

# CONNECTICUT BAR ASSOCIATION

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2021-2022  
Annual Report  
of Sections  
and Committees





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# CONNECTICUT BAR ASSOCIATION OFFICERS

2021-2022



**PRESIDENT\***  
Hon. Cecil J. Thomas



**PRESIDENT-ELECT**  
Daniel J. Horgan



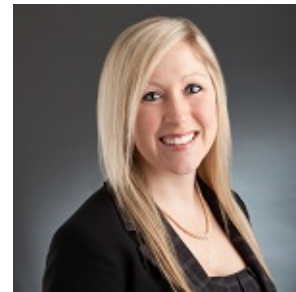
**VICE PRESIDENT**  
Margaret I. Castinado



**TREASURER**  
David M. Moore



**SECRETARY**  
Sharadchandra A. Samy



**ASSISTANT SECRETARY-  
TREASURER**  
Cindy M. Cieslak



**IMMEDIATE PAST PRESIDENT**  
Amy Lin Meyerson

\*In May 2022, Hon. Cecil J. Thomas resigned from the position of president as a formal requirement of the Connecticut Bar Association's bylaws due to the finalization of his confirmation as a Connecticut Superior Court judge. Daniel J. Horgan assumed the office of the president of the association for the remainder of the 2021-2022 bear year.



# CBA BOARD OF GOVERNORS OF THE HOUSE OF DELEGATES

2021-2022

| DISTRICT | NAME                | CITY          | TERM EXPIRES |
|----------|---------------------|---------------|--------------|
| 1        | Lorenzo E. Agnoloni | Greenwich     | 2023         |
| 2        | Stephen J. Conover  | Stamford      | 2022         |
| 3        | Sarah Murray        | Westport      | 2023         |
| 4        | Rute Mendes Caetano | Danbury       | 2022         |
| 5        | James O. Gaston     | Bridgeport    | 2023         |
| 6        | J. Paul Vance, Jr.  | Torrington    | 2022         |
| 7        | Jason Gagnon        | Waterbury     | 2023         |
| 8        | Jonathan Weiner     | West Hartford | 2022         |
| 9        | Sung-Ho Hwang       | New Haven     | 2023         |
| 10       | William F. Dezinno  | Meriden       | 2022         |
| 11       | Patrick J. Cooney   | Bristol       | 2023         |
| 12       | Emily Gianquinto    | Hartford      | 2022         |
| 13       | Sylvia K. Rutkowska | Middletown    | 2023         |
| 14       | Francis Drapeau     | Rockville     | 2022         |
| 15       | Howard B. Schiller  | Willimantic   | 2023         |
| 16       | Kristi D. Kelly     | New London    | 2022         |
| 17       | Matthew J. Cholewa  | Wethersfield  | 2023         |

# CBA HOUSE OF DELEGATES

2021-2022

| DISTRICT | NAME                   | CITY          | TERM EXPIRES |
|----------|------------------------|---------------|--------------|
| 1        | Erin K. Flynn          | Greenwich     | 2023         |
| 2        | Diana M. Carlino       | Stamford      | 2023         |
| 2        | Stephen J. Conover     | Stamford      | 2023         |
| 2        | Scott M. Harrington    | Stamford      | 2022         |
| 3        | Lucas Hernandez        | Westport      | 2023         |
| 3        | Sarah E. Murray        | Westport      | 2024         |
| 4        | Patricia Cruz Fragoso  | Danbury       | 2022         |
| 5        | James O. Gaston        | Bridgeport    | 2023         |
| 5        | Christopher Blau       | Bridgeport    | 2024         |
| 5        | Johnpatrick C. O'Brien | Bridgeport    | 2022         |
| 5        | James T. Shearin       | Bridgeport    | 2022         |
| 6        | J. Paul Vance, Jr.     | Torrington    | 2023         |
| 7        | Connor P. McNamara     | Waterbury     | 2024         |
| 7        | Anthony Minchella      | Middlebury    | 2023         |
| 8        | Anthony Ciolli         | West Hartford | 2024         |
| 8        | Scott Schwefel         | West Hartford | 2024         |
| 8        | Jonathan Weiner        | West Hartford | 2024         |
| 9        | Jason M. Fragoso       | West Haven    | 2022         |
| 9        | Joshua R. Goodbaum     | New Haven     | 2024         |
| 9        | Jesse A. Langer        | East Haven    | 2023         |
| 9        | Vincent M. Marino      | Orange        | 2022         |
| 9        | Brendan Nelligan       | New Haven     | 2023         |
| 9        | Albert Oneto           | Hamden        | 2024         |
| 9        | Leonard Rodriguez      | Orange        | 2024         |

(Continued on the next page)

# CBA HOUSE OF DELEGATES

2021-2022

| DISTRICT | NAME                  | CITY        | TERM EXPIRES |
|----------|-----------------------|-------------|--------------|
| 10       | James O. Craven       | Madison     | 2022         |
| 10       | William F. Dezinno    | Meriden     | 2024         |
| 11       | Patrick J. Cooney     | Bristol     | 2023         |
| 11       | Kristen Mostowry      | Bristol     | 2022         |
| 11       | Jeffrey A. Zyjeski    | New Britain | 2022         |
| 12       | Jamey L. Bell         | Hartford    | 2024         |
| 12       | Jennifer S. Das       | Hartford    | 2024         |
| 12       | Melanie P. Dykas      | Hartford    | 2024         |
| 12       | Emily A. Gianquinto   | Hartford    | 2024         |
| 12       | Claire Howard         | Hartford    | 2024         |
| 12       | Dana M. Hrelac        | Hartford    | 2022         |
| 12       | Kenneth B. Lerman     | Hartford    | 2023         |
| 12       | Houston Putnam Lowry  | Hartford    | 2023         |
| 12       | Carolyn Signorelli    | Hartford    | 2024         |
| 12       | Jennifer E. Wheelock  | Hartford    | 2023         |
| 13       | Kirk W. Lowry         | Middletown  | 2023         |
| 14       | Christopher T. Bowen  | Vernon      | 2023         |
| 15       | Pamela S. Bacharach   | Willimantic | 2022         |
| 16       | Michael Bonnano       | New London  | 2022         |
| 16       | Douglas J. Monaghan   | Groton      | 2022         |
| 17       | Janis Malec           | Rocky Hill  | 2023         |
| 17       | Allenston M. Sheridan | Manchester  | 2022         |
| 17       | Maria K. Tougas       | Manchester  | 2022         |



## CBA HOUSE OF DELEGATES SECTION DELEGATES

### 2021-2022

| SECTION  | NAME             | CITY      | TERM EXPIRES |
|--|------------------|-----------|--------------|
| ADR  | Gary Sheldon     | Hartford  | 2022         |
| Business Law                                   | Matthew Gaul     | New Haven | 2022         |
| Commercial Law & Bankruptcy                    | Taruna Garg      | Stamford  | 2023         |
| Energy, Public Utilities, & Communications Law | Vincent Pace     | Berlin    | 2023         |
| Veterans & Military Affairs                    | Emily D. Trudeau | Hartford  | 2024         |
| Workers Compensation                           | Jason Matthews   | Cheshire  | 2024         |

## CBA HOUSE OF DELEGATES AFFINITY BAR DELEGATES

### 2021-2022

| AFFINITY BAR                                       | NAME               | CITY           | TERM EXPIRES |
|--|--------------------|----------------|--------------|
| Connecticut Asian Pacific American Bar Association | Quyên Truong       | New Haven      | 2024         |
| Connecticut Hispanic Bar Association               | Steven Hernández   | Manchester     | 2023         |
| Connecticut Italian American Bar Association       | Francesco C. Mioli | Stamford       | 2022         |
| George W. Crawford Black Bar Association           | Komla Matrevi      | Fort Worth, TX | 2024         |
| South Asian Bar Association of Connecticut         | Nandita Ruchandani | Fairfield      | 2024         |

# ANNUAL REPORT OF THE PRESIDENT

Hon. Cecil J. Thomas

These last several years have brought unprecedented change and new challenges for the Connecticut Bar Association (CBA), due to the significant impact of the COVID-19 global pandemic. On March 5, 2020, we held an in-person Continuing Legal Education (CLE) event, “The Unfulfilled Promises of the 15th and 19th Amendments” an exploration of these two amendments to the United States Constitution with Professor Gloria Browne-Marshall. This event, held in commemoration of 100 years of the 19th amendment, and 150 years of the 15th drew some 50 attendees to the CBA headquarters in New Britain, Connecticut. It was business as normal, even as early cases of COVID-19 were reported in the United States. Several dozen attendees of this CLE event cancelled their attendance due to fears of the illness, and little did we know that it would be our last in-person CBA event for over a year.

The following week the world as we knew it changed dramatically, in a scope and for a duration that none of us could have anticipated. My predecessors, the Hon. Ndidi Moses and Amy Lin Meyerson, and I helped to lead the CBA through this time of great change and challenge, and I am grateful for having had the opportunity to work with them as the officers of the CBA for the past three years. Just a few months into this global pandemic, the horrific death of George Floyd brought about a renewed focus on issues of social and racial justice. These were “all-hands-on-deck” moments for CBA leadership, and I am proud of our collective response: the COVID-19 Task Force, the creation or expansion of several new pro bono programs and access to justice initiatives, the Constance Baker Motley Speaker Series on Racial Inequality, the CBA Policing Task Force, and the passage of Rule 8.4(7) of the Rules of Professional Conduct, the creation of a new Director of Access to Justice Initiatives position, the launch of a new Pandemic Recovery Future of Court Technology Task Force, and a new Legal Aid and Public Defense Committee, to name just a few highlights. Virtual meetings have become our “new normal” and we have embraced this technology to expand our organizational reach, improve efficiency, and continue high-quality and high-impact events and initiatives throughout the pandemic. While 50 attendees represented a well-attended event pre-pandemic, virtual events allowed us to draw in hundreds of attendees to similar CBA events throughout the pandemic. These trends are reflections of our need for community, the ongoing relevance of the CBA to every member of our profession, and the possibilities that arise when we embrace change in the face of adversity.

My predecessors, the Hon. Ndidi Moses and Attorney Amy Lin Meyerson, served as presidents of the CBA during the 2019-20 and 2020-21 bar years respectively, and collectively helped chart a careful and effective course for the CBA through the worst of the pandemic. As we began to emerge from the worst of the pandemic this bar year, their significant efforts and impactful leadership were crucial to the progress and growth that we realized during the 2021-2022 bar year.

### **Theme for the 2021-2022 Bar Year**

The theme for the 2021-22 bar year was “Together for Justice, Together for Equity, Together in Service.” “Together,” repeated thrice, expressed a goal of building organizational stability and growth, increasing membership and offering greater membership value, and of charting a course so that the members of the organization might safely gather together after many years of virtual events. “Justice” reflected a goal of increasing our organizational pro bono and access to justice efforts, particularly directed at the civil access to justice gap in critical areas such as housing and family law. “Equity” reflected our organizational diversity, equity, and inclusion journey, through which the CBA has taken significant strides to becoming a more diverse, equitable, and inclusive organization these past seven years. “Service” reflects our professional and organizational call to service, to each other, to our clients, to the good of the organization and of society, and most importantly, to those most vulnerable among us.

### **Embracing the “New Normal” and Navigating the COVID-19 Pandemic**

Throughout the pandemic, the CBA embraced our collective “new normal,” shifting all of our functions and traditional events and initiatives to a virtual model. The 2021 Connecticut Legal Conference was a prime example of this type of evolution. The Connecticut Convention Center, our traditional venue, was not available for in-person events through June of 2021. Given the uncertainty around COVID-19, the CBA embraced a virtual model for the 2021 Connecticut Legal Conference early in the planning process. The conference was run as a three-day virtual event. Nationally-renowned speakers were confirmed for appearances throughout the conference: Pulitzer Prize winner Matthew Desmond, Attorney Neal Katyal, Asha Rangappa, Dr. Arin Reeves, Professor Richard Rothstein, and MacArthur Fellow Rebecca Sandefur delivered keynote presentations, opening and closing each day with powerful, timely, and insightful remarks. The virtual conference platform allowed attendees to move between CLE offerings seamlessly, network with each other in virtual gathering spaces, and meet with vendors and sponsors in virtual demonstration rooms. Almost 800 registrants and speakers participated in the conference, and conference attendance and revenues tracked similar metrics to traditional in-person Connecticut Legal Conferences. Just a few years ago, we would never have imagined such an adept shift for the legal profession or for the CBA.

This bar year, the CBA sought to chart a course to safely return to in-person events and gatherings. With the broader availability and distributions of vaccines, the COVID-19 pandemic appeared to subside as the summer of 2021 approached. CBA staff returned to the office on July 19, 2021, after 16 months of working remotely. New safety protocols, such as a masking policy and daily temperature checks, were implemented for the CBA headquarters in New Britain, Connecticut. In November of 2021, the CBA Board of Governors approved an In-Person Visitor and Event Attendance Policy, which was modified throughout the year to adjust to changing COVID-19 positivity rates and to keep pace with federal, state, and local mandates and public health guidelines. The CBA began to utilize a third-party application to allow in-person attendees to submit proof of COVID-19 vaccination, which worked effectively during in-person events in the Spring of 2022, such as Celebrate with the Stars and the Connecticut Legal Conference. These traditional marquis CBA events were held in-person again for the first time since 2019, and were well-attended and well-received.



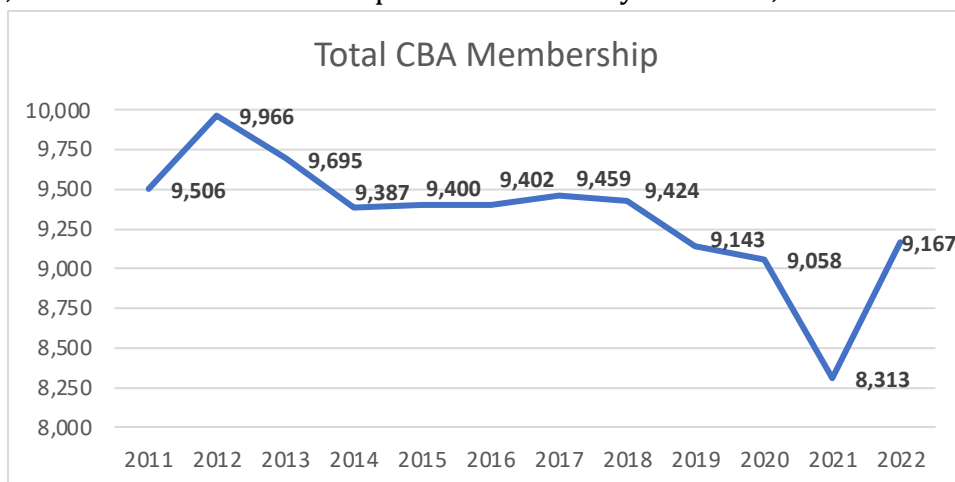
The pandemic brought about significant change to the practice of law in Connecticut, and our education and advocacy efforts remained constant throughout. This year, we have continued to maintain open lines of communication with the Connecticut Judicial Branch, to serve as an advocate on all issues affecting Connecticut practice in the courts. A small working group, consisting of Chief Justice Robinson, Chief Court Administrator Judge Patrick Carroll III, Deputy Chief Court Administrator Elizabeth Bozzuto, Judge Michael Albis, and representatives of the CBA, has also met throughout the year to address recent changes in family law practice. These conversations and partnerships have brought about significant beneficial change over the course of the year, and I am heartened to know that these conversations, and the underlying partnership, continue on.

### **Membership Growth, Membership Value, and Organizational Stability**

The overall strength of the CBA, reflected in part in its membership numbers, has been a significant focus of this bar year. Through a combination of efforts, I am proud to report that the CBA experienced over 10% membership growth in a single year, reversing a trend of membership decline in recent years.

From 2010 through 2018, overall CBA membership had been fairly constant, at an approximate average of 9500 members per year.

2019, 2020, and 2021 saw membership decline to 8300 members, with the most significant membership decline attributable to the period of March of 2020 to March of 2021, during the height of the COVID-19 pandemic. The 10% growth the CBA realized

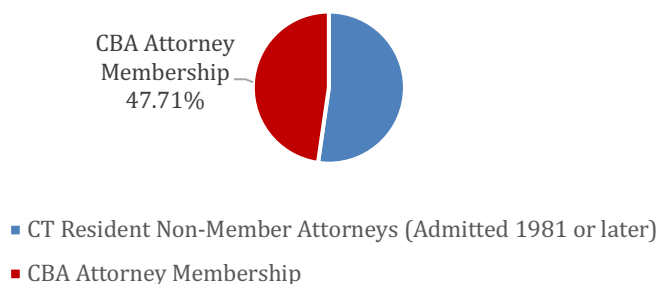


this year is attributable to a new membership campaign, as well as the achievement of full Connecticut-area law school inclusion within the CBA for the first time this year.

**Membership Campaign:** Throughout this bar year, the CBA has run a year-long membership campaign, focused on attracting previous non-member Connecticut resident attorneys to join or rejoin the CBA. Non-member attorneys with active Connecticut addresses, admitted in 1981 or later, have received a series of letters and postcards throughout the bar year inviting them to join the CBA, with an accompanying CLE credit incentive. Almost 250 previously non-member attorneys joined the CBA as a result of this campaign this year. This campaign has run alongside our renewal efforts, together with significant personal outreach efforts by CBA leadership, to produce continuous membership growth throughout the 2021-22 bar year.

The campaign was also informative of overall Connecticut resident attorney demographics. The initial data query produced approximately 9,500 attorneys, admitted in 1981 or later, with an active Connecticut address listed in their attorney registration. After removal of duplicate entries, as well as the names of attorneys who had joined in response to the campaign, we can see that CBA membership,

### CBA Membership Representation (in relation to Connecticut resident attorney population)



as a reflection of the Connecticut resident attorney population, is fairly strong. The CBA, at the close of the 2021-22 bar year, represented approximately 7600 attorney members. Approximately 8300 Connecticut resident attorneys, admitted in 1981 or later, are not members of the CBA. My hope is that the information we have gleaned from this year's membership campaign will serve as a benchmark for continued non-member outreach efforts in the years ahead.

**Connecticut-Area Law School Inclusion:** The Quinnipiac University School of Law and the University of Connecticut School of Law have historically participated in CBA group faculty and student membership programs. Through a series of meetings and discussions with the leadership of Yale Law School and the Western New England University School of Law, we were successful in adding both schools to those group membership programs, bringing over 500 new faculty and law student members. This reflects the first time, in CBA history, that we have had full Connecticut-area law school inclusion in CBA membership. The group student membership participation from all of our Connecticut-area law schools is particularly important and exciting. This inclusion allows for early CBA engagement with law students, providing invaluable networking and professional development opportunities, and introducing the CBA to future members at the very start of their legal careers.

**Membership Value and Benefit Awareness:** The CBA launched three significant new efforts this year to enhance the CBA membership value proposition. A new **member benefit campaign** has added a host of new social, entertainment, and personal member discount programs, with an emphasis on local Connecticut-based venues and services. New discount programs at local wineries and breweries, airport parking, clothing, and family entertainment venues have been added to the CBA's existing slate of robust law practice management and other professional benefit programs. In order to promote member awareness of these benefits, the CBA launched a new annual **CBA Membership Card**, which includes a QR code to allow ready access to the list of CBA member benefits. Finally, we have launched a new **CBA CLE Pass**, available as a membership add-on at renewal for the 2022-23 year. The CLE Pass will allow unlimited attendance at all live CBA CLE events of two credits or less (with some exclusions) throughout the year, at an annual price of \$129.00.

In implementing these recommendations, we were guided this year by the feedback received in our 2020 CBA Membership Survey Report. Some of the salient recommendations from that report are summarized here:

### **Applicable Key Findings and Recommendations**

Overall, current members appear to be satisfied with the CBA. Almost two-thirds of respondents did not indicate ways by which CBA membership could be improved.

#### ***Dues***

90% of respondents believe that the value they receive from their CBA membership is sufficient to justify the cost of the membership.

#### ***Reasons to Join/Stay a Member:***

Most respondents joined the CBA for CLE (77%), to support the profession (68%), and for networking opportunities (53.6%).

#### ***CLE***

Though members derived value from their CBA membership, they consistently mentioned that costs for CLEs—a primary driver of membership with 51.88% of respondents receiving between 50-100% of their CLE from CBA offerings—were too high, and free/low-cost CLE offerings were too few. Most members either support a one-time yearly fee for unlimited online CLE products on the Education Portal (57.20%) or one comprehensive membership fee that includes unlimited access to online CLE products on the Education Portal (66.67%).

#### ***Member Benefits***

The CBA needs to better advertise its member benefits. Staff indicated that the CBA does offer benefits that speak to some of the key takeaways—e.g., law office technology support for small firms, mentorship programs—but there appear to be challenges in educating members of existing benefits. Many members cited frustrations with navigating the CBA website.

The new CBA member card, as well as the new CBA CLE Pass, were both implemented this year to respond to this feedback, in an effort to promote better awareness of our many CBA member benefits, and to offer CLE in a more cost-effective manner.

In implementing a bundled CLE offering, the CBA is also tracking bar association trends across the country, with 35% of all voluntary state bars offering a CLE “season pass” and 30% offering CLE bundle options:

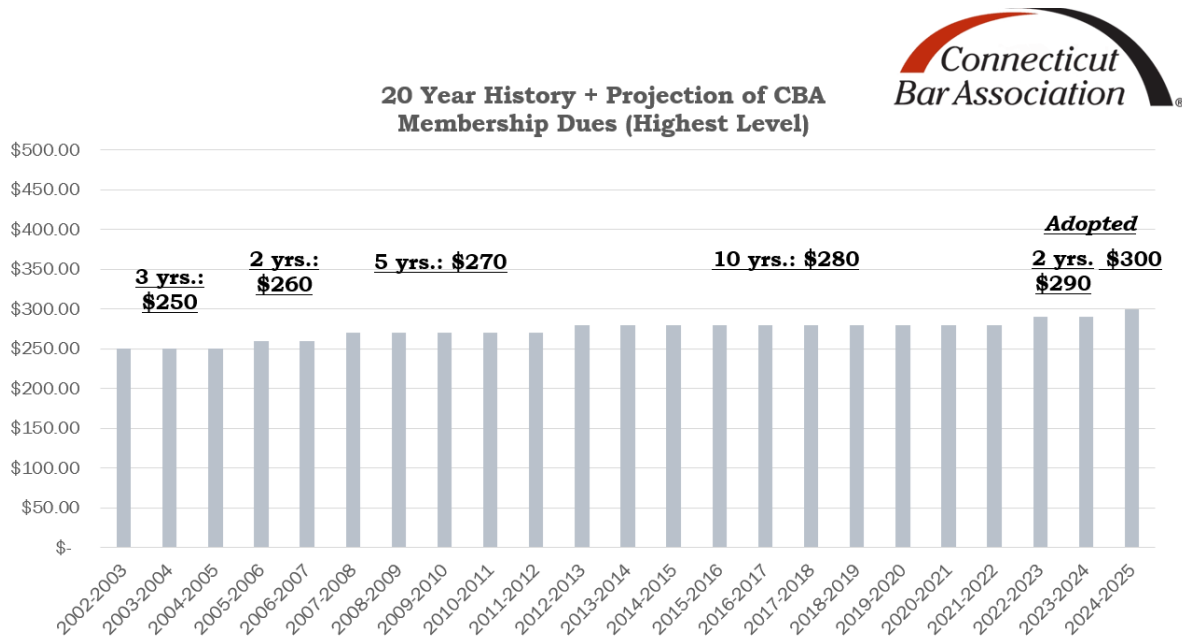


#### CONTINUING LEGAL EDUCATION – VOLUNTARY STATE BARS

|                                  | VOLUNTARY STATE<br>BARS 20,000+ (6) | VOLUNTARY STATE<br>BARS 10,000-19,999 (6) | VOLUNTARY STATE<br>BARS UNDER 10,000 (8) | ALL VOLUNTARY<br>STATE BARS (20) |
|----------------------------------|-------------------------------------|---|--|----------------------------------|
| UNLIMITED FREE CLE               | 0%                                  | 33%                                       | 0%                                       | 10%                              |
| LIMITED NUMBER OF FREE CLE HOURS | 67%                                 | 50%                                       | 38%                                      | 50%                              |
| Average number of free CLE hours | 9.9                                 | 12.3                                      | 4.3                                      | 9                                |
| REDUCED FEE CLE                  | 83%                                 | 83%                                       | 63%                                      | 75%                              |
| SEASON PASS                      | 50%                                 | 33%                                       | 25%                                      | 35%                              |
| CLE BUNDLES                      | 67%                                 | 17%                                       | 13%                                      | 30%                              |

Figure 1 Source: American Bar Association, 2021 State and Local Benchmarks Survey

**Organizational Stability:** The CBA has enjoyed significant financial stability in recent years. In order to continue this financial stability and address rising costs in the future, the CBA Board of Governors approved a modest structured dues increase at my request in March of 2022. This dues increase, the first in over ten years, will add \$10.00 to most paid membership categories this coming bar year, and another \$10.00 in two years. A review of our dues history shows that this increase was long overdue, particularly as we face increased personnel and operation costs in the coming years:



These adopted dues increases will also keep us in line with similarly-situated voluntary bar associations across the country, with average annual dues ranging between \$250 and \$307 for voluntary state bar associations of similar membership size. (American Bar Association, 2021 State and Local Benchmarks Survey). In 2021, among all voluntary state bars, the average annual dues rate across the country is \$280 a year. (Id.)

Looking to our neighboring states, the New York State Bar Association, with a voluntary membership of over 69,000, offers a \$275.00 highest annual dues level, while the Massachusetts State Bar Association, with a voluntary membership of over 10,000, features

a top annual dues level of \$425.00. Given recent rising inflation, as well as the long period since our last dues increase, this was an important step for securing our financial stability in the future.

***Financial Stability:*** Despite the challenges of the pandemic, the CBA has enjoyed another year of financial stability. Membership increases have increased dues revenue, and the CBA's financial reserves and investment accounts remain stable. This year, the CBA made concentrated outreach efforts to grow the 1875 Society, consisting of those leaders of the Connecticut legal profession who voluntarily contribute \$100.00 in additional dues each year. Thanks to personal outreach efforts and leadership commitment, the 1875 Society has more than doubled in size to over 90 members this year.

***Building Committee:*** Looking forward, the pandemic has challenged the CBA to evolve and think differently about its traditional method of serving its members and advancing its mission. Investments in new technology, such as our Zoom accounts, virtual conference platforms, and new video technology to allow for hybrid meetings, have proven to be invaluable. Our member management and other software systems would benefit significantly from upgrades or replacement in the near future, as the CBA continues to evolve to meet the needs of its members.

By contrast, the CBA's physical space needs have diminished significantly. All CBA governance meetings, and the vast majority of CLE offerings, have been held virtually since March 2020, which promotes efficiency and increases member engagement. The CBA headquarters have remained largely empty throughout the last three years, with only one of three floors seeing regular use. The CBA building at 30 Bank Street in New Britain, Connecticut also has significant regular maintenance needs, and will require upgrades to the roof and heating and cooling system in the coming years. To consider these issues, as well as the long-term infrastructural needs of the CBA, the CBA formed a new Building Committee this year, which will be led by incoming Vice President James T. Shearin. The committee has begun its study of the various options, and I look forward to seeing what they will determine and recommend in the coming years.

### **Access to Justice**

The CBA constitution includes a charge to "facilitate the delivery of competent legal services to the public and particularly those in greatest need." The scope and scale of the CBA's pro bono and access to justice efforts has increased greatly in recent years, addressed to a serious civil access to justice gap in Connecticut. For example, more than 70% of litigants in family matters, and more than 93% of tenants facing an eviction, navigate these complicated and deeply personal issues without the assistance of counsel. Addressing this gap is critical to the preservation of the rule of law, the trust and confidence the public place in our systems of justice, and the public perception of the legal profession. The CBA's efforts to address this civil access to justice gap are critical, and will hopefully continue to expand in the years ahead. Several noteworthy efforts expansions have occurred this bar year or are currently underway:

***Director of Access to Justice Initiatives:*** This year, the CBA created a new Director of Access to Justice Initiatives position, and hired Attorney Jenn Shukla for this new role. The Director of Access to Justice Initiatives will work to support and expand all of the CBA's pro bono and access to justice initiatives, including by engaging in legislative and policy advocacy.

***Free Virtual Legal Clinics:*** The CBA Free Legal Clinics were launched in 2019, as an in-person clinic held once annually at the CBA headquarters. The clinic took place during National Pro Bono Week, over three days in October. By using virtual meetings, and bringing lawyer volunteers together with law student and paralegal volunteers, the CBA has expanded the Free Virtual Clinics to a quarterly model this year. Members of the public sign up for free legal assistance, are screened by law student and paralegal volunteers, and then are paired with an attorney volunteer for a 30-45 minute consultation. Through the continued expansion of the clinics, the CBA has offered vital legal assistance to hundreds of individuals seeking free legal advice this year.

***Lawyers in Libraries:*** The Lawyers in Libraries program, which was developed by former CBA Presidential Fellow Kyle LaBuff, also significantly expanded its footprint this year, reaching ten locations across the state. Through this program, members of the public are able to sign up to meet a lawyer for a free legal consultation through a participating library.

***CBA Pro Bono Connect:*** CBA Pro Bono Connect, developed under the leadership of Alexis Smith, Dahlia Grace, and I as one of the projects of the CBA Covid-19 Task Force, continued to grow this year, with several attorneys newly taking the corresponding Pro Bono Pledge. A total of 16 on-demand virtual trainings are available at no cost to any attorney taking the CBA Pro Bono Pledge, in areas such as consumer, family, housing, and veteran's benefit law. Case referrals are then made through a Connecticut legal aid organization.

***Legislative Advocacy:*** The CBA was a key leader in advocating for the newly-created Eviction Right to Counsel Program, as well as the expansion of the Domestic Violence Temporary Restraining Order Pilot Program. The Eviction Right to Counsel Program, funded by \$20 million in federal relief funds, launched this year in several high-evicting zip codes in Connecticut. The Domestic Violence Temporary Restraining Order Pilot Program, expanded to four judicial districts across Connecticut, is also underway. Both programs will have significant beneficial impact on families facing the devastating impacts of eviction, and for individuals seeking relief from domestic violence.

***Legal Aid and Public Defense Committee:*** The newly-launched Legal Aid and Public Defense Committee will provide a forum for Connecticut's legal aid and public defense attorneys to develop a supportive network of lawyers, exchange ideas, and learn about issues of shared interest. Broadly, the Legal Aid and Public Defense Committee works to advance the promise of equal access to justice for people in Connecticut who are economically-disadvantaged. The Committee works to maintain and enhance effective civil legal aid and criminal indigent defense delivery systems by providing guidance, information, training, education, and technical assistance. The committee, which is led by Attorney Ben Daigle of the Office of the Public Defender, Attorney Nilda Havrilla of Connecticut Legal Services, and incoming CBA



President-elect Maggie Castinado, held its inaugural meeting in May, and will be a vital aspect of the CBA's ongoing efforts to address the access to justice gap in Connecticut.

### **Diversity, Equity, and Inclusion**

I have had the privilege of helping to lead the CBA's Diversity, Equity, and Inclusion (DE&I) Committee since 2015. Since 2020, I have had the privilege of serving alongside two dedicated co-chairs, Hon. Neeta Vatti and Attorney Kean Zimmerman.

These past three years have been particularly inspiring ones for the CBA DE&I Committee. We have been assisted in our collective efforts by Dr. Amani Edwards, the CBA's former Director of Diversity, who left the CBA at the end of this bar year to take on an exciting new position as the Managing Director of Equity and Impact for major non-profit organization in New York. Among this year's DE&I highlights are the following:

***Constance Baker Motley Speaker Series on Racial Inequality:*** The Constance Baker Motley Speaker Series on Racial Inequality has been an ongoing collaboration of the CBA and the Connecticut Bar Foundation. During the inaugural year of the Series, in 2021, the effort was led by the Hon. Barry Armata, Vanessa Avery, and I. For this bar year, the series steering committee was led by the Hon. Tejas Bhatt, CBA past president Karen DeMeola, and Ron Houde, and produced a full year of exciting programming throughout the year, as follows:

- The Trials of Constance Baker Motley: A Centennial Retrospective
- The CBA Task Force's Recommendations on Policing in Connecticut
- Colorism Matters: Skin-tone bias and the DE&I and Belonging Conversation
- Structural Racism, A "Systemic Illness"
- Critical Race Theory in Practice
- Voting Rights 2: The Ongoing Battle at the Ballot Box
- "Civil Rights Queen" - A Conversation With Tomiko Brown-Nagin

Engagement has remained high throughout the Series, with many sessions drawing hundreds of attendees. Judge Bhatt and Attorneys DeMeola and Houde will continue to lead the Series into its third year.

***Sixth Annual Diversity, Equity, and Inclusion Summit:*** The Sixth Annual Summit, held virtually in October of 2021, was a significant success. Dr. Arin Reeves of Nextions led an impactful workshop on mentorship and inclusive leadership, which was followed by an inspiring keynote address by Dr. Robert Livingston of Harvard University. The Summit was well-received by all, in large part because of the inspiring and thought-provoking teaching and training provided by our two keynote presentations.

***The Karen Lynn DeMeola Fund for Diversity, Equity, and Inclusion:*** The DeMeola Fund, named for the first attorney of color to lead the CBA, is a designated fund at the Connecticut Bar Institute to provide financial support for the CBA's DE&I initiatives. This year, due to the success of our DE&I efforts, the Fund has more than doubled in size, providing long term financial support for our future DE&I endeavors.

***Rule of Professional Conduct 8.4(7):*** Rule 8.4(7) of the Rules of Professional Conduct, which was advanced by the CBA during the 2020-21 bar year, was implemented in January of 2021. The 8.4(7) Working Group, which I had the honor of leading, continues to monitor the implementation of the new Rule.

***The Future of the Legal Profession Scholars Program:*** The Future of the Legal Profession Scholars Program, a collaborative initiative of the Signatories to the DE&I Pledge, has grown into a year-long program with a promising cohort of new scholars. Originally an LSAT Preparation Scholarship Program, the Future of the Legal Profession Scholars Program added a full year of programming for our selected scholars. In addition to the Kaplan Test Prep Solutions LSAT course scholarship, our selected Scholars were able to attend a networking event with Chief Justice Richard Robinson of the Connecticut Supreme Court, a “speed networking” event with our Signatory representatives, meet with recent alumni from Connecticut-area law schools, and attend educational events that provided insights into law school admissions, financial aid, and personal statements. Several of our scholars have matriculated to law school, with some of those scholars matriculating to Connecticut law schools and securing summer employment opportunities within the Connecticut area.

### **Task Forces and Other New Initiatives**

Two significant task forces, launched during the Hon. Ndidi Moses’ term as CBA president, have concluded their work this year, producing comprehensive and impactful reports. The CBA Policing Task Force, led by Attorney Deirdre Daly, Rev. Keith King, and Attorney Alexis Smith, compiled its final report at the start of this bar year, which has had significant impact on Connecticut’s policing and community relations efforts. The Task Force met almost every week, on Fridays at 8:00 am, for over a year, to develop, consider, and finalize recommendations. These recommendations were developed first within the various subcommittees of the Task Force, and were all approved unanimously by the CBA House of Delegates as a final report in September of 2021.

***The State of the Legal Profession Task Force,*** led by the Hon. Elizabeth Bozzuto, Attorney Patrick Clendenen, Kyle LaBuff and Hon. Ndidi Moses, has also completed its final report, which has provided much food for thought and present and future action for the CBA and the legal profession in Connecticut. The report outlined several forward-looking recommendations for further study by the CBA, including recommendations that the CBA provide greater support for the increased use of technology in law practice management, revising ethical rules around remote practice, and promoting greater use of Limited Scope Representation. The CBA has taken steps to implement many of their recommendations this year, including successfully advocating for rule clarifications on remote practice before the Rules Committee, organizing a successful webinar on Limited Scope Representation (LSR) in May, and forming a new LSR Committee led by Attorney Tara Dugo.

The CBA also launched a new task force this bar year, the ***Pandemic Recovery and Future of Court Technology Task Force***, led by Attorneys Amy MacNamara and Andrew Nevas.

The Task Force will consider and make recommendations on: the use of virtual technology in Connecticut courts as we emerge from the pandemic; as well as technological changes that may be employed in Connecticut courts in the near and long-term future, such as greater use of hybrid proceedings, digital and text message court notices, or virtual assistance for the completion of basic court forms by self-represented parties.

***The Ralph J. Monaco Memorial Civics Education Fund and Award:*** The start of this bar year brought the unexpected and tragic news of the passing of past president Ralph J. Monaco. Among the many new projects and initiatives we launched this past year, our efforts to honor the memory and legacy have been the most meaningful to me. The Ralph J. Monaco Memorial Civics Education Fund and Award have been established as a lasting tribute to Attorney Monaco's life, work, and deep commitment to civics education and the rule of law. The response to this new Fund has been nothing short of amazing, and the Monaco Memorial Fund Committee was honored to choose three truly-inspiring high school seniors to be the inaugural recipients of the Award this year, presented during our Annual Law Day Celebrations in May. As with so many other members of our profession, I looked up to Attorney Monaco, and I am happy to know that his life will continue to inspire and support future generations.

### **Service and Gratitude**

I have had the privilege of working with one of the most diverse executive committees in the history of the CBA. I am grateful to my fellow 2021-22 officers, Amy Lin Meyerson, Dan Horgan, Maggie Castinado, Sharad Samy, David Moore, and Cindy Cieslak for their leadership, friendship, and support this year. I am also deeply grateful to CBA Executive Director Keith Soressi and his team for their tireless work on behalf of the CBA. I have worked three days a week out of the CBA offices throughout this year, so have witnessed first hand their incredible dedication and commitment.

I am also grateful to several past presidents who have been a source of advice and counsel throughout these last few years: Karen DeMeola and Monte Frank have been constant in their friendship and support at every step. Livia Barndollar, Fran Brady, Bill Clendenen, Lou Pepe, Jonathan Shapiro and Mark Dubois have also generously offered their time and counsel throughout the years.

I have greatly enjoyed getting to know and work with my successor, President Daniel J. Horgan. I wish him all the best in his service in this vital role, and have the utmost confidence in him and his leadership. I am grateful to Dan for his friendship, support, and in particular for his good cheer and cooperation in stepping into this role a little earlier than expected. Judicial ethics prevented me from continuing to serve as an officer of the CBA upon my confirmation as a judge of the Connecticut Superior Court on April 29, 2022. Dan did not miss a beat in this sudden transition, and has handled his early ascension to the presidency with his typical aplomb and good cheer. I know the CBA is in excellent hands, and look forward to seeing all that the organization will accomplish under his leadership.

I am deeply grateful to my wife Sindhu and our three sons, Isaiah, Elijah, and Joshua, for their patience and support these past many years. They have joined me in this journey in so many ways, and I could not have done any of this without their constant love and support.

My service with the CBA has been fulfilling and challenging, and allowed me to gain a new appreciation for the power and potential of our beloved bar association. I could not have led this organization without gaining a deep love for its history, its traditions, its many contributions to our profession and to society, and its potential for future good. As with all presidents, my dream for my service was to leave the organization stronger than it was when I commenced my term. In such service, I have always found a deep and sustaining joy. I will always be grateful for having had the opportunity to lead the CBA, and am grateful to all of you for the trust and confidence that you have placed in me.

I could not have done any of this alone, and was joined in all of these many efforts by our many active members, House of Delegates and Board of Governors members, Section and Committee chairs and executive committee members, and so many others. As you peruse this report, you will read and understand the deep commitment of so many dedicated volunteer leaders, who have given selflessly of their time, energy, and resources for the collective benefit of us all. As with all things, we are given stewardship of this organization for a time, and work to sustain it in the hopes that it will sustain those that follow us, as it has sustained us.



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# ADMINISTRATIVE LAW SECTION

Chair: Jeffrey Zyjeski

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The purpose of the Administrative Law Section is to provide a forum on current administrative law issues. The section concentrates primarily on the Connecticut Administrative Procedures Act and the practices of the various agencies governed by the Act.

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## Section Officers

**Chair:** Jeffrey A. Zyjeski

## Specific Goals of the Year

A specific goal of the section this year was to communicate with members regarding remote administrative hearings during Covid-19.

## Meetings

- Unfortunately, no meetings were held this year.
- The ADR section also hosted a joint program with the Family Law Section on October 13, 2020 via Zoom which discussed the gender differences in negotiation. The program is also eligible for CLE credit and was very well attended.

## Efforts to Improve

- The Section has been active in tracking proposed legislation and is planning to offer legislation to the LPRC regarding a State Office of Administrative Appeals in the 2023 legislative session.
- The Section continues efforts to fill out its Executive Committee

## Future of Section

- Alyssa Torres joined the Executive Committee and has been nominated and approved as Vice Chair.
- The Section hopes to review and amend its bylaws if needed this year and have them properly posted.

# ALTERNATIVE DISPUTE RESOLUTION SECTION

Chairs: Christopher P. Kriesen

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The purpose of the Alternative Dispute Resolution Section to increase the awareness of 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 others, improve the quality of ADR services, and encourage members of the bar to serve as neutrals in various ADR settings.

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## Section Officers

**Chair:** Christopher P. Kriesen

**Secretary:** Brendan Holt

**Treasurer:** Houston Putnam Lowry

## Programs

- We have scheduled an in-person program on Jun 1, 2022 at the Graduate Club in New Haven
- We have a CLE for the CBA annual meeting in June, 2022
- We have a section seminar planned for September, 2022 with Audrey Lee of Boston Law Collaborative

## Thoughts on the Future

We plan to increase our membership diversity, get the Uniform Mediation Act made law, and give a scholarship gift to a Quinnipiac Mediation student. I plan to increase our visibility to other sections (since we offer appealing ways to resolve disputes), our diversity, and our social programming.

## Treasury

### 6022 · Section Revenue

5118 · Section Dues Revenue \$ 5,520.00

Total 6022 · Section Revenue \$ 5,520.00

### 5123 · Section Expenses

5137 · Section Servicing Fee \$ (2,935.00)

Total 5123 · Section Expenses \$ (2,935.00)

Total Other Income \$ 2,585.00

Net Other Income \$ 2,585.00

Net Income \$ 2,585.00

Balance June 30, 2022 \$3,761.85

Balance March 31, 2022 \$16,346.85  
This means we presently have \$16,346.85 on hand.

# ANIMAL LAW SECTION

Chair: Cassandra Dulepski

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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.

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## Section Officers

**Chair:** Cassandra Dulepski

**Vice Chair:** Daniel Cooper

## Meetings

Meetings Monthly or bimonthly section meetings have been held via Zoom.

## Executive Committee Meetings

Executive Committee Meetings Executive meetings have been held throughout the year.

## CLE

- CT Legal Conference 2022 coming up on Fisheries
- Animals as Property & Emotional Distress & Other Damages 2/1/22
- Using International Animal Law to Prevent the Next Pandemic 10/21/21

## Publications

The first issue of the Animal Law Section Newsletter was distributed in May of 2022.

## 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 inquiries.
- We also ran a supply drive for the CT Humane Society.

### **Other Programs and Events**

- Section Happy Hour is coming up 5/19
- Pet Hike 10/2/21
- Pet Hike 6/4/22
- Gayle Block, DVM of Town & Country Veterinary Associates spoke on The Big Fix, spaying and neutering pets, and Kage's Fund for section
- Dan Cooper spoke about fisheries laws for section
- Putting together directory of attorneys who handle animal law related issues
- Waiting on approval to post FAQs for breeding/foster/adoption contracts as a section resource

### **Future Events**

- Our wildlife trafficking CLE event had to be postponed due to an emergency with one of the speakers so that will be planned for the fall.
- Attorneys arguing *National Pork Producers v Ross* before SCOTUS will be discussing the case in a CLE in the late fall
- We are planning a CLE for the link between human violence and animal cruelty in the fall as well.
- We will continue holding monthly section meetings in the fall and will schedule another pet hike and happy hour for social outings.
- We will also be in touch with local shelters to see if we can do another supply drive or fundraiser.

# ANTITRUST AND TRADE REGULATION SECTION

Chair: Robert M. Langer

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

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## Section Officers

**Chair:** Robert M. Langer of Wiggin and Dana LLP

**Treasurer:** Craig Raabe of Izard Kindall & Raabe LLP

**Secretary:** Peter A. Barile III of Lowey Dannenberg PC

The section officers will continue to serve in their respective capacities during the 2022-2023 year.

## Meetings and CLEs

### ***September 30, 2021***

Section Chair Robert M. Langer and Section Executive Committee Member Benjamin H. Diessel virtually presented a program that addressed cutting edge CUTPA and antitrust topics.

### ***October 27, 2021***

The Section co-sponsored a virtual program with the Sports & Entertainment Section that addressed the implications of the U.S. Supreme Court decision, *NCAA v. Alston*, 141 S. Ct. 2141 (2021). The program was organized by Section Executive Committee members, John Tanski and Daniel Cooper. Rebecca Clegg, Axinn Veltrop & Harkrider, LLP, moderated the program. The featured speakers were Richard Dagen, Axinn Veltrop & Harkrider, LLP, and Professor John Wolohan, Syracuse University David B. Falk College of Sport and Human Dynamics.

### ***November 18, 2021***

The Section hosted a virtual program featuring three attorneys with the Connecticut Department of Consumer Protection who addressed, inter alia, new legislation regulating both adult cannabis and online gaming. David Cousins addressed online gaming, Lila McKinley addressed adult cannabis, and Legal Director Julianne Avallone discussed the structure of the expanding legal department at the agency.

### ***January 20, 2022***

The Section hosted a virtual program featuring Professor Stephen Calkins, a highly regarded antitrust scholar. Professor Calkins discussed, inter alia, potential important developments

in antitrust law and practice as a result of the appointments made and/or to be made by the Biden Administration at both the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice.

***February 24, 2022***

The Section hosted a virtual presentation by the current chair and two former chairs of the National Association of Attorneys General Multistate Antitrust Task Force: current chair, Gwendolyn Cooley, Wisconsin Attorney General's Office, former chair, Sarah Allen, formerly with the Virginia Attorney General's Office, and former chair Robert Hubbard, New York Attorney General's Office. The three speakers addressed the role of the Task Force and its many recent initiatives.

***March 18, 2022***

The Section submitted written testimony to the Joint Committee on Judiciary regarding Raised Bill No. 5463 - "AN ACT CONCERNING THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL TO BRING AN ACTION AGAINST A SELLER WHO ENGAGES IN PRICE GOUGING DURING A DISASTER OR EMERGENCY"

***June 13, 2022***

- A. Connecticut Commissioner of Consumer Protection, Michelle Seagull, and Section Chair, Robert M. Langer, will present a session at the Connecticut Legal Conference on Consumer Protection Developments.
- B. Former Section Chair Michael Kurs will moderate a session on Antitrust Hot Topics at the Connecticut Legal Conference featuring three out-of-state antitrust experts, Alicia Batts, Faegre Drinker, Scott Perlman, Mayer Brown, and Lisl Dunlop, Axinn Veltrop & Harkrider, LLP, as well as the head of the Antitrust Section of the Connecticut Attorney General's Office, Jeremy Pearlman.

# APPELLATE ADVOCACY SECTION

Co-Chairs: Danielle Edwards and Jessie Opinion

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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.

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The Appellate Advocacy Section had a productive 2021-2022 bar year, notwithstanding the continued disruption of the COVID-19 pandemic. We held three virtual meetings via Zoom and one hybrid meeting. In addition, the Section maintained its standard practice of participating in the Connecticut Legal Conference, with a CLE program on the final judgment rule at the 2022 CLC. The Section was also involved in an initiative involving appellate e-briefing, and it expanded upon the prior year's work with The Appellate Project by forming the Connecticut Appellate Diversity Subcommittee, which produced an extensive inaugural report.

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 dialogue between the bench and the bar, or having leaders in the bar to make presentations about recent developments in appellate law. Based on the results of a poll, we held two meetings virtually at lunchtime, and one meeting in-person in the evening. This year, we were able to accomplish that at the following meetings:

**Wednesday, October 6, 2021:** This Section's bar year began with a presentation about new electronic briefing rules that became effective on October 1, 2021, by Jeffrey Babbitt of Wiggins and Dana, Connecticut Solicitor General Clare Kindall, Linda Morkan of Robinson + Cole, Chief Clerk Carl Cicchetti of the Connecticut Supreme and Appellate Courts, and Jessie Opinion of the Connecticut Supreme and Appellate Courts. This meeting was held virtually and the educational materials were published to the Section via Sidebar.

**Thursday, November 4, 2021:** The Section met virtually and was joined by Judges Kimberly Knox, John Farley, and Daniel Klau of the Superior Court, all of whom are former Section members. In a discussion moderated by Jeff Gentes, these guests discussed their views on a wide range of topics relevant to Connecticut appellate practitioners.

**Tuesday, February 22, 2022:** The Section met virtually and was joined by Judges José Suarez and Joan Alexander of the Appellate Court. In a discussion moderated by Danielle

Edwards, these guests discussed their view on a wide range of topics relevant to Connecticut Appellate Practitioners.

**March 21, 2022:** The Section held a hybrid meeting at the Connecticut Bar Association and was joined in- person by former Chief Judge of the Appellate Court Alexandra DiPentima. In a discussion moderated by Jessie Opinion, Judge DiPentima discussed her observations on a wide range of topics relevant to Connecticut Appellate Practitioners.

On June 13, 2022, the Section presented a CLE program at the 2022 Connecticut Legal Conference, which was produced as a hybrid event. Our CLE was selected as one of the few programs available for streaming. In a presentation moderated by Danielle Edwards, Jessie Opinion, Linda Morkan, and Judge Michael Sheldon of the Appellate Court discussed the current state of the final judgment rule in Connecticut and the relevant statutes, rules, and cases that apply. An extensive packet of reference materials were prepared to supplement the oral presentation.

The Section also undertook formation of the Connecticut Appellate Diversity Subcommittee, as a continuation of work begun last year with The Appellate Project. The Subcommittee is co-chaired by Jim Streeto and Megan Wade. Approximately fifteen members were actively involved in the work of this Subcommittee throughout the bar year, focusing on data collection, development of a mentor program, and development of a clerkship application training program. The Section received approval from the Board of Governors to affix CBA branding to the Report, which was circulated to Justices and Judges of the Supreme and Appellate Courts in June.

Finally, the Section undertook a joint project with the Judicial Branch to develop an electronic briefing presentation for the general public in the form of a narrated slidecast presented by Jeffrey Babbin, Clare Kindall, Linda Morkan, and Carl Cicchetti. This presentation was published on the Judicial Branch website and circulated to the chairs of the Litigation, Criminal, Family, Labor and Employment, and Small Firm Sections of the CBA.

The officers of the Section serve three-year terms, and the slate of officers elected during the May, 25, 2021 meeting will continue to serve for the 2022-2023 bar year. Jessie Opinion will serve the third and final year of her term as Co-Chair, while Danielle Edwards will serve the second of her three years as Co- Chair. Additionally, Jeffrey Gentes will serve the second of his three years as Secretary/Treasurer. The Co-Chairs intend to fill the position of Legislative Liaison previously held by Attorney Gentes.

# BUSINESS LAW SECTION

Chair: Hillel Goldman

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.

## **Officers and Committee Chairs**

The following persons served as officers of the section during 2021-2022:

Hillel Goldman, Chair

Kenneth B. Lerman and Matthew C. Gaul, Vice Chairs and Program Chairs

Danielle Edwards, Legislative Liaison

Kelly F. O'Donnell, Treasurer

Robert M. Fleischer, Secretary

## **Committee Chairs and co-chairs were:**

John Lawrence, Jr., Business Corporations

Mark B. Klein, Securities Law

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

## **Monthly Programs**

### ***September 14, 2021***

Secretary of the State Denise W. Merrill and Christopher Drake presented on the replacement of CONCORD by business.ct.gov and its integration with other state systems along with a review of recent business-filing trends and a Federal regulatory update on the Corporate Transparency Act



***October 12, 2021***

Matthew C. Gaul and Michael Lenkowski presented on the Connecticut Entity Transactions Act with an overview of the mechanics of CETA transactions, including cross-entity mergers and interest exchanges, conversions and domestications, and their tax treatment.

***November 9, 2021***

Attorney General William Tong spoke on the fight against the opioid and addiction crisis, including an insider view of the Purdue Pharma/Sackler case and the Johnson & Johnson settlement.

***December 14, 2021***

Richard Glassman presented on structuring of Employee Stock Ownership Plans (ESOPs) and reviewed the high level of ESOP activity in the current marketplace.

***January 11, 2022***

Mark W. Klein and Kenneth B. Lerman gave a presentation on Securities Law Issues including the regulation of cryptocurrency and proposed amendments to Rule 10b5-1 and Rule 10b-18.

***February 8, 2022***

Patricia O. Veila and David A. Harris presented on recent developments in Delaware law for corporations, LLCs and partnerships.

***March 8, 2022***

David Albin, John Lawrence, Jr., and Heather Rahilly presented the Business Section's annual Merger & Acquisition Seminar. They spoke on Merger & Acquisition developments including negotiating an acquisition using the 2021 Deal Points Study.

***April 12, 2022***

William J. O'Sullivan gave his annual presentation on Business Litigation Year in Review encompassing important decisions of the Connecticut Supreme Court and Connecticut Appellate Court.

***May 10, 2022***

Mark G. Sklarz, Louis B. Schatz, and Jason A. Marsh presented on basic business and tax considerations when drafting an LLC Operating Agreement. The annual LLC seminar will now become an annual CLE seminar.

***June 21, 2022***

CLE Program: War Stories - an open discussion of professional, practical, firm-IT, and ethical topics. Some focus will be placed on the legal market in CT: how it expanded and how we can use technology to meet the expansion. We discussed learned best practices, changes to law practices, and future approaches.

### **CLE Programs**

Each of the programs listed above earned 1.0 CLE credit. The June program also earned .5 CLE credits in ethics.

### **Legislative Activities**

The focus of the section's legislative action this year was the noncompetition bill, HB 5249, which the Business Section opposed. Interestingly, the Section faced opposition to the Section's opposition from the beginning, before the CBA's Legislative Policy Review Committee. Nevertheless, the Section's position request was ultimately approved by the committee for one year. The Business Section then sought approval from the CBA Board of Governors to extend that position approval for three years. Although the Section again faced opposition before that body, the Business Section was ultimately successful in gaining position approval.

Secondly, during this past legislative session, the Connecticut Department of Economic and Community Development prematurely issued a legislative proposal that would have revised the CT UCC. The Bill had many issues from a technical perspective and was inconsistent with UCC provisions and approaches being taken by the Drafting Committee in the new UCC amendments. The Commercial Law and Bankruptcy Section of the CBA received approval for a position that consideration of SB 353 should be either postponed until the next legislative session, or amended so that it is consistent with the UCC. The Section was prepared to join that position, but the bill was ultimately unsuccessful.

The Advisory Committee on Appellate Rules recently adopted a proposal to amend PB 60-4 in a way that may be of concern to the business community. The new rule would require appellate counsel to disclose to the court all principals and interested parties behind business entity litigants, for purposes of judicial conflict checks. As you can imagine, this may put attorneys in a difficult position, pitting their duty of confidentiality and loyalty against their duty of candor to the court. Apparently, this proposal is similar to an existing federal rule of procedure. Following discussion by the appellate rules committee, this proposal will soon also be raised before the Superior Court rules committee.

California has a similar existing rule that allows attorneys to request permission to file these disclosures under seal, in order to maintain confidentiality. Right now, the Connecticut proposal does not allow this option. The Business Section formed a Committee chaired by Robert Fleischer to research PB 60-4.

# COMMERCIAL LAW AND BANKRUPTCY SECTION

Chair: Roberta Napolitano

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The purpose of the Commercial Law & 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 & 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.

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## Section Officers

**Chair:** Roberta Napolitano

**Vice Chair:** Kristin B. Mayhew

**Secretary/Treasurer:** Kevin McEleney

## Section Accomplishments

The pandemic did not prevent the hardworking members of its planning committee, including its Chair, Bob Kaelin, Section Member and former Section Chair, and our Vice-Chair, Kristin Mayhew, from presenting the fourth annual Connecticut Bankruptcy Court Conference on October 14, 2021. Connecticut’s three bankruptcy judges (Nevins, CJ, Manning, and Tancredi, JJ) discussed the state of the Connecticut Bankruptcy Court in 2021. Professor Pamela Foohey of the Cardozo School of Law was the Consumer Bankruptcy Plenary Speaker, who provided us with portraits of consumer bankruptcy filers. Judge James J. Tancredi moderated a panel with Matthew K. Beatman of Zeisler & Zeisler, Scott M. Charmoy of Charmoy & Charmoy, Kristin B. Mayhew of McElroy Deutsch Mulvaney & Carpenter LLP and Randall S. McHugh of Bendett & McHugh PC discussed cure and maintenance of a mortgage after a foreclosure judgment. The Top 10 Issues Impacting Subchapter V Bankruptcies were examined by the next panel – Chief Judge Ann Nevins, William K. Harrington, our region’s United States Trustee, Joanna M. Kornafel of Green & Sklarz LLC, Kevin J. McEleney of Updike Kelly & Spellacy PC, and Kara S. Rescia of Rescia Law PC. The Keynote Speaker was Fred V. Carstensen of the School of Business of the University of Connecticut. In the afternoon, attendees split into consumer and commercial pods. Roberta Napolitano moderated a discussion of the assumption of real property leases in Chapter 13 and the exercise of options to purchase between Carl T. Gulliver of Coan Lewendon Gulliver & Miltenberger, LLC, Charles A. Maglieri of Grafstein and Arcaro LLC and James M. Nugent of Harlow Adams & Friedman PC. Taruna Garg moderated a concurrent session in which the Hon. James J. Tancredi, Lawrence S. Grossman of Green & Sklarz LLC,

Eric A. Henzy of Zeisler & Zeisler PC and J. Scott Victor of SSG Capital Advisors LLC spoke on 363 Sales: What is New and What You Need to Know. The sections came together to learn about the Lawyer's Professional Responsibility Surrounding Technology, Electronic Communications, and Cybersecurity from a panel Judge Manning moderated, comprised of David P. Akins of Pullman & Comley, LLC, Stephen J. Conover of Carmody Torrance Sandak & Hennessey LLP, Andrew Mathieson of Marcum LLP and Sherwin M. Yoder of Carmody, Torrance Sandak & Hennessey, LLP.

As in years past, the Section held its first in person event since the COVID epidemic- a joint holiday party with the Connecticut Chapter of the Turnaround Management Association. Seeing our colleagues in person for the first time was wonderful.

The untiring efforts of Judge Julie A. Manning and the Section's Standing Pro Bono Committee as well as the Connecticut Bar Association and Statewide Legal Services resulted in the approval of the United States District Court for the District of Connecticut of the implementation of our brand new local rule, Local Bankr. R. 9083-6. The new rule establishes pro bono panels for the referral of qualified applicants to volunteer attorneys for pro bono representation in Chapter 7 cases. The pro bono committee revamped the old system to create a new system that serves the needs of the public, as well as the lawyers volunteering their time to serve indigent debtors. These procedures include:

1. Enhanced eligibility screening, to be conducted by Statewide Legal Services, to ensure only truly qualified applicants are appointed pro bono counsel.
2. Pro bono appointment for Chapter 7 cases only, not Chapter 13 cases.
3. Creation of a pro bono adversary panel, for attorneys who wish to represent indigent Debtors solely in adversary proceedings. As a result, pro bono Chapter 7 Debtors' counsel may decline to represent a Debtor in a contested matter or adversary proceeding in favor of a lawyer from the adversary panel.
4. Procedures that allow for the volunteer attorney to cease representing a potential pro bono client pre-petition for any reason.
5. Lastly, the new local rule provides that representing a debtor pro bono fulfills your yearly requirement of mandatory pro bono service required by the District Court rules.

The local rule was effective on August 1, 2021.

The Executive Committee met on March 1, 2022 to create an Organizing Committee for Bankruptcy Conference with members rotating off for a two or three year term. The meeting was followed by an enjoyable and delicious pizza dinner at Bar. The Executive Committee held an emergency meeting on March 15, 2022 to consider recommending that the CBA request that the legislature defer consideration of Senate Bill 323, which involves treatment of digital assets under the UCC, including their transfer and use as security. The legislation was promulgated to assure uniformity across the country and an early adoption might thwart that purpose. The suggestion passed unanimously. The Legislative Policy and Review Committee also approved the recommendation on March 18, 2022.

We held a meeting on March 29, 2022, which addressed payment issues in Chapter 13.

All three of our judges attended a meeting on April 28, 2022, and spoke frankly about the state of the Bankruptcy Court and guiding principles and decisions.

### **Projects that Will Extend into Next Year**

We expect to hold one additional event on May 11, 2022 to announce the winners of the CLABBY awards and to preview our Sections' presentation at the Connecticut Legal Conference. This year's presenters will be Suzanne Sutton, Robert Fleischer and Jeffrey Hellman. Roberta Napolitano, will serve as moderator of their panel. Planning is already underway for a fifth Connecticut Bankruptcy Court Conference.

### **Miscellaneous**

This Section's officers serve two-year terms, and elections are held in even-numbered years. Thus, there will be an election in June of 2022, for the position of Secretary/Treasurer. In accordance with the Section's bylaws, Roberta Napolitano will continue to act as Chair until July 1, 2022, when Kristin B. Mayhew, will become Chair, and Kevin McEleney Vice Chair.

### **Section Communications**

The Chair of the Section communicates with members and the executive committee using the email function on the Section's page of the association's website.

### **Needs from the CBA**

I am so grateful to the CBA for the support it has given the Section. Its representatives have been responsive to my many last-minute requests and patient as I struggled to work within the bounds of our new normal. They get back to me instantaneously and have helped me with the technological solutions to our pandemic isolated lives.

### **Thoughts on the Future**

Please provide your critiques, comments, and suggestions on how we can further grow and strengthen the CBA. I believe that word of mouth is the best way to grow and strengthen the CBA. I will attempt to disseminate the positive experience I have had this year with the representatives of the CBA. Although I have been a member of the Section for decades, until I became chair, I did not realize how much help there was behind the scenes.

The Section's finances are in excellent condition, and attendance at events has not been as strong as we hoped, but the drop is no doubt attributable to the pandemic.

# CONSTRUCTION LAW SECTION

Chair: Michael J. Donnelly

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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.

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## 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 February 25, 2021 meeting, their terms to be effective as of July 1, 2021 and run to June 2023. The current section officers are:

**Chair:** Michael Donnelly

**Vice Chair:** Laurann Asklof

**Secretary:** Martin Onorato

**Treasurer:** Paul Fitzgerald

In accordance with the leadership succession plan set forth in the section's bylaws, my term as chair expires in June 2023. 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. That selection shall be made during the coming year. The current section liaisons are:

**Legislation:** Frederick Hedberg/Ben Berger

**Website:** Steven Lapp

**Diversity:** Leslie King

## Meetings and Programming

The section had four educational programs, three of which were held in conjunction with Executive Committee and Section meetings.

The first combination educational program, section meeting, and Executive Committee meeting was held on November 10, 2021. This was a presentation on the recent case *ECI v. Lawrence Brunoli, Inc.* The guest speaker was Steve Kaplan (Michelson, Kane, Royster & Barger).

On January 11, 2022 we had a combined meeting which included a program where a judge of the Superior Court and two in house counsel discussed their views of the practice of



construction law from their perspectives. The presenters were The Honorable Joseph P. Schwarz, Derek Werner (Fusco Corporation) and Eric Grant (SPR Equipment Leasing).

The third combination educational program and section meeting as well as an Executive Committee meeting was held on May 11, 2022. Fred Hedberg (Updike Kelly & Spellacy) and Tom Hardiman (Modular Building Institute) presented a discussion on the status and market conditions surrounding the current growth trend in modular construction, focusing on the benefits and risks surrounding the delivery system.

The fourth educational program will be presented as part of the CBA Legal Conference. Laurann Asklof (Shipman & Goodwin), Tom Lambert (Pullman & Comley) and Steve Kaplan (Michelson, Kane, Royster & Barger) will present on the Construction Law Year in Review.

### **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 2021. This extensive analysis and compilation of materials—amassed and edited by about 15 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 at the CBA Legal Conference.

### **Legislation**

The section actively and successfully opposed the expansion of the False Claims Act from the health industry to a broad array of industries, including construction. We have also taken steps to renew our long standing position in opposition to any renewed attempt to pass such legislation. We have requested authority from the Board of Governors to renew the Section's position in favor of allowing pass through claims under CGS 4-61.

# CRIMINAL JUSTICE SECTION

Chair: Cody N. Guarnieri

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The Criminal Justice Section aims to provide a forum for judges, prosecutors, and defense attorneys to exchange ideas regarding criminal law on a monthly basis, present speakers to the section on topics that impact the practice of criminal law, and provide input to the state and federal legislatures regarding proposed bills affecting criminal law.

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## Section Officers

**Chair:** Cody N. Guarnieri

**Vice Chair:** Cynthia Barlow

## Specific Goals of the Year

To continue to provide information to our section members and host opportunities for CLE and fellowship among practitioners in the criminal justice field, notwithstanding the continued impact of the Covid-19 pandemic.

## Projects

Keeping section members informed. Sidebar has been utilized to try to provide discreet and meaningful information to the members of the Section regarding legislative updates, employment opportunities, volunteering and programing in the Criminal Justice area.

## Meetings

The Executive Committee of the section met on a quarterly basis. The Section co-sponsored the upcoming Wildlife Tracking CLE with the Animal Law Section. In December the Section hosted a virtual webinar *Joyriding and the Juvenile Justice in Connecticut*, looking at issues in juvenile justice from a practical, judicial and legislative perspective.

## Efforts to Improve

The Section has continued to work to incorporate younger lawyers and develop programing that is relevant and practical. This Section has always been strongest when we can share fellowship in person. The Section aspires to return to in-person meetings and programming in the fall of 2022.

# DISABILITY LAW SECTION

Chair: Russell D. Zimmerlin

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The Disability Law Section (DLS) examines the law as it pertains to the physically and mentally impaired, promotes change where indicated (through the CBA and section action), and assures the safeguarding of the rights of the disabled. 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 purposes. The Section shall achieve these purposes by providing relevant Continuing Legal Education to its members, providing relevant updates to its members of important developments concerning the practice area, fostering discussion of current issues affecting the practice area, and engaging in legislative advocacy on issues relating to the practice area, in accordance with procedures established by the Connecticut Bar Association.

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## **Annual Report**

DLS concentrated on scheduling bi-monthly section meetings at the CBA. This year was to focus on a robust July 2020-June 2021 schedule.

- Election of four new Section Executive Committee members
- Adoption of section by-laws
- Update on Social Security hearings amidst COVID-19 and a preclusion of in person hearings during the pandemic.
- A joint section meeting the Veterans' and Military section with Dr. Brim was canceled due to COVID-19.
- A CLE regarding an SSR update was canceled due to COVID-19.

## **Continuing Legal Education**

DLS's planned CLEs have been postponed until the COVID-19 epidemic and resulting social distancing restrictions have been removed.

## **Legislative Efforts**

This section monitored all legislation affecting disabled persons but declined to take any position this legislative cycle.

# EDUCATION LAW SECTION

Chair: Maria Morelli-Wolfe

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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. Section members represent boards, parents, and teachers.

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## Section Officers

**Chair:** Maria Morelli-Wolfe

**Secretary:** Penelope Petzold

**Treasurer:** Winona Zimmerlin

## Meetings

Executive Committee meetings were convened in November 2021 and April 2022 via Zoom.

The Section held (nearly) monthly meetings via Zoom in light of ongoing COVID-19 concerns.

Our kick-off meeting was held in October 2021. We discussed our concerns about this new academic year with the return to fully in-person learning. We shared what we learned from remote learning, and explored the increase in behavioral and emotional issues in our students following the trauma of the pandemic. Attorneys Andrew Feinstein and Linda Yoder walked us through the new OSERS Guidance on COVID-19.

In November 2021, we welcomed new Commissioner of the State Department of Education Charlene Russell-Tucker, new legal Michael P. McKeon, and staff attorney Louis Todisco. The Commissioner presented on new Department initiatives, and the state's proposed use of ESSER funds.

In January 2022, Section legislative liaison Deborah Stevenson led a discussion on anticipated legislative proposals.

In March 2022, the Section invited Amani Edwards, CBA Director of Diversity & Human Resources, and Attorney Ron Houde, Member of the YLS, to speak about the CBA's LAW Camp and other Pipeline initiatives. Attorney Robert Opotzner lead a discussion about *Balbi v. Ridgefield Public Schools* and the role of an expulsion hearing officer in determining whether a manifestation determination should be conducted.

In April 2022, we welcomed Erica Bromley, MSW, a consultant for the Connecticut Youth Services Association, and the owner of KADE Consulting. She spoke about Connecticut's Youth Services Bureaus, Juvenile Review Boards, and restorative justice.

In May 2022, we will have Jennifer Krom and Gabrielle Hall of Beacon Health Options to speak about the range of services Beacon provides and how to access those services.

In June 2022, Attorneys Gwaina Wauldon and Susan Scott of the Connecticut Technical Education and Career System (CTECS) will present on CTECS breakaway from the State Department of Education.

### **CLE Programs**

On December 1, 2021, the Section offered a half-day program on Transitional Services for youth and young adults. We were joined by representative of three state agencies: Attorney M.J. McCarthy, Director, and Brian K. Smith, Assistant Regional Director of the Department of Developmental Services; Julienne Giard, Director of Community Services Division, Department of Mental Health and Addiction Services; and Kathleen Marchione, Bureau Chief and Allison Kopie, Vocational Rehabilitation Supervisor, Northern Region, Bureau of Rehabilitation Services of Department of Aging and Disability Services. Each provided background on their respective agencies, the populations served, scope of services offered, how to qualify for services, and how to navigate the system.

### **Legislative Action**

The Section monitored and reported on anticipated legislative activity at its January 2022 Section meeting (see above). However, as with past years, the Section did not take a position on any legislation or engage in any lobbying.

### **Volunteer Activities**

The Section did not organize or participate in any volunteer activities. The Section did share information about the CBA's K12 and initiative programs at its March 2022 Section meeting (see above). Volunteering is an area for improvement for our Section for the coming 2022-23 CBA year.

### **Diversity, Equity and Inclusion**

The Education Section was without a DEI plan going into our 2021-22 CBA year. Following a discussion with a small workgroup, reviewing the CBA's plan and guidance documents, and taking into consideration current Section demographics, a DEI plan was drafted and submitted in May 2022.

### **Membership**

Our membership efforts grew more purposeful this year, keeping in mind of our DEI goals. The Section welcomed 2 new members to our Executive Committee, 3 CBA members "test drove" our small section, a CBA Presidential Fellow joined our Section, efforts were made to connect with the YLS, and invitations to meetings were extended to other practice sections.

A dedicated workgroup of our Executive Committee is also actively planning a summer social. We hope current members, active and inactive, will join us. We will also extend invitations to the YLS and local law school students in the hope of increasing interest and membership in the Section and in the practice of education law.



# ELDER LAW SECTION

Chair: James L. Young, Jr.

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The purpose of the Elder Law Section is to bring together and foster relationships among those CBA members practicing in the elder law field or who are interested in the legal problems of the elderly and promoting improvements in the administration and delivery of legal services to and for the elderly. The Section offers: discussion of current issues affecting this practice area, education of the Section membership and the general public on legal issues involving the elderly, and monitoring of legislative and regulatory activity affecting the elderly, all in accordance with procedures established by the CBA. To facilitate the legislative purpose, the Chair shall appoint a Legislative Liaison to work with the CBA.

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## **Section Officers**

**Chair:** James L. Young, Jr.

**Vice Chair:** Carmine Perri

**Treasurer:** Kathleen Hayes

**Secretary:** Scott Rosenberg

## **Remembrance of a Leader**

On July 1, 2021, the Section presented to Lea Nordlicht Shedd, a Lifetime Achievement and Career Service Award in honor and recognition of her extraordinary work as a trail blazer in the field of Elder Law. She was a friend and mentor to many. Attorney Shedd passed away on January 19, 2022.

This year the Elder Law Section of the CBA continued its policy of open meetings for all section members.

All of our meetings were held on Zoom, and attendance at the meetings frequently exceeded 100 persons, which is far above the attendance at our traditional dinner meetings that until the pandemic were held at the Graduate Club in New Haven.

All members are continuously encouraged to join committees and have a more integral role in the Section.

Our Section continues to remain fiscally sound.

### **Ad Hoc Committee for Remote Execution Issues**

This spring the Section Chair created a new ad hoc committee to study issues related to remote execution of documents, and appointed longtime section member Steve Keogh as chair of the five person group. We expect the committee to report to the Executive Committee early in the fall with its findings and recommendations on these issues, as an aid to the Executive Committee in forming Section policy on these matters.

### **Legislative Committee**

Co-Chaired by Carmine Perri and Kathleen Hayes

Our legislative efforts continued this year under leadership of Carmine Perri and Kathleen Hayes, with support from a number of other members, and our lobbyist Melissa Biggs. A number of members presented testimony on matters of interest and upon which the Section has LPRC approved positions, including increasing the Community Spouse Protected Amount, seeking retroactive eligibility for the Connecticut Homecare Program for Elders, and Medical Aid in Dying, among other initiatives as this is not intended as an exhaustive list.

### **SNF/ALF Committee**

Co-Chairs Sandra Sherlock White and Lara Stauning

This Committee, created in the 2020 – 2021 year, the SNF/ ALF Committee, is focused on the rights of those residing in skilled or assisted nursing facilities and expanding through educational programs an awareness of the rights and also opportunities for advocacy for these persons. The Committee has materially assisted the Section’s mission in Section programming including as to the Hot Topics in Probate Bi Annual program, and other programs. The Committee together with the Coalition for Elder Justice has also created a new series of educational programs working with the Office of Probate Court Administration in presenting very informative and valuable programs focused on practice in the probate court and issues pertaining to conservatorships and elderly abuse, and the rights of elders. Attendance at these programs has been very substantial and has attracted some participants beyond attorneys.

### **Program Committee**

Chaired by Tanya Spurlin

The 2021 / 2022 continuing education efforts continued with the support of many committee members. We have met monthly, virtually, this year except for November as noted below, and our meetings typically involve about 20 minutes or so of business, followed by the Program for which CLE credit is generally awarded for one hour, sometimes more.

Programs for the 2021/2022 years included:

**September 21** – Virtual Monthly Meeting followed by program titled “Leading Through Legislation” program focused on the Section’s legislative agenda and goals,

and the legislative process. Presenters Attorneys Carmine Perri, Kathleen Hayes, Melissa Biggs.

**October 19** – Virtual Monthly Meeting followed by program titled “Nursing Home Negligence Identifying a Claim and how to Obtain Civil Remedies” Presenter Attorney Jeremy D’Amico

**November** – No separate monthly meeting – focus was on preparing for the Section’s participation in, and member’s attendance at the Hot Topics in Probate Law program presented by the Probate Court Assembly, Section of Probate and Estates, and Elder Law Section.

**December 14** – Virtual Monthly Meeting followed by program titled “Ethical Considerations in the Practice of Elder Law” – Presenters Attorneys Suzanne Sutton and Greta Solomon

**January 18** – Virtual Monthly Meeting followed by program titled “Potpourri of Medicaid Issues Practical Advice for Common and Uncommon Problems” Presenter Attorney George Bickford

**February 15** – Virtual Monthly Meeting followed by program titled “Insolvent Estates & Claim – A Practical Guide” Presented by Attorneys Lisa Davis and Scott Rosenberg

**March 15**– Program focusing on the Connecticut Home Care Program for Elders and issues related thereto, Presenters Attorney Lou Crisci as moderator, and Marie Allen Executive Director of the SCWAA access agency.

**April 27** – Program focusing on Psychiatric Advance Directives and Supported Decision Making, presenters being Attorneys Kathleen Hayes and Elizabeth Hartery

**May 17** – Program focusing on issues related to real estate in Elder Law, Why a Quit Claim Deed in not Quick – presented by Attorney Brian Cantor and Attorney Jon Anderson of CATIC

**June** – CLC program – Annual Legal Conference. Presenter will be Attorney Lisa Davis and Steve Keogh, who will address recent changes in Connecticut law regarding our area of practice focusing on new rules pertaining to rights of recovery by the state for benefits.

# ENVIRONMENTAL LAW SECTION

Chair: Elizabeth Fortino

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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.

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## Section Officers

**Chair:** Elizabeth Fortino

**Vice Chair:** Emilee M. Scott

**Secretary:** Deborah Brancato

**Treasurer:** Jonathan Schaefer

## Full Section Meetings

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 non-profits and small-firm attorneys.

1. September 21, 2021: **The Latest Update from the Release-Based Working Group Subcommittees**, a lunchtime meeting on Zoom. The Section opened the meeting with an introduction of the new board. The presentation included a summary from all of the co-chairs of the five Release-Based working group topical subcommittees and the Ad Hoc Transition Group. This was an informational meeting and an opportunity to ask questions and start to identify potential concerns and issues for our Section's consideration in relation to the upcoming Release-Based Regulations.
2. October 7, 2021: **Continuing the Release-Based Program Conversation**, an evening meeting on Zoom. The Section discussed the white papers prepared by the topical subcommittees and recommendations from the transition group and the section discussed potential issues to be submitted to the DEEP drafting team.
3. December 9, 2021: **Ethics and Agencies - DEEP, PURA and CSC**, joint meeting of the Environmental Law Section and the Energy, Public Utility and Communications Law Section, a late morning meeting on Zoom. This meeting focused on agency-specific ethical issues. The program consisted of an hour long seminar on the CT Uniform

Administrative Procedure Act ethics, followed by an hour long moderated conversation focusing on ethical issues for practitioners related to DEEP, PURA and the CSC. *CLE Credit: 2.0 CT CLE Credit (Ethics)*.

4. February 22, 2022: **What's New?** an evening meeting on Zoom. This Section meeting discussed what's new in environmental law. Specifically discussed were the status of the release-based regulations, S.B. No. 102 (Raised) and the upcoming public hearing, the revised Environmental Use Restriction (EUR) forms and the new DEEP Verification Form. At this meeting, the Section voted to support S.B. 102.
5. March 22, 2022: **Roundtable Discussion of Connecticut Brownfield's Programs**, an in person dinner meeting at Eli's on Whitney in Hamden. The Section presented past Section Chair, Lee Hoffman, with a plaque to thank him for his time as Section chair. The meeting included a discussion of the current brownfields programs and included personal experiences shared with the Section. This was an important discussion to see how these programs are working and there will be a follow up meeting in the Fall of 2022.
6. April 27, 2022: **EUR Overview**, at the Inn at Middletown in Middletown. During this meeting, the Section went through the basics of the regulations for Environmental Land Use Restrictions (ELURs) and Notice of Activity and Use Limitations (NAULs) and some of the forms, specifically the ones that were recently updated. Speakers included Tim Kearney, a title searcher that frequently does EUR title searches and title certificates and Robert (Bob) Dahn, a surveyor who was on the committee that advised DEEP on the EUR survey requirements and works on EUR surveys. This meeting was an interactive discussion with Section Members asking questions and discussing scenarios. *CLE Credit: 1.5 CLE Credits*

### **Executive Committee Meetings**

The Executive Committee of the Environmental Law section met virtually on January 20, 2022 and January 27, 2022 to discuss the EUR forms and them being unacceptable to attorneys. We discussed the Section's concerns and proposed changes. The Chair and members of the Section reached out to DEEP and were successful in getting these forms changed.

### **CLE**

The Section arranged for CT CLE Credit for two of its full Section meetings.

In addition, the Section's program planned for the June 13, 2022 Connecticut Legal Conference has been approved for 2.0 hours of CT and NY credit. The program, entitled "Emerging Issues in Environmental Due Diligence" will discuss the emerging issues related to due diligence in transactions, including updates to the ASTM standard for performing a "Phase I" environmental investigation. Moderator: Emilee Mooney Scott, Robinson + Cole, Hartford. Speakers: Deborah Brancato, Carmody Torrance Sandak & Hennessey LLP, Stamford; Aaron Levy, Shipman & Goodwin LLP, Hartford; and Elizabeth Krol, EBI Consulting. *CLE Credit: 2.0 Hours (CT: General; NY: 2.0 AOP)*

### **Legislative Efforts**

Elizabeth Fortino, Esq. submitted written testimony and Lee Hoffman, Esq. testified on behalf of the Connecticut Bar Association's Environmental Section in support of SB 102, "An Act Concerning The Advisory Working Group On Release-Based Remediation of Hazardous Waste Regulations." SB 102 would require DEEP to provide a draft of the regulations to the working group prior to posting them for public comment. The Section's position was in support of the SB 102.

# FEDERAL PRACTICE SECTION

Co-Chairs: Adam S. Mocciolo and James J. Healy

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

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## Section Officers

**Co-Chair:** Adam S. Mocciolo, Pullman & Comley, LLC, Bridgeport

**Co-Chair:** James J. Healy, Cowdery & Murphy, LLC, Hartford

**Secretary:** Allison Near, Federal Defender’s Office, New Haven

**Treasurer:** Craig Raabe, Izard Kindall & Raabe LLP, West Hartford

**Legislative Liaison:** Sherwin M. Yoder, Carmody Torrance Sandak & Hennessey LLP, New Haven

Like many sections, the Federal Practice Section worked through another challenging year in balancing the Section’s interest in returning to traditional programming, and the health and safety of its members. The timing of a surge in the virus forced the Section to postpone once again its biannual Bench Bar Conference, which regularly includes panel discussions on timely legal questions, and provides an opportunity for the Court and the Section members to interact. We are in the process of finalizing plans to return to this tradition once again in the fall. In addition, we continue to hope that improving conditions will allow the Section to return to a more regular occurrence of in-person meetings and events.

As conditions improved in early 2021, the Section planned and convened several significant events. On the evening of March 29, 2021, the Section convened a panel discussion entitled, “The Supreme Court: The Current Term and the Future Ahead.” This remote event brought together a very distinguished group of panelists: Michael R. Dreeben, Esq., O’Melveny & Myers, LLP, former Deputy Solicitor General; Prof. Judith Resnik, Arthur Liman Professor of Law at Yale Law School; Prof. Gerald Torres, Professor of Law at Yale Law School and Professor of Environmental Justice at Yale School of the Environment; and, as moderator, Hon. Jeffrey Alker Meyer of the District of Connecticut. These panelists shared their extensive knowledge about the Supreme Court of the United States, including interesting discussions



on the Court's current term, as well as notable cases, trends, and developments. The panelists also fielded questions from members before the program concluded. The event was very well-received, and the Section was pleased to be joined by the CBA's Government and Public Sector Committee. Going forward, the Section hopes to partner with this and other committees for future events.

On June 15, 2022, the Section will also convene in person for its traditional Pine Orchard Social in Guildford. In addition to celebrating the return to this traditional year-end event, the Section will also be celebrating the unveiling of portraits that honor several recently-retired Magistrate Judges –Hon. William Garfinkel, Hon. Joan Margolis, and Hon. Donna Martinez.

The Section is also planning an in-person event focused on the business of law and litigation finance, with a panel discussion among David Atkins of Pullman & Comley, LLC, and Ken Epstein of Omni Bridgeway. The discussion will focus on the developing role of litigation financing in complex litigation in federal courts. The event was planned for spring 2022, but has been postponed to accommodate the speakers' schedules and to locate an available venue. We are targeting late June 2022, and hope to hold the event somewhere in Fairfield County to further a long-term goal of bringing some section events there for the convenience of its members located in that area of the state.

The Section continues to work to bring back the Bench Bar Conference, and are optimistic that the event will be able to take place this fall. We look forward to a return to this much-anticipated biannual event, and a return to more traditional in-person programming in the upcoming term.

Finally, the Section welcomes its new co-chairs, Allison Near of Jacobs & Dow, LLC, and Craig Raabe of Izard, Kindall & Raabe, LLP. They have both served as longtime, active members of the Section, including most recently as the Section's Secretary and Treasurer. The Section looks forward to filling those posts, and a wonderful term ahead under the leadership of Craig and Allison.

# FRANCHISE, DISTRIBUTION, AND DEALER LAW SECTION

Chair: Jaime Paoletti

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The Franchise, Distribution & Dealer Law Section seeks to promote the educational and professional objectives of the CBA within the practice area of franchise, distribution & dealer law, which include discussing and providing updates regarding current issues and events affecting this practice area and industry, educating the section membership about relevant legal issues affecting the practice area and industry, and fostering positive relationships among those practicing attorneys and other members of the section.

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## **Section Officers**

Jaime Paoletti of Garcia & Milas, P.C., Chair

David Norman -Schiff of Wiggin & Dana, LLP, Vice-Chair

Michael A. King of Shipman & Goodwin LLP, Immediate Past Chair Robert Huelin, of Threshold Brands, Treasurer

James T. Dowling-Healey, Legislative Liaison

Lauren E. Crowe, formerly with Garcia & Milas, P.C., Secretary

## **Change in Officers/New Appointments**

Ms. Crowe has moved firms and is no longer practicing franchise law. Accordingly the section intends to nominate Eleni McArdle of Appleby & Corcoran, LLC to be next year's Secretary.

The executive committee is also meeting to brainstorm candidates for other open liaison positions including specifically a Diversity, Equity and Inclusion (DEI) Liaison) and Membership Liaison and/or the possibility of having the executive committee members take on more than one role. As a small section we are challenged with growing our member base; however, the executive committee remains dedicated to doing so and will spend the summer brainstorming ideas for same. Updates to the executive committee roster will be provided to the CBA as soon as possible.

## **Meetings and CLEs**

### **December 8, 2021 – Cannabis in Connecticut**

The section started the year with a virtual section meeting in collaboration with the insurance, business, and criminal law sections during which learned counsel provided an overview of the new CT Cannabis Law and discuss issues concerning social equity, worker's compensation and medical marijuana implications, insuring marijuana related businesses and the impact upon the criminal justice system as it related to erasures of records.

### **February 23, 2022 - Toto, We're not in Kansas (or Connecticut) Anymore**

Kristin L. Corcoran from Appleby & Corcoran, LLC presented virtually to the section and discussed hot topics in international franchising, including the current effects of COVID on franchising, supply chain issues, changes to franchise models, technology use, and force majeure. The program considered the lessons we could learn from what is happening in international markets, including how to handle robust privacy and data protection laws.

### **April 13, 2022 - It's not over until it's over, then it's still not over**

Allan P. Hillman, former CBA president, from Garcia & Milas, P.C. discussed best practices and practical considerations for procuring and enforcing a favorable settlement between the franchisor and franchisee and the litigation risk of not crafting the appropriate releases

### **June 9, 2022 - Section Social**

The section ended the year with an in-person meeting in New Haven where the members shared friendly discussion about developments in the industry as well as in each other's personal and professional lives. It was fantastic to social in person and we hope to have more in-person events and CLE's this coming fall.

### **Thoughts for the Future**

- Grow the member base and diversify presenters
- Get back to more regular in-person meetings, but also continue holding virtual CLEs to help drive attendance so that members with after work commitments can more easily participate in section meetings/CLE's
- Increase DEI practices and efforts

# HUMAN RIGHTS AND RESPONSIBILITIES SECTION

Chair: Barbara J. Collins

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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.

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## **Meetings are Always Open to All Members**

In this age of Covid the Section met only via Zoom but regularly communicate with the members via email.

## **CLE**

In 2021-22 due to covid and a short General Assembly, the Section concentrated on the watching actions by government and legislature to ensure no elimination of rights for individuals and groups.

## **Legislative Efforts**

The Section had a very quiet year. We again worked with the Elder Law Section on the legislation for Aid In Dying and monitored other bills concerning human trafficking and the Commission on Human Rights and Opportunities enforcement procedures. We also continue to monitor budget battles regarding state agencies in particularly the Commission on Human Rights and Responsibility (CHRO)

# INTELLECTUAL PROPERTY SECTION

Co-Chairs: John Cordani, Jr. and Mallory Hein

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

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

- **On December 7, 2021** the Section hosted an Intellectual Property Ethics webinar program entitled “Hot Topics in Ethics for Intellectual Property Attorneys.” The event offered 2.0 hours of CT and NY CLE.
- **On March 8, 2022** the Section hosted a webinar program entitled “NFTs, Fine Art, and Software: The Many Faces of Copyright Fair Use.” The event offered 2.0 hours of CT and NY CLE.

The Section has begun planning two (2) 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 seven (7) Executive Committee meetings during this term.

# INTERNATIONAL LAW SECTION

Chair: Houston Putnam Lowry

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The purpose of the Section of International Law is to promote the educational and professional objectives of the Association within the general field of international law, and to advance the lawyer's role through the rule of law, including Private International Law (including International Commercial Law, International Trade Law, International Commercial Arbitration, and International Family Law), and Public International Law (including International Human Rights Law).

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## Section Officers

**Chair:** Houston Putnam Lowry

**Vice Chair:** Thomas J. Welsh

**Secretary/Treasurer:** Paul B. Edelberg

## Section Executive Committee

Houston Putnam Lowry

Thomas J. Welsh

Lorenzo Agnoloni

Daniel R. Cooper

Paul B. Edelberg

## Committees

The following committees were appointed:

1. Legislative Committee Chair-Houston Putnam Lowry. While the legislative committee was active, no action was required on any pending legislation (other than coordination with the Alternative Dispute Resolution Section regarding the Uniform Mediation Act, which contains the UNCITRAL Model Conciliation Act).
2. International Human Rights Committee Chair-Lorenzo Agnoloni
3. Annual Meeting Program Chair-Daniel R. Cooper

## Programs

In light of the problems with COVID, we did not hold any programs this year. Our listserver was active as follows:

The agenda and all supporting documentation for the US Secretary of State's Advisory Committee (ACPIIL) meeting was distributed to all members (along with registration information).

A job notice for the Executive Director position of the American Society of International Law was distributed.

Notification that Judge Joan Donoghue was elected president of the International Court of Justice in the Hague.

The agenda and all supporting documentation for UNCITRAL Working Group III regarding Investor-State Dispute Settlement Reform was distributed to all members (along with registration information).

A copy of Judge Meyer's decision on who can represent an El Salvador corporation in USDC CT, which dealt with recognition of the Venezuela government was distributed.

A job notice Opening for Expert Negotiator on Peace and Security Issues for the Holy See was distributed.

### **Legislative Positions Adopted**

The section maintained the following legislative positions:

1. Support 2006 revisions to the UNCITRAL Model Law on International Commercial Arbitration (currently enacted in Connecticut General Statutes §50a-100, *et seq*)
2. Support ratification of Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (July 2, 2019).
3. Support ratification of the Hague Convention on Choice of Court Agreements (June 30, 2005).
4. Support enacting a CT statute analogous to the Alien Tort Claims Act 28 USC §1350
5. Support a choice of law statute
6. UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018



# LABOR AND EMPLOYMENT LAW SECTION

Chair: Emily A. Gianquinto

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The Labor and Employment Law Section is comprised of practitioners who represent individuals, unions, employers and agencies, or serve as neutrals. The functions of the Section include studying and analyzing legal principles having particular significance to labor or employment law; providing leadership in matters of public importance affecting labor or employment law; educating through the publication of works of legal scholarship and presentation of the highest quality educational programs; promoting diversity within the labor and employment bar, and fostering collegial relations among the diverse practitioners within the section and between the section and other professions and disciplines.

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## Section Meetings

The following section meetings, for which attendees earned CLE credit, were held during the bar:

**September 14, 2021:** Mark Sommaruga of Pullman & Comley LLC and Bill Chapman of the Connecticut Bar Association presented a legislative update to the Section.

**October 26, 2021:** Federal Magistrate Judges Thomas O. Farrish and S. Dave Vatti presented on mediation to a joint meeting of the section and the Connecticut Employment Lawyers Association (CELA).

**May 17, 2022:** Mark Sommaruga of Pullman & Comley LLC presented a legislative update to the Section.

## Continuing Legal Education

**October 5, 2021:** Sheridan L. King and Daniel A. Schwartz of Shipman & Goodwin LLP and Elisabeth J. Lee and Nina T. Pirrotti of Garrison Levin-Epstein Fitzgerald & Pirrotti PC presented “Mandatory Vaccinations and Government Mandates.”

**January 12, 2022:** Andrea Barton Reeves of the CT Paid Leave Authority presented on implementing CT Paid Leave and CT Family and Medical Leave.

**February 7, 2022:** Todd Steigman of Madsen, Prestley & Parenteau LLC and Giovanna Weller of Carmody Torrance Sandak & Hennessey LLP presented “To Post or Not To Post? Free Speech, Social Media, and the Workplace.”

**March 9, 2022:** Erin O'Brien Choquette of the CT Paid Leave Authority presented "The Small Firm Owner's Guide to CT Paid Leave."

**June 13, 2022:** The section will offer a two-hour panel at the Connecticut Legal Conference entitled, "Annual Employment Law Update." This seminar will provide a review of recent significant Federal and Connecticut decisions impacting employment law. The panelists include: Joshua R. Goodbaum, Garrison Levin-Epstein Fitzgerald & Pirrotti PC; Mary E. Kelly, Livingston, Adler, Pulda, Meiklejohn & Kelly PC; and John G. Stretton, Ogletree, Deakins, Nash, Smoak & Stewart PC.

### **Legislation**

As the section's legislative liaison, Mark Sommaruga of Pullman & Comley LLC, monitors relevant labor and employment law legislation. Attorney Sommaruga presented legislative updates at the September 2021 and May 2022 section meetings. 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 Section continues to award the Eldergill Prize for Excellence in Employment Law in the amount of \$1,750 to recipients at Quinnipiac, UConn and Western New England School of Law.

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

Each year, the Section carries a significant surplus of funds. Several years ago, the Executive Committee approved recommendations from a subcommittee that had been 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 recommendations included expenditures for a national speaker, networking events, support of a legal services agency, community service-based projects, and a contribution to the CBA's commitment to community outreach. The Covid-19 pandemic stymied efforts to implement these recommendations, however the hope is that in the coming bar year these efforts can be revived.

# LITIGATION SECTION

Chair: Edward P. McCreery

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Article 1, Section 2 of the Bylaws of the Litigation Section of the Connecticut Bar Association, amended by the Board of Governors on September 16, 1996, provides that “the purpose of this Section shall be to promote the objectives of the Connecticut Bar Association within the field of civil justice and litigation.” The Litigation Section views that directive as requiring regular Executive Committee/Section Meetings between September and June designed to promote legal education, monitor and present positions with respect to legislative matters that have the potential to affect the administration or process of an effective and efficient civil justice system, enhance relationships between the Bar and Judiciary, and promote civility and professionalism in the practice of litigation.

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## Meetings

Five Litigation Section meetings were held between October 2021 and June 2022. With the easing of the pandemic, the Section was able to re-schedule its bi-annual retreat with a series of programs and seminars to be held at the Chatham Bars Inn in May 2022. The Section also sponsored a program for the Connecticut Legal Conference set forth in more detail below.

## CLE

The new Co-Chairs of the Education Sub-Committee of the Litigation Section for this reporting period were Scott Garosshen and Timothy Herring. The CLE components presented during this reporting period through Section meetings, the May Retreat, and the June Annual Law Day Conference of the CBA, included: (i) a presentation on the changes to the Connecticut Appellate Practice Rules; (ii) a presentation by the Chief Presiding Judge of the Connecticut Judicial Branch on virtual court hearings; (iii) a program on mediations; (iv) a program on arbitrations; (v) a historical program on the third Chief Justice of the U.S Supreme Court, Oliver Ellsworth of Connecticut; (vi) a presentation on how to preserve Connecticut’s jury trial system; (vii) an update on litigation ethics; and (viii) an update on commercial law developments over the last year.

Additionally, the Section’s seminar for the Connecticut Bar Association Annual Legal Conference focused on recovering attorneys’ fees and post-judgment interest awards.

## Legislative Efforts

The Section was stunned last year with the unexpected loss of our legislative liaison Ralph Monaco. In 2022, the Section’s Legislative Affairs Subcommittee received a new shot in the arm with new Co-Chairs, Jonathan Kaplan and James Moriarty. The Section was approached by the CTLA with a proposal to streamline the taking of depositions by foreign attorneys, so

that Connecticut could join 54 other states that have adopted the uniform law. After discussions with the Judicial Branch and receiving authorization from the Board of Governors, the Section supported Connecticut's adoption of the Uniform Deposition and Discovery Act, which the legislature ultimately added to the Judiciary Bill for 2022.

The Section was also asked to comment on evidentiary changes proposed by the Judicial Branch to include amending Connecticut's rules to comport more closely with federal practice of allowing the admission of business records via affidavit. After discussion, the Section agreed this change made sense and expressed its support to the Judicial Branch, which ultimately did make several changes to the Connecticut Rules of Evidence. The Section also adopted a goal of pursuing two legislative initiatives during this year. The first would be as a follow-up to a Connecticut Bar Journal Article authored by Fames Fogarty urging a legislative fix to Connecticut's confusing protocols for when post-judgment interest is or is not available to the parties. The second legislative position the Section decided to support is expanding the ability to have depositions conducted remotely as was regular practice during the pandemic.

### **Development of Diversity and Inclusion Plans**

This Section began this year ensuring that its officer ranks more closely reflected the diversity of the Section membership. Additionally, the Section has been hosting up to six new members at Section meetings and will continue to work with the YLS members to participate in the Section.

# PLANNING AND ZONING SECTION

Co-Chairs: Eric Bernheim and Dory Famiglietti

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

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## **Section Meetings**

The section met regularly over the past year via Zoom. Meetings have addressed a variety of topics, including Municipal Land Use Law and the ADA, land use caselaw review from the past year, the remote and/or hybrid hearing process pursuant to the Governor's Executive Orders and pending legislation to codify those Executive Orders, and review of pending legislation affecting many other land use issues.

## **Legislation**

Our legislative liaison, Evan Seeman, has provided us with regular updates of important legislation and executive orders affecting our practice area. The Planning & Zoning Section was active in its legislative efforts this past Bar Year. The Section's Legislative Subcommittee met weekly to discuss possible legislation to advance before the Planning & Development Committee. The legislative proposed an amendment to Section 8-6 of the General Statutes regarding variances. The Section's Executive Officers met with Planning & Development leadership and other important organizations to discuss the proposal, including the Connecticut Conference of Municipalities and Connecticut Chapter of the American Planning Association. Unfortunately, the variance proposal did not advance during the short session but the CBA House of Delegates approval for the proposal does not expire for another year. In addition, The Section, through its Legislative Liaison, monitored bills of interest and reported the same to Section membership through the list serv and at Section meetings.

## **From the Co-Chairs**

We are pleased that the Planning and Zoning Section was able to meet and discuss relevant topics and to share ideas. Our section has continued to enjoy the highest level of collegiality and cooperation among members, a sentiment not often shared among lawyers on opposing sides in various matters. It has been a pleasure and an honor to work with the section officers, Jay Klein, Enrico Costantini, and Evan Seeman. Jay, Enrico, and Evan will continue as officers in the new bar year and Attorneys Nick Bamonte and Meaghan Miles have been

added to our Section's leadership team. We look forward to remaining involved and assisting with the Section as the need arises, but feel that the Section is in great hands with the new leadership team.

# SPORTS AND ENTERTAINMENT LAW SECTION

Chair: Daniel Cooper

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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.

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## **Officers and Liaisons for 2022-2023**

Consistent with the two-year term limit in the Section Bylaws for the position of Chair, I am stepping down from the Chairmanship of the Section. Our new chair has been recommended to be Jordan Sala, the current Secretary of the Section and an Associate at Garrison, Levin-Epstein, Fitzgerald and Pirroti. Other officers and liaisons will remain for a further year, with the notable addition of Alex Mazzella, an attorney with Major League Baseball, graciously agreeing to be the Section's Education Liaison for this coming bar year.

We still have some significant officer and liaison positions open, however. The Secretary and Legislative Liaison positions are still available. Given how small our Section is, we may have difficulty filling those positions, but under Jordan's leadership and with a renewed push for more young lawyer and law student member involvement, we hope to fill these positions as well.

## **The recommended Officer and Liaison list for 2022-23 is below:**

**Chair:** Jordan Sala, Associate at Garrison, Levin-Epstein, Fitzgerald and Pirroti

**Vice Chair:** John Louizos, Partner at Wofsey, Rosen, Kweskin & Kuriansky

**Treasurer:** Kaitlyn Hennessey, Intellectual Property Attorney at Subway, Inc.

**Secretary:** OPEN

**Imm. Past Chair:** Daniel Cooper, Attorney at Cooper & Kurz

**Leg. Liaison:** OPEN

**Ed. Liaison:** Alex Mazzella, Coordinator at Major League Baseball

**Pub. Liaison:** OPEN

**Law Student Liaison:** OPEN

Our Executive Board members will likely continue at this point. They are as follows: John Driscoll of Webster Bank; Felice Duffy of Duffy Law; Melanie Dykas; Carmina Tessitore Hirsch of Hirsch Legal; Brian Smith of Robinson & Cole; Michael Freeman of the Law Offices of Michael Freeman and George Springer, Jr. of Rogin Nassau.



### **CLE Programming and Section Meetings**

The Section did a few programs this year and had at least one social event. However, this total—3 Section Meeting programs and 1 social event—did not reach our goal of 6 programs or events this year. One of the reasons appeared to be not only the schedules of the Executive Committee members in getting a firm date for a meeting together, particularly in the winter months, but also getting quality speakers for the educational topics we wanted to explore for the CLE credit portion of our meetings.

Nevertheless, we started out our year strong, with a meet and greet social event at The Hops Company in Derby during the mid-summer. We then had a Section Meeting CLE program on the subject of “Conservatorships After #Free Britney” which was somewhat well attended but did not get the attendance from young lawyers or law students that we thought we would. (It was a remote event so that could be why.)

We then did a joint section meeting CLE program on the *Alston v. NCAA* case (antitrust and college athlete compensation) with the Antitrust and Trade Regulation Section which was exceedingly well attended. Finally, we had some minor involvement in a program on sports betting jointly with the Indian Law Section.

With respect to events that we did not get to this bar year but which we hope to develop for the next bar year, we are currently attempting to collaborate with the Media & The Law Section and the Intellectual Property Section on a full CLE program called “Representing the Social Media Influencer.” We also want to continue our topical section meeting CLE programming. In particular, we are exploring a program on the Court of Arbitration for Sport for the fall to coincide with the World Cup in Qatar.

We also would like to do more entertainment law programming next year. As for social events, we would like to do an outdoor social event or two next year like a minor league baseball game or, depending on views with respect to the pandemic, an indoor collegiate or professional sports game outing.

### **Legislative and Policy Activities**

During the 2020-21 bar year, the Section spearheaded a legislative proposal, bringing the Media & The Law and IP Sections along, in support of legislation to create the ability for college athletes to monetize their name, image or likeness. This position request was not acted upon beyond the Section level because the issue was eventually rendered moot by favorable legislation enacted by the General Assembly last year at the end of the legislative session.

This year, the Section has not identified any major policy positions on which it would have needed to be active. However, the Section did report to its members on certain legislative developments like the emerging trend (with Connecticut being just one) of states enacting collegiate athlete compensation statutes and on other developments like the sports betting developments in Connecticut and elsewhere.

One possible issue for next year concerns the situation of transgender student athletes and the General Assembly ensuring that these athletes are protected from discrimination. Other issues will be discussed by the Section.

### **Other Issues**

As in past years, the Section has made an effort to grow its membership by encouraging law students—the hopefully future members of the CBA—to get involved in our Section, with the thought that once they become full CBA members they would be interested in joining the Sports and Entertainment Section too. The Section has been somewhat successful in past years with engaging and maintaining relationships with the Sports and Entertainment Law student societies at both UCONN Law School and Quinnipiac School of Law. This year, however, there has been a marked decrease in willingness of the leadership or membership of those societies to engage with the Section. We intend to redouble our efforts to form relationships and encourage involvement in the Section among those student societies, and may expand our reach and engage the student society at Western New England University School of Law as well.

# TAX SECTION

Chair: Robert L. Day III

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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."

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## **Tax Section Meetings**

During the 2021-2022 Connecticut Bar Association year the Tax Section met virtually on several occasions.. Speakers included the Commissioner of Revenue Services, Mark D. Boughton via attendance of the Fairfield County Bar Association on October 28, 2021. Louis Bucari of the Connecticut Department of Revenue Services spoke on recent developments on January 19, 2022. On April 8, 2022 Professor Richard Pomp presented a survey on state tax developments in all fifty states. Finally, on April 27, 2022 IRS Stakeholder Liaison Joe McCarthy presented on how to prevent fraudulent tax return filings.

## **National Meetings**

Robert Day attended the meeting of the National Association of State Bar Tax Sections on behalf of the Connecticut Bar Association's Tax Section in Nashville, TN on October 21st and 22nd, 2022.

## **The 2021—2023 section officers are as follows:**

Robert L. Day III, Chair

Dan Smolnik, Vice Chair

Cheryl D Ladyzhets, Secretary/Treasurer

# VETERANS AND MILITARY AFFAIRS SECTION

Chair: Dennis M. Carnelli

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The Veterans and Military Affairs Section (VMAS) is 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.

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## Section Officers

Chair: Dennis M. Carnelli  
Vice Chair: Joshua Grubaugh  
Secretary: Emily Trudeau  
Treasurer: Jason Fragoso

The Veterans and Military Affairs Section (VMAS) is 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.

## Meetings

For the second bar year in a row, the VMAS conducted meetings exclusively via Zoom. We attempted to schedule in-person meetings, but those attempts were thwarted by “COVID surges.” As with the prior year, this year we prioritized speakers and CLE opportunities. Speakers that presented out our meetings were:

- Major Aaron Lancaster, U.S. Army JAG Corps, Military Administrative Separations Process (1 CLE credit)
- Christopher Arnold, DoD Northeast Region Policy Liaison – legislation affecting military spouses and military-friendly public policies that might be implemented at the state level.

### **Legislative Efforts**

The Section monitored all state and federal legislation affecting veterans and ultimately took a position opposed to Raised S.B. 19 in the Connecticut General Assembly (insofar as it was not limited to military spouses).

### **Sub-Committees**

The Section's sub-committee on Veterans Treatment Court proposed a position (approved by the Section and, subsequently, the LPRC) whereby the Section would request that the Public Defender Services Commission adopt a rule or take other action disregarding veterans disability compensation in determining whether a person meets the income threshold for public defender services.

### **Volunteer Activities**

The VMAS continued its support for the military and veterans community, including seeking out volunteer attorneys to help on requests for legal services that come to the Section. In addition, the Section's membership had a stellar showing at the Annual Veterans "Stand Down."

# WORKERS' COMPENSATION SECTION

Chair: Colette Griffin

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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 Connection and the Second Injury Fund.

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## **Meetings**

In the early part of the CBA year, Chair, Colette Griffin, attended CBA meetings on the CBA COVID-19 response reporting results to the section.

### ***Annual Section Meeting – Current Issues in the WC System***

We began with an update regarding the Workers' Compensation Commission by Chairman Stephen Morelli. Attorney Jason Dodge presented his first annual CRB and appellate case review with commentary, and Lucas Strunk once again provided a legislative update. Dr. David Banach of Yale also provided background and information regarding COVID-19.

### ***4th Annual Joint Seminar with YLS***

Young lawyer Nicole Fluckiger teamed up with WC Executive Committee to present: The Formal Hearing Process with Attorney Matt Necci, Attorney Melanie Kolek and Dr Judith Gorelick as speakers.

### ***September 9, 2021***

Belkin-Verilli Charity Golf Tournament and Section Meeting Dinner at Shuttle Meadow Country Club in Kensington. Over 76 golfers participated in this event. Registration fees covered expenses, but hole sponsorship, contests, and raffles raised over \$11,331.00 for Food Share and Food Bank. Several current and former Commissioners attended the section meeting dinner. Despite COVID-19, the event was tremendous.

***September 22, 2021***

Workers' Compensation Executive Committee Meeting via Zoom. All committee reports were made.

***October 29, 2021***

WC Section presented a webinar: Attorney's Fees in Workers' Compensation: Do's, Don'ts and Difficulties.

***November 17, 2021***

Executive Committee Meeting, via Zoom given the COVID-19 restrictions

***December 8, 2021***

CBA hosted the first session of a 2 session training re: Cannabis in CT: Business, Criminal Justice and Insurance Considerations. The second session will include a workers' compensation presentation.

***January 19, 2022***

Workers' Compensation Executive Committee Meeting via Zoom. All committee reports were given.

***March 20-March 22, 2022***

WC Retreat was held in Stowe, VT. The Workers' Compensation Section held a comprehensive seminar on orthopedic issues with Orthopaedic Specialty Group presentation on orthopedic trauma, hand related claims and orthopedic workers' compensation issues. Dr. Griffith, Dr. Backe and Dr. Brittis presented. Judge Scott Barton presented on the mediation process. Attorney Greg Lisowski and past Maine Law Judge, Paul Sighinolfi, presented on Medicare Set Asides. Finally, Attorney Robert Bystrowski and Attorney Frank Costello conducted a round table. This was one of our largest retreat turnouts with 56 registrants.

***April 13, 2022***

Workers' Compensation Executive Committee Meeting. This was the first in person meeting since the start of COVID-19. Special guest speaker, Acting Administrative Law Judge Nancy Bonoumo, spoke about her roles with the Workers' Compensation Commission over the last 30 plus years. The Pomeranz-O'Brien award nominee was discussed.

***April 18, 2022***

Medical Cooperative held a presentation at Orthopedic Associates of Hartford, P.C. which was attended by many doctors.

***May 13, 2022***

The Workers' Compensation Section announced Attorney Richard Aiken as the recipient of the Pomeranz-O'Brien award. Attorney Aiken's years of service to the CBA were recognized with the honor of this award.



## **Future Planned Events**

***June 13, 2022***

Connecticut Legal Conference.

### ***Annual Section Meeting at CLC***

The agenda includes a State of the Commission address by Chairman Stephen Morelli, Jason Dodge's annual CRB and appellate case review with commentary, and Lucas Strunk's legislative update. Ms. Karen Sargent, State of CT Rehab Specialist will speak about vocational retraining.

### ***YLS Section Meeting at CLC***

The YLS Section will again join with the Workers' Compensation Section to present on appeals in the workers' compensation claim. Attorney Joseph Passaretti, Attorney Andrew Morrissey and Judge Maureen Driscoll will be presenting.

***September 15, 2022***

Belkin-Verilli Charity Golf Tournament and Section Meeting Dinner to be held at Shuttle Meadow Country Club.

***October 13, 2022***

The Workers' Compensation Section will present an all-day seminar regarding brain injuries.

## **Subcommittee Activity**

### ***Charitable Committee***

This committee oversees the funding and awarding of scholarships from the Mathew Shafner Injured Worker Scholarship Fund. The committee expanded the definition of students who would qualify for this scholarship and renewed efforts to publicly advertise this opportunity.

### ***CLE Committee***

This committee is chaired by Donna Civitello, 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 undue delay legislation and an undue delay

task force. More recently, a number of WC bills continue to progress through the legislative process, SB351 that contains proposals from both the WC section and the WC commission.

### ***Legislative Initiative***

Immediate past chair, Bud Drapeau, created a committee of pre-eminent WC attorneys to address necessary changes in the Act. The section has once again moved forward with a legislative agenda to make certain changes to the Workers' Compensation Act.

### ***Medical/Legal Cooperative***

Colette Griffin, Mike Kerin and Lawrence Morizio 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. The group is back to presenting before doctors and will present at the annual CPA meeting of psychologists. A proposal has been made to the NASW-CT (social workers) as well.

### ***Membership Committee***

The committee continues to find ways to build our membership. This year it asked the CBA to identify attorneys who had attended our events in the past three years, but who were not section members. The committee also reaches out to test drivers to encourage an ongoing commitment to the section.

### ***Examining Committee/Standing Committee***

The committee has six candidates who qualify to sit for the exam, so the examining committee will administer an exam this year. Attorney Greg Lisowski has been added to the Standing Committee and Attorney Andrew Morrissey to the Examining Committee.

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

This committee is chaired by Bud Drapeau who is ready to accept nominations for this achievement award. The committee is working on adopting some language in an effort to add clarity and transparency to the role of the nominating committee and the process generally. The award has been given to Attorney Richard Aiken on May 13, 2022.

### ***Verrilli-Belkin Tournament Committee***

Rick Aiken again organized this incredibly successful event, which saw over 76 golfers participate at Shuttle Meadow Country Club in Kensington. Registration fees covered expenses, but hole sponsorship, contests, and raffles raised about \$11,331 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. The 2022 tournament will also be held at Shuttle Meadow in September.

### ***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 2022 retreat was a huge success with 56 practitioners traveling to Stowe, Vermont for a three-day event in March which included CLE and comradery. The 2023 Workers' Compensation Retreat is being planned and more information will follow.

***Bylaw Committee***

Bob Bystrowski headed up the bylaw committee bringing the Workers' Compensation Section bylaws into compliance with the diversity and inclusion policies of the CBA.

***Community Outreach Committee***

The Community Outreach Committee was formed. This committee will focus on public library events on workers' compensation laws and the process.

# YOUNG LAWYERS SECTION

Chair: Joshua Devine

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.

The Young Lawyers Section (YLS) Executive Committee for the 2021-2022 bar year consists of 53 members. Those members include 25 committee chairs and an expanded group of 28 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 Cecil Thomas introduced many new faces to the CBA at our annual retreat in August. 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.

The Executive Committee met monthly in a number of forums as we continued to adapt to meet the challenges of the ongoing pandemic. Roughly half of our monthly meetings were held virtually. October's meeting was combined with our annual Pro Bono Fair, which took on a new look and included a golf outing with Judge Moll delivering the keynote. December's meeting was replaced by our annual holiday party at Alvarium Brewing in New Britain, Connecticut where honored one of our past Pro Bono Directors, Alex Cavaliere, and made a donation in her name as she continues her battle with ALS. March's Executive Committee meeting was held in-person at the CBA Law Center and centered around a panel discussion around Diversity, Equity, and Inclusion from the Young Lawyers Perspective. The panel was made up of two past YLS Chairs (David McGrath and Cindy Cieslak) and former YLS EC member (Claire Howard) and moderated by Diversity Co-Director Aigne Goldsby.

The YLS has held or co-sponsored social events throughout the year including a Bar Year Kick-Off Happy Hour at Stonebridge Restaurant, a guided nature walk at Hammonasset

Beach State Park, and a year-end event at a Hartford Yard Goats game. YLS members also participated in the CBA sponsored Paper Shredding Events where they collected non-perishable food items.

In April, the YLS hosted its annual Legislative Breakfast, once again in a virtual format with the hopes of being back in person next year. This year's breakfast provided YLS members a unique opportunity to meet with Rep. Rosa Rebimbas, House Deputy Republican Leader, and member of the Environment, Judiciary, and Transportation Committees.

Most notably the Executive Committee was issued a challenge in August to provide 1,000 hours of pro bono and/or volunteer services to those in need in their communities not only reaching but exceeding that goal having provided 1,100 hours of service as of June 1st.

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: "The Essentials of Federal Practice," "Common Ethics Issues and Addressing IOLTA Audits and Grievances," "The Ins and Outs of Short Calendar," "The State of Student Loans: Trends and Solutions," "To Post or Not to Post? Free Speech, Social Media, and the Workplace," "Scalable Cybersecurity Options for Any Organization," "Appellate Practice: What Not to Do, Lessons from the Bench and Bar," "Legal Entrepreneur Series (Part 1)," "The Corporate Transparency Act: an Overview," "Legal Entrepreneur Series (Part 2)," "The Corporate Transparency Act: an Overview," "Depositions 101," "Navigating Arbitration in Family Law," "Legal Entrepreneur Series (Part 3)."

Lastly, planning is now almost complete for our 2022-2023 Annual Leadership Retreat where we will begin training and planning for the next bar year.

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# CIVICS EDUCATION COMMITTEE

Chair: Jonathan Weiner

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The Civics Education Committee is charged with the advancement of citizen knowledge and understanding of government, with an emphasis on educating young students and teachers.

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The Civics Education Committee started its work the bar year on a very somber note, as we joined our colleagues from around the state in mourning the untimely passing of Past President Ralph J. Monaco. Ralph made advancing civics education a cornerstone of his bar leadership activities, continuing for many years after his CBA presidency as chair of our committee. In Ralph's memory, under the leadership of Past President Cecil Thomas, the CBA established the Ralph J. Monaco Memorial Civics Education Award, which recognizes Ralph's legacy by honoring high school student leaders who have demonstrated a significant commitment to advancing civic engagement, civics education, or the rule of law. Beyond the award, memories of Ralph and his extraordinary friendship and dedication lent us inspiration for this year's programs, and we dedicated the work of our committee to his memory and legacy.

Our major program was the Annual Law Day celebration, which was held on Friday, May 6, 2022. This year's Law Day theme was: "Toward a More Perfect Union: The Constitution in Times of Change." We were thrilled to return to our now-traditional in-person observance held at the Appellate Court in Hartford. The program began with welcoming remarks from Chief Judge William Bright and CBA President Dan Horgan, and was followed by a moot court exercise, in which four of Connecticut's leading debate students, Ava Cunningham and Emilia Gardner from Valley Regional High School in Deep River, and Julia Schroers and Marcus Palumbo from Westfield Academy, argued the case of *Jones v. Nutmeg Board of Education* before the Appellate Court. The students' advocacy about the extent to which the First Amendment protects the rights of public school students off school grounds and in cyberspace was particularly impressive given the hot bench. We extend special gratitude to committee members Judge John Boland, John Weikart, and Lawrence Morizio for their excellent work in drafting the moot court problem and preparing the students for the day. West Hartford.

After the student exercise, members of the Ralph J. Monaco Memorial Civics Education Award committee, in particular Ralph's wife, Dina Monaco, Past President Livia DeFilippis Barndollar, and Civics Education Chair Jonathan Weiner, presented the inaugural scholarship prizes to three extraordinary student leaders. The inaugural class of Monaco Award winners are: Ava Cunningham from Valley Regional High School in Deep River, James

DeDonato from Xavier High School in Middletown, and Mel Shkrepi, from Thomaston High School.

Beyond Law Day, committee members Lawrence Morizio and Scott Garosshen have taken charge of revitalizing the Constitution Day programming by drafting curricula for use by volunteer attorneys and law students in visiting classrooms during the month of September. The Civics Education Committee again supported proposed legislation, House Bill No. 5285, which would have organized a statewide task force on civics education. Finally, members of the Civics Education Committee actively continued their other efforts to promote education about law and government in schools around Connecticut, by serving as coaches, organizers, and judges for the Civics First mock trial and debate programs, and visiting schools virtually, some via participation in the Young Lawyers Section's Lawyers in the Classroom program. The committee recognizes Leland Moore and Scott Garosshen for their continued leadership of that program.

Finally, the Civics Education Committee gratefully acknowledges the many years of contributions of Secretary of State Denise Merrill, who is retiring from her elected office this year. Secretary Merrill has been instrumental in advancing civics education in the state of Connecticut, and has been an incredible friend to the committee for many years, including hosting the annual Law Day Luncheon and Capitol tour for students who participate in the Law Day ceremony. We recognized Secretary Merrill at this year's Law Day Luncheon with a CBA Recognition Award, and a Proclamation from Governor Ned Lamont, which was read by committee member Judge Matthew Dallas Gordon. We will miss Secretary Merrill's efforts, insights, and friendship, and wish her a wonderful retirement.



# CYBERSECURITY AND TECHNOLOGY COMMITTEE

Co-Chairs: Dena M. Castricone and James P. Sexton

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The mission of the Cybersecurity and Technology Committee is to educate CBA members on: (1) the ever-growing risks that lawyers and law firms face from cybercrime, phishing, data breaches, fraudulent wire transfers and other common types of cyber-wrongdoing and cyber-incidents; (2) on applicable data privacy laws; and (3) the use of technologies and virtual platforms to increase access to justice, improve business operations and mitigate cybersecurity and data privacy risks. The committee analyzes how such issues can impact solo practitioners as well as lawyers practicing at small, medium, and large law firms, including the ethical canons governing lawyers as they relate to cybersecurity, privacy, and technology and how lawyers can meet existing and emerging legal obligations and client expectations in this area.

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## Committee Meetings

Since the current co-chairs took over at the beginning of the calendar year, the committee held meeting every other month on the third Thursday. The March meeting was cancelled because the committee cosponsored a program near the date of the planned meeting. Meetings dates were:

- **July 15, 2021:** Discussed the substance of the new cybersecurity safe harbor law and changes to the data breach statute. The group brainstormed on how best to get the information out to CBA members. We explored offering two CLE sessions and the possibility of creating a set of guidelines for lawyers based on one of the frameworks in the cybersecurity statute.
- **September 9, 2021:** The group continued discussions on possible set of guidelines for lawyers and possible “approval” by the judicial branch. Judge Bozzuto attended the meeting and shared concerns about having the branch weigh in but thought the branch’s IT group could weigh in. The group also discussed having the grievance commission opine that the guidelines meet ethical requirements.
- **December 9, 2021:** Discussed the structure of a CLE that would cover the new cybersecurity safe harbor law and changes to the data breach statute as well as provide practical tips to solos/small firm to immediately improve security posture. Committee member offered to add ethics component. Decided to try to seek the YLS and Solo/Small Firm sections as co-sponsors.

- **January 20, 2022:** Finalized subject matter for the CLE session. Assigned committee members to seek co-sponsorship from the YLS and Solo/Small Firm sections.
- **May 19, 2022:** We discussed the new CT consumer data privacy law, educational programs regarding the law in the fall (possibly including the AG's office) and changing the name of the committee to the Privacy and Cybersecurity Committee to more closely reflect the work we do.

## **CLE Programs**

The committee organized two CLE programs between June 2021 and May 2022.

### **CLC Session: Data Privacy Laws and How They Impact Your Clients (June 17, 2021) (also detailed in last year's report)**

This session will explore data privacy laws not just in Connecticut, but across the globe and touch on how the changing landscape impacts not just your business but also clients' businesses.

#### **Speakers:**

Dena M. Castricone, DMC Law, LLC  
 Joshua J. Devine, UnitedHealthcare  
 Tara L. Trifon, Locke Lord LLP

### **CLE Seminar: Cybersecurity Law Changes, Ethics and Tech Tips to Protect Your Data (March 31, 2022)**

The panel discussed significant changes to the state's data breach statute and qualifying for CT's new Cybersecurity Safe Harbor statute. An IT Security expert shared practical and effective cybersecurity measures that practitioners can implement immediately to protect their firms as well as provide background on an accepted cybersecurity framework included in the Cybersecurity Safe Harbor Statute. Finally, the panel explained the differences between attorneys' ethical obligations to notify clients and obligations under counterpart consumer and healthcare data breach laws.

#### **Speakers:**

Dena Castricone, DMC Law, LLC  
 Alex Cox, Locke Lord LLP  
 Scott Gombar, Nwaj Tech  
 Jed Davis, Law Office of Jonathan E. Davis LLC

## **Other Initiatives**

**Educate on New Consumer Data Privacy Law:** This past legislative session, Connecticut became the fifth state to pass comprehensive consumer data privacy legislation (PA 22-15). There will be a big learning curve for lawyer and clients. The committee will focus efforts in the Fall and Winter on programs to educate on the subject.

**Name Change:** The committee is considering a name change as its work involves the area of privacy and cybersecurity. The group does little substantively in technology other than having a guest IT speaker at programs. Further, given that CT is now the fifth state in the country with a comprehensive consumer data privacy and is seen as a leader on the issue, the CBA should have a section or committee to reflect this area of practice.

**Vendor Due Diligence Guidance:** Last year, the committee put together Vendor Due Diligence Guidance, which has been underutilized. As detailed in our report last year, the committee prepared and published a list of considerations that lawyers and law firms can use as guidance when selecting a vendor, including cyber and technology related vendors. Although all firms should create a vendor due diligence questionnaire tailored to meet the firm's specific needs, this guidance provided a sample of some basic, broadly applicable vendor due diligence questions. We released this guidance document just before the pandemic and fear that it got lost in the chaos. The group will work to find ways to share this with members.

# LAWYER WELL-BEING COMMITTEE

Co-Chairs: Tanyee Cheung and Sara K. Bonaiuto

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This Committee aims to improve the well-being of lawyers throughout the state, by providing support to members of the legal community by providing resources, education, and advocacy. This Committee works to promote positive mental health by creating healthy work environments and encouraging self-care programming.

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## Meetings

Monthly committee meetings have been held via Zoom. Committee meetings will remain open to any members of the Bar Association on Zoom.

## General

This importance of this committee has been elevated throughout the COVID-19 pandemic. We strive to find ways to assist our colleagues in an ever-changing work-environment. During the 2020-2021 bar year, the committee created a Well-Being Pledge (the “Pledge”). This year, twenty-one (21) organizations signed on to the Pledge, which is a significant increase.

We hosted the annual Well-Being Week from May 2<sup>nd</sup> – May 6<sup>th</sup> with terrific attendance. We hosted one event per day, which included topics such as meditation, energy work, yoga, substance abuse in connection with your general health and nutrition. Our co-chair, Tanyee Cheung delivered a presentation at a Young Lawyers Section meeting, entitled Mindset Matter: Cultivating a Healthy Mindset. Both of our chairs will present on “Why Mindset Matters” at the Connecticut Legal Conference this summer.

## Goals

We understand that we can achieve the highest level of well-being if we take a collective approach, which includes voices from all the legal firms and organizations throughout the state. Over the next few years, we hope to expand the reach of this Committee. The first yearly summit for this Committee will be held during the upcoming bar year. We hope these annual summits will bring representatives from all the well-being focused firms and organizations together. We will plan events throughout the year to generate conversations and allow for free flow of well-being focused events and programming.

As a committee, we strive to increase our internal membership and have challenged all of our current members to encourage one additional Bar Association member to join.

# MEMBERSHIP COMMITTEE

Co-Chairs: Sarah Gruber and C. Scott Schwefel

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

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The Membership Committee had an active year, accomplishing several initiatives to ensure the association meets the continually evolving needs of its members.

The 2021-2022 Membership Committee consisted of the following members: Co-Chair Sarah Gruber, Co-Chair C. Scott Schwefel, Jonathan Weiner, Leland Moore, Jonathan Friedler and Choity Kahn. Executive Director Keith Soressi, CBA President Cecil Thomas, President-Elect Daniel Horgan, and Vice-President Maggie Castinado, served as members ex-officio of the committee. Staff advisor to the committee was Carol DeJohn. As of the date of this report, the Membership Committee remotely met three times throughout the bar year to review proposals and develop projects to serve the current members and ensure the association provided as much value as possible so as to both retain current members and obtain new members. The committee expects to hold an additional meeting before the end of the bar year.

As of February 28, 2022, the CBA membership consisted of 8,984 members consisting of 7,430 attorney members and 1,554 non-attorney members. These membership numbers represent an overall increase from last year, as of January 31, 2021, of 725 total members.

Continuing an initiative from previous bar years, dating back to 2018, the committee discussed a proposal for an association-wide dues restructuring. As the association had not increased member dues since the 2012-2013 bar year, it was determined a modest dues increase was necessary for the CBA to keep pace with increased business costs and expenses. The committee voted to recommend the following three-year increase proposal to the Board of Governors:

**2022-2023 and 2023-2024 Bar Years**

(\$10.00 increase to all paid membership levels, generally)

Attorney: \$150 - \$290 (+\$10); \$125 for 75 years or older (unchanged)

Government Attorney: \$120 - \$230 (+\$10); \$95 for 75 years or older (unchanged)

Out of State Attorney: \$170 (+\$10)

Non-Attorney: \$75.00 Government Associate (+\$8), \$95.00 Associate Member (+\$10)

First Year of Admission, Law Student, Paralegal Student: \$0.00 (unchanged)

**2024-2025 Bar Year**

(\$10.00 increase to all paid membership levels, generally)

Attorney: \$160 - \$300 (+\$10); \$125 for 75 years or older (unchanged)

Government Attorney: \$130 - \$240 (+\$10); \$95 for 75 years or older (unchanged)

Out of State Attorney: \$180 (+\$10)

Non-Attorney: \$85.00 Government Associate (+\$10), \$105.00 Associate Member (+\$10)

First Year of Admission, Law Student, Paralegal Student: \$0.00 (unchanged)

In another initiative carried over from previous bar years, the committee discussed a proposal to offer unlimited continuing legal education programs to association members for an additional fee. The program for the 2022-2023 bar year, drafted by President Cecil Thomas, proposed to offer, as a pilot, a “CLE Pass” for unlimited access to live CLE programming (virtual and in-person, offered by the CBA) of two credits or less. The proposed CLE Pass would be offered at an initial price of \$129.00, in addition to applicable membership dues and section fees. The proposed CLE pass excluded meal costs, the Connecticut Legal Conference and other CBA conferences, symposia, and premier events, any CLE program offering more than two credits, the purchase of on-demand previously recorded programs through the CBA Education Portal, and CBA section meetings offering CLE credit. The committee recommended adopting this pilot CLE Pass proposal.

The Membership Committee reviewed and evaluated existing benefit programs for association members, and made recommendations to the CBA staff on changes or additions to current benefits. In October, the committee reviewed nine proposals from potential member benefit providers and voted to approve several new member benefits. Among the new member benefits added were Infoshred, Maple Media, Red Cave Law Firm Consulting, University of Hartford, and QbitEdge. Additionally, the committee voted to renew existing benefit provider Educational Playcare Childcare. In March, the committee voted to approve the inclusion of several local merchants and restaurants as discount providers including Hog River Brewing Company, Lake Compounce, Priam Vineyards, and Saltwater Farm Vineyard. Discounts at these businesses are provided to association members bearing CBA membership cards. Additionally, the Committee discussed providing a discounted dental and vision plan as a future member benefit. The Committee encourages members to visit <https://www.ctbar.org/members/membership-benefits> to take advantage of the wide array of discounted services and products offered.

As complimentary document shredding remains popular with association members, the committee organized shred truck events in November and May with Fairfield, New London, Vernon-Rockville, and West Hartford locations. The association collected food and household supply donations at all November shred truck locations. Members provided a variety of donations, including canned and boxed foods, paper towels, and toiletries, and all collected items donated to Connecticut Foodshare.

Lastly, as of the date of this report, the committee intends to discuss potential in-person programs and activities to be held before the end of the bar year. Possible programs include receptions for new members, complimentary headshots, additional complimentary document shredding (in both Hartford and Fairfield counties), and a judge's luncheon.

The co-chairs would like to take this opportunity to thank the committee members for their ongoing contributions. Additionally, the Committee is grateful to Keith Soressi and Carol DeJohn for their tireless work with the committee.

# PROFESSIONALISM COMMITTEE

Co-Chairs: Hon. Omar A. Williams and James T. Shearin

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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) (Principles). The Committee rewrote the Principles in 2020 which were then approved by the CBA House of Delegates. Our mission now will 1) encourage, recommend, and provide assistance to CBA Committees and Sections in the development and coordination of professionalism initiatives according to the Principles; 2) encourage and provide assistance to local bar associations, law schools, and the judiciary in their efforts to improve professionalism as articulated by the Principles; and 3) educate members of the legal profession and the public about the Principles.

The Professionalism Committee also organizes the annual Professionalism Symposium; identifies and selects the recipient of the Edward F. Hennessey Professionalism Award; stimulates interest in professionalism, ethics, and civility among other sections and committees; and produces its own continuing legal education programs stressing those principles.

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This year, the Committee nominated Ernie J. Mattei to receive the Edward F. Hennessey Professionalism Award. For nearly fifty years Ernie pursued the practice of law with a level of passion and professionalism to be emulated by all lawyers. A remarkably talented and skillful trial lawyer, he zealously protected his clients' interest inside and outside the courtroom, but always with a level of integrity, dignity and civility that honored the profession and earned him the respect of the bench and bar alike. While Ernie achieved wide recognition and unparalleled success trying products liability, medical malpractice and other types of cases, he nonetheless remained humble and unassuming and shared his vast knowledge with countless young lawyers he mentored over his long tenure in the practice. In short, Ernie's career exemplified the characteristics this Professionalism Award seeks to recognize; he made us proud to be members of the legal profession.

The Committee has also worked with the Hartford and New Haven County Bar Associations in their effort to implement a mentoring program. Newly admitted lawyers seeking a mentor are paired with a more senior members of the bar and they interact for a fully year. David Case in Hartford and Dean Brad Sexton in New Haven co-chair this program. This year we encouraged the other regional and affinity bars to adopt the program.



The third annual Professionalism Boot Camp was remotely presented on December 10, 2021. This program was designed so that newly admitted lawyers could master the skills needed to practice more effectively and ethically. 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 Professionalism Symposium is the capstone event of the Professionalism Committee. In its 17th year in 2019, the program was a collaborative effort with the Greater Bridgeport Bar Association. The half-day program, held at the Superior Courthouse in Bridgeport, 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. We did not host a program in 2020 and 2021 because of the pandemic, but intend to host a program this year for the Waterbury/Litchfield region.

The committee meets four times per year by phone and person in New Britain.

# STANDING COMMITTEE ON STANDARDS OF TITLE

Chair: Ellen L. Sostman

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

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## **Committee Members**

Denis R. Caron, Immediate Past Chair

Michael J. Caron

Gregory P. Muccilli

James E. Rice

Edward M. Rosenblatt

Michael W. Sheehan

Ellen L. Sostman, Chair

William C. Stokesbury

Nancy L. Walkley

The Committee met virtually in September, October and December 2021, and in January February, March, April and May 2022. It continues to work with the CBA to update the online Standards and the index, and to improve the ability of real estate practitioners to identify new Standards and revisions to existing Standards by adding effective dates and revision dates to the individual Standards along with the Index, as needed.

In response to the passage by the Connecticut legislature of P.A. 21-39, Secs. 8 and 9, the Committee revised Standard 9.3, The Acknowledgment Requirements For A Valid Conveyance and Standard 6.4, Conveyances By Power of Attorney.

With the termination of Covid Executive Orders 7K and 7Q, the Committee drafted and adopted an Editor's Note to Chapter IX of the Standards of Title, identifying for future title searchers and title examiners the period of time during which witness requirements were suspended for conveyancing documents and the requirements for valid remote notarizations of those documents. A Covid notation was also added to the Comment section of Standard 29.1 regarding the timing of notices for a tax collector's sale.

The Committee drafted two new Standards on the Connecticut estate tax lien, to be added to Chapter 23 of the Standards of Title. The first, Standard 23.2, Creation, Scope and Duration

of the Connecticut Estate Tax Lien was approved by the Board of Governors of the CBA on April 25, 2022. The second, Standard 23.3, Protection of Certain Persons Against the Connecticut Estate Tax Lien Until Notice Thereof Has Been Recorded in the Town Clerk's Office, has been published in the May/June issue of the CT Lawyer to start the 60 day comment period running. The Committee hopes to finalize this Standard and submit it to the Board of Governors in the Fall of 2022.

The Committee is presently working on revisions to Standard 16.1, Attachments, and Standard 16.2, Judgment Liens.