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Karen DeMeola is the 94th president of the CBA. She is the assistant dean for enrollment and students at UConn School of Law, where she plans, manages, and oversees programs and services for the student body, including career planning, disability services, and student services. She advises students confronted with a variety of issues, including academic advising, personal matters, and wellness challenges such as addiction and mental health concerns. In addition, Dean DeMeola is charged with implementing and managing diversity programming as well as professional and community development activities.

My house is full of books; a conglomeration of comics, sci-fi, horror, legal, self-help, race, biographies, historical tomes, medical, and anything that I can get my hands on. Free is better, but I have been known to pay, sometimes too much, for first editions of my favorite authors. At any one time, I could have 15 titles in circulation, more if I add Audible or Kindle books to my list. I enjoy the connections that seemingly disparate books have with each other. This is similar to the people in my life and the ways we connect as individuals and colleagues.

“Truth is Powerful and It Prevails”

- Sojourner Truth

By Karen DeMeola

My mother-in-law recently recommended a book, *Tattoos on the Heart: The Power of Boundless Compassion* by Father Greg Boyle. I was intrigued because, well, tattoos were referenced in the title. I was less interested because a priest wrote it and, although I am on a constant faith quest, I still bristle at the word “priest” thanks to 12 years of Catholic school. Then I learned that Father Boyle was the founder of Homeboy Industries. The book combined several things I loved—compassion, race, second chances, and faith. Though the book was about all of those things, it was also about inclusion. Not only the ways in which gang members and former gang members were included in society, but also the ways in which they were included in the development of the business model of Homeboy Industries. A great example of the ways in which our compassion for others can guide us but also a lesson on the ways in which compassion can lead us toward inclusion.

In any movement, we need the majority

population to provide allyship. Validation by the majority tends to move things further and quicker than if we go it alone. At times, allyship turns into co-opting, appropriating, or creating a political movement based not on the voices of the marginalized group, but instead about what is best from the allies’ perception. This is a challenge and frankly, I was waiting for this to happen in *Tattoos*. Instead, I read of amazing brother- and sister-hood, of compassion, of a movement that transcended difference and embraced inclusion.

I think a lot about inclusion, or the lack of inclusion and the damage it does to people and teams. Many organizations consider it a victory when they hit a diversity target—webpages are updated and notes of congratulations are sent. However, what happens to individuals within the organization when they are limited by the boxes they check? How is the organization treating their “diversity”? Have our biases allowed us to think beyond gender, race, or

socioeconomic status and include these new voices in our conversations? Too often, the answer to these questions is no.

So, how do we do this? Inclusion is not easy, as it often requires us to stop and think about our behavior, our biases, and our processes. To move toward inclusion requires us to question why we do things in a certain way, to abandon stereotypes, and to see people as individuals contributing to the successes of our organizations.

Sojourner Truth said, "Truth is powerful and it prevails." Truth comes in so many forms. Allowing people to be authentically them, being uniquely you, and encouraging honest communication at all levels are examples. Being ready to listen, to act, and to hear what others are saying is necessary in moving forward. Taking the perspective of others as truisms and not questioning the veracity. Accepting that there are other perspectives but our own is necessary.

If someone says they have been marginalized, believe their perspective. Ask them why they feel that way, without dismissal or excuse making. If someone is not getting assignments, ask why, or go the distance and assign them something. Do an inventory of who you are inviting to play golf, to attend the symphony, a Yard Goats game, or anywhere business is being conducted outside the office. Is there a pattern in those you ask? Are you sharing the unspoken rules of your organization with everyone, or just a few? Are you placing additional committee work and obligations on your diverse co-workers? What are you conveying to those who do not get the invitations, who remain ignorant of the rules, and are not given all the information necessary to succeed?

This short book spoke to me in unexpected ways. It surprisingly wove together issues of faith, compassion, and inclusion. I cried at every page. The stories were moving, honest, and challenging. In the face of this adversity, face of death and despair, the hope and joy in creating opportunity, community, and collaboration was inspiring and a model for those of us who want to create inclusive organizations. **CL**

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CONNECTICUT BAR ASSOCIATION NEWS & EVENTS

SECTION SPOTLIGHT

CBA Environmental Law Section and Other CT Environmental Organizations Host Gina McCarthy

Former US Environmental Protection Agency (EPA) Administrator and Connecticut Department of Environmental Protection (CT DEEP) Commissioner Gina McCarthy addressed an audience of 200 environmental professionals at the Connecticut Science Center on Thursday, March 22. The Environmental Law Section of the Connecticut Bar Association (CBA), Connecticut Environmental Forum (CEF), Connecticut Society for Women Environmental Professionals (SWEP-CT), and Environmental Professionals' Organization of Connecticut (EPOC) hosted the sold-out event, "An Evening with Gina McCarthy."

During her lecture, McCarthy shared her views of the current and future state of environmental regulations at the local, regional, national, and international levels. "It is a difficult time but we must feel positive about the world and the future," stated McCarthy. "We have the rule of law on our side and that is what matters and that is what will prevent us from going backwards."



(L to R) SWEP-CT Co-chair Jane Kimball Warren, CBA Environmental Law Section Chair M. Anne Peters, EPOC Executive Director Seth Molofsky, Event Speaker Gina McCarthy, CEF President Todd Berman, and SWEP-CT Board Member Jordana Langford.

McCarthy served as the EPA administrator from 2013-2017 and CT DEEP commissioner from 2004-2009. She has been a leading advocate for common sense strategies to protect public health and the environment for more than 35 years. Currently, McCarthy serves as director of Harvard's Chan Center for Health and the Global Environment, and is a professor at the Harvard University Center for the Environment and Harvard T.H. Chan School of Public Health. **CL**

Labor and Employment Law Section Co-sponsors Three Views from the Bench Event

On Wednesday, April 4, the CBA Labor and Employment Law Section and the Connecticut Employment Lawyers Association co-sponsored, Three Views from the Bench: Questions & Answers with Harford's Federal Judges, at the Hartford Golf Club in West Hartford. Judges Alfred V. Covello, Donna F. Martinez, and Michael P. Shea shared insights and anecdotes from their many years of presiding over federal employment cases. In honor of Judge Covello's 25th year on the District Court in 2017, Judges Martinez and Shea joined this year's panel. **CL**



Judges Alfred V. Covello, Donna F. Martinez, and Michael P. Shea sharing their views from the bench.

In Memoriam

The Honorable Daniel F. Caruso, 60, passed away on February 25. Judge Caruso was elected probate judge of Fairfield in 1995 and served as interim judge for the districts of New Canaan, Greenwich, Westport, and Stamford. Prior to becoming a probate judge, he served as assistant minority leader from 1991-1995 and served on the General Law, Judiciary, and Regulation Review, and Environment Committees of the Connecticut General Assembly. Judge Caruso was also a member of the CBA Estates and Probate Section.

The Honorable Howard T. Owens, Jr., 83, passed away on April 3. Prior to becoming a judge of the Connecticut Superior Court in 1998, Judge Owens served in the US Army Reserve for six years, was an assistant US attorney for the District of Connecticut, and represented Bridgeport and Trumbull in the Connecticut State Senate from the old 22nd District, where he served for six terms. Judge Owens was a past CBA YLS chair (1967-1968) and member of the CBA Criminal Justice Section. He was involved in numerous professional and civic organizations such as the Bridgeport Legal Services Board of Directors, the City of Bridgeport Ethics Commission, and the Food Bank of Fairfield County.

James F. Byrne, 77, passed away on December 12, 2017. Attorney Byrne began his law career in commercial law as an associate at the New York based law firm, Cravath Swaine & Moore LLP, before founding Byrne & Storm PC in Hartford. He earned his JD from Fordham Law School, where he graduated at the top of his class, and earned his LLM degree in tax at NYU Law School.

Lawrence A. Cavanaugh, 80, passed away on March 23. Attorney Cavanaugh was a patent attorney and corporate attorney for United Technologies for more than 30 years. Upon retirement, he operated his own real estate management firm, Heights Realty and Management. Attorney Cavanaugh earned his JD from the UConn School of Law.

Myron J. Poliner passed away on March 25. After graduating from the University of Virginia School of Law in 1957, Attorney Poliner joined his father in the practice of law at the Poliner Building in Middletown, of which they were later joined by his brother in 1969. After retiring in 2017, Attorney Poliner was honored by the Middlesex County Bar Association and the State of Connecticut General Assembly for 60 years of dedication to the Connecticut Bar. Attorney Poliner was also a member of the CBA Estates and Probate Section.

James A. Trowbridge, 76, passed away on January 2. Attorney Trowbridge engaged in the general practice of law and was appointed as an associate professor at the University of Bridgeport Law School in 1979. He was a longtime member of the CBA, and served on the association's Committee on Professional Ethics for 45 years, four of which he served as committee chair. Attorney Trowbridge also served as a charter member of the James W. Cooper Fellows of the Connecticut Bar Foundation. **CL**

Former US Attorney Deirdre M. Daly Receives 2018 Ladder Award

The CBA Women in the Law Section, in association with the CBA Young Lawyers Section (YLS) Women in the Law Committee, honored former US Attorney Deirdre M. Daly as the 2018 recipient of the Ladder Award at, "Pathways to Leadership for Women Lawyers," held on March 28 at the Sheraton Hartford South in Rocky Hill.

The Ladder Award was created by the YLS Women in the Law Committee in 2007 to honor a woman attorney who has "left the ladder down" for those women who follow in her footsteps. The award is aimed at honoring the efforts of women in the legal profession who have recognized the importance of mentoring and supporting more junior lawyers in their own journeys to success in the profession. Attorney Daly has joined a distinguished group of female attorneys, including Justice Maria A. Kahn, Diane W. Whitney, Hon. Anne C. Dranginis, Rosemary Giuliano, and Hon. Elizabeth J. Stewart.

Women in the Law Section Chair Jennifer E. Wheelock welcomed attendees to the inspiring event before introducing keynote speaker Justice Maria A. Kahn, who discussed implicit and gender biases. Justice Kahn began by sharing current statistics of women and men in law schools, law firms, and their salaries as a percentage. She reminded the women in the audience that despite these statistics, as females, "you are not immune to implicit bias." She went on to note that, "we see gender and race, and that's okay. It's what you do with the information."

Before YLS Women in the Law Committee Co-chair Choity R. Khan introduced Attorney Daly, Vanessa Avery and Natalie Elicker of the United States Attorney's Office spoke of all that Attorney Daly had done as the 51st United States Attorney for the District of Connecticut. Attorney Elicker shared that her Ladder Award nomination was supported by 15 attorneys, including several men. Additionally, Avery shared that Daly "created opportunities for women in ways and areas that didn't exist... It wasn't about checking a box, it was about having a lasting impact."

Attorney Daly was welcomed to the podium by a standing ovation from attendees. She ended the night optimistically, stating, "This is a very interesting time for women. There are opportunities for leadership. There is an opportunity for female voices to be heard—we cannot squander these opportunities. This is your time." **CL**



(L to R) CBA Vice President Nddi N. Moses, Chief Judge Janet C. Hall, Justice Maria A. Kahn, CBA President Karen DeMeola, Ladder Award winner Deirdre M. Daly, Women in the Law Section Chair Jennifer E. Wheelock, and CBA President-elect Jonathan M. Shapiro.

Attorney Announcements

Saxe Doernberger & Vita PC has announced the promotion of **Richard W. Brown** to partner at the firm. Attorney Brown is based in the Trumbull office.



James G. Clark

James G. Clark, founder of the **Victim's Rights Center of Connecticut (VRCCT)**, has retired. VRCCT provides free legal services to victims of physical or sexual assault.



James Dougherty

James Dougherty was appointed partner at **Withers Bergman LLP**. Attorney Dougherty advises on estate planning and administration, probate matters, and litigation arising from trust and estate succession issues.



Robert Fitzgerald



Colleen Masse



Jennifer Reale



Jeffrey Rivard

Czepiga Daly Pope & Perri LLC welcomed four new attorneys, **Robert Fitzgerald, Colleen Masse, Jennifer Reale, and Jeffrey Rivard**. Attorneys Reale and Fitzgerald joined the firm's litigation department, Attorney Rivard joined the estate planning team, and Attorney Masse joined the firm's special needs and disability planning department.



Michael Koskoff

Michael Koskoff of **Koskoff Koskoff & Bieder PC** received the Thurgood Marshall Award, which is given in honor of the first African American appointed to the US Supreme Court. Each year, the Black Law Students Association recognizes an outstanding person in law, education, or politics who exemplifies his dedication to improving society through the advancement of civil rights, civil liberties, and human rights.



Paul R. McCary

Paul R. McCary, partner at **Murtha Cullina LLP**, was honored with the Excellence in Energy Award by the Connecticut Power and Energy Society (CPES). Attorney McCary has practiced in the areas of energy and public utility since 1981.



Nicole S. Mulé

Nicole S. Mulé has joined **Robinson+Cole** as an associate in their Hartford office. Attorney Mulé represents both public and private sector employees in a variety of labor and employment matters.



Andrew Nevas

Verrill Dana LLP attorney **Andrew Nevas** was elected to become a James W. Cooper Fellow of the Connecticut Bar Foundation. Selection of Fellows is based on a demonstration of superior legal ability and devotion to the welfare of the community and advancement of the legal profession.



Keisha S. Palmer

Keisha S. Palmer was one of seven elected partners at **Robinson+Cole**. Attorney Palmer is a member of the firm's public finance group, and represents state, municipal, and Indian tribal governments in the issuance of tax-exempt and taxable general obligation bonds as well as other debt obligations.



Prerna Rao

Attorney **Prerna Rao** was elected to the Zoning Board of Appeals for the town of Newtown. She is the principal of **Rao Legal LLC**, which focuses on commercial and real estate transactions, and litigation.



Kevin J. Riexinger



Olivia Tawa

Kevin J. Riexinger and **Olivia Tawa** have joined **Seiger Gfeller Laurie LLP** as associates. Both Attorney Riexinger and Attorney Tawa practice primarily in the areas of complex civil and commercial litigation.



Lara Schneider-Bomzer

Lara Schneider-Bomzer has been promoted to partner at **Czepiga Daly Pope & Perri**. Attorney Schneider-Bomzer has been an associate of the firm for four years, focusing her practice on estate planning, asset production, and Medicaid planning.

Firm/Organization Announcements



Carmine Perri

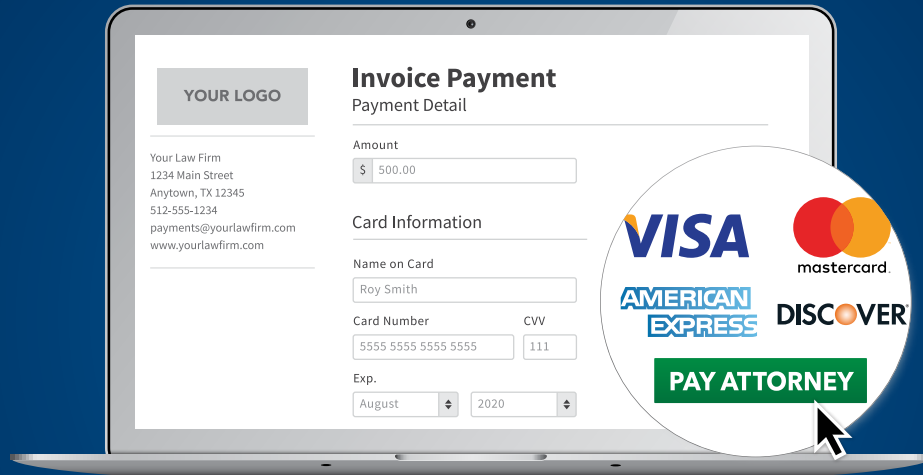
CzepigaDalyPope has changed its firm name to **Czepiga Daly Pope & Perri LLC** in conjunction with a new principal, **Carmine Perri**. Attorney Perri joined the firm in 2012, and leads the firm's litigation department. Additionally, the firm has opened a new office in Madison and a second office in Berlin.



Fourteen volunteer attorneys and staff members of **Robinson+Cole** taught Junior Achievement curriculum to kindergarten, first grade, and second grade students at Parkville Community School in Hartford. **Christine E. Bromberg**, a firm partner, coordinated the efforts.



The Central Connecticut Paralegal Association (CCPA) presented **Robinson+Cole** with its 2017 Employer Appreciation Award at the association's annual Employer Appreciation Luncheon. CCPA is the largest paralegal association in Connecticut, serving the paralegal community in central Connecticut. **CL**



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(Left to right) Retired Judges Michael Riley, Anne Dranginis, Robert Holzberg and Lynda Munro

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Celebrate with the Stars: A Sold-out Success

By Leanna Zwiebel

Over 500 guests were in attendance at the sold-out “Celebrate with the Stars” event on April 12 at the Aqua Turf Club in Plantsville. The evening began with cocktails, a wine tasting, and hors d’oeuvres.

Prior to the awards presentation, members of the bar admitted in 1968 were honored for 50 years of practice with half-century pins.

The Honorable Anthony V. DeMayo Pro Bono Award was the first award of the night to be presented. The award’s namesake, Judge DeMayo, was passionate about the law and unwavering in his support of legal services for the needy. The winners of this year’s award, as selected by the Pro Bono Committee, not only exhibit commitment and dedication to pro bono service, but also serve as role models for the profession. Video testimonials were played for each award winner to give the audience members a better sense of who the winners are and their dedication to their work.

After dinner, video testimonials continued for the signature awards, which were played prior to their award acceptance, and added a personalized touch to the honor. The signature awards were presented by President Karen DeMeola, President-elect Jonathan M. Shapiro, Vice President Nidhi N. Moses, Treasurer Vincent P. Pace; YLS Chair Aidan R. Welsh presented the Young Lawyers Section Vanguard Award.

Edward F. Hennessey Professionalism Award winner James A. Wade reminisced of his time with Edward F. Hennessey, who was both his friend and colleague and the namesake of the award, sharing, “Tonight is not about me, it is about Ed Hennessey. He had my back and I had his; you will not ever see two lawyers who had more fun practicing law than Ed and me.”

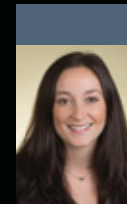
Also among this year’s tremendous slate of stars were Chief Judge Janet C. Hall, former Chief Justice Chase T. Rogers, and State Treasurer Denise L. Nappier.

After asking all treasurer members in the audience to stand up and be recognized, Treasurer Nappier shared, “Public service is not only ingrained in the culture of my office, it’s in my DNA.”

John Eldred Shields Distinguished Professional Service Award winner, Chief Judge Janet C. Hall, accepted her award on behalf of the Connecticut Bar Association members, “who day in and day out contribute to the work of the courts, the legal profession, and their communities...that work is so often unappreciated and unrecognized...Yet, I don’t think I can overstate how critical you are to the proper functioning of the work of the courts, to the operation of our local governments, and to the fabric of our communities. You, the lawyers, are the unsung heroes of our profession—the true stars—and I salute you tonight.”

The final award of the evening was the Henry J. Naruk Judiciary Award, which was presented to former Chief Justice Chase T. Rogers. She began her acceptance by thanking two of the night’s awardees, Chief Judge Janet C. Hall for showing her how to try a case, and James A. Wade for his “unparalleled ability” to tell his clients’ side of the story in the courtroom. Additionally, she thanked her colleagues for helping to bring “somewhat heated debates about what to do in a particular situation back to the question of what is the right thing to do...we may not have always gotten it right, but I can assure you we tried to do the right thing.”

The evening concluded with dessert and cordial pairings, along with music and dancing. Thank you to our sponsors for helping make the fifth annual “Celebrate with the Stars” a resounding success. **CL**



Leanna Zwiebel is associate editor of *Connecticut Lawyer* and communications and editorial associate at the Connecticut Bar Association.

Photos

1. Henry J. Naruk Judiciary Award winner, former Chief Justice Chase T. Rogers.
2. YLS Executive Committee members David A. McGrath, Aidan R. Welsh, and Cindy M. Cieslak with Young Lawyers Section Vanguard Award winner Suphi A. Phillip.
3. Secretary of the State Denise Merrill and CBA Executive Director Keith J. Soressi.
4. Tapping Reeve Legal Educator Award winner Professor Kate Stith with CBA Vice President Ndidi N. Moses and CBA President Karen DeMeola.
5. John Eldred Shields Distinguished Professional Service Award winner Chief Judge Janet C. Hall with CBA leadership and Awards Committee co-chairs.
6. This year's 50-year honorees.
7. Justice Maria A. Kahn with John Eldred Shields Distinguished Professional Service Award winner Chief Judge Janet C. Hall.
8. One of The Honorable Anthony V. DeMayo Pro Bono Award winners, Michael K. Conway, with CBA leadership and Pro Bono Awards Committee chair.
9. Distinguished Public Service Award winner State Treasurer Denise L. Nappier.
10. Eversource Energy employees with Citizen of the Law Award winner Theresa Hopkins-Staten and CBA Treasurer Vincent P. Pace.
11. 2018 Celebrate with the Stars award winners.





7.



8.



10.



11.

2018 Award Winners

Henry J. Naruk Judiciary Award
 Hon. Chase T. Rogers
Retired Chief Justice, Connecticut Supreme Court

John Eldred Shields Distinguished Professional Service Award
 Chief Judge Janet C. Hall
United States District Court for the District of Connecticut

Distinguished Public Service Award
 Hon. Denise L. Nappier
Office of the State Treasurer

Edward F. Hennessey Professionalism Award
 James A. Wade
Robinson+Cole

Tapping Reeve Legal Educator Award
 Kate Stith
Lafayette S. Foster Professor of Law, Yale Law School

Charles J. Parker Legal Services Award
 Thomas A. Behrendt
Connecticut Legal Rights Project Inc.

Citizen of the Law Award
 Theresa Hopkins-Staten
Eversource Energy

Citizen for the Law Award
 Dr. M. Saud Anwar
Mayor, Town of South Windsor

Young Lawyers Section Vanguard Award
 Suphi A. Philip
State of Connecticut Judicial Branch

The Honorable Anthony V. DeMayo Pro Bono Award
 Michael K. Conway
Law Office of Michael K. Conway

Thomas J. Farrell
Hinckley Allen

John J. Houlihan, Jr.
RisCassi & Davis PC

Kyle LaBuff
Law Offices of Lawrence M. Riefberg LLC

Four Key Lessons from *Making a Murderer*

By Aaron Keller



In December 2015, Netflix’s *Making a Murderer* took the world by storm. The then-episode docuseries examined the 2007 trials of Steven Avery and Brendan Dassey. Avery, the uncle, and Dassey, the nephew, were convicted by separate Wisconsin juries in the 2005 murder of 25-year-old freelance photographer Teresa Halbach.

Avery had spent 18 years in prison on a 1985 rape charge, even though he had a strong alibi and maintained his innocence. DNA testing finally proved Avery’s innocence in 2003. He was released from prison and became a regional celebrity. His wrongful conviction showcased the power of DNA evidence in exposing wrongful convictions and spurred criminal justice reform.

Avery sued local authorities for \$36 million for mishandling his 1985 case. Just two

years after his release, and with the civil suit looming, Avery was arrested for Halbach’s murder. His nephew, Brendan Dassey, was arrested four months later after being interviewed by the authorities and confessing—albeit questionably—his involvement.

A decade before the docuseries presented the cases to an international audience, the exoneration and the subsequent Halbach murder trials were explosive news in the upper Midwest. As a local journalist in northeastern Wisconsin from 2004 to 2007, I interviewed Steven Avery before his arrest, and covered the volunteer search for Halbach and the trials of Avery and Dassey. Some, though not all, of my reports on the case appear in *Making a Murderer*. The documentary series contains many real legal

lessons for attorneys, some of which are discussed here.

1. Television Access Was Granted

This case was explosive because the parties were familiar with the press. Avery was comfortable talking on camera after his 2003 exoneration, and that did not change. The victim’s brother, family spokesman Mike Halbach, worked as a video analyst. Teresa herself was a photographer. This meant an unprecedented level of access in the early hours of the case. Avery conducted frequent on-camera interviews, even as investigators closed in on him, and he regularly phoned local television stations from jail after his arrest.

Investigators held daily press briefings as they searched for Halbach. The prosecutor

discussed the charges. Television access to courtrooms is rather wide open under Wisconsin court rules. All public court appearances, including hearings, were televised live.

2. Law Enforcement Ethics Were Questioned Early and Frequently

Despite promises to the contrary, the department Avery was suing for his 1985 wrongful conviction searched his property after Halbach disappeared. Indeed, two of the officers who had been deposed in the civil case were the officers who found most of the critical evidence in the Halbach case. I was the first reporter to uncover the depth of the involvement of the conflicted officers and was the first to directly challenge why the public was misled about whether the conflicted department would be screened from the Halbach case. Unfortunately, the most probing of my analyses of these topics did not make it into *Making a Murderer*.

Nearly everyone in a courtroom is governed by a conflict of interest rule. Attorneys are subject to professional conduct rules. Specific conflicts laws further govern judges, prosecutors, and jurors. I have been unable to locate any meaningful authority which addresses conflicts of interest among law enforcement personnel.

Questions remain unanswered surrounding whether law enforcement conflicts of interest should be subject to an exclusionary rule, a due process clause analysis, or otherwise be remedied through legislation or a new rule of evidence.

The Avery case highlights why juries are poorly equipped to judge law enforcement conflicts and why the issue should be addressed as a matter of law, not fact. The Avery prosecutor argued successfully at closing that an acquittal would amount to a public announcement by the jury that its hometown sheriff's department was crooked. The local jury was unwilling to cheer against the hometown team.

3. Professional Conduct Rules Were Tested

Four months after Avery's arrest and days after Dassey's arrest, Special Prosecutor

Ken Kratz repeated before a live television audience on March 2, 2006, one possible—and heinous—version of the crime. Kratz stitched the storyline together based on Dassey's legally-tenuous confession, which was presented back then as iron-clad. The full confession video did not become public until about a year later.

I was sitting in the front row of that press conference. It sickened me. I questioned the ethics of what I watched back when it happened, though my critical reports on this subject also did not make it into *Making a Murderer*. Kratz defended himself at the time by telling me that his comments fit within the rules of professional conduct and, therefore, were ethical.

In almost all Wisconsin criminal cases, a county prosecutor commences a case by writing a criminal complaint. The document is a public record. Under Wisconsin law, the complaint must contain a "statement of the essential facts" of the offenses charged and may be based on "information and belief." In these cases, the complaints were substantially longer than average.

Wisconsin's professional conduct rules track the ABA Model Rules of Professional Conduct. Rule 3.6(a) contains a general prohibition on prejudicial pre-trial statements to the press. However, Rule 3.6(c)(2) provides an exception that allows attorneys to discuss with the press "information contained in a public record." That rule allows an attorney to write a public record and repeat it to the press, defeating Rule 3.6(a). Though a few cases have dealt with this issue in the past, it is relatively novel, and very few authorities truly limit the "public record" exception.

Perhaps recognizing this logical conundrum, Connecticut wisely moved the public records language from the rules to the comments section of Rule 3.6. That distinction is critical. Were Ken Kratz operating under Connecticut's rule, he could have been subject to discipline. In Wisconsin, he was not, nor would he have been subject to discipline in many other states.

Defense attorney Len Kachinsky, who for a brief time represented Brendan Dassey, also tested the rules. Shortly after his ap-

pointment, Kachinsky said on television his client was "legally responsible" for the crimes charged. Kachinsky has been demonized for that, but it's important to remember that Kratz sullied the file six days prior to Kachinsky's appointment during the March 2 press conference referenced above. Dassey was immediately convicted in the court of public opinion, and Kachinsky struggled to respond to that.

Kachinsky faced criticism for allowing interrogators to re-interview Dassey without his attorney's presence. Kachinsky faced even further criticism for the actions of his own investigator, who pressured Dassey to confess. These actions raise serious professional conduct questions.

Eventually, Dassey sought to recant his "confession," wrote to his own trial judge, and asked for a new lawyer. The trial judge eventually rebuked Kachinsky and called his actions "deficient performance," and Kachinsky was decertified by the state public defender's office. However, Dassey's appellate court found that Kachinsky's performance did not rise to the level of ineffective assistance. Volumes could indeed be written about the struggles of this representation from an ethics perspective.

4. Appeals Are in Progress

As of the time of this writing, Dassey has petitioned the US Supreme Court to take his case. If *certiorari* is granted, the Court will tackle whether Dassey's confession was voluntary or coerced. Avery's case is before state appeals courts in Wisconsin. Avery's post-conviction attorney has argued that people lied during the original trial, that Avery's trial attorneys were ineffective, and has insinuated Halbach's ex-boyfriend may have been the true killer. **CL**



Aaron Keller is licensed to practice law in Connecticut (active) and New Hampshire (inactive). He was an evening news anchor and reporter at the NBC affiliate in Green Bay, WI, from 2004 to 2007. He currently hosts live trials on the Law & Crime Network in New York City. He and his wife live in southern Connecticut.



Learn more about this topic at the CLC seminar
“What is Blockchain, and Why Should I Care?”

Register at ctlegalconference.com/A01

Blockchain for Blockheads

By Suzanne Brown Walsh

To learn how blockchains work and are structured, it is helpful to start with the first blockchain, Bitcoin. The Bitcoin blockchain is the protocol, or software, underlying the cryptocurrency Bitcoin. Other distributed ledger or blockchain technologies have been created that differ from Bitcoin, and are designed to perform different functions than Bitcoin. Bitcoin is simply the first use case or application that runs on blockchain. Blockchain is now, a mere nine years after its creation, just one of many different operating systems (“protocols”)—another is Ethereum. Think of a blockchain as a computer operating system, and of Bitcoin as the “use case” or “application” it enables. Just as there are many programs or applications you can run on your computer, likewise, there are numerous applications that can run on blockchain.

To understand how this works, let’s get back to Bitcoin, which was first described in a whitepaper¹ published during the depth of the worldwide financial crisis in 2008. One problem that the Bitcoin protocol solved, is how to create a viable digital currency that does not rely on a central bank, government, or other trusted authority. This accounts for Bitcoin’s popularity in countries with collapsing economies or weak financial systems. The other problem that the Bitcoin protocol solves is “double spending.” Traditional money, or fiat currency, relies on a central authority that ensures it is not counterfeit, and when transferred electronically, has not been double spent.

How does the Bitcoin protocol provide users with trust and confidence, and ensure that bitcoins are not double spent? It created a method for recording transactions within a ledger that is *secured* by cryptography, *time stamped*, and *validated* by consensus from the network participants. These features together prevent fraud, allowing users to trust the ledger.

Why call the Bitcoin ledger a blockchain? On the ledger, pending transactions are verified, grouped into “blocks,” and time stamped. Once verified by this consensus, the transactions within the block, or ledger, cannot be changed, and become immutable. Thus, to reverse a transaction reflected in the ledger, one has to enter into an entirely new transaction. It also means that a user who loses the data (a “private key”) needed to establish the user’s right to access his or her data, cannot enter into new transactions that affect that data on the ledger, and loses access to it. Because there is no central authority, there is no equivalent of a locksmith to break a lock, a banker to drill a safe deposit box, or a state treasurer holding unclaimed property until it is claimed by its owner. (In cryptocurrency, commercial wallet services may perform this function, in a tradeoff that reduces security, but eliminates or minimizes the risk of a lost private key.)

In Bitcoin, there is no running tally in the ledger of the assets owned by one participant. Instead, the ledger traces the underlying assets and their forward or subsequent movements in the system. Assets are tracked not by an owner, but by the asset transaction records, and are “moved” via the authorization of a cryptographic signature (a “private key”).²

Bitcoin is simply one type of “distributed ledger.” Unlike centralized networks with centralized servers, distributed ledgers allow multiple computers to run the same software, without a central, or even hierarchical, authority or computer. Because there is no sovereign or governing computer, in order to successfully disrupt or “hack” a distributed ledger, one has to take down more than half of the computers in the system. Therefore, the data on a distributed ledger is much more secure than data stored in a centralized network.

The level of privacy and access to distributed ledger systems may vary. Although Bitcoin is open to anyone who wishes to download the software and run it, other blockchains may be closed, or available only to participants who have permission or a credential that allows them to access

the network. Think of Bitcoin as the Internet (open and accessible to all) and a private or permissioned blockchain as a law firm intranet (open and accessible only to firm employees with access credentials).

The type of data stored on a blockchain can also differ from system to system. In Bitcoin, the stored data is the ongoing chain or list of Bitcoin transactions. Think instead about using an immutable, secure blockchain to store identity documents and data, such as birth and death certificates, social security cards, health records, credit histories, the history of food in a supply chain, the provenance of wine, diamonds or art, real estate deeds, or any document or information that must be protected against theft and forgery, or for which an audit trail is desirable.

Cryptocurrency and blockchain technology are likely to transform many businesses, and thus many legal practice areas, such as:

Estate Planning

Cryptocurrencies are stored, secured, and transferred outside of traditional wills and trusts, and in a completely different manner than other nonprobate assets.

Municipal and Government

Governments are exploring issuing identity documents and storing public records on blockchains.³

Securities

Initial coin offerings (ICO’s) were used to raise \$4.6B in business capital in 2017, bypassing traditional venture capital.⁴

Utilities

Blockchains are being piloted in Brooklyn, NY to allow residents with solar panels to sell excess energy back to their neighbors, in a peer-to-peer transaction.⁵

Tax

The IRS issued guidance on the taxation of cryptocurrencies in 2014 that leaves much unanswered.⁶

Real Estate

South Burlington, VT is piloting a blockchain for its land records and deeds.⁷

Health Care

Companies are already implementing

blockchain technology for health records.⁸

Finance

Businesses and individuals may be able to settle and reconcile local and global transactions almost instantly, at a lower cost.⁹

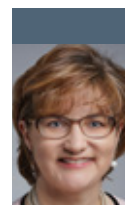
Supply Chain and Shipping

Several shipping industry consortia have successfully tested blockchain technology to track cargo.¹⁰

Insurance

Insurers are already testing blockchain as a means of establishing proof of insurance¹¹

These are simply a few examples of how many businesses and industries are exploring and testing this transformative technology. Blockchain is often compared to the Internet—more specifically, to the dial-up phase of Internet access (remember back to 1997). **CL**



Suzanne Brown Walsh is a Partner in Murtha Cullina LLP’s Trusts and Estates Department, where she represents clients in the areas of estate and tax planning, particularly for families of children with special needs, elder law, estate and trust administration, trust modifications and trustee changes. Since 2005, Attorney Walsh has served as one of Connecticut’s Commissioners on Uniform Laws.

Notes

1. <https://bitcoin.org/bitcoin.pdf>
2. There are many resources that describe the protocol in detail compiled at <https://lopp.net/bitcoin.html>.
3. <https://www.coindesk.com/illinois-launches-blockchain-pilot-digitize-birth-certificates/>
4. <https://www.itweb.co.za/content/kLgB1MeJk2xq59N4>
5. <https://tinyurl.com/y74vu6tc>.
6. <https://www.irs.gov/pub/irs-drop/n-14-21.pdf>
7. <https://www.coindesk.com/vermont-city-pilots-land-registry-record-with-blockchain-start-up/>
8. <https://medicalchain.com/en/>
9. <https://www.coindesk.com/swift-announces-successful-proof-of-concept-trial-for-dlt-platform/>
10. <https://tinyurl.com/ya3jr6ac>; <https://tinyurl.com/ycdksf2d>
11. <https://www.insurancejournal.com/news/national/2017/12/27/475346.htm>



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Annual Meeting Luncheon

Keynote Speaker Aaron Keller, Law & Crime Network, Abrams Media, New York, NY will speak on "Beyond Making a Murderer: Bridging the Gap between Law and Journalism"

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Conference Schedule

7:30 a.m.	Registration, Breakfast, and Exhibit Hall Open	12:05 p.m. – 1:30 p.m.	Annual Meeting Luncheon Keynote Speaker Aaron Keller, Law & Crime Network, Abrams Media, New York, NY Recognition of judges taking senior or referee status Installation of 2018-2019 CBA Officers
7:30 a.m. – 8:30 a.m.	Law School Alumni Breakfast Receptions Quinnipiac University School of Law UConn School of Law Western New England University School of Law <i>Pre-function Area</i>	1:30 p.m. – 1:45 p.m.	Break
8:30 a.m. – 10:30 a.m.	Session A Seminars	1:45 p.m. – 2:45 p.m.	Session C Seminars
10:30 a.m. – 10:50 a.m.	Break	2:45 p.m. – 3:00 p.m.	Break
10:50 a.m. – 11:50 a.m.	Session B Seminars	3:00 p.m. – 5:00 p.m.	Session D Seminars
11:50 a.m. – 12:05 p.m.	Break	5:00 p.m. – 7:00 p.m.	President's Reception in Honor of Connecticut's New Judges Sponsored by Murtha Cullina LLP and Shapiro Law Offices LLC

2018-2019 CBA Officers

The installation of the CBA's incoming officers will occur at the Annual Meeting Luncheon. These officers will lead the CBA for the next bar year, beginning July, 1, 2018.



President

Jonathan M. Shapiro will be installed as the 95th president of the CBA. Attorney Shapiro is a partner at Shapiro Law Offices LLC in Middletown

where he practices in corporate transactions, employment matters, and complex commercial and general litigation, as well as in arbitrations and mediations.



President-elect

Ndidi N. Moses will be installed as president-elect. Attorney Moses is an assistant United States attorney. She is also the civil rights coordinator

for the civil division at the United States Attorney's Office in New Haven, where she coordinates and prosecutes the division's civil rights cases.



Vice President

Amy Lin Meyerson will be installed as vice president. Attorney Meyerson is a sole practitioner at her firm The Law Office of Amy Lin Meyerson in Weston. She

practices in the area of domestic corporate law, concentrating in formation and growth of emerging businesses, mergers and acquisitions, executive compensation, corporate finance, intellectual property protection and development, computer law, and venture capital.



Secretary

Dahlia Grace will be installed as secretary. Attorney Grace is a managing attorney with Connecticut Legal Services Inc. at the organization's

Stamford office. She represents victims of domestic violence in family matters.



Treasurer

Vincent P. Pace will continue serving as treasurer. Attorney Pace is the associate general counsel at Eversource Energy. His practice

focuses on electricity and natural gas transactions, regulatory compliance, and administrative law.



Assistant Secretary-Treasurer

Aidan R. Welsh will be installed as assistant secretary-treasurer. Attorney Welsh is partner at Schoonmaker George

Colin & Blomberg PC in Greenwich, where she handles complex divorce and family law actions involving significant assets and client custody issues.



Immediate Past President

Karen DeMeola is the assistant dean for enrollment and students for the University of Connecticut School of Law.

In addition, Dean DeMeola implements and manages diversity programming as well as professional and community development activities for students. Prior to her role as assistant dean for enrollment and students, she was a civil rights litigator in her solo practice.

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Attorney Henley has 15 years of experience in legal technology and speaks frequently at state and local bar associations throughout the United States as well as the annual ABA Tech Show.

He works with law firms on technology management, including but not limited to technology audits, strategic business and management assessments, technology selection and implementations, and traditional cloud-based financial practice management.









- A11 Mastering Word for the Law Office**
- B11 Office 365 in a Law Firm**
- C12 60 Legal Tech Tips, Tricks, Gadgets, and Websites in 60 Minutes**
- D11 Productivity Tools: Practice Management Software and Outlook**

CLE Seminars At-A-Glance

Tracks		Session A (120 minutes) 8:30 a.m. - 10:30 a.m.	Session B (60 minutes) 10:50 a.m. - 11:50 a.m.	Session C (60 minutes) 1:45 p.m. - 2:45 p.m.	Session D (120 minutes) 3:00 p.m. - 5:00 p.m.
The President's Track		A01 What Is Blockchain, and Why Should I Care?	B01 Connecticut's Leadership Role in Eradicating Human Trafficking	C01 Cybersecurity: Tips and Best Practices for Lawyers	D01 Getting to Well: The Professional Imperative for Lawyer Well-Being
Business Law Track		A02 Everything You Wanted to Know about Trade Secrets but Were Afraid to Ask	B02 Choice of Entity in Light of 2017 Tax Law Changes	C02 A Practical Look at Directors and Officers Insurance	D02 Commercial Law and Bankruptcy: Year in Review
Diversity and Inclusion Track		A03 "One Size Fits All" Efforts Fail: Tackling the Biases That Still Frustrate Meaningful Racial and Ethnic Diversity and Inclusion		C03 Access to Justice: Confessions, Ethics, and High Publicity in <i>Making a Murderer</i> with Aaron Keller	
Estates and Probate/ Elder Law/Tax Law Track		A04 Estate Planning for IRAs and Qualified Retirement Accounts/ The New Tax Law	B03 Estate Planning for Actors and Athletes	C04 Estate and Trust Planning for Beneficiaries with Opioid Addictions	D03 How to Build an Elder Law Practice
Ethics Track		A05 Shifting Landscapes: Adapting Your Firm to Emerging Threats	B04 Ethics: The Year in Review	C05 The Ethical Duty of Technology Competence: What It Means to Your Practice	D04 Shifting Landscapes: Adapting Your Firm to Emerging Threats
Family Law Track		A06 Here Comes the Taxman: What Family Lawyers Need to Know about the Changes in Tax Law	B05 Emerging Family Law Issues and Trends	C06 Exacting Evidence: How to Get It in and How to Keep It Out	D05 Annual Review of Developments in Family Law
Hot Topics Track			B06 Mindfulness for Lawyers	C07 Animal Law: Habeas Corpus and Nonhuman Rights	D06 Intellectual Property in the Cannabis Industry

Legal Entrepreneur Track 	A07 The Legal Entrepreneur	B07 Affordable Technology for Small Firm Productivity	C08 Casemaker: Beyond the Basics	D07 Managing a Solo and Small Firm Practice: Business and Ethical Issues
Litigation and Advocacy Track	A08 The Fearless Cross-Examiner: Win the Witness, Win the Case	B08 Pro Bono Appointments in Federal Court: Tips from the Trenches, Part 1	C09 Pro Bono Appointments in Federal Court: Tips from the Trenches, Part 2	D08 Annual Review of Appellate Cases
Real Property Track  Real Property Track Sponsor	A09 AirBnB Law: The Implications of Short-Term Rentals for Property Owners and Municipalities	B09 Real Property Case Law and Legislation: Year in Review	C10 Ethics and Environmental Practice	D09 Construction Law Year in Review
The Workplace Track	A10 Current Issues in the Workers' Compensation System	B10 A "Frolic and Detour" in Workers' Compensation Case Law	C11 Annual Update on Administrative Law Practice and Legislation	D10 Workplace Absence: How to Avoid Pitfalls Caused by the Interplay of Disability, Medical Leave, and Workers' Compensation Law
LegalTech/Law Practice Management Track Presented by Barron Henley	A11 Mastering Word for the Law Office	B11 Office 365 in a Law Firm	C12 60 Legal Tech Tips, Tricks, Gadgets, and Websites in 60 Minutes	D11 Productivity Tools: Practice Management Software and Outlook

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CLE Seminar Information

Visit ctlegalconference.com for the latest information and to register

Session A — 8:30 a.m. – 10:30 a.m.

The President's Track

A01 What Is Blockchain, and Why Should I Care?



Dena M. Castricone, **Scott L. Kaufman**, **Jonathan M. Shapiro**, **Peter Van Valkenburgh**



Suzanne Brown Walsh

Blockchain is more than a buzzword: it's transformational technology that will change many, if not most, law practices, government functions, and industries within the next decade. Hear a leading expert, Peter Van Valkenburgh of Coin Center,

demystify the concept of a blockchain and explain it in plain English. Our local panelists will then describe how you may soon see this technology used in securities, health care, and wealth management industries and practices.

You Will Learn

- What blockchains are, how they work, and when it makes sense to use them
- What an ICO is, why it is used, and when it is a security
- How blockchain technology will be used in the health care industry
- How to address virtual currency in tax, estate, and wealth management planning

Moderator

Jonathan M. Shapiro, Shapiro Law Offices LLC, Middletown

Speakers

Dena M. Castricone, Murtha Cullina LLP, Hartford

Scott L. Kaufman, Sullivan & Worcester LLP, New York City, NY

Peter Van Valkenburgh, Coin Center, Washington, DC

Suzanne Brown Walsh, Murtha Cullina LLP, Hartford

2.0 CLE Credits (CT: 2.0 General; NY: 2.0 AOP)

Business Law Track

A02 Everything You Wanted to Know about Trade Secrets but Were Afraid to Ask

Intellectual Property Section

Trade secret law is an important but often unrecognized component of intellectual property. Likewise, trade secrets are an exceedingly important but often overlooked part of a company's intellectual property portfolio. A recent US International Trade Commission survey found that 56 percent of over 7,000 internationally engaged businesses considered trade secrets "very important" to their businesses, as opposed to 48 percent for trademarks and, 37 percent and 31 percent for patents and copyrights, respectively. PwC and Create.org recently released a report that estimated that trade secret theft amounted to a one to three percent loss in national GDP. While trade secret law has existed for decades as a matter of state law, Congress enacted the Defend Trade Secrets Act of 2016 (DTSA), which has the potential to revolutionize the law and practice of trade secret litigation by, among other things, providing for a federal cause of action for the theft or misappropriation of a trade secret.

You Will Learn

- The nuts and bolts of the law and practice of trade secret law, including Connecticut law and the Uniform Trade Secrets Act
- How trade secret law impacts other practice areas, including employment, civil procedure, bankruptcy, and commercial law
- About the new federal law of trade secrets created by the DTSA, including whistleblower protection, the new federal cause of action, and the provisions for ex parte seizure of goods that violate trade secrets of American companies

Moderators

Daniel R. Cooper, Cooper & Kurz, Stamford

Melissa A. Tharp, Bridgeport

Speakers

Alan Harrison, Otterstedt Ellenbogen & Kammer LLP, Stamford

James R. Nault, Robinson+Cole, Hartford

John M. Tanski, Axinn Veltrop & Harkrider LLP, Hartford

2.0 CLE Credits (CT: 1.5 General, 0.5 Ethics; NY: 1.5 AOP, .05 Ethics)

Diversity and Inclusion Track

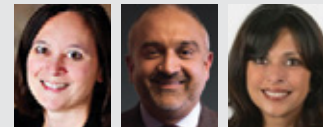
A03 Why "One Size Fits All" Efforts Fail: Tackling the Biases That Still Frustrate Meaningful Racial and Ethnic Diversity and Inclusion



Diversity and Inclusion Committee



Justice Maria A. Kahn, **Karen DeMeola**, **Fred Lee**, **James G. Leipold**



Michelle L. Querijero, **Asker A. Saeed**, **Neeta M. Vatti**

Despite the countless efforts, new initiatives, and significant energy focused on achieving meaningful racial and ethnic diversity and inclusion within our profession, there is still much progress to be made. As we obtain and study available data on our profession, particularly in the areas of retention, mentorship, professional development, and advancement to leadership, we have come to understand that racially and ethnically diverse individuals face different challenges in the legal profession. These differing challenges are often the manifestation of stereotypes and biases about people of a certain race or ethnic background. While those biases may be implicitly held, they are explicitly felt by those who experience them as barriers to growth and success in the law

This program will be focused on strategies for achieving meaningful racial and ethnic diversity and inclusion within your organization, as we move beyond overarching discussions of implicit bias towards a more specific understanding of the challenges facing different racial and ethnic groups within our profession.

You Will Learn

- Prevailing racial and ethnic stereotypes and biases within a historical and cultural context
- How stereotypes and biases operate to keep racially and ethnically diverse individuals from succeeding in our profession
- Effective strategies for disrupting those hindrances to your organizational commitment to diversity and inclusion

Moderators

Michelle L. Querijero, Allied World Insurance Company, Farmington

Neeta M. Vatti, Quinnipiac University School of Law, Hamden

New York CLE Credit Categories Key

AOP: Areas of Professional Practice

D&I: Diversity, Inclusion, and Elimination of Bias

Ethics: Ethics and Professionalism

LPM: Law Practice Management

Skills: Skills

Speakers

Justice Maria A. Kahn, Connecticut Supreme Court, Hartford
Karen DeMeola, UConn School of Law, Hartford
Fred Lee, UConn, Storrs
James G. Leipold, National Association for Law Placement, Washington, DC
Asker A. Saeed, Fried Frank Harris Shriver & Jacobson LLP, New York, NY
2.0 CLE Credit (CT: 2.0 Ethics; NY: 2.0 D&I)

Estates and Probate/Elder Law/ Tax Law Track

A04 Estate Planning for IRAs and Qualified Retirement Accounts/ The New Tax Law

Tax Section

This seminar will cover the following topics:

Part 1 — Learn about the taxation of inherited benefits and how to structure payments from qualified retirement plans and IRAs to mitigate and defer income taxes, including the proper naming of beneficiaries. The seminar will provide guidance on trust drafting, including the requirements for a trust that is named as a beneficiary to qualify as either a conduit or an accumulation trust. In addition to covering tax issues surrounding naming beneficiaries for IRAs and qualified retirement accounts, the program will also discuss the asset protection benefits of 401(k)s and IRAs.

Part 2 — Learn about the Tax Cuts and Jobs Act of 2017 (Pub. L. No. 115-97, enacted Dec. 22, 2017). Get updates on the taxation of pass-through entities and the 20 percent deduction; changes to corporate and business taxes, including expensing and accelerated depreciation; the new limitations on interest deductibility; income tax and deduction changes; estate and gift tax changes; and changes to the taxation of employee compensation and benefits. There will also be a brief discussion of Connecticut's response to the tax changes.

You Will Learn

- About the taxation of inheriting IRA and qualified plan benefits, and how to properly name beneficiaries
- Provisions for conduit and accumulation trusts
- How to use IRAs and 401(k)s as asset protection vehicles
- About the taxation of pass-through Entities and the new 20 percent deduction
- About changes to corporate and business taxes, including expensing and accelerated depreciation as well as the new limitations on interest deductibility
- About changes in estate and gift taxation
- Connecticut's response to the tax changes

Speakers

Matthew A. Bovino, Davidson Dawson & Clark LLP, New Canaan
Christine M. Brew, Cohen and Wolf PC, Westport
Aaron T. Kriss, Day Pitney LLP, New Haven
Luke T. Tashjian, Whitman Breed Abbott & Morgan LLC, Greenwich
2.0 CLE Credits: (CT: 2.0 General; NY: 2.0 AOP)

Ethics Track

A05 Shifting Landscapes: Adapting Your Firm to Emerging Threats



Insurance Programs for the Bar Committee

This program will focus on providing valuable instruction, practical guides, checklists, risk control, and recommendations to help lawyers safely navigate today's complex legal environment and assist them in minimizing professional liability risk. Topics include identifying risk in business transactions, civil litigation, emerging technology, practice errors, and complying with ethical and professional obligations.

Attend this program and earn up to 7.5 percent premium credit off two years on professional liability insurance offered through this CBA exclusively endorsed program, underwritten by CNA.

Speakers

Stephen J. Conover, Carmody Torrance Sandak & Hennessey LLP, Stamford
Brendon P. Levesque, Horton Dowd Bartschi & Levesque PC, Hartford
2.0 CLE Credits: (CT: 2.0 Ethics; NY: 2.0 Ethics)

Family Law Track

A06 Here Comes the Taxman: What Family Lawyers Need to Know about the Changes in Tax Law

Family Law Section

This critical seminar will discuss what changes to the tax code will affect family lawyers in 2018 and beyond.

You Will Learn

- What provisions of the tax code matter to the field of family law
- How to protect clients in light of the new changes, including in the areas of alimony and property division
- Tips and considerations for addressing modifications of past orders

Speakers

Janet A. Battey, Ferro & Battey LLC, Darien
Barry A. Fishman, Marcum LLP, New Haven
Mark I. Harrison, Marcum LLP, New Haven
2.0 CLE Credits: (CT: 2.0 General; NY: 2.0 AOP)

Legal Entrepreneur Track

A07 The Legal Entrepreneur

Young Lawyers Section

Learn from seasoned solo and small firm owners about how to successfully launch and grow your own practice. The program will include a Q&A session to make this an interactive learning experience for attendees.

You Will Learn

- Survival tips for starting your own firm
- New methods for finding and signing new clients
- Strategies and tools to effectively market your firm

Moderator

Joshua Devine, UnitedHealth Group, Hartford
Speakers
Renee C. Bauer, Bauer Law Group LLC, Hamden
Lucas Hernandez, Law Offices of Lucas Hernandez, Westport
Chris R. Nelson, Nelson | Votto, New Haven
Kristen Wolf, Wolf & Shore LLC, Hamden
2.0 CLE Credits: (CT: 2.0 General; NY: 2.0 LPM)

Litigation and Advocacy Track

A08 The Fearless Cross-Examiner: Win the Witness, Win the Case

Litigation Section



**Patrick
Malone**

**James F.
Sullivan**

Learn a new and improved approach to cross examining witnesses, and about the shortcomings of older, more established methods. Patrick Malone is a nationally

known trial lawyer from Washington, DC who has won many multi-million dollar verdicts on behalf of his clients, and is the author of several well-known books on trial practice. The first 25 registrants for this seminar receive a copy of his most recent book *The Fearless Cross-Examiner: Win the Witness, Win the Case*.

Moderator

James F. Sullivan, Howard Kohn Sprague & Fitzgerald LLP, Hartford

Speaker

Patrick Malone, Patrick Malone & Associates, Washington, DC
2.0 CLE Credits: (CT: 2.0 General; NY: 2.0 Skills)

Real Property Track

A09 AirBnB Law: The Implications of Short-Term Rentals for Property Owners and Municipalities

Planning and Zoning Section and Real Property Section

This presentation will address how property owners, developers, land use and real estate attorneys, and municipalities should address existing regulations pertaining to short term rentals. Learn about what municipalities across the country are doing to deal with issues that arise for municipalities from the ever expanding short term rental market.

Moderators

Brian S. Cantor, Law Office of Brian S. Cantor, Fairfield

Mario F. Coppola, Berchem Moses PC, Westport

Speakers

Jacqueline O. Kaufman, Carmody Torrance Sandak & Hennessey LLP, Stamford

Jason A. Klein, Carmody Torrance Sandak & Hennessey LLP, Stamford

2.0 CLE Credits: (CT: 2.0 General; NY: 2.0 AOP)

The Workplace Track A10 Current Issues in the Workers' Compensation System

Workers' Compensation Section

Learn about the last year in workers' compensation law and legislation. Hear from the agency chairman about current issues facing the workers' compensation system. Get an overview of the biopsychosocial model for treating pain which, according to recent research, can lead to decreased healthcare costs and provide physicians with additional treatment interventions that may or may not include opioids.

You Will Learn

- The latest workers' compensation case law from decisions rendered by the Compensation Review Board and Connecticut courts
- About recent legislative developments
- About issues of interest from the perspective of the chairman
- About the "biopsychosocial model" of care
- How Colorado ensured a biopsychosocial approach was followed in the state worker's compensation system, and estimated cost-savings

Moderator

Francis "Bud" X. Drapeau, Leighton Katz & Drapeau, Vernon

Speakers

Commissioner Stephen M. Morelli, Chairman, State of Connecticut Workers' Compensation Commission, Hartford

Traci Cipriano, Traci Cipriano, JD, PhD LLC; Yale School of Medicine, New Haven

John P. Clarkson, Law Offices of Cynthia M. Garraty, Hartford

Lucas D. Strunk, Strunk Dodge Aiken Zovas LLC, Rocky Hill

2.0 CLE Credits: (CT: 2.0 General; NY: 2.0 AOP)

LegalTech/Law Practice Management Track

A11 Mastering Word for the Law Office

For most lawyers, Microsoft Word is the primary tool we use to produce work products. Yet, it so often seems to be working against us and a source of frustration. If you want to master Word, there are techniques you must learn and rules to follow, but none of them are ascertainable by simply using Word. This seminar will teach you exactly how to fix the common legal drafting problems plaguing you now and avoid them in the future. It's time to end your abusive relationship with Microsoft Word.

You Will Learn

- Techniques and rules to master Microsoft Word
- How to fix common legal drafting problems

Speaker

Barron Henley, Affinity Consulting Group LLC, Columbus, OH

2.0 CLE Credits: (CT: 2.0 General; NY: 2.0 LPM)

Session B—10:50 a.m. – 11:50 a.m.

The President's Track B01 Connecticut's Leadership Role in Eradicating Human Trafficking

Special Committee on Sex Trafficking of Children

Learn about the epidemic of human sexual trafficking of minors in Connecticut. Get updates on legislation proposed by Senator Richard Blumenthal to amend the Communication Decency Act to permit civil suits and criminal prosecutions for internet sites knowingly facilitating trafficking. Hear about ongoing litigation against a motel corporation that has been identified in national news as the site of a young girl being trafficked for months without intervention.

Moderator

Richard T. Meehan, Jr., Meehan Law LLC, Bridgeport

Speakers

Cindy L. Robinson, Tremont Sheldon Robinson Mahoney PC, Bridgeport

Yvette Young, The Village for Families & Children Inc., Hartford

1.0 CLE Credit: (CT: 1.0 General; NY: 1.0 AOP)

Business Law Track B02 Choice of Entity in Light of 2017 Tax Law Changes

Business Law Section

Visit ctlegalconference.com for more information.

1.0 CLE Credit (CT: 1.0 General; NY: 1.0 AOP)

Estates and Probate/Elder Law/ Tax Law Track B03 Estate Planning for Actors and Athletes

Estates and Probate Section and Sports and Entertainment Law Section



Hal Biagas



Heather J. Lange



Katie Tolson



Donald P. Tutson, Jr.

We know our favorite athletes, artists, and entertainers through their work on the field, on the radio, and on our screens. But on those shocking occasions when death, disability, and taxes crash down on our heroes, we often see that they failed to plan for these

universally human realities. A panel of sports and entertainment service professionals will provide an insider's view of these estate planning challenges. Learn solutions that will help you craft sound estate plans for your high profile and high net worth clients.

You Will Learn

- What a comprehensive client intake and assessment form should look like in order for you to decipher and process professional sports, entertainment, and art industry specific estate planning considerations
- How to identify unique elements of the planning process and communicate efficiently with fellow financial and tax professionals
- How to spot and address commonly overlooked trust, tax, insurance, intellectual property, and family/beneficiary issues that are often overlooked given the youth, wealth, and fame associated with many of these clients

Moderator

Donald P. Tutson, Jr., Law Office of Donald P. Tutson, Jr., Stamford

Speakers

Hal Biagas, Sideline Sports Management, New York, NY

Heather J. Lange, Brody Wilkinson PC, Southport

Katie Tolson, Director of Trusts and Estates, Bonhams

1.0 CLE Credit (CT: 1.0 General; NY: 1.0 AOP)

Ethics Track

B04 Ethics: The Year in Review

Standing Committee on Professional Ethics



This program will address frequently asked questions and issues about the disciplinary process and will provide a review of the most recent opinions from the CBA Professional Ethics Committee, the Statewide Grievance Committee, and the courts, as well as a review of any proposed rules changes.

You Will Learn

- About recent CBA and ABA opinions, with a focus ethics opinions addressing confidentiality provisions in settlement agreements
- About recent Statewide Grievance Committee decisions
- About recent decisions from the courts interpreting attorney ethical rules

Moderator

Deborah Del Prete Sullivan, Office of Chief Public Defender, Hartford

Speakers

Stephen J. Conover, Carmody Torrance Sandak & Hennessey LLP, Stamford

Patricia King, Geraghty & Bonnano LLC, New London

Brendan P. Levesque, Horton Dowd Bartschi & Levesque PC, Hartford

Marcy T. Stovall, Pullman & Comley LLC, Bridgeport

1.0 CLE Credit (CT: 1.0 Ethics; NY: 1.0 Ethics)

Family Law Track

B05 Emerging Family Law Issues and Trends

Family Law Section

Get updates on local and national family law issues and trends in divorce and family law, including support, parenting, custody, alternative approaches and processes, and proposed legislation. Learn about the possible impact of these trends on Connecticut jurisprudence. The developing issues discussed will include the tension between freedom of religion, parental autonomy, and the best interests of the child; creating a presumption of joint of equal custody; trends regarding the treatment of retirement benefits funded and/or received in lieu of social security; and a review of national trends pertaining to dissolution of long-term marriages, "gray" divorce, and related issues.

In addition, this program will review pending Connecticut House and Senate bills that relate to family law, highlight the trends that this pending legislation seeks to address, and discuss potential effects of this legislation on marital and family law practitioners and the families they serve.

You Will Learn

- How the legislative session impacts marital and family law practitioners
- How courts in Connecticut and other states strike the balance between a parent's right to freedom of religion with children's best interests
- About the establishment of a presumption of joint or equal custody
- About treatment of social security alternatives benefits in dissolution cases in Connecticut and other jurisdictions

Speakers

Seth J. Conant, Freed Marcroft LLC, Hartford
Meghan Freed, Freed Marcroft LLC, Hartford
1.0 CLE Credit (CT: 1.0 General; NY: 1.0 AOP)

Hot Topics Track

B06 Mindfulness for Lawyers

Task Force on Lawyer Well-Being

Mindfulness. It's the latest buzzword in business. It's being taught at Harvard and Wharton. It's talked about at prestigious leadership conferences. It's practiced at Google, Apple, and Aetna. Science shows that it reduces stress, enhances wellness, increases productivity, and significantly improves the bottom line.

You Will Learn

- About the science behind mindfulness and its effects
- About mindfulness techniques you can use
- About how you can use mindfulness practice to improve your abilities and effectiveness as an attorney

Speaker

Walt Hampton, Summit Success LLC, Canton
1.0 CLE Credit (CT: 1.0 Ethics; NY: 1.0 LPM)

Legal Entrepreneur Track

B07 Affordable Technology for Small Firm Productivity

Task Force on Technology and Business Model Changes



Heidi S. Alexander

Whether you're just starting out or have been running a small firm for years, it pays to be cost-conscious about your technology choices. In this session, you'll learn how to build a technologically-savvy small law firm, with affordable tools for practice management, legal research, client collaboration and billing, and tips on how to capture and use firm data to make your practice more successful.

You Will Learn

- About affordable law practice management, client collaboration, billing, and legal research tools
- How to capture your data to better understand and enhance the productivity and profitability of your practice

Speaker

Heidi S. Alexander, Massachusetts Law Office Management Assistance Program, Boston, MA
1.0 CLE Credit (CT: 1.0 General; NY: 1.0 LPM)

Litigation and Advocacy Track

B08 Pro Bono Appointments in Federal Court: Tips from the Trenches, Part 1

Federal Practice Section

A significant proportion of cases in our federal court involve self-represented parties, many of whom are incarcerated. To ensure that such litigants receive appropriate representation, the court has recently amended Local Rule 83.10 to encourage more lawyers to accept pro bono appointments. In this program, a panel of federal judges and practitioners will review the local rule, discuss reasons why you should volunteer to accept a pro bono appointment in Connecticut's US District Court, and offer practical advice for handling these cases.

You Will Learn

- What substantive law applies to claims by prisoners, and where to find more training and education on the law
- Procedural tips and tricks applicable to prisoner cases, including how to arrange to visit your incarcerated client and how to make sure your client appears for court proceedings
- Approaches to settlement in prisoner cases

Moderators

Jonathan B. Orleans, Pullman & Comley LLC, Bridgeport

Kristen L. Zaehring, Murtha Cullina LLP, Stamford

Speakers

Hon. Donna F. Martinez, United States Magistrate Judge, District of Connecticut, Hartford

Hon. Michael P. Shea, United States District Judge, District of Connecticut, Hartford

Sean M. Fisher, Brenner Saltzman & Wallman LLP, New Haven

Antonio Ponvert III, Koskof Koskoff & Bieder PC, Bridgeport
1.0 CLE Credit (CT: 1.0 General; NY: 1.0 Skills)

Real Property Track

B09 Real Property Case Law and Legislation: Year in Review

Real Property Section

Participants will be provided with a review and analysis of recent cases of interest to real property practitioners as well as the bills that have recently passed in the legislative session, and a review of those bills that may not have passed but bear watching.

You Will Learn

- About the important cases and statutes affecting conveyancing in Connecticut
- About the important cases of 2016–2017
- About important statute changes in the 2017 legislative session

Moderator

Matthew J. Cholewa, Hunt Leibert Jacobson PC, Hartford

Speakers

Elton B. Harvey III, IssacMaki LLC, Farmington

Eugene Marconi, Berkshire Hathaway Home Services New England Properties, Wallingford

Gregory P. Muccilli, Shipman & Goodwin LLP, New Haven

Valerie Votto, Valerie Ann Votto LLC, Old Lyme
1.0 CLE Credit (CT: 1.0 General; NY: 1.0 AOP)

The Workplace Track

B10 A "Frolic and Detour" in Workers' Compensation Case Law

Workers' Compensation Section and Young Lawyers Section

With our busy practices it can be difficult to find time to dig into some of the murkier issues which present themselves time and time again in workers' compensation law. We will examine some of the seminal cases that have created the current legal landscape when it comes to these issues, and review some of the more recent Compensation Review Board (CRB) applications that impact claimants and respondents alike. We will focus on the critical importance of a comprehensive intake and case analysis process that will help to identify legal issues at the outset, as well as set reasonable expectations for the client. We will also discuss the benefits of being well-versed on these issues when it comes to answering client questions and meeting with potential clients.

You Will Learn

- How to critically analyze often litigated issues in workers' compensation law, which will enable attendees to better advocate for their clients
- How to apply appellate case law and more recent CRB decisions to common workers' compensation law issues
- The importance of having baseline

knowledge of seminal workers' compensation cases and their progeny when performing initial case analysis, client intakes, and answering general questions for existing or prospective clients

Moderator

Francis "Bud" X. Drapeau, Leighton Katz & Drapeau, Vernon

Speakers

Michael R. Kerin, Kerin Law Offices PC, Milford

George F. O'Donnell, McGann Bartlett & Brown LLC, East Hartford

1.0 CLE Credit (CT: 1.0 General; NY: 1.0 AOP)

Legal Tech/Law Practice Management Track

B11 Office 365 in a Law Firm

Microsoft offers a compelling combination of local software, document/email management, and cloud services called Office 365. Explore the benefits of Office 365.

You Will Learn

- The benefits of Office 365
- How the program works, what it does best, and the different packages available
- How Office 365 is expanding into the legal market

Speaker

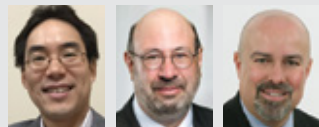
Barron Henley, Affinity Consulting Group LLC, Columbus, OH

1.0 CLE Credit (CT: 1.0 General; NY: 1.0 LPM)

Session C— 1:45 p.m. – 2:45 p.m.

The President's Track

C01 Cybersecurity: Tips and Best Practices for Lawyers



Edward Chang

Jed Davis

Stephen Reynolds

Cyber incidents and data breaches are increasing in frequency and magnitude. Learn how to protect your firm and your clients. This panel of cybersecurity experts from the United States Department of Justice, the private sector, and private practice will discuss the current cyber threat landscape; best practices for minimizing cyber risk, managing incident response, and remediating data breaches; and tips for navigating the various legal, business, reputational, and other practical concerns that can arise following a significant cyber incident.

You Will Learn

- The latest threats and trends in cybersecurity and cybercrime
- Best practices for lawyers to prepare for, respond to, and remediate a cyber incident impacting your firm and/or your clients

- How victims can work with law enforcement to navigate business interruption, privilege, regulatory, reputational, and other concerns

Moderator

Stephen B. Reynolds, United States Department of Justice, Bridgeport

Speakers

Edward Chang, Travelers Insurance, Hartford

Jed Davis, Day Pitney LLP, New York, NY

Vanessa Richards, Assistant US Attorney, District of Connecticut, Bridgeport

1.0 CLE Credit (CT: 1.0 General; NY: 1.0 LPM)

Business Law Track

C02 A Practical Look at Directors and Officers Insurance

Insurance Law Section

This presentation will explore an important part of any corporate insurance program, Directors & Officers (D&O) insurance. This discussion of D&O coverage will be done in the context of a sample insurance claim involving many of the issues that can arise under a D&O policy.

You Will Learn

- The basic coverages under a D&O policy
- The common exclusions in a D&O policy
- What to expect from an insurer when a business has a D&O claim

Speakers

John C. Pitblado, Carlton Fields Jordan Burt PA, Hartford

Ryan M. Suerth, Murtha Cullina LLP, Hartford

Douglas S. Worth, Willis Towers Watson, Hartford

1.0 CLE Credit (CT: 1.0 General; NY: 1.0 AOP)

Diversity and Inclusion Track

C03 Access to Justice: Confessions, Ethics, and High Publicity in Making a Murderer



Diversity and Inclusion Committee



Aaron Keller

The hit Netflix docuseries *Making a Murderer* introduced millions to the prosecutions of Steven Avery and Brendan Dassey. Both were charged, tried, and convicted of killing freelance photographer Teresa Halbach in northeastern Wisconsin in 2005. Aaron Keller,

a journalist who covered the cases, is now a Connecticut attorney. Keller analyzes the case from the legal perspective of someone who was there to witness the events first-hand.

You Will Learn

- How attorneys struggled with—and sometimes exploited—professional conduct scenarios (The review will include a comparison of state rules)
- How the questionable confession of an intellectually-challenged minor was sold to the public as foolproof, and how the appeals courts have struggled to interpret it
- How Wisconsin law led to the introduction

of evidence that in other states would never have made it before the jury

- How publicity impacted the cases, and what can (and cannot) be done to remedy it

Speaker

Aaron Keller, Law & Crime Network, Abrams Media, New York, NY

1.0 CLE Credit (CT: 1.0 Ethics; NY: 1.0 D&I)

Estates and Probate/Elder Law/Tax Law Track

C04 Estate and Trust Planning for Beneficiaries with Opioid Addictions

Estates and Probate Section

The opioid crisis in the United States presents a growing challenge for estate planners. This program will consider options for clients who may have beneficiaries with an opioid addiction, including particular provisions for inclusion in wills and trusts; the probate court's potential role in supervising opioid addicted beneficiaries; and trust planning.

Speakers

Hon. Beverly K. Streit-Kefalas, Milford-Orange Probate Court, Milford

Douglas R. Brown, Brody Wilkinson PC, Southport

Suzanne Ducate, Psychiatrist, Wethersfield

Carmine P. Perri, Czepiga Daly Pope & Perri, Simsbury

1.0 CLE Credit (CT: 1.0 General; NY: Skills 1.0)

Ethics Track

C05 The Ethical Duty of Technology Competence: What It Means to Your Practice



Task Force on Technology and Business Model Changes

In 2012, the ABA formally approved a change to the Model Rules of Professional Conduct to make clear that lawyers have a duty to be competent not only in the law and its practice, but also in technology. Since then, 31 states have adopted the duty of technology competence. But what does this mean in practice? What does the duty require of lawyers and what obligations to clients does it create?

In this program, we will review the origins of the duty, discuss how it has been applied by courts and ethics panels, and offer guidance on what it means for lawyers, law firms, and clients.

You Will Learn

- The meaning and scope of the duty of technology competence
- About cases and ethics opinions interpreting the scope and application of the duty
- How to comply with the duty in your own practice
- Practical tips on becoming and remaining technologically competent

Speaker

Robert J. Ambrogi, Law Office of Robert J. Ambrogi, Rockport, MA

1.0 CLE Credit (CT: 1.0 Ethics; NY: 1.0 Ethics)

Family Law Track

C06 Exacting Evidence: How to Get It in and How to Keep It Out

Family Law Section

This lively seminar will feature two nationally-recognized experts in the field of family law, tackling challenging and commonly misunderstood evidentiary issues.

You Will Learn

- How to address complicated evidentiary issues such as the admissibility of DCF records and statements by children
- The difference between impeachment and refreshing a recollection
- Tips for admitting (or keeping out) electronically stored evidence

Speakers

Hon. Thomas D. Colin (Ret.), Schoonmaker George Colin & Blomberg PC, Old Greenwich
Gaetano Ferro, Ferro & Battey LLC, Darien
Amy C. MacNamara, Ferro & Battey LLC, Darien
1.0 CLE Credit (CT: 1.0 General; NY:1.0 Skills)

Hot Topics Track

C07 Animal Law: Habeas Corpus and Nonhuman Rights

Animal Law Section

The Nonhuman Rights Project (NhRP) works to secure fundamental legal rights for nonhuman animals through litigation, advocacy, and education. This program will provide an overview of the NhRP's ongoing efforts to change the common law status of chimpanzees and elephants from mere "things," which lack the capacity to possess any legal right, to "legal persons," who possess such fundamental rights as bodily liberty and bodily integrity.

You Will Learn

- How common law courts can recognize fundamental rights for nonhuman animals through the writ of habeas corpus
- Case law updates regarding the NhRP's common law habeas corpus litigation, including a lawsuit on behalf of three captive elephants in the State of Connecticut

Moderators

Colette S. Griffin, Howd & Ludorf LLC, Hartford
Jessica Rubin, UConn School of Law, Hartford

Speaker

Steven M. Wise, Nonhuman Rights Project
1.0 CLE Credit (CT: 1.0 General; NY:1.0 AOP)

Legal Entrepreneur Track

C08 Casemaker: Beyond the Basics

Casemaker is a comprehensive, online legal research tool free exclusively to Connecticut Bar Association Members. A step-by-step demonstration will reveal the wealth of information and research tools available to members. Learn about the latest features and how you can use Casemaker to increase your effectiveness as an attorney.

Speaker

Jim Corbett, Casemaker, Seattle, WA
1.0 CLE Credit (CT: 1.0 General; NY:1.0 LPM)

Litigation and Advocacy Track

C09 Pro Bono Appointments in Federal Court: Tips from the Trenches, Part 2

Federal Practice Section

A significant proportion of cases in our federal court involve self-represented parties, many of whom are incarcerated. To ensure that such litigants receive appropriate representation, the court has recently amended Local Rule 83.10 to encourage more lawyers to accept pro bono appointments. In this program, a panel of federal judges and practitioners will review the local rule, discuss reasons why you should volunteer to accept a pro bono appointment in Connecticut's US District Court, and offer practical advice for handling these cases.

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- Procedural tips and tricks applicable to prisoner cases, including how to arrange to visit your incarcerated client and how to make sure your client appears for court proceedings
- Approaches to settlement in prisoner cases

Moderators

Jonathan B. Orleans, Pullman & Comley LLC, Bridgeport

Kristen L. Zaehring, Murtha Cullina LLP, Stamford

Speakers

Hon. Donna F. Martinez, United States District Court, District of Connecticut, Hartford

Hon. Michael P. Shea, United States District Court, District of Connecticut, Hartford

Sean M. Fisher, Brenner Saltzman & Wallman LLP, New Haven

Antonio Ponvert III, Koskof Koskoff & Bieder PC, Bridgeport

1.0 CLE Credit (CT: 1.0 General; NY: 1.0 Skills)

Real Property Track

C10 Ethics and Environmental Practice

Environmental Law Section

The program will address ethical pitfalls in environmental matters, both in transactions and litigation, including conflicts of interest, confidentiality, special issues of competency, emergency response, and the role of the lawyer in working with consultants and the media.

Moderator

Elizabeth Fortino, Winnick Ruben Hoffnung Peabody & Mendel LLC, New Haven

Speakers

Lee D. Hoffman, Pullman & Comley LLC, Hartford

Douglas Pelham, Cohn Birnbaum & Shea PC, Hartford

1.0 CLE Credit (CT: 1.0 Ethics; NY: 1.0 Ethics)

The Workplace

C11 Annual Update on Administrative Law Practice and Legislation

Administrative Law Section

Attend this session to hone your administrative law practice skills and get an update on recent developments in case law and legislation.

You Will Learn

- Effective strategies for representing clients in contested administrative hearings
- About significant case law developments
- About recent legislative updates

Moderator

Mary Alice Moore Leonhardt, Moore Leonhardt & Associates LLC, Hartford

Speakers

Cynthia Isales, Connecticut Office of Early Childhood, Hartford

Jeffrey Mirman, Hinckley Allen & Snyder LLP, Hartford

Robert F. Shea, Jr., Shea Law Inc., West Hartford

Louis Todisco, Connecticut Department of Education, Hartford

1.0 CLE Credit (CT: 1.0 General; NY:1.0 AOP)

LegalTech/Law Practice Management Track

C12 60 Legal Tech Tips, Tricks, Gadgets, and Websites in 60 Minutes

The best of legal technology, practice management, electronics, and incredibly useful websites for lawyers. This rapid-fire, entertaining hour is full of great ideas you can immediately incorporate into your practice.

You Will Learn

- Tech tips in practice management, electronics, and websites for lawyers

Speaker

Barron Henley, Affinity Consulting Group LLC, Columbus, OH

1.0 CLE Credit (CT: 1.0 General; NY:1.0 LPM)

New Federal Pro Bono Rule: Learn What You Need to Know at the Connecticut Legal Conference

Recently, the US District Court for Connecticut amended Local Rule 83.10 in an effort to provide more pro bono resources for the many self-represented parties, many of whom are incarcerated. According to the rule, "any member of the Bar who has appeared as counsel of record in at least one civil action in [federal] Court since January 1, 2015," will be asked to take pro bono assignments.

The Federal Practice Section will offer training designed to assist lawyers with these assignments at the CLC. At **Pro Bono Appointments in Federal Court: Tips from the Trenches, Part 1 (B08) and Part 2 (C09)**, federal judges and practitioners will discuss the new pro bono appointment procedures and provide practical advice for litigating these claims. You will also receive procedural tips applicable to prisoner cases at every stage of the process: from appointment to discovery to trial.

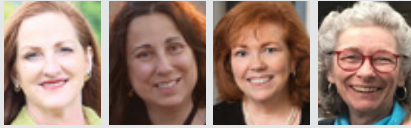
Visit ctlegalconference.com for more information and to register.

Session D—3:00 p.m. – 5:00 p.m.

The President's Track D01 Getting to Well: The Professional Imperative for Lawyer Well-Being



Task Force on Lawyer Well-Being



Bree Buchanan Traci Cipriano Ellen Cosgrove Beth Griffin



Patrick Krill

In August 2017, the National Task Force on Lawyer Well-Being issued *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, which outlines more than 40 steps that lawyers and leaders across the profession can take to support a commitment

to holistic wellness for attorneys. Our panel will review key aspects of the report, and provide personal insight, context, and suggestions for moving forward under the new framework.

You Will Learn

- About the findings of the ABA National Task Force on Lawyer Well-Being
- The imperative for lawyer well-being
- Strategies to reduce the stigma of talking about mental health and addiction challenges
- Strategies for moving the conversation of well-being forward

Moderator

Traci Cipriano, Yale School of Medicine, New Haven

Speakers

Bree Buchanan, Texas Lawyers Assistance Program, Austin, TX

Ellen Cosgrove, Yale Law School, New Haven

Beth D. Griffin, Lawyers Concerned for Lawyers—Connecticut, Inc., Rocky Hill

Patrick R. Krill, Krill Strategies, Minneapolis, MN
2.0 CLE Credits (CT: 2.0 Ethics; NY: 2.0 Ethics)

Business Law Track D02 Commercial Law and Bankruptcy: Year in Review

Commercial Law and Bankruptcy Section

This review of case law in the past year will cover important decisions and changes in the areas of consumer bankruptcy, business bankruptcy, and commercial law.

You Will Learn

- About business bankruptcy cases and decisions
- About consumer bankruptcy holdings (chapters 7 and 13)
- How the courts have handled recent corporate and commercial law issues

Moderator

Jessica Grossarth Kennedy, Pullman & Comley LLC, Bridgeport

Speakers

Taruna Garg, Murtha Cullina LLP, Stamford

Jonathan A. Kaplan, Pullman & Comley LLC, Hartford

Suzanne B. Sutton, Cohen and Wolf PC, Orange

2.0 CLE Credits (CT: 2.0 General; NY: 2.0 AOP)

Estates and Probate/Elder Law/Tax Law Track

D03 How to Build an Elder Law Practice

Elder Law Section

Elder law isn't simply about writing wills. It's also about understanding the aging process and meeting the unique legal wants and needs of seniors. Elder law practitioners must be knowledgeable in the various areas of law in which older people or their families are likely to seek advice: asset protection, estate planning, conservatorships, nursing home care and contracts, Medicare, Medicaid and other public benefits, reverse mortgages, and elder abuse.

You Will Learn

- How to establish an elder law practice, including where to find education and resources to begin practicing in this highly gratifying and dynamic field
- The ethics of representing clients with diminished capacity
- Practical tips for focusing a practice on elder law

Moderator

Amy E. Todisco, Braunstein & Todisco PC, Fairfield

Speakers

Lisa N. Davis, Davis O'Sullivan & Priest LLC, New Haven

Deborah J. Tedford, Tedford Law Firm PC, Mystic

2.0 CLE Credits (CT: 1.5 General, 0.5 Ethics; NY: 1.5 AOP, 0.5 Ethics)

Ethics Track D04 Shifting Landscapes: Adapting Your Firm to Emerging Threats



David Atkins



James Brawley

Insurance Programs for the Bar Committee

This program will focus on providing valuable instruction, practical guides, checklists, risk control, and recommendations to

help lawyers safely navigate today's complex legal environment and assist them in minimizing professional liability risk. Topics include identifying risk in business transactions, civil litigation, emerging technology, practice errors, and complying with ethical and professional obligations.

Attend this program and earn up to 7.5 percent premium credit off two years on professional liability insurance offered through this CBA exclusively endorsed program, underwritten by CNA.

Speakers

David P. Atkins, Pullman & Comley LLC, Bridgeport

James L. Brawley, Morrison Mahoney, Hartford
2.0 CLE Credits (CT: 2.0 Ethics; NY: 2.0 Ethics)

Family Law Track D05 Annual Review of Developments in Family Law

Family Law Section

This program surveys family law decisions in the past year, and significant statutory and Practice Book changes that implicate family law practice. Discussion of cases organized by subject matter will include: child custody, alimony, child support, property division, attorney's fees, modification of orders, contempt, evidence, discovery, pendent lite orders, and post-judgment orders.

Speakers

Alexander J. Cuda, Needle & Cuda LLC, Westport

Steven R. Dembo, Berman Bourns Aaron & Dembo LLC, Hartford

Amy C. MacNamara, Ferro Battey & MacNamara LLC, Darien

Louise T. Truax, Reich & Truax PLLC, Southport

Aidan R. Welsh, Schoonmaker George Colin & Blomberg PC, Old Greenwich

2.0 CLE Credits (CT: 2.0 General; NY: 2.0 AOP)

Hot Topics Track D06 Intellectual Property in the Cannabis Industry

Medical Marijuana Committee

This program provides an overview of the current state of intellectual property laws in the United States as they relate to the protection of cannabis and the cannabis industry. The program will focus on how intellectual property rights, as they relate to cannabis and the cannabis industry, are protected and enforced in the United States, the future of the cannabis industry, and strategy tips for cannabis companies to protect their intellectual property.

You Will Learn

- How the cannabis industry is and is not protected by intellectual property laws
- How to complete a Connecticut Trademark Application
- Best practices for enforcing intellectual property rights for cannabis products

Moderator

April Arrasate, Brown Paindiris & Scott LLP, Hartford

Speakers

Daniel R. Cooper, Cooper & Kurz, Stamford

Justin McNaughton, Greenspoon Marder LLP, Nashville, TN

2.0 CLE Credits (CT: 2.0 General; NY: 2.0 AOP)

Legal Entrepreneur Track
D07 Managing a Solo and Small Firm Practice: Business and Ethical Issues

Solo and Small Firm Section

Learn from experienced attorneys about starting your own practice, marketing your firm, and protecting against the latest technological challenges. Panelists will provide guidance and insight on major aspects of starting a law firm, including practice management software, advertising, client retention, billing and payment, and legal ethics. The program will also assist lawyers in understanding how their use of technologies poses important ethical obligations on their law practices. An overview of some of the latest threats, cloud risks, ransomware, phishing, bots, and malvertising will be discussed.

You Will Learn

- The nuts and bolts of all the tasks to be accomplished before hanging out your shingle
- How to make sure the firm is adhering to ethics rules as they apply to its use of technology

Moderator

Colleen T. Joyce, Law Offices of Colleen T. Joyce LLC, Redding

Speakers

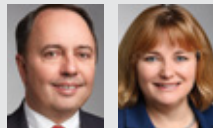
Tegan Blackburn, Tegan Blackburn LLC, Avon
Jerome N. Goldstein, Law Office of Jerome N. Goldstein, Shelton

Thea Martin, Lafferty & Martin LLC, Guilford
David Shaiken, Shipman Shaiken & Schwefel LLC, West Hartford

Kristen Wolf, Wolf & Shore LLC, Hamden
John C. Zaccaro, Jr., Cipparone & Zaccaro PC, New London
2.0 CLE Credits (CT: 1.5 General, 0.5 Ethics; NY: 1.5 LPM, 0.5 Ethics)

Litigation and Advocacy Track
D08 Annual Review of Appellate Cases

Appellate Advocacy Section



Kenneth Bartschi

Karen Dowd

An enlightening and comprehensive review by Kenneth A. Bartschi of Connecticut Supreme Court cases from the past year, followed by an insightful and thought-provoking

review of Connecticut Appellate Court cases from the past year by Karen L. Dowd.

Speakers

Kenneth J. Bartschi, Horton Dowd Bartschi & Levesque PC, Hartford
Karen L. Dowd, Horton Dowd Bartschi & Levesque PC, Hartford
2.0 CLE Credits (CT: 2.0 General; NY: 2.0 AOP)

Real Property Track
D09 Construction Law Year in Review

Construction Law Section

Significant new developments are occurring regularly in the dynamic area of construction law. It is essential for those involved in this field in Connecticut—whether as a “veteran” construction lawyer, an occasional practitioner, or as an owner or contractor—to keep abreast of this changing law, legislative initiatives, and recent statutory enactments. This program will provide you with up-to-date information about the current state of construction law.

Speakers

Anita C. Di Gioia, The Law Office of Anita C. Di Gioia LLC, Orange

Paul R. Fitzgerald, Michelson Kane Royster & Barger PC, Hartford

Robert J. O'Brien, Shipman & Goodwin LLP, Hartford

2.0 CLE Credits (CT: 2.0 General; NY: 2.0 AOP)

The Workplace Track
D10 Workplace Absence: How to Avoid Pitfalls Caused by the Interplay of Disability, Medical Leave, and Workers' Compensation Law

Labor and Employment Law Section

This panel will introduce attendees to the web of laws of regular workplace absence and leave. It is geared especially toward lawyers who do not regularly practice employment law but whose practices interact with the workplace (including personal injury lawyers, workers' compensation lawyers, small business lawyers, and in-house counsel). For more experienced employment lawyers, the panelists will provide practice pointers and methods for avoiding common mistakes.

You Will Learn

- The basics about the many laws that govern workplace absence, including the Americans with Disabilities Act, Connecticut Fair Employment Practices Act, Family and Medical Leave Act, and Workers' Compensation
- The various types of workplace “leave” and how the different laws that regulate workplace absence intersect and overlap
- How to avoid common mistakes made by employers and employees with respect to workplace absence and leave

Speakers

Courtney A. George, Cohen and Wolf PC, Bridgeport

Joshua R. Goodbaum, Garrison Levin-Epstein Fitzgerald & Pirrotti PC, New Haven

Robert C. Hinton, Pullman & Comley LLC, Hartford
Mary E. Kelly, Livingston Adler Pulda Meiklejohn & Kelly PC, Hartford

2.0 CLE Credits (CT: 2.0 General; NY: 2.0 AOP)

LegalTech/Law Practice Management Track
D11 Productivity Tools: Practice Management Software and Outlook

Discover how to get organized with matter management software. Often referred to as the Swiss Army knife of legal software, matter/case management software can organize your practice, increase your revenue and share information with many of your existing programs. Also, learn Microsoft Outlook power tips; lawyers and staff are generally drowning in e-mail and many feel helpless when trying to get it under control. This seminar will explain the many amazing and useful Outlook features, which most users don't even know are there.

You Will Learn

- The leading practice management programs for small to medium-sized firms and see how these programs manage critical law firm functions such as calendaring, case information tracking, contact/client management, tickler systems, conflict checking, automated document generation, and time billing
- How to use Microsoft Outlook's feature set to efficiently store and organize e-mail (and attachments), successfully deal with high e-mail volume, and how to fix Outlook's default settings for e-mail, calendar, contacts, and tasks

Speaker

Barron Henley, Affinity Consulting Group LLC, Columbus, OH

2.0 CLE Credits (CT: 2.0 General; NY: 2.0 LPM)

Seminar Materials

Links to access and download seminar materials will be e-mailed to registrants five days before the conference. There will be no print materials. Wi-Fi is accessible at the venue, but due to the unreliability of public bandwidth speeds, it is strongly suggested that you download your materials in advance.

The Connecticut Bar Association/CT Bar Institute is an accredited provider of New York State CLE. These seminars qualify for transitional and non-transitional credit. Financial hardship information is available upon request.

Disclosing Client's Social Security Number on Real Estate Conveyance Tax Return

Informal Opinion 17-01

We are asked if a lawyer may complete Connecticut Department of Revenue Service ("DRS") Form OP-236, which requires a grantor, grantor's representative, or grantor's lawyer to provide, *inter alia*, the social security number(s) of the grantor(s) of a real estate transaction. Form OP-236 is to be filed with the town clerk when the deed is filed. Form 236 is in two parts. Page one, containing the grantor's social security number, is forwarded by the town clerk to DRS. Page two, which

does not contain the social security number, is retained by the town clerk.

We are told that lawyers are concerned that the public may have access to social security numbers contained in Form OP-236 while the Form is in a town clerk's file. The Connecticut DRS has issued guidance stating that a willful refusal to provide a grantor's social security number on the Form may subject the grantor to a prison sentence up to one year and a fine of up to \$1,000. DRS IP 2017-9. The department states that the confidentiality of social security numbers on the Form is protected by law. *Id.* The committee is not in a position

to evaluate the department's assertions of its legal authority, but assumes that the department is acting within its authority.

Rule 1.6 of the Rules of Professional Conduct protects client confidences from disclosure, but permits lawyers to disclose confidential information when "impliedly authorized in order to carry out the representation" (Rule 1.6(a)) or as required "to comply with other law" (Rule 1.6 (c)(4)).

In our opinion, a lawyer may elect to complete DRS Form OP-236 in compliance with the law by supplying the client's social security number. **CL**

A Lawyer's Obligations When Third Parties Assert Claims to Property in the Lawyer's Possession (Rule 1.15: The Safe Keeping of Property)

Informal Opinion 17-02

The committee takes this opportunity to address the recently amended Rule 1.15 and the safekeeping of property in the lawyer's possession.

Attorneys, of course, have an unambiguous obligation to protect client funds in their possession, and violation of that obligation will generally lead to a heavy disciplinary penalty. But there also are circumstances in which an attorney will have an obligation to safeguard funds or other property that come into the lawyer's possession where a third party, and not just the client, has an interest. In regard to such obligations, Rule

1.15 (The Safe Keeping of Property) provides, in pertinent part, as follows:

- (e) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.
- (f) When in the course of representation a lawyer is in possession of prop-

erty in which two or more persons (one of whom may be the lawyer) have interests, the property shall be kept separate by the lawyer until any competing interests are resolved. The lawyer shall promptly distribute all portions of the property as to which the lawyer is able to identify the parties that have interests and as to which there are no competing interests. Where there are competing interests in the property or a portion of the property, the lawyer shall segregate and safeguard the property subject to the competing interests.

- (g) The word "interest(s)" as used in this subsection and subsections (e) and (f) means more than the mere assertion of a claim by a third party. In

the event a lawyer is notified by a third party or a third party's agent of a claim to funds held by the lawyer on behalf of a client, but it is unclear to the lawyer whether the third party has a valid interest within the meaning of this Rule, the lawyer may make a written request that the third party or third party's agent provide the lawyer such reasonable information and/or documentation as needed to assist the lawyer in determining whether substantial grounds exist for the third party's claim to the funds. If the third party or third party's agent fails to comply with such a request within sixty days, the lawyer may distribute the funds in question to the client.¹

The analysis of whether an attorney must continue to hold funds or other property in his or her possession when a client and a third person each claim an interest begins with the threshold question of whether the third party has an "interest" sufficient to trigger the obligation to hold the funds.² If the attorney determines that the third party has an interest within the meaning of the Rule, subsection (f) dictates that the attorney hold that portion of the funds or property subject to the dispute until the dispute is resolved.

The committee has previously identified four specific situations in which an attorney is required to hold funds or property in which a third party claims an interest: when

- (1) the lawyer knows of a valid judgment concerning the disposition of the property;
- (2) the lawyer knows of a valid statutory or judgment lien against the property;
- (3) the lawyer knows of a letter of protection or similar obligation that is both:
 - (i) directly related to the property held by the lawyer; and
 - (ii) an obligation specifically entered into to aid the lawyer in obtaining the property; or
- (4) the lawyer knows of a consensu-

al security agreement or assignment concerning the property.

See Informal Opinions 99-06, 99-39, 01-05, 01-08, and 02-02.

The Official Commentary to Rule 1.15 now reflects similar limitations on what constitutes a valid interest within the meaning of the Rule.

The requirement that an attorney segregate and retain client funds to which a third party asserts a claim sometimes leaves attorneys in the difficult position of having to decide between compliance with the Rule 1.15 duty to safeguard funds on behalf of a third party and compliance with a client's demand to be paid what the client believes he or she is entitled to receive. The addition of subsection (g) to Rule 1.15 (in effect as of January 1, 2016) was intended to address this dilemma.

First, subsection (g) codifies within the Rule itself that "the mere assertion of a claim by a third party" is not enough to establish an "interest" within the meaning of the Rule. Second, subsection (g) provides that an attorney faced with a third party's claim to have an interest in funds held by the attorney may make a written request for documentation to substantiate the claimed "interest." If the attorney has not received such substantiation within 60 days of making the written request, he or she may distribute to the client the funds claimed to be subject to the dispute, and may do so without fear of being in violation of the Rule.³

The comments to Rule 1.15 provide that: "a lawyer should not unilater-

ally assume to arbitrate a dispute between the client and the third party." This is not to say that an attorney may never resolve a dispute. As the committee has previously written: "It is important that the lawyer not decide who should receive the funds unless both the client and the physician (or other third party), have agreed that he may do so and the lawyer has determined that he can ethically do so under Rule 1.7 and other applicable rules." Informal Opinion 01-11 (emphasis added).

If, however, an attorney determines that a third party has a valid interest in the property and the dispute cannot be resolved through the attorney's reasonable efforts, the attorney should inform the third party and the client, in writing, that: (1) the attorney may not unilaterally assume to arbitrate the dispute between the client and the third party; (2) the funds will be held in an interest bearing account until the dispute is resolved; and (3) the funds money will remain there until the attorney receives a copy of a judgment or arbitration decision

(continued on page 40)

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How to Give Back and Get More— The Benefits of Transactional Pro Bono



By Priya Morganstern

Priya Morganstern is a program director at Pro Bono Partnership. She provides direct legal services to Connecticut nonprofit groups, recruits volunteer attorneys to provide legal services, supervises client outreach, lectures on nonprofit and tax-exempt law, and coordinates nonprofit educational programs in Connecticut.

Priya Morganstern

If you're like me, National Volunteer Week (April 15-21, 2018) was a reminder to find more ways to "live your values." By that, I mean actionable ways to demonstrate your commitment to making the world, and your community, a better place to live without taking too much time out of your day. There are lots of opportunities to donate your time and money to causes you believe in. As a lawyer, you might be under the impression that there aren't many ways to donate your professional talents, especially if you're not a litigator.

One-stop Resource for Transactional Pro Bono Opportunities

Pro Bono Partnership is a 501(c)(3) organization that was founded 20 years ago with the goal of making it easy and enjoyable for in-house and law firm attorneys to provide valuable pro bono services to nonprofits in their communities.

Nonprofit Clients

Pro Bono Partnership clients are charitable organizations that serve the disadvantaged and enhance the quality of life in our neighborhoods by feeding the hungry, housing the homeless, promoting the arts, protecting the environment, and providing essential programs to children, the elderly, the disabled, and the unemployed. These nonprofits have the same business legal needs as for-profit entities. However, many choose to forego legal advice because they are unable to pay for legal services without significantly impacting resources for programs. Additionally, small nonprofits may not recognize the need for counsel. When these clients have attorneys on their boards, those attorneys might not have the legal expertise required to address the full spectrum of business legal needs that a nonprofit organization may face.

The partnership addresses the legal needs of its nonprofit clients by partnering with volunteer attorneys who provide top-notch pro bono business legal services to these organizations. Together, the partnership and our pool of volunteers help area nonprofits increase their effectiveness and eliminate risks. This work has an enormously positive impact for our clients, their constituents, and communities.

Keeping Transactional Pro Bono Meaningful and Manageable

Volunteer attorneys are not asked to handle all of a client's legal needs. Rather, a volunteer takes on an individual project that is typically within their existing area of expertise. Pro Bono Partnership

volunteers handle the same types of matters that they deal with in their daily practice: contracts; corporate formation and ongoing governance; employment law; real estate; intellectual property; HIPAA and privacy; bankruptcy, merger, and dissolution; nonprofit and tax exempt issues; and other non-litigation based projects. Many projects take a few hours or less to complete, and the benefit it has for these amazing organizations is lasting and immeasurable.

Making It Easy to Volunteer

The partnership's volunteer opportunities are uniquely structured to satisfy not only the volunteers' area of expertise, but also the needs of busy in-house and law firm lawyers:

- Clients and matters are thoroughly screened
- Because we do not handle litigation, most projects are discrete, manageable, and not time-sensitive
- Projects can be completed remotely
- Every project is coordinated and overseen by a partnership staff attorney experienced in non-profit law
- Model documents, training, and other resources are available as needed
- Where appropriate, counsel can work together as a team—with colleagues and/or with lawyers from outside firms
- The partnership provides liability insurance coverage for our volunteer attorneys as needed

You can view current volunteer opportunities at probonopartner.org/attorneys-volunteers/volunteer-opportunities/ or e-mail volunteer@probonopartner.org to receive opportunities in your inbox bi-weekly. You can sort opportunities by location, practice area, or type of organization to quickly find what interests you most.¹

Spread the Word about Accessible Transactional Pro Bono

Please join me in raising awareness among our colleagues about transactional pro bono opportunities. Whether you pass along the probonopartner.org website to a few friends, sign up for our e-mails, complete the form to become a volunteer attorney, or share our posts on social media, take action today to live your values! **CL**

Notes

1. Learn more about becoming a Pro Bono Partner volunteer at: <https://www.probonopartner.org/attorneys-volunteers/become-volunteer-attorney/>

Context Counts

By Charles D. Ray and Matthew A. Weiner

In *Lucenti v. Laviero*, 327 Conn. 764 (2018), the Supreme Court reminds us that even the most compelling facts mean little unless one considers those facts in the governing legal context. For example, the plaintiff in *Lucenti* was employed by the defendant, a construction company. His boss was the owner of the company. At a worksite in October 2013, the plaintiff was directed by the owner to use an excavator to replace a catch basin. In order to resolve a prior problem, however, the excavator had been jerry-rigged to operate only at full throttle. According to the plaintiff, the excavator, while operating at full throttle, slipped off the catch basin, swung back and forth, and injured him. His subsequent investigation turned up a prior employee of the defendant company who had used the same excavator in 2011. At that time, the excavator malfunctioned and would only operate at idle. According to this employee, the defendant owner had instructed a mechanic to rig the machine to operate only at full throttle. The employee told the owner that running the excavator only at full throttle made it “too dangerous to operate” and that as rigged, “somebody would be injured.” The plaintiff claimed that the owner agreed with this assessment, but that he was unwilling to spend any money fixing the excavator because he was going to sell it. A mechanic familiar with the excavator remembered that he and others had told the owner that the machine needed to be repaired, but that he had been instructed to carry out the full throttle “fix.” The mechanic stated that after the plaintiff was injured, the company repaired the excavator and sold it. It also turns out, however, that the owner himself operated the excavator both before and after the plaintiff’s injuries.

Without any legal context, these facts sound pretty bad for the defendants. Any personal injury lawyer worth their bones would be thinking negligence, gross negligence, recklessness and, possibly, even intentional conduct on the part of the defendants. With the proper legal context, the holding in *Lucenti* tells us that all of those theories, save, perhaps, the last, are doomed on arrival.

The reason? The exclusivity provision contained in the Workers’ Compensation Act, which provides that so long as an employer complies with the administrative requirements of the Act, the employer “shall not be liable for any action for damages on account of personal injury sustained by an employee arising out of and in the course of his employment or on account of death resulting from personal injury so sustained....” Conn. Gen. Stat. § 31-284(a). The exclusivity provision goes on to “abolish” all rights and claims between an employer who complies with the administrative requirements of the Act and “employees, or any representatives or dependents of such employees, arising out of personal injury or death sustained in the course of employment...other than rights and claims given by [the Act]....” *Id.*

Like many rules, even rules contained in

statutes, the exclusivity provision of the Workers’ Compensation Act has an exception, albeit a very narrow one. That exception appears first to have been raised in dicta in *Jett v. Dunlap*, 179 Conn. 215 (1979), a case in which an employee sought to bring a tort claim against both his supervisor and his employer, based on the supervisor having punched him during an on-the-job altercation. The trial court dismissed the action based on the Act’s exclusivity provision and the Supreme Court affirmed that holding. The Court also noted that there was a distinction to be made between cases in which an employer was sought to be made liable based on the actions of a supervisor and, on the other hand, where the employer itself or a supervisor acting as the “alter ego” of the employer committed an intentional act directed toward the employee. The exception did not apply in *Jett*, however, because the employer did not “engage in willful or serious misconduct by directing or authorizing [the supervisor] to strike the plaintiff.”

Next, in *Mingachos v. CBS, Inc.*, 196 Conn. 91 (1985), the Court, once again in dicta, provided further explanation of what must be alleged in order to skirt the exclusivity provision. According to the *Mingachos* Court,



Charles D. Ray is a partner at McCarter & English LLP, in Hartford. He clerked for Justice David M. Shea during the Supreme Court’s 1989-1990 term and appears before the Court on a regular basis. Matthew A. Weiner is Assistant State’s Attorney in the Appellate Bureau of the Office of the Chief State’s Attorney. ASA Weiner clerked for Justice Richard N. Palmer during the Supreme Court’s 2006-2007 term and litigates appellate matters on behalf of the State.

Any views expressed herein are the personal views of DASA Weiner and do not necessarily reflect the views of the Office of the Chief State’s Attorney and/or the Division of Criminal Justice.

there is a distinction to be made between intentional acts and intended consequences of those acts. And in the context of the Act, it is the consequences that matter, so that exclusivity will apply unless the employer “desires to cause the consequences of his act, or that he believes that the consequences are substantially certain to follow from it.” Thus, after *Mingachos*, what began, in dicta, as an exception for “intentional” injuries inflicted by an employer upon an employee had morphed into injuries caused by “willful or serious misconduct” from which the consequences suffered were “substantially certain to follow.”

It did not take long for enterprising plaintiffs to seize upon the Court’s crack in the door and try to push the door wide open. The issue next came to a head in *Suarez v. Dickmont Plastics Corp.*, 229 Conn. 99 (1994) (“*Suarez I*”) and *Suarez v. Dickmont Plastics Corp.*, 242 Conn. 255 (1997) (“*Suarez II*”). In *Suarez I*, the plaintiff suffered a partial amputation of two fingers and other hand injuries, based primarily on his employer’s insistence, upon pain of being fired, that he clean plastic bits from a molding machine while it was in operation. The trial court applied the exclusivity provision and granted summary judgment to the employer, a decision that the appellate court affirmed.

The Supreme Court, however, reversed. In doing so, the Court first identified the significant problem that arises if a true “intent” test is applied to the exception to exclusivity—“it allows employers to injure and even kill employees and suffer only workers’ compensation damages so long as the employer did not specifically intend to hurt the worker.” By contrast, the *Suarez I* Court determined that the “substantial certainty” test allows for strict construction of the exception to exclusivity, but still allows a plaintiff to maintain an action against their employer “where the evidence is sufficient to support an inference that the employer deliberately instructed an employee to injure himself.” In *Suarez I*, the Court held that a jury should decide whether the employer’s actions were “comparable to an intentional left jab to the chin.”

In *Suarez II*, however, the Supreme Court

reversed a jury verdict in favor of the employee. At trial, the case went to the jury on both the “actual intent” and the “substantial certainty” theories that would evade application of the exclusivity bar. The jury found in favor of the defendant on “substantial certainty,” but also concluded that the plaintiff had shown “actual intent” on the part of his employer. The Supreme Court reversed on two grounds. First, because the trial court had given the jury an instruction on “apparent authority” rather than the “alter ego” measure for liability that had been enunciated in *Jett*. And while this would have resulted in a new trial, the Court also concluded that the plaintiff’s evidence was not sufficient to establish “actual intent” on the part of the employer. Thus, the Court ordered that judgment be directed in favor of the defendant.

So, having digested all of this background, what’s your prediction for how the Court ruled in *Lucenti*? Would it help to know that the trial court granted summary judgment to the defendant employer? Or that the appellate court affirmed that judgment? It should, because the Supreme Court agreed that summary judgment was properly entered. Writing for the majority, Justice Robinson (for himself and Justices Palmer, McDonald and D’Auria) concluded that the evidence put forth by a plaintiff must demonstrate “employer conduct that so obviously and intentionally creates a danger to the employee that the employer cannot be believed if it denies that it knew the consequences were certain to follow.”

First, according to the majority, there was no evidence of any other accidents involving the jerry-rigged excavator. Second, there was no evidence of “an extensive or protracted history of workplace safety violations” on the part of the defendant. Third, there was no evidence of deception on the part of either the defendant company or its owner. Finally, and in contrast to *Suarez I*, there was no evidence that the defendants “exerted significant duress or other coercive actions, beyond those ordinarily inherent to the employment relationship, upon the plaintiff such that he would conduct himself in a manner that would support an inference that the employer deliberately

instructed an employee to injure himself.”

For Justice Palmer, concurring separately, the key factor was that the defendant owner had himself operated the excavator in question during the time it was rigged to operate only at full throttle. In Justice Palmer’s view, “it is virtually impossible to fathom that [the owner] would have operated the excavator on a regular basis if he was substantially certain that he would have been seriously injured from such operation.” Justice Palmer noted that there was nothing in the record “to indicate that [the owner] would have engaged in such intentionally self-destructive behavior.”

Chief Justice Rogers, writing in dissent, simply disagreed that there was no issue of material fact as to whether the defendants subjectively believed that it was substantially certain that the plaintiff would be injured if he operated the excavator that was “rigged” to operate at full throttle. In her view, the evidence was sufficient to create a jury issue as to whether the owner “knew that there was a substantial certainty that anyone who operated the excavator would be injured.” As to the owner’s own use of the excavator, Chief Justice Rogers was of the view that a jury could find that he “had used the excavator only briefly, that he was aware of, but indifferent to, the risk of injury and/or that there was some other explanation for behavior that would be consistent with the knowledge that operating the rigged excavator was substantially certain to result in injury.”

Justice Eveleigh also dissented. In his view, summary judgment was inappropriate because the evidence established a disputed, material fact as to whether, “in light of repeated warnings, the defendants knew that ordering employees to operate an excavator rigged in a manner forcing operation at full throttle presented a dangerous condition that was substantially certain to cause injury.”

The lesson in all of this? Trying to skirt the exclusivity provision of the Workers’ Compensation Act is a longshot at best in the absence of some truly horrible facts. **CL**

Highlights from Recent Superior Court Decisions

The following highlights are provided by the publishers of the *Connecticut Law Reporter*. For copies of these opinions or information about the reporting service, call (203)458-8000. All citations are to the weekly edition of the *Connecticut Law Reporter*.

Administrative Law

Triple hearsay is admissible at administrative hearings, at least where the original statement-maker could have been subpoenaed to testify at the hearing. *Llanos v. Bzdyra*, 65 CLR 344 (Huddleston, Sheila A., J.). The opinion holds that a statement made by phone by a DUI defendant's girlfriend to a police officer at the scene of a crash, repeated by that officer to another officer who then entered the statement into an arrest report, was admissible, in part because the defendant could have subpoenaed both the girlfriend and the two officers to attend the license suspension hearing.

The Supreme Court held in 2009 that the exemption from the Freedom of Information Act for all Judicial Department activities other than the department's "administrative functions," Conn. Gen. Stat. § 1-200(1)(A), should be broadly construed as requiring disclosure under the Act only with respect to activities "relating to [the department's] budget, personnel, facilities and physical operations," and not any of its *adjudicative* activities. The opinion in *Sargent v. FOIC*, 65 CLR 583 (Shortall, Joseph M., J.T.R.), holds that even the public proceedings of a department subcommittee appointed to study and recommend minimum qualifications for appointments as guardian and attorney for minor children in family matters are not subject to the FOIC because the proceedings relate to the department's "adjudicative" rather than "administrative" activities.

Admiralty Law

Federal Admiralty Law does not preempt a claim under the state Unfair Insurance Practices Act against an international insurer arising out of coverage of a shipment of raw materials from a China supplier to a Connecticut buyer, because traditionally

the federal government has deferred to the individual states with respect to the regulation of the manner in which insurers conduct business. *Gerald Metals, LLC v. Certain Underwriters at International Underwriting*, 65 CLR 733 (Povodator, Kenneth B., J.). The opinion emphasizes that an action under CUIPA challenges only the manner in which an insurer conducts its business and not the substantive *interpretation* of maritime insurance contracts. However, as the opinion notes, it is even unclear under existing law whether admiralty law preempts the application of state law to the *interpretation* of maritime insurance policies.

Civil Rights

A state marshal is not a state employee (and in fact is expressly forbidden from state employment while serving as a marshal). Therefore a state marshal cannot be liable on a prison inmate's federal Civil Rights Act claim based on the marshal's alleged failure to serve process in several underlying civil rights actions against various prison officials. *Wright v. Dzurenda*, 65 CLR 557 (Vitale, Elpedio N., J.).

Corporations and Other Business Organizations

Bragoni v. FrancaLangia, 65 CLR 510 (Moll, Ingrid L., J.), holds that a shareholder's prosecution of a petition for the dissolution of a deadlocked, closely-held corporation does not automatically disqualify the shareholder from also prosecuting a derivative action in a separate count against the other shareholders on claims of diversion and misuse of corporate assets. The defendant/shareholders claim that the plaintiff's attempt to dissolve the corporation is contrary to the corporation's interests as well as their own interests and, therefore, the plaintiff cannot comply with the requirement that the plaintiff in a derivative action

be able to fairly and adequately represent the interests of the corporation and other shareholders. The opinion also holds that Connecticut law does not recognize futility as grounds for failing to comply with the statutory requirement that a demand be made before commencing a shareholder derivative action, Conn. Gen. Stat. § 33-722, even in a deadlocked, closely-held corporation.

A new law firm organized as a limited liability company created simultaneously with the dissolution of an older law firm with the same principal, nearly the same name, and most of the same employees, is a "mere continuation" of the original firm and therefore the new firm is liable for the old firm's performance of an unexpired lease. *Crown Milford, LLC v. Jackson Law Group, LLC*, 65 CLR 446 (Brown, Peter L., J.).

Substituted service on a corporation with no agent for service be "addressed to the secretary of the corporation" requires only that the process be "addressed" to the secretary, not that it be *received* by the secretary. *RCN Capital, LLC v. 217 Thames, Inc.*, 65 CLR 617 (Cosgrove, Emmet L., J.). The opinion holds that a return receipt verifying that a copy of the process addressed to a corporate defendant's secretary was received by certified mail at the corporate headquarters is sufficient to establish personal jurisdiction, regardless of the absence of any evidence that either the secretary, or another responsible corporate officer, physically received the process.

A charging order may not be ordered against a judgment debtor's interest in a limited liability company after the member's economic interest in the LLC has been assigned to a third party, even though the judgment debtor remains an active member of the LLC. *301 Rope Ferry Road, LLC v. Tasoulas*, 65 CLR 624 (Frechette, Matthew E., J.).

Education Law

Doe v. Trinity College, 65 CLR 681 (Jacobs, Irene P., J.), denies a college student's motion for permission to use a pseudonym to prosecute an appeal from a decision by the student's college to impose sanctions following hearings on charges of academic dishonesty, and for an order sealing an affidavit accompanying the motion. The opinion notes that there are no Connecticut judicial opinions ruling on whether student judicial appeals from academic disciplinary hearings may be prosecuted through the use of pseudonyms.

A town charter provision reciting that "whenever a vacancy in an elective office occurs, the town council...shall fill the vacancy by appointment for the unexpired portion of the term," does not constitute a general grant of authority to the council to make appointments, but rather merely establishes a procedure to follow in instances in which a vacancy exists and has not been timely filled by any other authorized entity. Therefore, the provision does not override a local board of education's *statutory* authority to fill board vacancies, "unless otherwise provided by charter or special act," Conn. Gen. Stat. § 10-219. In this matter the plaintiff/board of education challenges a town council's authority to fill a board vacancy. The council appears to be arguing that the charter grants the council general authority to fill all town board and committee vacancies, authority which, pursuant to the "unless otherwise provided" exception clause of the statute, renders the statute inapplicable. *East Hampton Board of Education v. East Hampton*, 65 CLR 487 (Domnarski, Edward S., J.).

Environmental Law

Nelson v. Valley Energy, LLC, 65 CLR 455 (Brazzel-Massaró, Barbara, J.), holds that allegations that a home fuel oil company intentionally failed to report an oil spill while replacing a residential oil tank, in violation of the statute requiring that oil spills which pose "a potential threat to human health or the environment" be immediately reported to DEP, Conn. Gen. Stat. § 22a-450, motivated by the defendant's desire to avoid or minimize remediation costs, state a claim for a violation of CUTPA.

A violation of the law prohibiting property owners from allowing "running bamboo" to grow onto adjoining lots may be enforced through a private action under the environmental protection act, a claim for negligence per se, and a common-law nuisance claim. *Walden v. Nationstar Mortgage, LLC*, 65 CLR 537 (Bates, Timothy D., J.).

Indian Law

Schaghticoke Tribal Nation v. State, 65 CLR 262 (Moukawsher, Thomas G., J.), holds that one of the two rival factions claiming to be the sole legal representative of the Schaghticoke Indian Tribe—the Schaghticoke Tribal Nation and the Schaghticoke Indian Tribe—has associational standing to prosecute an action against the state for the recovery of alleged funds due as a result of the state's wrongful taking of tribal lands. The opinion denies the state's motion to dismiss the action on the grounds that the plaintiff lacks standing to prosecute a claim on behalf of the entire tribe.

The Schaghticoke Tribal Nation is not entitled to an eminent domain award for a taking of lands possessed by the tribe pursuant to state treaties that granted a right to use the land "during the pleasure of the state." *Schaghticoke Tribal Nation v. State*, 65 CLR

631 (Moukawsher, Thomas G., J.). Although the tribal nation possessed the land at the time of taking, the only two treaties offered in evidence by the nation to establish title to the land at the time of taking constituted grants of licenses to use the land "during the pleasure of the state" without any reference to a grant of ownership rights. The opinion rejects the tribe's argument that long possession of the land, with the state's consent, created a form of ownership which should be considered compensable under the eminent domain laws.

Insurance Law

A defendant's intoxication resulting from the voluntary consumption of alcohol cannot be relied on to negate an intent to commit an intentional tort. *State Farm Fire & Casualty Co. v. Solla*, 65 CLR 550 (Roraback, Andrew W., J.). This opinion holds that a defendant sued for a brutal assault committed while on a drinking binge cannot rely on intoxication to establish a lack of a capacity to have formed an intent to inflict injury. The opinion notes that there is no Connecticut appellate authority on whether evidence of intoxication may negate the issue of intent in a tort action for injuries from an assault.

(continued on page 40)

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Aidan R. Welsh is chair of the Connecticut Bar Association Young Lawyers Section for the 2017-2018 bar year. She is partner at Schoonmaker George Colin & Blomberg PC in Greenwich, where she handles complex divorce and family law actions involving significant assets and client custody issues. Attorney Welsh frequently speaks on issues related to family law for the CBA and has authored several publications in this field. She graduated with honors from UConn School of Law in 2006.

You will likely never work more hours in a day, month, or year than you did as a young lawyer. However, as you transition from the role of associate to that of partner, or from subordinate to manager, you will inevitably find yourself responsible for an increasing amount of work product with less time in your weekly schedule to accomplish that work. More to do in less time.

Not only has your day at the office become busier, but if you are in your 30s or 40s like I was when I made this transition, life outside of the office simultaneously becomes more hectic as well. Children, home ownership, aging parents—just to name a few ways life's demands take over.

Every Successful Lawyer Does More in Less Time

By Aidan R. Welsh

As your responsibilities and demands increase, learning to manage those obligations is critical to your success in the next phase of your career. There are a few key skills that I have learned, failed at, and continue to try that will enable you to stay organized, increase productivity, and simply make work more manageable (and less stressful) for you and your colleagues.

Record and Maintain a Detailed Contact List

Every colleague that you meet and every potential referral source you connect with is a contact in your network. There is no better way to stay organized with your networking than to keep and maintain clear and detailed records of those contacts. Although it is never too late to start, this is a habit that you can begin on the first day of your first job and carry the work with you for your entire career.

Technology today makes this easy. Your e-mail system, such as Outlook, can keep track of your contacts and, in most cases, automate the creation of new contacts or modification of existing contacts with the click of a button. You can store information regarding the contact's name, e-mail, address, and other notes about the individual. By keeping personal notes about a contact, it provides context for your relationship

with that person, something that is especially important if the contact is someone you do not see and connect with on a regular basis, making it easier to reconnect later. Maybe you went to the same college, or had a nice meal together, or vacation in the same area. Whatever the detail is, it will go a long way the next time you see them. And of course, I periodically review my contacts and reach out to people that I have not connected with in a long time.

E-mails—Where Does Your Time Go?

There is no bigger waste of time than e-mails. I remember older partners that I have worked with talking about the days before e-mails. While most young lawyers barely remember a time when e-mail did not exist, we should, once in a while, pretend it doesn't.

E-mails can cause distraction, create an endless feedback loop, trigger anxiety, and sometimes create confusion out of a simple issue or task. If this sounds like something that happens to you, try the Zero Inbox and OHIO (Only Handle it Once) methods. Now as I explain what these mean, please don't be scared by what seems like a herculean task. Even the most distracted and disorganized lawyers can embrace these methods. Every day I attempt to strive to these goals

and idolize those who have mastered them.

The Zero Inbox Policy—this means that by the end of the work day, there is nothing left in your inbox. Once you have reviewed an e-mail, save it to the appropriate location or forward the e-mail to the appropriate colleague, and then *delete* it from your inbox. Do not be scared of the delete button (but save first!)! If the e-mail requires a task to be completed—add the task to your to-do list.

OHIO—Only Handle It Once method. Have you ever opened an e-mail and started to address it, then another e-mail comes in and you are distracted by what that e-mail says and then 30 minutes later find yourself back at the first e-mail, starting from square one? Then this method is for you. Once you start to address an e-mail—finish it through before moving on to the next e-mail or task. By handling the task one time and *one time only*, you will save an enormous amount of time and actually finish the tasks you start.

If you find yourself on e-mail all day and you did not get a chance to complete the prep for that meeting, presentation, deposition or court hearing, then what you need is segregated e-mail time. Schedule a period of time in the morning, around lunchtime, and in the afternoon to dedicate to reviewing and answering e-mails. This will allow you to shut down your e-mail at other times and better focus on other assignments and tasks you have (OHIO!). Your colleagues and clients will notice your increased focus and attention to their matters. If they really need you, they can pick up the phone.

Plan Out Your Day

Take ten minutes every night or every morning to plan out your day. If I look at two different days—one day where I take the time to plan and another where I jump in head first—I can easily see that I am much more productive when I have a plan. This means I accomplish and bill more hours—two things that I am sure my partners love.

Even if I plan my day, there will certainly be unexpected issues, assignments, and even emergencies, but when the unexpected comes I am calmer and better able to manage the new task because I know what my priorities are.

Take the daily plan one step further and look at the upcoming week and month. Eliminate the fire drills by planning ahead. Your colleagues and partners will notice a major positive change in your productivity, organization, and work product.

Delegate When Possible, but Do It Well

You cannot possibly do it all alone. Delegation is key to staying organized and on top of your workload. Delegate work to associates, paralegals, and admins. However, if you delegate, you must do it well. Doing it well entails delegating to the right person, training, and mentoring those who you delegate to. Give your colleagues a chance to succeed in doing the work for you. Your firm or business hired these people because they are competent and capable of providing a good work product. The first step in helping them succeed is to give them the opportunity.

Identify areas of your work that can be delegated. Delegate early on in the process to

allow time for feedback and review. Then let the individual perform the task. Give yourself enough time to provide deadlines that fit into your schedule for responding back to the client. Review the work that is produced and provide both positive and critical feedback. The individual is not going to produce the work in the exact same way you would but that does not mean the work product is not good. The purpose of delegating work is to free up your time to do more important work. It is your job to move the process forward effectively and efficiently, reduce fees for your client, and produce a quality work product.

As I reread this article and the tips provided, I realize that these tips may be more of a wish list than reality for me, but they are certainly goals I seek to achieve. It is never too late to become more organized and efficient. Every successful lawyer knows how to do more with less time. **CL**

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Ethics Opinion (Continued from page 31)

in favor of either party or a signed stipulation or agreement.

Rule 1.15 also expressly addresses, in subsection (f), exactly what the attorney is obligated to segregate and safeguard: only that portion of the property that is subject to the dispute. For example, in an opinion concerning a question about a fee dispute, the Committee opined that the attorney was obligated to hold only the portion in dispute and not the entire amount of the fee. Informal Opinion 02-02.

Rule 1.15 does not, however, provide a basis for civil enforcement of a claimed right to property held by an attorney, nor may it properly be invoked in defense of one attorney's claim against another for recovery of a fee the attorney earned. As our Supreme Court has noted, the rules of conduct are to "provide guidance and structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for

civil liability. Furthermore, the purpose of the Rules can be subverted when they are invoked by opposing parties as procedural weapons." *Gagne v. Vaccaro*, 255 Conn. 390, 403 (2001) (quoting Scope section of the Rules of Professional Conduct). **CL**

Notes

1. Subsection (g), discussed below, is a recent addition to Rule 1.15.
2. Often, a Rule 1.15(b) question will require a threshold determination of what legal right, if any, a third party has to property, often a mixed question of law and ethics. See *e.g. Silver v. Statewide Grievance Committee*, 242 Conn. 186 (1997) (dismissing appeal where certification improvidently granted). In *Silver*, Justices Berdon and McDonald concurred in the decision, but wrote separately to emphasize their disapproval of the Statewide Grievance Committee attempting to use attorney discipline "for the benefit of . . . insurance companies [claiming lien rights in personal injury settlement recoveries and] to wield the grievance process in order to accomplish what could not be accomplished through law or equity" because the claimed liens were not mature or otherwise judicially enforceable. *Id.* at 199-200.
3. Attorneys should keep in mind that duties arising from other law may impose additional obligations on a lawyer in handling other people's money. See Rule 1.15, Official Commentary ("The obligations of a lawyer under this Rule are independent of those arising from activity other than rendering legal services.").

Co., 65 CLR 593 (*Agati, Salvatore C., J.*).

An insurance broker is an agent of the insured only with respect to the procurement of coverage and not for purposes of receiving a notice of cancellation. Therefore a notice of cancellation directed to the agent and not forwarded by the agent to the insured is not binding on the insured (unless the insured has expressly authorized the agent to receive such notices). *T Dev Construction, Inc. v. Fairfield Insurance Group, LLC*, 65 CLR 731 (*Genuario, Robert L., J.*).

Real Property

D'Amato v. Basile, 65 CLR 517 (*Shortall, Joseph M., J.T.R.*), holds that an agreement entered in connection with the dissolution of a real estate partnership providing that one of the two partners would pay a fixed sum to the other "if and when [an identified parcel] is transferred for and/or used for any... business, residential or other use or purpose," with the agreement to be binding on

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Highlights (Continued from page 37)

In an action brought by an insured against an insurer for uninsured motorist benefits, the defendant/insurer cannot implead a third party tortfeasor pursuant to the Contribution and Indemnification Impleader Statute, Conn. Gen. Stat. § 52-102a, which authorizes impleader only of a party "who is or may be liable for all or part of the plaintiff's claim against [the defendant]." The opinion reasons that because the plaintiff's first party claim against the UIM insurer is for breach of contract, whereas the insurer's claim against the third party defendant is in tort, the defendant is attempting to bring in the third party on a liability that is different in nature from the liability being asserted by the plaintiff against the defendant. *Crespo v. Liberty Mutual Insurance*

the parties' successors and assigns, violates the Rule Against Perpetuities because the interest may not vest within 21 years after the end of some life in being. This opinion holds that the party to which the payment was to be made could not enforce the obligation against the paying partner's estate following that partner's death.

A creditor can recover from the transferee of a fraudulent conveyance transaction only if the transferee still possesses the property when recovery is sought. *Cadle Co. v. Cohen*, 65 CLR 474 (*Shortall, Joseph M., J.T.R.*). The opinion holds that a creditor cannot recover under a fraudulent conveyance theory from an attorney who received and temporarily held funds transferred by a client from a bank account, even if the attorney was aware of the creditor's claim and assisted in the transfer with knowledge that the client was trying to avoid an expected bank garnishment. **CL**



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