. Members from the Paralegal Section visited Manchester Community College in September to provide information about the CBA Paralegals Section and encourage enrollment to the MCC paralegal students. In addition, Vanessa Laro and Jennifer Zakrzewski were invited to speak regarding the future of the paralegal profession in this state.
- The Paralegals Section and the Central Connecticut Paralegal Association are working collaboratively on a CLE event to be held on Paralegal Day, June 7, 2019.
- We have continued to offer conference call-in for our meetings and zoom conferencing for select meetings involving speakers.
- Two of our Executive Committee members are serving as members on the Pro Bono Committee, allowing us to offer our voice as to how paralegals can be utilized for pro bono activities. One of these members has led a committee initiative in planning a two-day pro bono event to be held during Pro Bono Week in the fall. We are also working on additional pro bono efforts involving utilization of paralegal members. This is a cause the section plans to continue to promote into the next bar year.
- We've continued to work to be inclusive of the full diversity of our section and to create opportunities for different members to contribute through activities ranging from suggesting and introducing our speakers, to reaching out to educational programs in the state, working on the aforementioned regulation and

licensing proposals, assisting on the Paralegal Day Planning Committee, and working on ad-hoc committees.



# REAL PROPERTY SECTION

Brian S. Cantor, Chair

## Purpose

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

## Annual Report

### Officers

Brian S. Cantor, chair  
Edward S. Shelton, vice-chair  
Carolyn J. Cavolo, treasurer  
Lisa J. Lugauskas, secretary

### Meetings and Education

The Real Property Section, one of the largest and most active sections in the Connecticut Bar Association, has presented the following programs at its monthly meetings commencing in September 2018 through May 2019 to provide professional development and enrichment to its members:

- Habitat for Humanity "Master Jugglers"
- The Religious Land Use and Institutionalized Persons Act
- Avoiding Malpractice Due to Ethical Dilemma's
- Bar Wars: Comparison of Various Bar Form Contracts
- Partition and the Uniform Partition of Heirs Act
- The New Opportunity Zones
- The Ins and Outs of 1031 Exchanges
- The Zippler Awards: Zoning and Planning Report—Land Use Decisions

The section will be presenting its Annual Survey of Case Law at the Connecticut Legal Conference in June, 2019.

### Legislation

The section has an active legislative subcommittee that works closely with the CBA lobbyist to identify bills of interest to the Real Property practitioner. One of the problems that continues to hinder the section is the fact that many of these bills require immediate responses and the current method of securing CBA approval does not always allow us to be responsive enough to the legislative timetable. We are sometimes submitting testimony after the public hearing and the value of a bar association position on a particular issue is often lost. Despite these shortcomings, we have taken the following positions on legislative matters this year.

*Summary of legislative activity 2018-2019, RPS*

Positions taken:

Position in favor of SB-320, An Act Concerning REAL ESTATE CLOSINGS AND ATTORNEYS AND LAW FIRMS PREFERRED BY MORTGAGE LENDERS

Position in favor of SB-941, An Act Concerning THE DURATION AND RELEASE OF ESTATE AND PROBATE FEE LIENS AND THE REPEAL OF THE SUCCESSION TAX

Position in favor of HB-7271, An Act Concerning THE UNIFORM COMMERCIAL REAL ESTATE RECEIVERSHIP ACT

### **Outreach**

The section held one meeting in Fairfield County this past year in an attempt to make the section more visible in places other than Hartford and New Haven Counties. The meeting was successful, and we anticipate the tradition to continue.

The section is currently trying to work with the Connecticut Department of Revenue Services regarding its online Real Estate Conveyance Tax form, in an effort to protect clients' non-public personal information, including social security numbers, and to improve the usability of the online form. Furthermore, the section is trying to work with DRS regarding how we pay the conveyance tax eg. ACH or check.

Members of the section participated in a Habitat for Humanity build in Portland.

### **Social Committee**

Has been dormant this year.

### **Diversity and Inclusion**

Has been dormant this year.

### **Scholarship Fund**

The section made its annual \$1,500 award each to a law student at the University of Connecticut School of Law and the Quinnipiac University Law School who has demonstrated exceptional academic excellence in the area of real property law. The recipients of this year's awards were invited to attend our May meeting to be recognized by the section for their achievements. The UConn recipient attended the May meeting.

### **Model Contract**

An on-going initiative has been the Model Residential Contract which was approved for use by the section on September 18, 2013. Despite the fact that the contract, as approved, was tabled by the CBA House of Delegates, the Model Contract Committee has continued and been reconstituted to involve lawyers from each county in Connecticut. However, there is still opposition to the concept of a model contract. Particularly in Fairfield County where attorneys generally draft the contracts. Realtor groups also have not been happy with some of the draft contracts. The question is, it better to have multiple real estate agent generated contracts or one statewide form? That question has not been answered with consensus.

### **Residential Specialization**

The Residential Real Estate Specialization Committee has had a busy and active year, developing and administering a practice exam to be used to qualify residential real estate professionals for the status of a Specialist in Residential Real Estate. The practice exam has been approved by a statistician prior to its submission to the bar association and the Judicial Specialization Committee. Active since 2004, the committee is composed of established real estate practitioners and a law school professor who will administer the examination to ensure the most qualified specialists. The first examination will be administered on February 28, 2020.

### **Technology and Website**

The committee's work focused on keeping the website current and useful to the members of the section. We corrected inconsistencies in the references to the "Group Pages," and we posted recent minutes and a current schedule of meetings. We have made available materials from presentations to members of the section when the presenters could not distribute hard copies at meetings and when the materials would have ongoing value for future reference. The Website Committee is working with the Social Committee to publish photographs of section

events. The committee needs to review the website for currency and remove outdated materials, and we can improve the organization and accessibility of “Group Pages” and “Additional Links.”

### **Unauthorized Practice of Law**

The UPL Subcommittee tabled all meetings while the Connecticut Bar Association reestablished the existence of the UPL committee. The purpose of this was to work directly with the UPL to address our primary concerns for unauthorized practice of law specifically in the real estate realm. As many know, the CBA’s committee was on hiatus after the *North Carolina State Board of Dental Examiners* decision but has reconvened and is fleshing out its role as well as its primary concerns that they wish to address. The subcommittee sent several members to attend the UPL meetings and acted as a group willing to provide additional support and input as we determine the best course of action to protect attorney's position in both real estate and in our practices in general.

Throughout 2019, the RPS UPL Committee has focused on several areas to advance the RPS’ interests in assuring effective enforcement of UPL regulations. These include: (i) identifying areas of real estate practice where novel unauthorized practice issues are arising; (ii) identifying those actors and approaches that are best suited to addressing potential violations; (iii) evaluating potential legislative action that may enhance enforcement efforts; (iv) evaluating circumstances where direct legal action may be warranted by the RPS, the CBA, and third parties in order to protect the public interest; and (v) representing RPS interests in any new state-level oversight that may be developed to address UPL issues in light of recent antitrust decisions. The UPL Committee looks forward to continuing in these efforts in the coming year, and to identify opportunities to improve UPL awareness and enforcement processes to better ensure the protection of the public.

The section is working to amend Connecticut General Statute section 51-88 subsection c as follows:

(c) Any person who violates any provision of this section shall be deemed in contempt of court, and the Superior Court shall have jurisdiction in equity upon the petition of: (i) any member of the bar of this state in good standing, (ii) any regional or state-wide private association whose primary membership consists of members of the bar of this state, or (iii) upon its own motion to restrain such violation. The court may award the relief applied for or so much as it may deem proper including reasonable attorney's fees, and such other relief as may be granted in equity.

The intent is to allow any regional or state-wide private association to bring an action for UPL as individuals either do not have the resources or interest in bringing such action. UPL is an existential threat to the profession. Many sections such as estates and trust and elder law sections are very interested in such a change to the statute.

# SPORTS AND ENTERTAINMENT LAW SECTION

Michael F. Freeman, Chair

## Purpose

The Sports and Entertainment Law Section aims to provide a forum for CBA members to discuss and take action on issues important to the law and business of the sports and entertainment industries.

## Annual Report

The primary focus of the section this year has been to develop CLE programs for our section members and the bar in general. To that end we provided the following programs:

*March 2019*

Joint Meeting and CLE with Anti-Trust Section. "Antitrust Exemption and Minor League Baseball"

*May 2019*

Connecticut Legal Conference in conjunction with the Intellectual Property Section, "Sampling, Streaming and the Music Modernization Act"

We continue our outreach to area law schools to encourage participation in the section's activities. I met with the editor of UConn Law's *Connecticut Journal of International Law* regarding bar sponsorship of their symposium, "Behind the Games: The Effect of the Olympics on Host Cities."

Meetings we held in conjunction with bar association CLE programs such as, "Ethics and Intellectual Property: Traps, Pitfalls, and Adventures in IP Lawyering," in December 2018 and, "Antitrust Exemption and Minor League Baseball," in March of 2019.

Legislative updates relating to sports and entertainment have been circulated to membership during the year.

## Purpose

Pursuant to Section 1.2 of the Tax Section's bylaws, "The purpose of the Tax Section is to promote the objectives of the [Bar] Association within the field of taxation; to further the continuing legal education of members of the Section and the Association; to serve as a resource concerning federal and state tax laws to Section members, the General Assembly and the Association; and to serve in a liaison capacity on behalf of the [Bar] Association with the Internal Revenue Service and Connecticut Department of Revenue Services."

## Annual Report

### Tax Section Meetings

During the 2018-2019 Connecticut Bar Association year the Tax Section met eight times. Six of the meetings were at the Quinnipiack Club in New Haven. For the first time in memory, the Tax Section held meetings outside of New Haven. The November 8, 2018 meeting was at the Polish National Home in Hartford, and was a joint meeting with the Business Law and Estates and Probate Sections. The March 4, 2019 meeting was at Quinnipiac University in Hamden, and was a joint meeting with the Estates and Probate Section. The meetings were as follows:

#### *October 10, 2018*

Andrew Mitchell from Andrew Mitchell, LLC was the presenter and the topic was, "International Tax and Reporting Requirements."

#### *November 8, 2018*

Matthew Dayton from the Connecticut Department of Revenue Services was the presenter. This meeting was a joint meeting with the Connecticut Bar Association Estates and Probate Section and the Business Law Section and the topic was, "Connecticut's New Pass-Through Entity Tax."

#### *December 12, 2018*

Edward Pratesi of UHY Advisors, LLC was the presenter. The topic was, "Valuation Impacts of Tax Cuts and Jobs Act of 2017."

#### *January 9, 2019*

Alan Lieberman and Robert Day from Shipman & Goodwin were the presenters. The topic was, "Connecticut Tax Update."

#### *February 13, 2019*

David E. Novick, chief, Financial Fraud and Public Corruption Unit of the US Attorney's Office for the District of Connecticut was the presenter and the topic was, "United States Attorney's Office Update and Initiatives."

#### *March 4, 2019*

Marilee Clark, director, Office of Legal Affairs and Research, Connecticut Department of Revenue Services; Lindsay LaCava, tax partner, Baker McKenzie LLP; Margaret St. John Meehan, senior estate planning and private client associate, Day Pitney LLP; and Luke Tashjian, tax partner, Whitman Breed Abbott & Morgan LLC were the presenters and the topic was, "Careers in Tax and Estate Planning." Alisha Sullivan from Robinson+Cole was the moderator.

#### *April 17, 2019*

Louis Bucari, chief counsel of the Connecticut Department of Revenue Services was the presenter and the topic was, "CT Dept. Rev. Services Update and Initiatives."

*May 8, 2019*

Brian Staines, chief disciplinary counsel, State of Connecticut Judicial Branch; Paul Chill, associate dean for experiential education and clinical professor of law, University of Connecticut School of Law; and James Brawley, legal malpractice defense attorney, partner at Morrison Mahoney in Hartford were the presenters and the topic was, "Ethics in Tax Practice." Luke Tashjian was the moderator.

#### **CLE Presentations**

The Tax Section put on panels at the Federal Tax Institute of New England and at the Connecticut Legal Conference. The presentations at the Federal Tax Institute of New England included a presentation on, "The Qualified Business Income Deduction and Choice of Business Entity," and an ethics panel moderated by Luke Tashjian and the panelists were Peter Jongbloed, AUSA; Lisa Perkins, Professor at UConn School of Law; Scott Jackson, commissioner of the Department of Revenue Services; and Cecil Thomas of Greater Hartford Legal Aid. At the Connecticut Legal Conference Luke Tashjian and Aaron Kriss presented on, "The Tax Cuts and Jobs Act of 2017 and State Responses."

#### **Tax Section and Connecticut Society of CPAs Meetings**

The Tax Section held a joint meeting with CT DRS/CBA/CT CPAs and a participated in the CT CPAs/CBA/IRS working together conference.

#### **National Meetings**

Luke Tashjian attended the meeting in San Francisco, CA on October 25-28, 2018 of the National Association of State Bar Tax Sections on behalf of the Connecticut Bar Association's Tax Section.

#### **Additional Notes**

The Tax Section surveyed members regarding meeting location preference and decided to hold a meeting in Hartford for the first time in memory. The Tax Section also decided to move its annual career panel from the Quinnipiac Club to Quinnipiac University to encourage law student attendance.

#### **Tax Section Officers**

Luke Tashjian, Chair  
Dan Smolnik, Vice Chair  
Lindsay LaCava, Secretary/Treasurer

Dan Smolnik also serves as local IRS attorney liaison.

#### **The 2019-2021 Tax Section Officers Are:**

Lindsay LaCava, Chair  
Dan Smolnik, Vice Chair  
Robert Day, Secretary/Treasurer

# VETERANS AND MILITARY AFFAIRS SECTION

Cynthia Johnson, Chair

## Purpose

The Veterans and Military Affairs Section (VMAS) is to be available to (1) coordinate CBA legal assistance to military personnel residing in the state of Connecticut, CBA legal assistance to Connecticut residents serving as military personnel stationed outside the state, and CBA legal assistance to the military legal assistance staffs which serve them; and (2) assist in resolving legal problems facing any of (a) Connecticut's veterans, and (b) active-duty, reserve, national guard, and state statute-established militia, military personnel. It is the further purpose of this section to support the mission of the association by promoting best practices in legal research and advocacy as they apply to the preceding listed purposes.

## Annual Report

The VMAS held bi-monthly dinner meetings at the CBA. The focus this year was on speakers. We were fortunate to have:

- Commissioner Thomas Saadi discuss the status and priorities of the CT Department of Veteran Affairs
- Representative Kerry Wood from the Newington/Rocky Hill district discuss legislation she is supporting
- Harvey Gemme LCSW attend a section meeting to discuss the Jail Diversion Program
- Renee Burbank and Mollie Berkowitz from the Yale Law School Veterans Legal Services Clinic discuss the case work, class action, legislative and FOIA work the clinic is working on

## Continuing Legal Education

The VMAS hosted VA Benefit Training on September 25, 2018. The training was held at the CBA and CVLC provided the instruction.

## Legislative Efforts

The section monitored all legislation affecting veterans but declined to take any positions this legislative cycle. A debate was held on veteran treatment courts in anticipation of legislation being proposed.

## Volunteer Activities

The VMAS continued its support of the veteran community by working to find volunteer attorneys to help on requests for legal services that come to the clinic. The section continued to spread the word through contact and participation in activities such as the Veterans Stand-down.

# WOMEN IN THE LAW SECTION

Jennifer E. Wheelock, Chair

## Purpose

This section aims to monitor the progress and enhance the status and opportunities available to women in the legal profession; provide women attorneys in Connecticut with an opportunity to share concerns, communicate, and network with one another in a supportive forum; and 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

Jennifer Wheelock, Chair  
Jennifer Celentano, Vice Chair  
Deborah DelBarba and Kelly Masi, Co-treasurers  
Patricia Carreiro, Secretary  
Alexa Millinger, Legislative Liaison  
Mirella Giambalvo, Membership Liaison  
Alex Simonetti, Diversity Liaison  
Erin O'Neil-Baker, Publicity Liaison  
Krista Kostiew, Website Liaison  
Jody Erdfarb, Education Liaison

### Executive Committee and Section Meetings

*September 4, 2018*

The Executive Committee and section members met at the CBA headquarters in New Britain to discuss community outreach projects, programming, and long term planning. We decided upon an agenda for the year and began planning for the subsequent meeting.

*November 13, 2018*

The Executive Committee and section members met at Agave Grill in Hartford to discuss community outreach projects, CLE programming, and long term planning. We also joined forces with the Labor and Employment Law Section to host a CLE at this venue entitled: #Me Too—One Year Later. More details are set forth below under the Seminars/CLE heading.

*January 29, 2019*

The Executive Committee and section members met at the CBA headquarters in New Britain to discuss community outreach projects, CLE programming, and long term planning. We also began planning for the subsequent meeting.

*March 12, 2019*

The Executive Committee and section members met at the CBA headquarters in New Britain to discuss community outreach projects, CLE programming, and long term planning. More specifically, we finalized plans and logistics related to the upcoming Pathways to Leadership Dinner. We also began planning for the subsequent meeting.

*May 21, 2019*



The Executive Committee and section members met at the CBA headquarters in New Britain to discuss CLE programming, and long term planning for the 2019-2020 bar year. We also discussed the Women in the Law Section leadership roster for the 2019-2020 bar year.

### **Section Activities**

*October 18, 2018*

The Women in the Law Section hosted a meet and greet Happy Hour at the Wood-n-Tap restaurant in Rocky Hill. It was well attended.

*March 28, 2019*

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. This year the dinner was held at Saint Clements Castle in Portland. In conjunction with the YLS, the Women in the Law Section worked on selecting a keynote speaker, Judge Elizabeth Bozzuto, as well as selecting the recipient of the Ladder Award, Judge Lynda B. Munro (Ret.), and securing sponsorship for the event.

*May 2, 2019*

The Women in the Law Section scheduled a meet and greet Happy Hour at Ordinary in New Haven. Unfortunately, the event was cancelled due to lack of interest.

### **Miscellaneous**

Secretary of the State Denise Merrill has formed a Centennial Commission to plan a 2020 celebration to commemorate the 100th anniversary of women's suffrage. The Women in the Law Section of the CBA was invited to participate as a member of this important group along with a diverse spectrum of groups who will work collaboratively to facilitate a statewide dialogue about the lasting legacy of women's suffrage, and how it continues to shape our democracy today. Programming possibilities ranging from arts and humanities, school curriculum, media events, and, of course voter registration, are being considered. Thus far, I have attended two commission meetings on behalf of the section and have been communicating with Ndidi Moses about ways in which the CBA can coordinate its own centennial commemorative events with those of the Secretary of the State's.

### **Seminars/Continuing Legal Education**

*October 2, 2018*

The section presented a CLE entitled, "Cultivate a Powerful Presence: Strategies to Advance Your Practice." This CLE addressed how advancing women lawyers is a primary focus for law firms and other law practice settings that are committed to outstanding performance and employee engagement. However, progress has been slow and, while women enter the profession at rates comparable to those of their male counterparts, their representation in senior leadership positions is disproportionate. The CLE focused on what women can do to be noticed as a leader. The CLE further identified the key strategies to stand out as someone with influence and potential.

*November 13, 2018*

The section, in conjunction with the Labor and Employment Law Section, presented a CLE entitled #Me Too—One Year Later. Since the #MeToo movement exploded a year ago, issues of sexual harassment and discrimination based on sex in the workplace have been in the spotlight like never before. A panel discussed legislative, cultural, and legal developments in response to #MeToo, and what future developments we should expect in the context of the workplace and employment law.

### **Proposed Section Leadership Roster for the 2019-2020 Bar Year**

Jennifer Wheelock, Chair

Sara Sharp, Vice Chair

Frances Slusarz, Treasurer

Haley Schaefer, Secretary

Alexa Millinger, Legislative Liaison  
Mirella Giambalvo, Membership Liaison  
Alex Simonetti, Diversity Liaison  
Michelle Napoli, Publicity Liaison  
Website Liaison  
Ashley E. Palma, Education Liaison

# WORKERS' COMPENSATION SECTION

Francis X. Drapeau, Chair

## Purpose

This section aims to organize the members of the CBA who are workers' compensation practitioners and to educate all members of the bar from all sides at all levels of expertise as to workers' compensation law. Furthermore, the section attempts to provide services to organizations other than the CBA when those organizations are involved in the Connecticut Workers' Compensation system. The section works with all levels of government in an effort to improve the system. The Executive Committee will take positions on pending legislation where appropriate. It will work through committees on various issues that arise in the practice such as amicus briefs, creating new and exciting continuing legal education, and producing our publication [Compensation Quarterly](#). The committee works with the commission giving feedback on issues affecting day-to-day practice of the parties that appear before the commission as they arise. The section consists of members who represent injured workers, employers and insurers as well as the State of Connecticut and the Second Injury Fund.

## Annual Report

*June 11, 2018*

Connecticut Legal Conference

### *Annual Section Meeting*

We began by honoring recently retired WCC Chairman John Mastropietro for his 19 years on the commission, and the section chair read a letter sent to Chairman Mastropietro on behalf of the section. The newly appointed WCC Chairman Stephen Morelli then gave his State of the Commission Address. Jack Clarkson presented his annual CRB and appellate case review with commentary, and Lucas Strunk provided a legislative update. Newly recertified workers' compensation specialists were also honored. Dr. Tracy Cipriano of Yale University discussed the emerging new model of evidence-based pain management in the post-opioid era.

### *2nd Annual Joint Seminar with YLS*

Young lawyer George O'Donnell teamed up with WC Executive Committee member Michael Kerin to present the canon of cases every workers' compensation practitioner should know. We had an overflow crowd for this event.

*July 19, 2018*

Commissioner Ernie Walker Retirement Event at the Farmington Club in Farmington. This was not a CBA event, but was organized and attended by section members.

*September 5, 2018*

Workers' Compensation Executive Committee Meeting at Casa Mia Restaurant in Berlin. In addition to our usual committee reports and discussion, the committee voted to move forward to obtain LPRC approval of the three newly drafted bills: (1) repealing the obsolete transfer of liability to the second injury fund, (2) repealing the obsolete requirement that the superior court preserve workers' compensation documents, and (3) the dissolution of the medical panel in occupational disease cases.

*September 13, 2018*

Belkin-Verilli Charity Golf Tournament and Section Meeting Dinner at Shuttle Meadow Country Club in Kensington. Over 100 golfers participated in this event. Registration fees covered expenses, but hole sponsorship, contests, and raffles raised over \$11,000.00 for Food Share and Food Bank. Several current and former

commissioners attended the section meeting dinner, which addressed current financial issues impacting the commission.

*September 20, 2018*

Section Meeting to Honor Retiring Chairman John Mastropietro at La Bella Vista in Waterbury. Lawyers, doctors, administrators, claims persons, former and current commissioners all gathered to roast and honor the long-time luminary of the workers' compensation commission. This event raised \$7,424.18 for the Mathew Shafner Memorial Scholarship Fund for Sons and Daughters of Disabled Workers.

*October 5, 2018*

"When Do Repetitive Activities = Repetitive Trauma? A Medical and Legal Review of Repetitive Trauma in Workers' Compensation Claims" CLE at St. Mary's Hospital in Waterbury. The physicians at Neurosurgery, Orthopedics and Spine Specialists teamed up with lawyers and commissioners to host a full-day CLE program. The morning program discussed the latest in the diagnosis and treatment of repetitive trauma upper extremity injuries, as well as the legal implications from the viewpoints of claimants, respondents, and commissioners. After lunch, a panel of orthopedic and neurosurgical spine specialists debated current controversies in spine treatment in the context of specific case studies.

*November 14, 2018*

Executive Committee Meeting at The Farms Country Club in Wallingford. In addition to our usual committee reports and discussion, the committee discussed the WCC's proposal to close the Stamford office. Christopher Setaro presented this issue and advocated for a vote. Ultimately the committee voted to move forward to obtain LPRC approval to oppose the closure of any of the eight district offices. Joseph Passaretti addressed how the Federal Privacy Act impacts our daily practice, and the committee agreed that this needed to be a topic at an upcoming seminar.

*December 6, 2018*

Section Meeting and Dinner to Honor the Career and Retirement of Commissioner Nancy Salerno at La Bella Vista in Waterbury. Over 320 lawyers and friends of the commission registered for this event to honor Nancy Salerno and her retirement from the workers' compensation commission. The event raised \$9,990.00 for PAWS, a favorite charity of the commissioner.

*January 16, 2019*

Workers' Compensation Executive Committee Meeting at the Inn at Middletown in Middletown. In addition to our usual committee reports and discussion, the committee voted to move forward to obtain LPRC approval of the WCC's legislative proposal to change the designation of "commissioners" to "workers' compensation administrative law judges." (This ultimately led to combining the WC section legislative agenda with the WCC agenda to form one bill, H.B. 7241.)

*March 8, 2019*

"Impact of New Evidence Rules on WC Practice" seminar at the CBA offices in New Britain. This program sold out days before the event. The program began with a review of the pertinent changes to the code of evidence. A trial commissioner provided insight as to the commission's view of electronic evidence. Experienced counsel from both sides of the bar then offered practice tips on presenting evidence and cross-examining witnesses at a formal hearing. After a brief break, we broke into discussion groups to examine fact patterns that raised both evidentiary and ethical issues, and we shared each group's conclusions.

*March 27, 2019*

Workers' Compensation Executive Committee Meeting at Casa Mia Restaurant in Berlin. In addition to our usual committee reports and discussion, the committee discussed how the Federal Privacy Act impacts our daily practice. Joseph Passaretti raised this issue, and ultimately, the committee agreed that this needed to be a topic at an upcoming seminar. The chair also provided an update on an emerging issue of non-lawyers appearing at hearings. He has met with Chairman Morelli and his staff to discuss providing a meaningful definition of

“accredited representative” as it appears in 31-298. The chairman’s office was working on developing an accreditation process.

*April 18, 2019*

“Medicare Set-Asides: What the WC Practitioner Needs to Know” at Grassy Hill Country Club in Orange was cancelled.

*April 18, 2019*

YLS Sponsored Section Meeting at Grassy Hill Country Club in Orange was cancelled.

*May 5 – 7, 2019*

WC Retreat at Chatham Bars Inn in Cape Cod, MA. Seventy-two registrants attended this three day event organized by Jeremy Brown. It began with a cocktail party on Sunday May 5.

Monday’s seminar featured a presentation sponsored by Gaylord Hospital. Dr. Jerrold Kaplan, a physiatrist, presented on the many ancillary issues that arise from severe spinal cord injuries and the latest in rehab technology. Anne Pacileo, the director of physical therapy, spoke on balance and vestibular disorders, and Dr. Jonathon Woodhouse, a neuropsychologist, presented the meta-study data on traumatic brain injuries. Chairman Stephen Morelli provided us with an update on the status of introducing mental health care into the early treatment of certain injuries. The Monday program ended with a roundtable discuss fueled by questions from the audience. Ametros and Ringler Associates co-sponsored a happy hour event at the Inn.

Tuesday’s program began with attorneys Amity Arscott and Joseph Passaretti discussing the applicability of the Federal Privacy Act to our daily workers’ compensation practice. This presentation was both enlightening and frightening. Jeremy Brown, Lynn DeMauro Clark of Ringler Associates, and Mark Dougherty of Ametros presented on structured and professionally administer Medicare Set-Aside Arrangements. Jeremy Brown finished the program with a lively ethics discussion arising from various real-life fact patterns and a formal survey he had conducted of section members regarding sexual harassment.

### **Future Planned Events**

*June 10, 2019*

Connecticut Legal Conference

*4th Annual Joint Seminar with YLS*

YLS member George O’Donnell will team up with Rep. Christine Conley, a WC Executive Committee member, to address how to prosecute and defend a workers’ compensation claim. Chairman Morelli will also introduce to the section the five newest commissioners.

*Annual Section Meeting*

The agenda includes a State of the Commission address by Chairman Stephen Morelli, Jack Clarkson’s annual CRB and appellate case review with commentary, and Lucas Strunk’s legislative update. Diane Duhamel will receive the Pomeranz-O’Brien Award, our section’s lifetime achievement award. William Brown and Angelo Sevarino will speak in honor of Attorney Duhamel.

*September 12, 2019*

Belkin-Verilli Charity Golf Tournament and Section Meeting Dinner at Shuttle Meadow Country Club in Kensington.

*November 1, 2019*

Medical-Legal Seminar at The Hartford Club in Hartford. Orthopedic Associates of Hartford is sponsoring this all day event that will conclude with a wine and cheese hour for informal discussion.

*May 2020*

Workers’ Compensation Retreat at Walt Disney World in Orlando, FL.

## **Subcommittee Activity**

### *Charitable Committee*

The section donated over \$11,000 to Food Share and Food Bank from proceeds of the golf tournament. This committee also oversees the funding and awarding of scholarships from the Mathew Shafner Injured Worker Scholarship Fund. This bar year, the section raised \$7,424.18 for this scholarship fund. The committee expanded the definition of students who would qualify for this scholarship and renewed efforts to publicly advertise this opportunity. The section also raised \$10,000.00 for PAWS.

### *CLE Committee*

This committee is chaired by Colette Griffin, the vice-chair of the section. Under her direction our CLE programs were hugely successful again this year. (See "Events" above.) Our section will organize five CLE programs: (1) our annual section meeting at the CT Legal Conference; (2) a joint program with the YLS immediately before or after the annual meeting; (3) a full-day Fall program, usually with a medical-legal focus; (4) a 3-day Workers' Comp Retreat; and (5) a half-day Spring seminar, usually with a practice focus.

### *Compensation Quarterly*

Since December 1990, CQ has been the crown jewel of the WC Section. Frank Costello is its editor-in-chief. It is frequently at the center of conversation among lawyers at the district offices before and between hearings. Every issue contains legislative updates, case summaries, tech tips, interviews, point-counterpoint, a chair's column, as well as topical articles

### *Legislative Liaison*

Lucas Strunk continued as our legislative liaison. He monitors and reports on developments at the Capitol. This year he was kept busy with budget issues, including the rumored closing of the Stamford district office. More recently, a number of WC bills continue to progress through the legislative process, including H.B. 7241 that contains proposals from both the WC section and the WC commission.

### *Legislative Initiative*

Last year, the chair created a committee of pre-eminent WC attorneys to address necessary changes in the Act. The section has moved forward with a legislative agenda contained in H.B. 7241 that proposes the repeal of three obsolete statutes. As of this submission, H.B. 7241 had passed the House 145-0 and was on to the Senate.

### *Medical/Legal Cooperative*

Colette Griffin and Mike Kerin co-chair this committee, which meets with doctor groups to educate them as to medical-legal issues in WC and to gain feedback from the doctors as issues that they have with the WC bar, the commission, or the system. Recently, the committee met with mental health professionals, as we anticipate that the need for these professionals will increase as the reliance on opioid therapy has dramatically decreased.

### *Membership Committee*

The committee continues to find ways to build our membership. Last year it asked the CBA to identify attorneys who had attended our events in the past three years, but who were not section members. A letter under the chair's signature was e-mailed to these attorneys during March when it was free to sign up for a section. This resulted in 11 new section members. We have continued this process going forward.

### *Examining Committee/Standing Committee*

The committee did not have six candidates who qualified to sit for the exam, so the examining committee did not administer an exam this year. Under the standing committee rules, the exam will be administered next year so long as there is one qualified applicant.

### *Pomeranz-O'Brien Award Committee*

This year, we will be presenting the section's lifetime achievement award to Diane Duhamel of McGann Bartlett & Brown LLC.

*Verrilli-Belkin Tournament Committee*

Rick Aiken again organized this incredibly successful event, which saw over 100 golfers participate at Shuttle Meadow Country Club in Kensington. Registration fees covered expenses, but hole sponsorship, contests, and raffles raised about \$11,000 for Food Share and Food Bank. Several current and former commissioners attended the section meeting dinner afterward, which addressed current financial issues impacting the commission. This 2019 tournament will also be held at Shuttle Meadow on September 12.

*Website/Technology Committee*

Scott Carta, Maribeth McGloin, and Tushar Shah completed a monumental project of collecting all issues of *Compensation Quarterly*, from December 1990 to the present, and working with the CBA to put them all on to the section web page in a searchable OCR format which eventually only current section members can access. The next project is producing short video discussions of recent state Supreme Court decisions.

*Workers' Compensation Retreat*

Jeremy Brown organizes an annual retreat alternating between remote locations in the even years and more local (driving distance) locations in the odd years. The 2018 retreat was a huge success with 45 practitioners traveling to Marco Island, FL for a three-day event in January. Seventy-two registered for the 2019 event at the Chatham Bars Inn on Cape Cod. The 2020 event will be in May at Walt Disney World in Orlando, FL.

# YOUNG LAWYERS SECTION

David A. McGrath, Chair

## Purpose

The Young Lawyers Section (YLS) has as its primary goals the promotion of justice, the encouragement of public service, and the promotion of diversity and education of young lawyers and newly admitted practitioners. These goals are achieved through the educational, public service, and community programs produced by the section's 20-plus statewide committees and the nine regional young lawyer organizations in the state. The section also serves a valuable social and networking role in introducing young lawyers to each other and assisting them in their transition into the Connecticut legal practice. The section includes all members of the CBA who are 37 years old or younger or who have been admitted to the bar for less than six full bar years.

## Annual Report

The Young Lawyers Section (YLS) Executive Committee for the 2018-2019 bar year consists of 63 members. Those members include 33 committee chairs and an expanded group of 21 directors and officers, including a senior advisor and elected ABA representatives as well as liaisons with the law schools and various affinity bar associations.

CBA President Jonathan M. Shapiro introduced our many new faces to the CBA and held an interactive question and answer session with our Executive Committee at our annual leadership retreat in June. Our committee received training in organizing the continuing legal education programs that have, for many years, helped form the backbone of the CBA's CLE offerings. Our membership was also provided an introduction to our pro bono and public service opportunities and given an opportunity to develop valuable ties to one another and the CBA. At more recent Executive Committee meetings our committee has received CLE credits in ethics from a presentation by Mark Dubois targeted at young lawyers, learned about the immigration initiative from former Chief Justice Rogers, and had the opportunity to discuss politicization of the judiciary with Justice McDonald.

The YLS Horn of Plenty Drive collected food donations from all across the state including New London, New Haven, Hartford, and Fairfield counties. Donations were provided to: New London Area Food Pantry, FISH of Greater New Haven, Foodshare in Hartford, and Salvation Army in Stamford. In addition, the Horn of Plenty Drive collected monetary donations sufficient to provide 24,750 meals via the Feeding America network (assisted by matching donations from Bank of America).

The YLS's recurring partnership with Habitat for Humanity completed another house build on March 30, 2019. The YLS has obtained sponsorship for the costs for 20 volunteers.

The inaugural "YLS Pro Bono Hour" program took place on January 22, 2019. The Pro Bono Hour included a short presentation style forum where numerous pro bono organizations had the opportunity to speak generally about their programs and volunteer opportunities to a spectrum of attorneys interested in providing pro bono services. Prior to the presentations, the attendees had the opportunity to network with their peers and the pro bono organizations.

The YLS Diversity Award Dinner was held on February 7, 2019 at Amarante's Sea Cliff in New Haven honoring Asha Rangappa. The Diversity Award is one of the highest honors conferred by the Young Lawyers Section and is presented to a distinguished legal professional who has shown both a personal and professional commitment to these principles. The event was very well attended, well sponsored, and well received.



The YLS co-sponsored and moderated the, "Tax and Estate Planning Career Panel at Quinnipiac University School of Law," held on March 4, 2019. The YLS has helped plan and execute numerous CLE programs for the entire bar association at large over the course of the year. Those CLE's included: "Environmental Law in Real Estate," "Website Accessibility: Preventing Potential ADA Lawsuits," "Representations & Warranties Insurance in M&A Transactions," "Intellectual Property: Tips for General Practitioners," "Can You Have It All?: Conversations on Achieving Work Life Balance," "Is this Right?: Ethics Issues for Criminal and Small Firm Attorneys," "Essentials of Depositions," "A Practical Guide to Arbitration in Connecticut," "Advanced Appellate Practice: Federal Procedure & Novel State Issues," "Essentials of Bankruptcy," "Successful Succession Planning for Family Owned Businesses," "Practice Book 101," "Beyond Standard Discovery: Drafting, Objecting, and Responding," "Planning for Long-term Care," "Financial Issues in Family Law: Protecting your Client's Interests," "Planning for the Art Collector," and, "Hot Topics in Employment: Discrimination & Harassment CLE."

The YLS has held or co-sponsored social events throughout the year including the annual Karaoke for Charity, YLS Fantasy Football draft, a holiday party and several other social events including our annual tasting series.

The annual Meet the Branches event was held at Salute in Hartford this spring, emphasizing YLS government attorneys. The annual Legislative Breakfast, featuring ranking member of the Judiciary Committee Representative Rosa Rebimbas and multiple other representatives, was held on May 1, 2019 at the Legislative Office Building. The Pathways to Leadership event honoring Judge Munro and featuring Judge Bozzuto, was held on March 20, 2019 and well-attended by many distinguished members of the bar and bench.

The YLS has helped its membership participate and integrate with the ABA through assisting with attendance at quarterly meetings over the course of the year. The YLS co-sponsored the Young Lawyer Leadership Summit with the Virgin Islands Bar Association in partnership with the ABA on March 21-23, 2019.

Upcoming events include the Women in the Law Golf Event and Annual End of Year Meeting. Lastly, planning is now almost complete for our 2019 Annual Leadership Retreat where we will begin training and planning for the next bar year.

## COMMITTEE REPORTS

# CONNECTICUT BAR JOURNAL BOARD OF EDITORS

Sarah E. Murray, 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. The following is a summary of the steps the journal has taken to further these goals in recent years:

The *Connecticut Bar Journal* continues to publish scholarly articles relevant to Connecticut attorneys. In the 2018-2019 bar year, the published issues of the journal included surveys of important recent Connecticut Supreme and Appellate Court decisions, as well as surveys of recent developments in business litigation, professional responsibility, torts, and tax law. The journal also included articles on witness fees and taxation of costs in civil actions in Connecticut and the Freedom of Information Act and its exceptions.

Since the 2012-2013 bar year, the *Connecticut Bar Journal* has been offered to members as a digital publication sent to CBA members and subscribers via e-mail. Volume 86, Number 1 was the first digital issue. Since then, digital publication has been well received by the CBA members. CBA members have the option to receive a print copy, but the majority of the membership receives digital copies. The digital journal has much faster delivery, as members 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 saves 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 read it anywhere and anytime.

In the 2013-2014 bar year, building upon the success of the digital version of the publication, 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 journal page and are published in the Connecticut Bar Association's *CBA Docket* with a link to the article on the journal page. When enough articles are received and edited, a full traditional issue is assembled. The objective of the proposal was to deliver articles in the journal to members more quickly without sacrificing the scholarly quality for which the journal is known. The board implemented this new delivery in 2014 and it has continued into 2019. 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.

This past bar year, 2018-2019, the board of editors published three issues of the *Connecticut Bar Journal* and another issue is to be published shortly. The board held one meeting in December 2018 and will have another meeting in

June 2019. The board continues with the above initiatives and has as a goal adding members who contribute to the diversity of the board.

The board looks forward to continuing to serve the interests of CBA members.

# CONNECTICUT LAWYER ADVISORY COMMITTEE

Elizabeth C. Yen, Chair

## Purpose

The *Connecticut Lawyer* is an official publication of the Connecticut Bar Association, sent six times a year to all members of the association. This glossy color magazine includes articles on new legislation, recent state court decisions, interpretations of ethics rules, other significant developments affecting members of the Connecticut bar, and highlights of recent and upcoming association activities. The *Connecticut Lawyer* Advisory Committee works with association staff by reviewing selected articles submitted for publication at the request of association staff, suggesting possible topics and authors for articles, and establishing editorial policies. Several committee members are also regular contributors to the *Connecticut Lawyer*; all committee members are encouraged to solicit articles on timely substantive legal topics from their colleagues.

## Annual Report

Each issue of *Connecticut Lawyer* includes one or more feature articles on substantive legal matters, highlights from recent Superior Court decisions (provided by the publishers of the *Connecticut Law Reporter*), and several columns (including columns about recent Connecticut Supreme Court decisions, recent Young Lawyers Section activities, and pro bono services). The magazine also periodically includes ethics opinions drafted by the Standing Committee on Professional Ethics, and digests prepared by members of the Professional Discipline Section of recent Statewide Grievance Committee decisions. The magazine also informs association members of significant association events, including the association's annual Connecticut Legal Conference, annual awards, legislative agenda, and other initiatives.

The editorial guidelines for authors are available at [ctbar.org/CTLawyer](http://ctbar.org/CTLawyer).

## Meetings

The *Connecticut Lawyer* Advisory Committee meets in person once a year; most of the committee's work is handled effectively through e-mails as needed throughout the year. During the committee's in-person meeting on November 8, 2018, the committee reviewed the magazine's editorial guidelines, preferred substantive content of articles, the online availability of older issues of *Connecticut Lawyer* through HeinOnline.org, and whether to resurvey members about the publication to obtain more current information.

The committee also noted that 2019-2020 will be the 30<sup>th</sup> year of publication for the magazine. Three of the original committee members (Steven Errante, Fred Sette, and Elizabeth Yen) have served continuously since the inception of the committee.

*Connecticut Lawyer's* continued success would not be possible without the interest and hours invested by many volunteers from the advisory committee, and the support of the association's general membership and staff.

# DIVERSITY AND INCLUSION COMMITTEE

Jonathan M. Shapiro and Cecil J. Thomas, Co-chairs

## Purpose

The Diversity and Inclusion Committee is responsible for implementing the Diversity and Inclusion Policy of the Connecticut Bar Association (CBA).

The CBA House of Delegates adopted its Diversity and Inclusion Policy in 2015:

The Connecticut Bar Association is committed to diversity in its membership, officers, staff, House of Delegates, Board of Governors, executive committee, sections and committees, and their respective leaders. Diversity is an inclusive concept encompassing gender, gender identity, race, color, ethnic origin, national origin, religion, sexual orientation, age, and disability.

We are a richer and more effective association because of diversity, as it increases our association's strengths, capabilities, and adaptability. Through increased diversity, our organization can more effectively address member and societal needs with the varied perspectives, experiences, knowledge, information, and understanding inherent in a diverse relationship.

The committee's purpose is to adopt, monitor, and promote a diversity and inclusion plan to achieve a genuine, sustainable diverse and inclusive environment within the CBA and throughout its membership.

In addition to the CBA's internal diversity and inclusion focus, the CBA Diversity and Inclusion Committee continues to work to foster and promote a more diverse and inclusive environment within the Connecticut legal community at large. The committee continues to facilitate the work of the Connecticut Legal Community's Diversity and Inclusion Pledge and Plan; the Annual Diversity and Inclusion Summit; and our Assessment, Education, and Pipeline Initiatives. These efforts are described in more detail below.

## Annual Report

### **The Connecticut Legal Community's Diversity and Inclusion Pledge and Plan**

The CBA Diversity and Inclusion Committee facilitates the efforts of the signatories to the Diversity and Inclusion [Pledge and Plan](#). Efforts have been made to grow this initiative since its launch, and there are currently 36 organizational signatories that have pledged a commitment to strategic, ongoing, and accountable diversity and inclusion efforts within their organizations through a multiyear process. Christine Jean-Louis and Cecil J. Thomas have facilitated the work of the signatories in the 2018-2019 bar year.

Each year of the multiyear process has a particular diversity and inclusion focus; Year One on Infrastructure and Policy Development, Year Two on Education and Training, Year Three on Hiring and Pipeline Initiatives; Year Four on Retention, Year Five on Leadership and Advancement. The October 2018 Summit marked the launch of Year Three of the Pledge and Plan.

### *Quarterly Meetings*

The signatories meet quarterly to discuss the year's goals and to share ideas, new programs and initiatives, and challenges. Chief Justice Richard Robinson of the Connecticut Supreme Court joined the signatories for their first quarterly meeting, delivering remarks and engaging in dialogue regarding organizational diversity and inclusion progress and challenges. Tommy Shi of Day Pitney LLP, Debi Witkin of Connecticut Legal Services, and John Lynch of Robinson+Cole presented a panel discussion on hiring best practices, discussing behavioral hiring, hiring committee composition, strategies for entry level and lateral hiring, and the benefits and challenges of the

Mansfield Rule. The signatories' third quarterly meeting will feature a discussion led by Robert Pellegrino and Michael Jefferson, co-authors of, *Rooting for Tarzan*. The presentation and discussion will focus on how preconceived perceptions frustrate successful diversity and inclusion hiring efforts, and strategies for disrupting those efforts.

#### *LSAT Preparation Course Scholarship Program*

In 2019, the signatories launched a new project that will provide full scholarships to eligible diverse Connecticut college students for a Kaplan Test Solutions LSAT Preparation Course. This new initiative is led by Evan Goldstein of Updike Kelly & Spellacy PC, and the scholarships will be funded by signatory organizations. A committee consisting of Gideon Asemnor, Richard Dighello, Jr., Janice DuFrend, Christine Jean-Louis, Alexis Smith, Cecil J. Thomas, and Benjamin Wiles is currently working to promote, fundraise, and develop this new project, which is planned for official launch in the fall of 2019.

#### **Third Annual Diversity and Inclusion Summit: The Collaborative Blueprint**

The committee's Third Annual Diversity and Inclusion Summit took place on October 24, 2018. The Summit was attended by hundreds of leaders of the Connecticut legal community, towards the goal of making the Connecticut bar more diverse and inclusive.

The Summit Committee was led by Christine Jean-Louis and included Jonathan Shapiro, Karen DeMeola, Michelle Duprey, Jessica Grossarth-Kennedy, Ronald Houde, Cherie Phoenix-Sharpe, Alix Simonetti, Keith Soressi, Cecil J. Thomas, Donald P. Tutson, Neeta M. Vatti, and Leanna Zwiebel. The Summit featured a presentation of the signatory demographic data by Cecil J. Thomas; a panel discussion on pipeline initiatives led by Karen DeMeola, Immediate Past President of the CBA; and a workshop entitled, "Recruitment/Retention Workshop: More Than Hiring, the Path to a Diverse and Inclusive Organization," led by consultants Judith Katz and Frederick Miller.

#### **Second CBA/CBF Diversity and Inclusion Symposium: Achieving Meaningful Inclusion for Lawyers and Law Students with Disabilities**

On September 7, 2018, the CBA and Connecticut Bar Foundation jointly sponsored the Second Diversity and Inclusion Symposium, which focused on achieving meaningful inclusion for lawyers and law students with disabilities. The symposium featured local and national experts in three panels exploring the experiences of people with disabilities in law school, upon entry to the profession, and during practice. Michelle Duprey and Ted Kennedy Jr., both nationally-renowned disability-rights advocates, served as opening plenary and keynote speakers. The planning committee was chaired by Karen DeMeola and Cecil J. Thomas. Special recognition goes to Kathy Flaherty, Michelle Duprey, and Alix Simonetti for their leadership in organizing each of the panel presentations, and to committee members Judge Anne Dranginis, Suzanne Hard, Liz Drummond, Dwight Merriam, Allen Gary Palmer (now deceased), Don Philips, Michelle Querijero, Keith Soressi, and Neeta Vatti for their efforts in making this important event a success.

#### **Assessment**

Applying the adage of "what gets measured gets done," the Diversity and Inclusion Committee has adopted or continued several internal and external diversity and inclusion assessment tools, to obtain diversity and inclusion data from both within the CBA and the Connecticut legal community. These internal and external diversity and inclusion assessment surveys have been developed and amended by Cecil J. Thomas, with the input of the committee, and supported by CBA staff person Leanna Zwiebel. CBA President Jonathan Shapiro lent significant support to these efforts by encouraging broad participation by CBA leadership.

The committee launched its first internal assessment of the state of the CBA's diversity and inclusion during the 2016-2017 bar year. The second assessment was done in May of 2018, and the third in February of 2019. The survey is designed to assess the demographic composition of the CBA's leadership, as a benchmark of the CBA's inclusivity. The anonymous survey was sent to the Executive Committee, Board of Governors, House of Delegates, and the section and committee chairs/Executive Committees. In 2019, 202 CBA leaders completed the survey. Participation rates remain low within the larger bodies of leadership. These participation rates have increased,

however, with each iteration of the survey. While the CBA's Executive Committee has become increasingly diverse since 2015, there is still progress to be made in many of the other leadership categories of the CBA.

The survey has also given the committee useful narrative comments, which have helped the committee fulfill its mandate. Several comments, for example, encouraged the CBA to be more inclusive and accessible to people with disabilities. In response, in 2019, Aigné Goldsby, Michelle Duprey, and Alix Simonetti led the development of a new Disability Accessibility and Inclusion Policy and Checklist to assist the CBA's accessibility and accommodation efforts in the future.

The committee has maintained a model diversity and inclusion plan that may be modified and adopted by CBA sections. Some CBA sections have used the model to adopt their own diversity and inclusion strategic plans. The committee encourages more sections to do so in the coming years, to ensure the existence of the necessary policies, infrastructure, and resources to support successful diversity and inclusion initiatives.

### **Education**

In addition to the annual summits, the CBA Diversity and Inclusion Committee maintains an active schedule of educational programming throughout the year. Neeta Vatti and Michelle Querijero have continued to lead the committee's education initiative. The committee organized presentations on Implicit Bias, Everyday Diversity and Inclusion, and Unfiltered Conversations on Race. The 2019 Connecticut Legal Conference also features two committee-organized sessions: "The Power and Pitfalls of Personal Narratives in Advancing Diversity and Inclusion," and "Diversity and Inclusion for Small and Solo Law Firms." Through these programs, we have sought to promote a more expansive and in-depth study of diversity and inclusion.

### **Pipeline**

The committee has continued to focus on its pipeline initiatives, designed to introduce the profession to students in high school. Karen DeMeola, Immediate Past President, has been instrumental in launching and developing the CBA's pipeline initiatives. Emily Graner Sexton and Kean Zimmerman have led these efforts during the 2018-2019 bar year. Je'Quana Orr, Barbara Housen, and Catherine Spain joined the pipeline committee which continues to be supported by Carol DeJohn and Tanya Gaul of the CBA.

In 2018, the pipeline initiative transitioned Judge Angela Robinson's L.A.W. (Love to Learn, Apply Yourself, Work for Justice) Camp to the CBA. L.A.W. Camp allows high schools students to attend a one-week camp, featuring mock trial exercises, coaching, and presentations by Connecticut lawyers and judges, and an in-depth introduction to the law as a potential career opportunity. L.A.W. Camp took place in New Haven and Hartford in 2018. Three sessions are planned for the summer of 2019, in New Britain and Hartford. The committee has presented to high schools, the Junior League, and CHRO's annual Kids' Speak event to promote L.A.W. Camp.

### **Looking Forward**

#### *CBA Chief Diversity Officer*

The CBA has hired Chief Diversity Officer Amani Edwards to support the efforts of the committee. This is an exciting advancement of the CBA's diversity and inclusion efforts.

#### *Diversity and Inclusion Narrative/Experiential Survey and Report*

Numbers or "headcount" assessments can help tell a story, but are not enough to fully understand the Connecticut legal community's diversity and inclusion challenges and opportunities. A planning committee, currently in formation, will undertake a narrative/experiential survey and assessment of the state of diversity and inclusion within the Connecticut legal community. This effort, co-chaired by Cecil J. Thomas, will be a multiyear project, designed to study and report on the experiences of diverse Connecticut attorneys, toward gaining a better understanding of what Connecticut is doing well, and where it can do better.

#### *Cognitive Bias Symposium*

The committee is currently planning a symposium that will take an in-depth look at the cognitive biases that affect the legal profession. This committee, which will be co-chaired by Robert Hinton, will undertake planning of the



symposium. We hope this will be a collaborative effort within the CBA and with other community partners, and plan for the event to take place in late 2019, or early 2020.

**Conclusion**

The CBA has made significant progress in its diversity and inclusion efforts in the last several years. Special thanks goes to all of the CBA staff, and in particular Keith Soressi, Tom Genung, Ashleigh Morelli, and Leanna Zwiebel for their efforts in supporting the work of the committee this past year. Of course, there is much more to be done, and we look forward to the future accomplishments of this committee as it continues its crucial efforts.

# FAIR AND IMPARTIAL COURTS COMMITTEE

James T. Shearin, Chair

## **Purpose**

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

## **Annual 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 considered 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.

# FEDERAL JUDICIARY COMMITTEE

James T. Shearin and Robert R. Simpson, Co-chairs

## **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.

## **Annual Report**

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

We had no business to conduct because there were no judicial appointments that came before us.

# LEGISLATIVE POLICY AND REVIEW COMMITTEE

Amy Lin Meyerson, Chair

## Purpose

The Legislative Policy and Review Committee (LPRC) deliberates proposals brought by CBA sections or committees concerning legislation, rules of the CT Superior Court, and state agency or federal regulations. The LPRC conducts a thorough analysis of the requested authorization, the essential legislative or regulatory issue, and the impact on the bar and on Connecticut law. Considered is whether the requested authorization is inconsistent with any other legislative, regulatory, or rule-making position approved by the association. After thorough discussion, the LPRC makes its recommendation to the governing bodies of the association whether such proposals or positions should be authorized.

The Legislative Policy and Review Committee is appointed annually by the CBA President to staggered three-year terms and consists of at least nine members of the association, two-thirds of whom are to be members of the House of Delegates or Board of Governors or have previously served in that capacity.

The Legislative Policy and Review Committee is part of the CBA's legislative team that works diligently to enhance the practice of law for our members and their clients and improve the administration of justice. The CBA's legislative team is the membership's voice at the Capitol.

## Annual Report

### Committee Members

Amy Lin Meyerson, Chair, Law Office of Amy Lin Meyerson

Maggie Castinado, Office of the Public Defender

James O. Craven, Wiggin and Dana LLP

Melanie Dykas, Locke Lord LLP

Jason M. Fragoso, US Department of Veterans' Affairs

Kimberly McGee, Faulkner & Graves PC

Kara A.T. Murphy, Tierney Zullo Flaherty & Murphy PC

Vincent P. Pace, Eversource

M. Anne Peters, Carmody Torrance Sandak & Hennessey LLP

Erick A. Russell, Pullman & Comley LLC

Howard B. Schiller, Law Offices of Howard B. Schiller

Tim Shearin, Pullman & Comley LLC

Robert Shea (ex officio) Shea Law Inc.

Bill Chapman (ex officio) Director, Government & Community Relations, Connecticut Bar Association

### Committee Meetings

On September 6, 2018, the LPRC hosted the annual CBA Legislative Workshop that provided attendees with information about the CBA's legislative policies and procedures and how to be involved in the legislative process.

In attendance were CBA legislative liaisons, along with members of the CBA's House of Delegates and Board of Governors, and CBA section and committee chairs, who all deal with the ever-important role of advocacy as attorneys and in the CBA.

This workshop also gives CBA leadership the opportunity to hear about issues of importance to our sections and committees and to discuss how members can get more involved in the activity and the bills under consideration at the Capitol.

The LPRC met regularly and on an emergency basis, as needed, throughout this bar year and considered over 30 position requests including reauthorizations of prior positions approved by the CBA. During the Connecticut General Assembly 2019 Regular Session that convened on January 9 and adjourns June 5, the LPRC met almost weekly either telephonically or by electronic consent communications.

Bill Chapman, in his role as Director, Government & Community Relations of the Connecticut Bar Association, staffs the committee and monitors proposed legislation of interest to the CBA and its members at the Capitol.

## Purpose

The purpose of the Pro Bono Committee is 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.

## Annual Report

Pro Bono Awards Committee (Adam Cohen): The Honorable Anthony V. DeMayo Pro Bono Award is named in honor of The Honorable Anthony V. DeMayo, and recognizes CBA members who are not salaried employees of a legal aid or similar nonprofit organization. The recipients are selected based on their demonstrated dedication to the provision of legal services without expectation of payment to those in need. The pro bono committee awarded the following individuals The Honorable Anthony V. DeMayo Pro Bono Award in April, 2019:

- Rebecca L. Ciota, Ciota Legal Group LLC
- Jennifer L. Hluska, Prudential Financial
- Brittany A. Killian, McCarter & English LLP
- Jane I. Milas, Garcia & Milas PC
- Stephanie B. Nickse, S.B. Nickse Law Offices LLC

The committee sponsored the following programs this year:

*October 26, 2018*

Nuts & Bolts: Connecticut Tenant Security Deposit Returns

During National Pro Bono Week, this CLE educated members on how to provide pro bono legal assistance to low-income families initiating or challenging claims on their housing security deposits.

*April 4, 2019*

Representing Victims of Childhood Trauma: *Resilience* Screening

This program was co-sponsored by the Connecticut Bar Association Pro Bono Committee, the Education Law Section, the Health Law Section, and the United States Attorney's Office for the District of Connecticut. The program included a screening of the film, *Resilience: The Biology of Stress & the Science of Hope*, a one-hour documentary about the science of childhood trauma and the movement to treat and prevent toxic stress. Following the film, attendees learned about the long term impact of traumatic events on children; discussed ways the medical community, legal community, and judicial system can assist victims of trauma; and created a framework for understanding how attorneys and health care providers can represent clients who have experienced traumatic events in a way that prevents continued trauma.

The following programs are being planned for the end of 2019:

*June 10, 2019*

The Pro Bono Committee will host a table at the Connecticut Legal Conference to encourage attorneys to sign up for pro bono opportunities.

*October, 2019*

Pro Bono Legal Clinic Sub-Committee (Jennifer Zakrzewki)

In honor of pro bono week, the pro bono sub-committee is organizing pro bono clinics across the state in 2-3 locations. The pro bono clinics would take place the week of October 22, 2019 at the New Britain CBA office, as well as either in New London and/or Bridgeport. Attorneys and paralegals will participate in the clinics.

# PROFESSIONALISM COMMITTEE

Hon. Kenneth L. Shluger and Timothy A. Diemand, Co-chairs

## Purpose

The mission of the Connecticut Bar Association Professionalism Committee 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). The Committee will do this by: 1) encouraging, recommending, and providing assistance to CBA Committees and Sections in the development and coordination of professionalism initiatives according to the Principles; 2) encouraging and providing assistance to local bar associations, law schools, and the judiciary in their efforts to improve professionalism as articulated by the Principles; 3) educating members of the legal profession and the public about Principles.

## Annual Report

The primary initiatives of the Professionalism Committee are to organize the annual Professionalism Symposium, to manage the statewide mentoring program; identify and select the recipient of the Edward F. Hennessey Professionalism Award; stimulate interest in professionalism, ethics, and civility among other sections and committees; and produce its own continuing legal education programs stressing those principles.

The 2018 Edward F. Hennessey Professionalism Award was presented at the annual Celebrate with the Stars to Mark Dubois for his decades of service to the bar, the practice of law, and the education and mentoring of young lawyers and law students.

There continues to be a mentoring program centered in Hartford and New Haven in conjunction with those local bar associations. Newly admitted lawyers seeking a mentor are paired with a more senior member of the bar and they interact for a full year. David Case in Hartford and Dean Brad Saxton in New Haven co-chair this program.

The inaugural Professionalism Boot Camp took place on November 30 at Quinnipiac University School of Law. This program was designed so that newly admitted lawyers could master the skills needed to practice more effectively and ethically. The program provided five hours of continuing legal education which included two hours of ethics. The programs included topics such as "Avoiding a Grievance," "Creating a Small 21st-Century Law Office," "Networking and Rainmaking," "Screening New Clients, Billing and Fee Agreements," "Surviving Technology," and the "Ethical Do's and Don'ts of Social Media." The program was very well received and will be repeated on December 6, 2019.

The Professionalism Symposium is the capstone event of the Professionalism Committee. Now in its 16th year, the 2018 program was a collaborative effort between the Middlesex and New London County bar associations. Chief Justice Robinson was the keynote speaker. The half-day program included both plenary and breakout sessions which focused on specific practice areas while stressing the importance of professionalism, civility, and ethics. This program always enjoys the full support of the bench and bar with the judicial branch permitting the use of its courthouse and suspending the normal dockets so that lawyers and judges can participate. It will take place in the Bridgeport judicial district on Nov 8, 2019.

## Meetings

The committee meets four times per year splitting the location between New Haven and New Britain so as to provide convenience to its members spread across the state.

# STANDING COMMITTEE ON PROFESSIONAL ETHICS

Marcy T. Stovall, Chair

## Purpose

The Standing Committee on Professional Ethics provides members of the bar with opinions on matters of professional ethics, interpreting and applying the Connecticut Rules of Professional Conduct.

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 further 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. Formal opinions are published in the *Connecticut Bar Journal* and formal and informal opinions are shared with the ABA/BNA Lawyers Manual on Professional Conduct. The CBA formerly published the Professional Responsibility Reference Guide, which included formal and informal opinions rendered by the committee since adoption of the Rules of Professional Conduct in Connecticut, October 1, 1986, with an index of opinions organized by reference to the Rules of Professional Conduct. The reference guide has not been updated since 2009. All of the committee's formal and informal opinions are available through Casemaker, which CBA members may access by logging in on the CBA website.

## Annual Report

In the past bar year, the Standing Committee on Professional Ethics continues to have relatively less activity than in prior years. As of June 30, 2018, the committee has adopted four new informal opinions, titled as follows:

1. Imputed Conflicts When Firm Attorney Also Acts as Real Estate Agent (Follow-Up to Informal Opinion 15-03)
2. Transfer of Workers' Compensation Files from "Accredited Representative" to Attorney
3. Nominal Value Gift for Client Referrals
4. Lawyer May Not, on Behalf of Client, Provide a Fact Witness with a Benefit in Exchange for Testimony

All the opinions the committee has adopted in recent years (since 2011) are posted on the CBA's website. These opinions are located through a link on the website page dedicated to the committee.

In August 2018, the American Bar Association (ABA) House of Delegates approved a substantial reorganization of and revisions to the provisions of the Model of Rules of Professional Conduct governing lawyer advertising (Rule 7.1-7.5). The Ethics Committee, with approval of the CBA's Legislative Policy and Review Committee and the Executive Committee, recommended to the Rules Committee of the Superior Court that the Connecticut Rules of Professional Conduct be revised to incorporate the amendments of the model rules, with some minor differences to reflect Connecticut Practice. The package of proposed amendments as submitted to the Rules Committee reflected collaboration with Statewide Bar Counsel to address concerns of the Statewide Grievance Committee and the Office of Disciplinary Counsel. At its March 26, 2019 meeting, the Rules Committee referred the entire package of proposed amendments, as submitted by the Ethics Committee, for public hearing on May 13, 2019, and a vote by the judges at their annual conference in June.

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 consistent 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 of 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.

# STANDING COMMITTEE ON WORKERS' COMPENSATION CERTIFICATION

Brian L. Smith, Chair

## Purpose

The Connecticut Bar Association Standing Committee on Workers' Compensation 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. At least 50 percent of the members of the committee are Board Certified Workers' Compensation Specialists (\*). The remaining members have a substantial involvement in the practice of workers' compensation law and are highly regarded practitioners. The chairperson of the workers' compensation section appoints all members of the committee.

## 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, Elizabeth Ferguson, Hysha Burgess, and Phanny Cahill of the Connecticut Bar Association.

This year was a busy year for our committee. We are about to re-certify several specialists. We continue to add approved courses to the list of those that qualify for inclusion in the certification and re-certification process. We reviewed and approved CLE credits from countless seminars, presentations, articles, etc. and updated our list of approved seminars.

# TASK FORCE REPORTS

# UNAUTHORIZED PRACTICE OF LAW TASK FORCE

Jonathan M. Shapiro, Chair

## Annual Report

The Unauthorized Practice of Law (UPL) Committee, with the Standing Committee on Professional Ethics, is created by the CBA constitution and is charged with investigating issues related to the practice of law by non-lawyers.

In years past, the committee was very busy and provided advice and guidance to the bench, Judicial Branch officials, the bar, out-of-state lawyers, and the public on such matters. After SCOTUS ruled in the 2015 case of *North Carolina State Board of Dental Examiners v. Federal Trade Commission* that trade regulation efforts by market members might violate anti-trust law, bar leadership put the committee on hiatus status while the law settled out and we were able to see how other states handled the matter. Our task was complicated by the fact that the CBA is a “voluntary” bar whereas many states have bars which are part of their judicial departments.

The Unauthorized Practice of Law Task Force, consisting of bar leaders, former Judicial Branch officials, and thought leaders, was established to determine whether and how the UPL Committee might reenter the lawyer regulatory arena without exposing the CBA to anti-trust claims. After hiring an anti-trust expert and reviewing how such committees in other states had reacted to *NC Dental*, the work the committee had done in the past and current issues related to the provision of legal services by non-lawyers, especially on the Internet, the task force determined that the committee should be reappointed and authorized to resume its work. Opinions issued by the committee, as with opinions issued by the Ethics Committee, will bear a disclaimer warning that the CBA is a voluntary professional association, is not a regulatory body, and does not speak for the Judicial Branch or with the authority of law. The task force also recommended that the UPL Committee provide support to the Office of Chief Disciplinary Counsel in identifying unauthorized practice of law issues for possible referral and consider pursuing an educational campaign for the general public about the importance of having an attorney handling matters of legal significance.