CONNECTICUT LAWYER

July/August 2019 Volume 29/Number 6





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By William C. Leary



Jonathan M. Shapiro is the 95th president of the CBA. He is a partner in the Shapiro Law Offices PC in Middletown, where he practices in corporate transactions, employment matters, and complex commercial and general litigation, as well as in arbitrations and mediations. He regularly serves as "local counsel" for non-Connecticut-based firms that are admitted to practice pro hac vice.

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

I leave this stewardship as president comfortable that the CBA is in an even better place than when I began my tenure. We are

A Privilege to Serve

By Jonathan M. Shapiro

both taking care of our internal business and serving as an example in the community. While many volunteer organizations, including bar organizations, are struggling with membership, the CBA continues to thrive. Membership remains steady and our finances are strong. On the important business side of things, the CBA refinanced its mortgage on our headquarters at 30 Bank Street in New Britain, with a fully amortized 15-year mortgage. This refinancing will help guarantee financial security for the CBA for years to come.

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

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

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

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

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

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

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

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

I must thank all of you for your support over the year, and your dedication to the bar association. This organization would not be where it is without the energy, enthusiasm, and initiative of our members. A special thank you to my fellow 2018-2019 officers, President-elect Ndidi Moses, Vice President Amy Lin Meyerson, Treasurer Vincent Pace, Secretary Dahlia Grace, Assistant Secretary-Treasurer Aidan Welsh, Immediate Past President Karen DeMeola, Executive Director Keith Soressi, and the entire CBA staff for their ongoing support and counsel. This is not a job you can do alone.

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

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

Purchase the Golf Option for Only \$175 to Play Golf at TPC River Highlands

as an Unaccompanied Guest of the CBA



Visit ctbar.org/golf for complete program guidelines. Participants must book tee times through the CBA's Member Service Center at (844)469-2221.

CBA members interested in experiencing full membership privileges and unlimited access to TPC River Highlands have the option of purchasing an individual membership at a discounted rate. Full membership will require an initiation fee and monthly dues discounted 25%. Call (860)398-6795 for more details.



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Upcoming Education Calendar

September

- **10** Marketing Your Law Practice: Strategies, Tools, and Ethics (Free CLE)
- **18** Commercial Real Estate Transactions
- **20** Legal Ethics: Maintaining IOLTA and Law Office Management Best Practices
- **25** The Connecticut Pardons Process

October

- **3** 2019 Connecticut Bankruptcy Conference
- **15** Ethical Considerations in Residential Real Estate Closings (Free CLE)
- **16** DMV Per Se: Hearings and Appeals
- **24** 2019 Federal Tax Institute of New England
- **29** Legal Entrepreneur Conference: 2019 Best Law Office Technology, Software, and Tools

November

- Workers' Compensation Conference— Game of Bones: The Science and Strategy of Orthopedic Claims
- 8 Raising the Bar: A Bench-Bar Symposium on Professionalism



- **15** Practice, Procedure, and Protocol in the Connecticut Courts
- **20** Understanding the Beginnings of a Federal Criminal Case

December

- **6** Professionalism Boot Camp
- **10** What You Need to Know about IOLTA (Free CLE)

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CONNECTICUT BAR ASSOCIATION NEWS EVENTS

MEMBERS MAKING A DIFFERENCE

YLS Volunteers for Hartford Area Habitat for Humanity



YLS volunteers at the Hartford Habitat for Humanity build.

Members of the Young Lawyers Section (YLS) volunteered with Hartford Area Habitat for Humanity on Saturday, March 30. The volunteers helped build a home by hanging sheetrock and installing insulation, to contribute to Hartford Habitat's mission to provide safe, decent, affordable housing in the Hartford community.

"Volunteering with Habitat for Humanity is an incredible experience. The site leaders and fellow volunteers are all extremely compassionate and dedicated to furthering Habitat's goal of partnering with those in our community who need a hand up—not a hand-out," stated ABA Young Lawyers Division Liaison Lauren M. McNair. "I am thankful to the Ryan T. Lee Memorial Foundation for their generous sponsorship of the CBA YLS Habitat Build Day, and would encourage others looking for ways to give back to get involved in this fantastic organization."

The event was generously sponsored by the Ryan T. Lee Memorial Foundation, a nonprofit dedicated to identifying effective ways to help individuals reach their goals and realize their dreams.

YLS End of Year Golf Events

On May 22, 2019 the Young Lawyers Section Women in the Law Committee presented this year's Annual Women's Professional Golf Event at Lyman Orchards Golf Club in Middlefield. Attendees received tailored golf instruction, networked with other attorneys, enjoyed a luncheon presentation on the value of golf in networking in the legal profession, and had the option to play nine holes.



Members enjoying the YLS Annual Women's Professional Golf Event at Lyman Orchards Golf Club in Middlefield.

On May 30, 2019 the Young Lawyers Section held their year-end event along with a golf tournament at Hawks Landing in Southington. Section members enjoyed a fun and relaxing evening with friends and colleagues.

News&Events



2019 Appellate Advocacy Institute

On May 9–10, the CBA hosted the 2019 Appellate Advocacy Institute at the CBA Law Center in New Britain. This popular one-and-a-half day legal analysis and oral argument program is designed to develop and sharpen attorney appellate advocacy skills in a supportive learning environment. Judge Jeffrey S. Sutton of the United States Court of Appeals for the Sixth Circuit presented as the event's keynote speaker.

Prior to the event, participants spent 10–20 hours preparing an oral argument based on briefs and records to argue as an appellate counsel during a mooting session and oral argument. Participants were videotaped practicing their oral arguments before a panel of lawyers. After these mooting sessions, participants received guidance, instruction, and tips on how to be more effective from the panelists and through video reviews. Participants returned the next day for their oral arguments before Connecticut Supreme Court justices and Appellate Court judges. The program concluded with a presentation of certificates for all of the event's participants.

CBA Welcomes New Director of Diversity & Human Resources

The Connecticut Bar Association is pleased to announce the addition of Amani Edwards as its director of diversity & human resources.



Amani Edwards

Amani Edwards comes

to us from Albany, New York. Her research, experience, and expertise is in organizational behavior and management—focusing on diversity and inclusion, representative bureaucracy, bias and discrimination, organizational justice, and performance evaluation. Amani received her B.A. in Modern Languages and Literature from Beloit College and is a PhD candidate in Public Administration and Policy at Rockefeller College at the University at Albany, SUNY.

"I am honored to join the CBA and am committed to working towards the association's diversity and inclusion goals, as well as enhancing and continuing the strong and collaborative work environment of the organization. I look forward to working with the Connecticut legal community and serving as a resource."

CT Supreme Court Adapts Policy Regarding Solicitation of *Amicus Curiae* Briefs

The Supreme Court has adopted a policy, effective with the eighth term of court, to govern the *sua sponte* solicitation of briefs of *amicus curiae* in specific pending cases. Under this new policy, rather than extend invitations to specific organizations, the Supreme Court will publish more generalized amicus invitations in specific cases on a new "*Amicus Curiae* Invitations" page that will appear under the "Docket/Calendar" tab on the Supreme Court homepage at jud.ct.gov/supremecourt. The questions presented, briefing requirements, submission deadline(s), and any additional information related to the invitation will appear

in the posted notice. When the court acts *sua sponte* to invite the submission of *amic-us curiae* briefs though this invitation policy, the provisions of Practice Book § 67-7 requiring a motion for permission to file are waived.

The Supreme Court will also create an e-mail notification list to alert interested organizations when it has posted a solicitation of briefs on the *"Amicus Curiae* Invitations" page. When the Court is interested in soliciting amicus briefs in a pending case, a courtesy group e-mail will be sent to the organizations on the list notifying them

that an amicus brief invitation has been posted on the Supreme Court's website. Bar associa-



tions and other organizations are strongly encouraged to provide e-mail contact information to the appellate clerk at amicuslist@connapp.jud.ct.gov in order ensure their inclusion on this notification list.

Please contact (860)757-2200 with any questions about this policy. ■



CBA Celebrates 2019 Law Day

The Connecticut Bar Association's Civics Education Committee held its annual Law Day Celebration on Friday, May 3, at the Connecticut Appellate Court in Hartford. Students from Timothy Edwards Middle School in South Windsor were joined by Secretary of the State Denise W. Merrill, CBA President Jonathan M. Shapiro, Civics Education Committee Chair Ralph J. Monaco, and committee members Hon. Susan B. Handy, Kathryn A. Calibey, Lawrence F. Morizio, and Jonathan Weiner. Law Day is a national effort to celebrate the rule of law, providing an opportunity to understand how law and the legal profession protect our liberty, strive to achieve justice, and contribute to the freedoms that all Americans share. This year's theme, declared by the American Bar Association, was "Free Speech, Free Press, Free Society."

Students participated by depicting one of the provided scenarios relating to the five

NEWS & EVENTS

Timothy Edwards Middle School student presenters with Connecticut Supreme Court Chief Justice Richard A. Robinson, Connecticut Appellate Court Chief Judge Alexandra D. DiPentima, Secretary of the State Denise W. Merrill, CBA President Jonathan M. Shapiro, and CBA Civics Education Committee members.

freedoms of the First Amendment—religion, press, speech, assembly, and petition—by poetry, either by writing a poem or creating a poetry slam performance, or by creating an art poster. The top four winning projects were presented by Dhanya Chasmawala, Sofia King, Valli Pendyala, Ria Saxena, and Nathan Silvia in front of Chief Judge Alexandra D. DiPentima, Judge William H. Bright, Jr., Judge Christine E. Keller, Judge Douglas S. Lavine, and Judge Eliot D. Prescott.

After their presentations, the judges mingled with the students to learn more about their projects before eating lunch at the Secretary of the State's office where each student received a citation from Denise W. Merrill recognizing them for their participation in 2019 Law Day.

For more photos of this event, visit ctbar.org/2019LawDay. ■

CBA Hosts Member Appreciation Month with Events across the State

During the month of May, the Membership Committee celebrated Member Appreciation Month by hosting free events across the state to thank members for their continued support and membership.

Throughout the month members had the opportunity to get professional headshots at Pullman & Comley LLC in Bridgeport or at Shipman Shaiken and Schwefel LLC in West Hartford, to shred their old files at the CBA Law Center or at Ury & Moscow LLC in Fairfield, to volunteer with Community Renewal Team in handing out a week's worth of food and essentials to those in need in West Hartford, and enjoy finals study snacks from Donut Crazy at UConn Law School and Quinnipiac University School of Law. Additionally, members enjoyed a night of bowling at Revolutions Bowling & Lounge in South Windsor, a new member reception at BAR in New Haven, and lunch with Judges Ingrid L. Moll, James W. Abrams, and Matthew D. Gordon at the CBA Law Center.

"The Membership Committee is pleased to have extended our Membership Appreciation Week 2018 to a Membership Appreciation Month 2019," expressed Garlinck Dumont, chair of the Membership Committee. "During this monthlong event, we celebrate the members of our legal community during various events throughout the month of May, all of which are free to our members. We look forward to the events' continued growth and our commitment to our members grows exponentially!"



Judges Ingrid L. Moll, James W. Abrams, and Matthew D. Gordon spoke on best practices and expectations with discovery motions and complex litigation at the "Lunch with the Judges" event.



New members, bar leaders, and CBA officers at the New Member Reception at BAR.

News & Events

CBA Leadership Attends ABA Day in Washington

CBA President Jonathan M. Shapiro and Vice President Amy Lin Meyerson attended the 2019 ABA Day in Washington, DC, on April 9-11, along with CBA Past Presidents Livia D. Barndollar (2008-2009) and Barry C. Hawkins (2012-2013). This three-day conference brings together leaders of the American Bar Association, state, and local bars from across the country to take the message of lawyers to Congress. Each year, ABA leaders meet in Washington, DC to advocate on behalf of the profession on issues of great importance.



CBA President Jonathan M. Shapiro and Vice President Amy Lin Meyerson, along with past presidents Livia D. Barndollar (2008-2009) and Barry C. Hawkins (2012-2013), met with CNN Legal Analyst Joey Jackson during 2019 ABA Day.

Two Members Inducted into the College of Workers' Compensation Lawyers

Attorneys Diane D. Duhamel and Joseph R. Passaretti, Jr. were inducted into The College of Workers' Compensation Lawyers (CWCL) on March 14 at the ABA Workers' Compensation Midwinter Conference and CWCL Symposium in Coral Gables, FL.



Diane D. Duhamel and Joseph R. Passaretti, Jr. were inducted into The College of Workers' Compensation Lawyers (CWCL).

The College of Work-

ers' Compensation Lawyers honors attorneys who have distinguished themselves in their practice in the field of workers' compensation; have been in practice for 20 year or more; and advanced the future of the practice through lecturing, writing, or teaching on workers' compensation or related fields of law.

In Memoriam

Hon. Ellen Bree Burns passed away at the age of 95 on June 3, 2019. Senior US District Judge Burns was a member of the US District Court for the District of Connecticut for 37 years, with her judicial career spanning 42 years. She was the first woman to be appointed a judge to the state



bench in Connecticut, the first woman to be named to the federal bench in Connecticut, the first woman to serve as Chief Judge of the District of Connecticut, and the longest serving woman in the District of Connecticut history. Judge Burns received the CBA Henry J. Naruk Judiciary Award in 1987, and was an active member of the Federal Practice Section.

Hon. Robert A. Martin passed away on June 11, 2019 at the age of 72. Judge Martin served as a Connecticut Superior Court judge for 29 years. Prior to being nominated to the state bench by Gov. O'Neill in 1991, Judge Martin was the mayor of New London from 1982-1983 and from 1986-1987. Judge Susan B. Handy and he were married for six and a half years, and together for 15 years.

Hon. Raymond Norko passed away at the age of 76 on May 12, 2019. Judge Norko led the founding of Hartford's nationally recognized Community Court, which opened in 1998, and presided over it for years. This court served as an alternative for



handling low-level and nonviolent cases. Prior to being nominated to the bench in 1985 by Gov. William O'Neill, the Airforce veteran began his legal career in 1970 as a legal aid lawyer.

William W. Bouton III passed away at the age of 66. Prior to joining Hinckley Allen in 2008, Attorney Bouton practiced law with Tyler Cooper & Alcorn and its predecessor firm Alcorn Bakewell & Smith. His practice ranged from leading clients through extraordinarily large and complex corporate transactions to counseling family businesses on matters large and small.

Dorothy E. Kelmenson Bieler passed away at the age of 91 on April 13, 2019. Attorney Kelmenson practiced law from 1950-1997. She was a partner in the firm of Pomerantz Seserman & Kelmenson, and later at Seserman & Kelmenson in Hartford.

Michael P. Koskoff passed away at the age of 77 on April 24, 2019. Among many high profile cases, Attorney Koskoff, a trial lawyer since 1966, worked with African-American police and fire organizations to increase representation of minorities in public safety. He was lead counsel in a



class action against Connecticut for illegal wiretapping and won record-setting verdicts on behalf of victims of medical malpractice. Attorney Koskoff was partner at the firm Koskoff Koskoff & Bieder.

Peers & Cheers _____

Attorney Announcements



David D. Biklen was appointed chair of the New Uniform Law Commission (ULC) Drafting Committee on Unregulated Transfers of Adopted Children. The ULC is an organization of more than 350 practicing attorneys, judges, law professors, legislators, and other state officials, helping to create a nonpartisan state legislation.

Bridget M. D'Angelo has been elected Treasurer of the

George W. Crawford Bar Association. Attorney D'Angelo

David D. Biklen





Aianè

Goldsby

Neubert Pepe & Monteith PC welcomed three new attorneys: Sean Caruthers (counsel), Robert Flynn (principal), and Aignè Goldsby (associate).



D'Angelo

Caruthers

is an associate attorney in the business and finance department of Murtha Cullina LLP. Bridget M

Flynn



Verrill Dana LLP welcomed Frank Eucalitto to the firm's Westport office. Attorney Eucalitto advises portfolio and operating companies, investment funds, and startups in a wide variety of corporate and transactional matters.



Basam E. Nabulsi of McCarter & English LLP has been appointed to the Board of Directors of Stamford Innovation Week, an organization that hosts an annual innovation festival to build and nurture the innovation ecosystem in Fairfield County.

Nabulsi

Firm/Organization Announcements

CBA 100% Club member Carmody Torrance Sandak & Hennessey LLP and the Connecticut Bar Foundation established the Anthony M. Fitzgerald Fund for Excellence to honor Attorney Fitzgerald in his retirement.



OAM O'CONNELL, ATTMORE & MORRIS, LLC ATTORNEYS AT LAW

We are pleased to announce **one new member** and welcome six attorneys to O'Connell, Attmore & Morris, LLC.



Adam Lewis Default Servicing

HARTFORD 860.548.1300



Stan Maslona Plaintiff/Criminal



Joshua Joy Creditor's Rights

SPRINGFIELD

413.747.1773





Kathryn Rivet Insurance Defense



Walter Welsh Tax/Corporate

NORWALK 203.838.2777



Anthony Maio Real Estate



Marc Miller Commercial Litigation

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2019-2020 Incoming CBA officers (L to R) President-elect Amy Lin Meyerson, Secretary Dahlia Grace, Treasurer Vincent P. Pace, Vice President Cecil J. Thomas, Immediate Past President Jonathan M. Shapiro, and President Ndidi N. Moses. Not pictured is Assistant Secretary-Treasurer David A. McGrath.

CBA Hosts the Largest Gathering of Legal Professionals in Connecticut

More than 1,200 attorneys, judges, paralegals, and other legal professionals from throughout the state gathered on June 10 at the Connecticut Convention Center in Hartford for the 2019 Connecticut Legal Conference. The day began with a networking breakfast—including alumni receptions for Quinnipiac University School of Law as well as UConn School of Law—and wellness offerings of mindfulness, yoga, and a river walk.

This year's conference featured over 40 CLE seminars across 12 different tracks with topics ranging from diversity and inclusion, lawyer wellness, the Fourth Amendment, and federal and state wage and hour laws, with a track dedicated to advanced training in depositions and cross-examination.

Among the 11 seminars that began the day, Chief Justice Richard A. Robinson, 2018-2019 Immediate Past President Karen DeMeola, and 2019-2020 Vice President Cecil J. Thomas spoke on how the success and failure of personal diversity and inclusion narratives are often linked to power,

BY LEANNA ZWIEBEL

privilege, and personal comfort, by embracing and celebrating stories of diverse individuals who have overcome significant obstacles to achieve great outcomes, in their seminar "The Power and Pitfalls of Personal Narratives in Advancing Diversity and Inclusion." Additionally, Workers' Compensation Section Chair Francis "Bud" Drapeau presented Diane Duhamel with the Pomeranz-O'Brien Award for her exemplary service to the workers' compensation system and community during The Workplace Track seminar "Current Issues in the Workers' Compensation System."

The CBA Annual Meeting Luncheon recognized judges taking trial referee status as well as held the installation of the 2019-2020 officers, including the 96th



Attendees began the day with Pre-Conference Wellness Offerings, including a river walk with Kathy Flaherty.



Featured speaker Robert Musante presented the seminar "Great Adverse Depositions: Principles and Principal Techniques" during Session A of his full-day track, Advanced Training in Depositions and Cross-Examination.



Attendees learned about data security and privacy risks for law firms, about client files and document retention, and how to manage legal outsourcing risks from Brendon P. Levesque and Stephen J. Conover during the Ethics Track seminar "Shifting Landscapes: Adapting Your Firm to Emerging Threats."



John W. Cerreta of Day Pitney LLP presented a mock oral argument before Appellate Court Chief Judge Alexandra D. DiPentima, Appellate Court Judge Eliot D. Prescott, and Hon. Chase T. Rogers (ret.), during the Litigation and Advocacy Track seminar "Final Judgement, Preservation of the Record, and Standards of Review on Appeal."



2019-2020 Vice President Cecil J. Thomas, along with fellow panelists Chief Justice Richard A. Robinson and Past President Karen DeMeola (2017-2018), embraced and celebrated their stories of overcoming significant obstacles as diverse individuals during the Diversity and Inclusion Track seminar "The Power and Pitfalls of Personal Narratives in Advancing Diversity and Inclusion."



Keynote Speaker Asha Rangappa spoke at the CBA Annual Meeting Luncheon on "Disinformation, Democracy, and the Rule of Law."



Worker's Compensation Section Chair Francis "Bud" Drapeau presented Diane Duhamel with the Pomeranz-O'Brien Award for her contribution and exemplary service to the workers' compensation system and community during The Workplace Track seminar "Current Issues in the Workers' Compensation System."



Connecticut Attorney General William M. Tong, Chief Justice Richard A. Robinson, and Lt. Governor Susan Bysiewicz spoke at the CBA Annual Meeting Luncheon.





American Idol contestant Shayy Winn gave a powerful performance of Andra Day's "Rise Up" following newly installed CBA President Ndidi N. Moses' remarks for the upcoming bar year.

United States Attorney for the District of Connecticut John H. Durham gave a warm introduction to 2019-2020 CBA President Ndidi N. Moses as her boss, mentor, and friend.

president of the CBA, Ndidi N. Moses, President-elect Amy Lin Meyerson, Vice President Cecil J. Thomas, Secretary Dahlia Grace, Treasurer Vincent P. Pace, Assistant Secretary-Treasurer David A. McGrath (not in attendance), and Immediate Past President Jonathan M. Shapiro. The Annual Meeting Luncheon began with the National Anthem, performed by American Idol contestant Shayy Winn. Attendees heard from Connecticut Attorney General William M. Tong, Chief Justice Richard A. Robinson, Lt. Governor Susan Bysiewicz, and United States Attorney for the District of Connecticut John H. Durham. Keynote Speaker Asha Rangappa, former FBI agent, CNN contributor, and senior lecturer at Yale University, spoke on "Disinformation, Democracy, and the Rule of Law."

CBA President Ndidi N. Moses shared her focus of balance for the 2019-2020 bar

The following is a reprint of Incoming President Ndidi N. Moses' 2019 CBA Annual Luncheon Meeting speech.

Thank you for the warm introduction, John Durham.

It is great to be here and see all of you again. Many of you have helped shape my legal career and served as my family in the Connecticut legal community. So, thank you.

Many people have asked me why I would want to add this to my plate, and how can I possibly do it all. The question assumes, incorrectly, that I do it all myself.



Newly installed CBA President Ndidi N. Moses shared her focus of "balance" for the upcoming bar year.

In fact, I do not. I have a wonderful support system.

The most valuable person in that support system is my mother, who continues to support me and encourage me, and who is truly making it possible for me to assume this role. Thank you, mom.

Other amazing people in my support system include my loving husband, father, siblings, aunts, uncles, cousins, and friends—my son–my muse. My excellent support system includes the current executive officers of the CBA, and the staff at the CBA, all of who have made taking on this role a lot easier. Finally, thank you to the US Attorney's Office for allowing me to take on this role. I hope I make you proud.

I have learned over the years that it is only lonely at the top if you don't take your friends with you. So to those in my supportive system, know that I love you, appreciate you, and will have you on speed dial this year.

The theme for this bar year is "Balance for a Better Legal Profession." When we all graduated from college, someone gave us the Dr. Seuss book, *Oh, the Places You'll Go!* And at the end of that book, Dr. Seuss reminds us to: "Step with care and great tact, and remember that Life's a Great Balancing Act."

I never really knew what he meant until I had my son. After I had my son, that wonderful support system that I mentioned earlier—I forgot about them. I thought work-life balance required me to do it all myself. And I tried doing it all myself...

And in doing so, I became very stressed out. I began to feel like I was failing at the one job I had just gotten—being a mom. I was totally out of balance. I became so overwhelmed. My health began to fail. And I found myself in the hospital with high blood pressure and other complications. This baffled the doctors for months because I was under 40 and totally healthy otherwise. And it really took that brief hospital stay to wake me up and make me realize that I needed to figure out how to get my life back into balance. Not just for my sake, but for my son's sake, my families' sake.

So I started to do the research, and found that the legal profession is one of the most unbalanced professions. Studies have shown that lawyers have one of lowest levels of emotional resilience of any other profession.



2019-2020 Immediate Past President Jonathan M. Shapiro introduced the Hartford Gay Men's Chorus for a performance during the President's Reception.

Connecticut Supreme Court Justice Maria A. Kahn introduced attendees to the Pro Bono Work to Empower and Represent Act of 2018, during The President's Track seminar, "Understanding the New P.O.W.E.R. Act."

year, stating, "This year's theme, balance for a better legal profession, is a reminder to you that you are not in this alone. The CBA is here, and has always been here, to be that support system to help you balance your obligations so that you can be excellent, not perfect, lawyers." The luncheon concluded with eighteen-year-old Shayy Winn sharing her inspirational story of recently losing her vision due to a brain tumor, and delivering another powerful performance, singing "Rise Up" by Andra Day.

Immediately following the final session of seminars, the President's Reception was held for all attendees to mingle with colleagues and discuss the day's events as well as the year to come, over cocktails and an assortment of appetizers. Attendees also enjoyed a performance from the Hartford Gay Men's Chorus.

The CBA thanks all those that helped make the Connecticut Legal Conference a great success—the attendees, exhibitors, and the sponsors, particularly Platinum Sponsor Kronholm Insurance Services and Gold Sponsors CATIC and Liberty Bank.

LEANNA ZWIEBEL

Leanna Zwiebel is a communications associate at the Connecticut Bar Association.

Emotional resilience, by the way, is the ability to bounce back after setbacks.

Why?

Because someone told us, probably in law school, that lawyers have to be superheroes. We have to do it all ourselves...and do it perfectly.

But we can't.

We need to depend on others, and we need to admit that we need the help of others to balance. If you don't believe me, do the research. Lawyers are 3-4 times more likely to suffer from depression than non-lawyers. The *Connecticut Law Tribune* noted in a 2017 article that 28 percent of lawyers suffer from depression, 19 percent struggle with anxiety, and 23 percent are impaired by stress. And the studies show these statistics for lawyers mirror those of law students.

Each and every time I tell my story to someone, I meet another person who, like me, tried to do it all themselves and struggled to meet their obligations to their family, profession, friends—without losing themselves. We are all, at some level, overworked and feel like we are being pulled in a billion directions. But we don't have to continue on this way.

There is a difference between being perfect and being excellent. Machines do things perfectly. People do not. Excellence acknowledges that human beings are dynamic and changing. Instead of focusing on the destination, as perfectionists do, striving for excellence allows us the space to pace ourselves and enjoy the journey. To fail, reinvent ourselves, experiment. It allows us the space to delegate responsibility, balance priorities, cultivate and find support systems and rely on them.

We are on a marathon, not a sprint.

This year's theme, "Balance for a Better Legal Profession," is a reminder to you that you are not in this alone. The CBA is here, and has always been here, to be that support system. To help you balance your obligations so that you can be excellent, not perfect, lawyers.

The CBA already has programs designed to make being a lawyer easier, and this year we are going to work to develop more of those programs, along with more programs that address well-being, succession planning, professional coaching, traveling, pro bono and, of course, CLEs.

And most importantly, we are going to continue to support you and guide you.

To kick off this year—this season where we will focus on you, and getting you back into balance—I have asked my cousin's daughter Shayy, who knows something about uplifting people, to close out this lunch ceremony with an inspiring song. The song she will sing, called "Rise Up," by Andra Day, helped Shayy become famous on the show American Idol. Many of you will relate to Shayy's story, and the song.

I hope this song serves as a reminder to all of you out there that the balance you are trying to achieve, you cannot achieve alone. When you feel broken down and tired, we are here.

We believe in you.

And we, as a Bar Association, will "rise up" to help you achieve your goals.



The phones are ringing. The voicemail message lights are flashing. The new e-mail message alert is pinging, someone is knocking on the office door.

These contacts involve someone who is scared, frustrated, angry, desperate, confused, intoxicated, mentally vulnerable and at risk, depressed, anxious, lonely, overwhelmed, detoxing, seeking inpatient rehab, in a professional crisis, suffering from dementia, just fired from a job, on the brink of financial ruin, just served with divorce papers, cycling through a bipolar episode, dealing with a death, dealing with a physical diagnosis or condition, juggling career with caring for aging parent(s), experiencing family turmoil around child-related concerns, readjusting to life post-incarceration, dealing with disbarment, dealing with challenges in the bar admission process, contemplating self-harm or harming others.

The individuals initiating these contacts can be lawyers, judges, law students, court personnel, grievance or disciplinary agencies, law school administrators, family members, friends, business associates, or law practice colleagues.

This is a snapshot of the daily scope of work here at Lawyers Concerned for Lawyers-Connecticut, Inc.—your Connecticut lawyer assistance program.

isit www.ctbar.org



A Day in the Life of LCL

By Beth Griffin

y name is Beth Griffin, and I am the director of the Connecticut lawyer assistance program, Lawyers Concerned for Lawyers-CT (LCL). I am also a lawyer and a person in recovery since May 1990. I'd like to welcome you to the world of lawyer assistance.

The above list of concerns and problems presented here at LCL doesn't cover all the issues that we have encountered since the program was launched in 2006. The Connecticut program is described as a broad brush program and that is an apt description.

How do we get started?

Answer the phone. Listen to voicemail messages. Return calls and e-mails as soon as possible. We will make multiple attempts to establish actual contact when returning calls; we are persistent.

What happens next?

You talk and we listen. We all practice active listening and what you have to say is very important. Our world is one of increasing distraction where public discourse across all levels of society often feels like it's lacking in respect. We believe that there may be no more effective way to communicate that we care—no more effective way to positively influence someone—than to give them our complete attention. We ask relevant questions in a respectful, non-judgmental, and non-accusatory fashion. We emphasize confidentiality and privacy and even allow the contact to remain anonymous as facts/circumstances dictate.

And then?

We try to identify and clarify the issues raised and then prioritize those needing immediate response. We listen to your concerns with empathy and respect, explaining all available LCL resources and offering connections, referrals, and ongoing support with whatever challenges are presented. Sometimes that means pushing the envelope, thinking outside of the box, and trying to tailor creative responses to an individual's unique situation. There is no standard checklist or template to evaluate those who seek assistance from LCL.

Who else is involved?

LCL volunteers. They are our fellow practitioners, law school friends, judges, neighbors, bar leadership, and colleagues you might never meet in the course of a long legal career but for the intersection of their dedication to helping the profession and an individual's exigent need for help. They give their time and talents without reservation or cost and believe strongly in the confidentiality of the program. I could not do my job without these incredible people supporting the LCL program.

As the director of LCL, I serve as the portal or gateway to an individual's participation in the program. Initial contact is usually made through me and, like an air traffic controller at a major airport, I'm responsible for some initial assessment of the issue, establishing some basic level of trust and respect with the individual and making preliminary suggestions about what resources might best be brought to the situation. The process is frequently one of starts-and-stops as we try to address an individual's most pressing needs while considering the larger picture of that individual's personal and professional continued well-being, recovery, and health. Some individuals are more willing and/or able to participate in this process than others. The efforts and resources offered by LCL do not differ regardless of the individual's status.

A Day in the Life of LCL

Sometimes a face-to-face meeting is required. Participants in such a meeting can vary and sometimes more than one in-person meeting is necessary. Meeting venues could be the LCL office, an individual's law office, a judge's chambers, or some other neutral location—whatever circumstances and the comfort level of concerned parties dictates.

Rarely is LCL involvement a one-and-done event. Timing is always a factor and it may take months between an initial contact and any follow-up action with an individual. We do not stalk or harangue, but we will periodically reach out to individuals who have had transient contact with the program for a welfare or status update. Our efforts may not always result in immediate success, but we rarely give up on anyone and are always willing to hit the "reset" button with someone in need. When someone becomes a member of the LCL community, that connection is long-lasting. Relocation, retirement, career change, as well as other life changes may stretch the bond but, in my experience, LCL members' loyalty and commitment to each other and the program run deep.

Do they live happily ever after?

Sadly, not always. Sometimes the human conditions presented at LCL don't result in positive outcomes. The disease of addiction,

whether involving drugs or alcohol, and some intractable mental health conditions can deprive individuals of their legal careers and at times, tragically, their lives. When this happens it produces profound sadness in us and we grieve as a community.

For me, however, the far greater experience is the joy and gratitude that comes from witnessing LCL members reclaim their lives, their dignity, and their self-respect: sharing their successes with each other, whether it be a revitalized career; a family reconciliation; restored physical and mental health; news of new grandchildren and the beauty of being part of their lives; rediscovering lost internal markers of self-esteem and personal acceptance; and seeing them make a new commitment to share their experience, strength, and hope with another colleague in need.

Welcome to the world of lawyer assistance in Connecticut. LCL will always have a seat at the table for you if you need or want it.

BETH GRIFFIN

Beth Griffin is the executive director at Lawyers Concerned for Lawyers-CT, a position she has held since February 2006.



Serving the Needs of the Connecticut Legal Community

Lawyers Concerned for Lawyers – Connecticut, Inc. ("LCL-CT") is a Connecticut non-profit corporation created to provide assistance to Connecticut lawyers, judges and law students who experience substance use disorders, mental health issues, stress, age-related problems or other distress that impacts the individual's ability to function personally and professionally.

LCL services are available at no cost to all attorneys, judges and law students in the State of Connecticut.

All LCL services are strictly confidential and protected under C.G.S. §51-81d(a), as amended.

Visit our website: www.lclct.org Contact LCL today for FREE, CONFIDENTIAL support HOTLINE: 1-800-497-1422

Has your colleague made a difference in the Connecticut community—both legal and beyond?

NOMINATE THEM FOR A CBA AWARD



LEGAL PROFESSIONALS

Charles J. Parker Legal Services Award is presented to a CBA member who has a deep and abiding interest in and dedication to the delivery of legal services to the disadvantaged in Connecticut.

Citizen of the Law Award is presented to a CBA member who has made a significant contribution to a charitable or public service cause that does not involve professional legal skills.

Henry J. Naruk Judiciary Award is presented to members of the state and federal judiciary who have made substantial contributions to the administration of justice in Connecticut.

John Eldred Shields Distinguished Professional Service Award is presented to a CBA member who has performed outstanding service through or on behalf of the CBA, for the benefit of the legal community and the community at large.

Tapping Reeve Legal Educator Award is presented to a CBA member who is a faculty member or instructor at one of Connecticut's Law Schools or Western New England School of Law who has made a significant contribution to the cause of legal education in the state.

MEMBERS OF THE PUBLIC

Citizen for the Law Award is presented to a person who is not employed in the legal area but has made a significant contribution to the institution of justice and the law on a voluntary basis.

Distinguished Public Service Award is given to a Connecticut resident, or a person with a meaningful relationship to Connecticut, who has made a significant contribution to society and is distinguished in his or her profession.

For the complete awards criteria, **visit ctbar.org/awards.**

Nominations must be received by the end of the business day on September 20, 2019. Please send nominations via e-mail to awards@ctbar.org or via mail to: Attention: Awards Committee, 30 Bank St, New Britain, CT 06051.

Four Lawyers Share Their LCL Experience



"My spirit, my personality, slowly ebbed away each day." –Lawyer 1

I DRANK, EVER MORE PRODIGIOUSLY, for 40 years. In the later years my health began to falter, but I avoided the unwanted judgment of medical professionals. Retching was as much a part of the morning routine as tooth brushing. My car, my clothing, and my body smelled of alcohol, but I took no notice.

I am a lawyer. Over the years my beleaguered spouse slipped me painful notes and letters, and books about "moderate drinking." I folded up the letters after the first sentence and never cracked a binding. Alcoholics have little interest in moderate anything. The "problem" seeped into every aspect of my life. The HR guy gave me two business cards of lawyers who were part of some drunk lawyer group. I tucked the cards away, eventually losing them amongst my collection of useless papers.

I never had a DUI. Never had more than minor self-inflicted vehicle damage (that I know of). I surmised—if I gave it any thought—that I was a "functional" alcoholic. My spirit, my personality, slowly ebbed away each day and somehow I still presented to the world the shell, the façade, the empty vessel of who I thought I should be—or so I convinced myself. Could a slow descent into alcoholic death be any worse than the life I was living?

Then, for reasons that are still a little murky, I was desperate enough to make one phone call to Lawyers Concerned for Lawyers (LCL). I was invited to a meeting without pressure. I was scared and resistant when I crossed the threshold. Maybe lawyers, men and women who were "smart" like me, could help me out. In that first meeting a grizzled veteran declared, "I'm just another Bozo on the Bus." I found, over time, immense comfort in that; no judging, no recriminations, no angst. Just men and women helping each other with honest thoughts and stories, and honest laughter. I forgot what honest laughter sounded like.

My last drink, after a few months with "these people," was at the end of July, 2016. I now attend an AA meeting in my community, and I rarely miss the Wednesday night LCL meeting. I don't know if LCL, the program, the fellowship, saved my life. It brought me back to life. I would like to keep it that way—one day at a time. "Never in a million years did I think I would be an alcoholic. Never."

-Lawyer 2

NEVER IN A MILLION YEARS did I think I would be an alcoholic. Never.

In college, I was kidded often by my friends for being such a light drinker. For years during young adulthood—attending a prestigious university and law school, working as an associate at a large firm, becoming a partner—I never had any problem with alcohol. That changed at some point. Quickly. I was able to hide it for a while, as I was a reclusive, solitary drinker. Each night would be spent sitting in a well-appointed, large home with a bottle of vodka. Each day was spent feeling horrible, experiencing withdrawal or a hangover. The time, effort, and mental energy spent hiding this at home and at work was absolutely enormous. For a while I believed I would think my way out of this problem. Over time, I realized that was impossible. My world became smaller and smaller: wake up, try to sober up, struggle through the work day, go home and drink to oblivion. Then repeat over and over and over. My situation was not sustainable.

After unsuccessfully trying to help me in several different ways over an extended period, I gave my firm no choice but to ask for my resignation. I became unemployed.

"... alcohol, which had been a constant support ... had somehow become an ever increasing problem." –Lawyer 3

FOR THE PAST FEW YEARS, I have been attending a Lawyers Concerned for Lawyers (LCL) meeting most every Wednesday evening. The primary reason that I do so is because it is vital to my continued sobriety and recovery from alcoholism, but, at some point, the meetings became an enjoyable part of my life that I look forward to every week.

My path to alcoholism and to LCL was somewhat unique in that I did not have to reach my "rock bottom" or suffer the very worst possible consequences of my problem drinking before I sought and received help from LCL. I thank the employee support system at my job for that, as a person there suggested that I contact LCL for assistance. Beyond that, the basics of my alcohol abuse were surprisingly quite common—alcohol, which had been a constant support, helping me through life's stress and difficulties, had somehow become an ever increasing problem that was contributing to disrupting and ruining the most important things in my life, including my relationships with my family and friends and my professional legal career. My experience and participation in LCL has helped me to realize that alcoholism in general, and my alcoholism in particular, is a disease of isolation that in time invariably leads to profound feelings of aloneness and helplessness, and a sense of not being able to manage the many responsibilities of one's life properly. The trap of alcoholism is that it is a vicious cycle that is often endured in painful silence by the alcoholic and the people who love him or her the most. At LCL, I have found a fellowship of like-minded people, who also happen to be attorneys. We are like-minded in that we all are committed to assisting each other in turning our common struggle with alcoholism into a positive force that can better ourselves, our profession, and our society.

I am sure that every day I encounter many attorneys who, like myself, could benefit from the support and services that LCL freely provides. It is my hope that more attorneys can find the courage to take the first step as I did and seek the help that they need and deserve. Lawyers Concerned for Lawyers—it's as simple as that. By this point, I had dabbled with the program of Alcoholics Anonymous, often counting the minutes during an AA meeting until I could go home to the bottle I had hidden. I was convinced that AA simply did not work for me. I was too smart; I could not accept parts of the program; the stigma of attending meetings was too great—what if I ran into someone I know? A million excuses. I was attempting to think my way out of the problem, and it didn't work.

Shortly after I found myself unemployed for the first time since I was 12 years old, I called Lawyers Concerned for Lawyers (LCL). My head was too clouded and fogged from vod-ka to remember much of that conversation, but I did agree to attend the weekly LCL lawyers-only 12-step meeting in Rocky Hill.

I can still recall driving to my first LCL meeting. I was absolutely at the lowest point of my life. Yet my ego still had me concerned I would see someone I knew at the meeting. How silly that concern was. It didn't matter. At the meeting, I found a group of attorneys who cared deeply, knew precisely what I was going through, what I was up against, and what I needed. The empathy, kindness, acceptance, and compassion shared with me at that meeting was extraordinary. Seeing that many of those at the meeting had overcome the same problem I had gave me hope that I could recover and participate in life again. People I did not know gave me their phone numbers and told me to call them day or night if I felt the urge to drink—amazing. They did not want anything except to help me stay sober.

I began attending LCL meetings regularly as well as many outside AA meetings. I maintained and nurtured my sobriety at those meetings and eventually I returned to the practice of law. Life continues to get better as I remain sober through the AA program and the connection I made with colleagues through LCL.

If you are concerned that you have a problem with alcohol, please do not try to think your way out of your problem. Alcoholism is stronger and smarter than you alone. Give sobriety a try—I would love to see you at a meeting.

"For me, LCL was the only port in the storm I could find when I started this journey."-Lawyer 4

I KNEW FOR AT LEAST A FEW YEARS that my drinking was an issue. Although there were days and even sometimes weeks when I felt I had it under control, as time went by, my drinking became progressively worse and the episodes more acute and problematic. At the risk of sounding cliché, for a number of years I was a "functional" alcoholic. Back then I knew (if I was being honest with myself and not in denial) that sooner or later something would cause my drinking to come to a head, and surprise, surprise, it did. Relative to so many others I've heard about in recovery (including other lawyers), the details of "my story" are not that remarkable, but thinking introspectively, living those details and coming out the other side is by far the most significant experience of my life.

I knew I needed help. But for so long I could not fathom how I was going to involve anyone outside of close family and/or friends without completely blowing the lid off the whole situation. I thought there was no way out and as such I continued to do what I was doing until the proverbial poop hit the fan. Again, the details are not overly gory, but suffice it to say that there was a situation that culminated in me reaching out and seeking help whether I wanted to or not. Cue the sunshine and soothing music; there was a way out, there was an outsider (or should I say outsiders) I could talk to: Lawyers Concerned for Lawyers (LCL). I did my research, and on the most basic level I was at least comforted by the fact LCL was shrouded in confidentiality and nothing I said could be used against me. As difficult and traumatic as I thought it would be to even attempt to "get the monkey off my back," not only was my first encounter with LCL not that bad, dare I say that it was almost pleasant.

I have now been sober for a number of years. For me, LCL was the only port in the storm I could find when I started this journey. To this day not only does LCL continue to be an integral part of my sobriety, but it is like a second home where I can relax, take a deep breath, and be myself with no strings or judgments attached.

My journey is my journey and I am incredibly grateful to be where I am and for what LCL has done for me and my family. If I had to do it all over again, the only thing I would change is that I would contact LCL sooner.



Amy F. Goodusky, a former paralegal, rock 'n' roll singer, practicing attorney, and Connecticut Law Tribune regular contributor comes out of semi-retirement to share her thoughts about the LCL-CT program. Amy continues her recovery journey and has recaptured her serenity as the proud owner and operator of Haywire Farm in West Granby.

A BELOVED VOICE FROM THE ROOMS...

y experience with Lawyers Concerned for Lawyers (LCL) has not been typical. I did not come into contact with LCL until long after I had gotten sober, and as a result of staying sober, was able to take the LSAT successfully, attend law school, pass the bar, and begin

practicing.

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To be admitted to the bar, I had to appear for a hearing before the Statewide Grievance Committee. A friend says, "I could have used a drink on the way to kindergarten;" I could have used LCL on the way to the hearing. What would become LCL had already influenced the vetting process. The examining committee asked me sophisticated questions. Did I have a sponsor? Did I regularly attend 12-step fellowship meetings? Had I done a fourth and fifth step? The answer to all of these questions was affirmative. I was admitted to practice in January, 1996, and hurled without prelude into the lobster pot.

At a seminar held at Hartford Superior Court, when I had been sober for almost 20 years and practicing more than a decade, I met LCL's executive director and offered to serve as an LCL volunteer. Every Wednesday night for four years, I went to the LCL lawyer-only 12-step meeting in Rocky Hill. There, I met people who were sober, but whose eyes did not glaze over when I said, "short calendar," "summary judgment," and "*res ipsa loquitur*." Practicing law presented the greatest challenge to my sobriety and relentlessly invaded my serenity. Finally, I was in the company of like-minded people, struggling with the same issues that threatened to drown me in alcohol.

LCL, as an institution, has done magnificent outreach. It comforts and bolsters anxious newcomers, people once at the tops of their games fighting for their professional and personal lives. It provides a highly specialized sanctuary for the rarest of rare breeds. Here is a community of those who think they alone are afflicted. It is an oasis of hope.

I cannot say enough about LCL's executive director and nucleus of dedicated volunteers. The words "tireless" and "indefatigable" come to mind, but I know these people, and they are tired. They do it anyway. They keep herding the strays, ministering to the troubled, finding safe harbors for the damaged vessels lucky enough to sight the lighthouse. They never give up—on any of us.

In Connecticut, LCL has not only welcomed and helped many members of the legal community but has raised awareness of the pervasiveness of emotional illness, addiction, depression, and desperation in our line of work. It emphasizes compassion and care as a gateway to recovery and has eroded the notion that reprisal is the only answer. We are sick people; LCL offers us the chance to heal and facilitates the healing process in a multitude of ways.

When my service commitment to LCL became impossible to keep—I moved and took another job an hour away in the opposite direction from the Rocky Hill offices—I was asked to join the LCL Board of Directors. I have had many professional successes both as an attorney and in my personal life—being asked to join the board elevated me to another level. For the first time ever, I felt like an adult: no longer the eternal child at the grownups' table. My opinion clearly mattered. This was something that was not necessarily true in practice, in my family, or in any venue I had encountered. I had arrived.

I'm retired from practice now. I do some teaching. One of my students started talking to me one day about her son. He was a lawyer. He had a drinking problem. He was going to die, she thought. He got willing some time later, when alcohol had almost taken his life. Thank God I knew where to send him.

By Amy F. Goodusky

Concerning Lawyers

Lawyers Concerned for Lawyers-CT, Inc., (LCL) has proudly served the Connecticut legal community for 13 years. It is an independent, nonprofit, third-party contractor with the Connecticut Judicial Branch that helps the legal community in the State of Connecticut with crisis referral and interventional services across a broad spectrum of problems. All contact with LCL is completely confidential and discreet.

As president of LCL, I would take this opportunity to describe the current state of our affairs and where we are headed in the future. Over the past 13 years, LCL has prospered under the guidance of our first and only executive director, Beth Griffin, and the wise counsel of the late Richard Johnson, my predecessor, among others. Our mission has been, and continues to be, assisting members of the Connecticut legal community to fix the unfixable, recover from the unrecoverable, and to allow hope a foothold where none seemed possible before a call was made to LCL for help.

"I would his troubles likewise were expired, That so he might recover what was lost."

-William Shakespeare, Henry VI, Part 1

Concerning Lawyers

Over the past 13 years, LCL has assisted more than 2,100 new clients, averaging about 166 new clients per year. LCL's services range from providing general information "for a friend," advice to a spouse, family member, or partner; or a face-to-face meeting with the client seeking help. Initially, our organization focused on recovery from alcohol and substance abuse issues.

Notably, our founding statute (Conn. Gen. Stat. § 51-81d) funds the contract with the Judicial Branch (from a small portion of dues paid to the Client Security Fund) and exempts us from being compelled to provide any information about any of our clients. Our mission has expanded from how it began in 2005, to offering help to elder lawyers who may have difficulty leaving their practice or maintaining it as they age and by reaching out to law students who have their own challenges to overcome. Other areas of concern have been added over the years. Currently, we provide up to six psychological counseling sessions free of charge to any lawyer who asks, in a calendar year. We focus on the needs of our legal community, from a mindful perspective that, we hope, makes the practice of law a bit less harsh and difficult. Sometimes, that means an empathetic ear and a willingness to listen or provide counsel. Other times more direct intervention is required and enacted. From our offices in Rocky Hill, we manage and utilize a network of dozens of volunteers across the state (many, but not all, are former clients) who offer a hand, and help, whenever they are asked, without reward or recognition. Many forms of recovery



are based upon the theory that you must give away that which you want to keep. Nowhere is this more evident than in LCL's corps of grateful volunteers, including our esteemed board of directors.

Currently, we facilitate six statewide meetings (five 12-step meetings in five locations across the state and one non 12-step meeting), and we also educate and assist lawyers who suffer from depression, gambling addiction, isolation, mental illness, or stress (to name a few). In short, we are a broad-spectrum assistance program that is both flexible and driven to provide help to any and all who ask.

Lawyers as a general rule are very bad at both asking for help and taking advice. We are, after all, expected to have all the answers. Unfortunately, this attitude is the antithesis of what is needed for recovery. One who suffers must, unfortunately, be as willing to listen as only the truly desperate can be. This is where LCL comes in.

For too long, our profession has done a poor job of addressing the well-being of its membership. Too many lawyers and law students, even now, experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers' basic competence. This research suggests that the current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust. You may have noticed an emphasis in your CLE mailings on mindfulness and well-being. This is not an accident. In large part, this emphasis traces back to the ABA National Task Force on Lawyer Well-Being that was formed in 2016.

Conceived by the Commission on Lawyer Assistance Programs, this task force was comprised of several entities within the ABA, including ABA CoLAP, ABA Standing Committee on Professionalism, ABA Center for Professional Responsibility, ABA Young Lawyers Division, ABA Law Practice Division Attorney Well-Being Committee, The National Organization of Bar Counsel, Association of Professional Responsibility Lawyers, National Conference of Chief Justices, and National Conference of Bar Examiners. Based upon the surveys and opinions underlying the 2017 Task Force Report¹ (Report), it is estimated that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often, both.²

The Report identifies stakeholders in the changes necessary for our profession to address the wellness of our members, these include judges, employers, law schools, and bar associations. Among the goals are ending the stigma surrounding help-seeking behaviors. The Report contains numerous recommendations to combat the stigma that seeking help will lead to negative professional consequences. Ending the stigma of telling someone you notice what they are doing (or not doing) and offering help when appropriate. The Report focuses on well-being as an indispensable aspect of our duty to our clients, the public, and ourselves. Untreated mental health and substance use disorders ruin families, lives, and careers. Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the colABOVE RIGHT: (L to R) Paul Geraghty, Hon. Robyn Stewart-Johnson, Sheryl Shaughnessey, Raymond LeFoll, Anthony LaBella, Christopher McCormick, Mary Alice Moore-Leonhardt, William Sweeney, Mark Dubois, Kathleen Flaherty, and Hon. Suzanne Caron; (Standing) Nancy Stek, workshop facilitator and associate director of the New Jersey Lawyers Assistance Program.

BELOW RIGHT: (Background L to R) Hon. Douglas Lavine, Sheryl Shaughnessey, Raymond LeFoll, and Anthony LaBella; (Foreground L to R) Hon. Suzanne Caron, Kathleen Flaherty, Mark Dubois, William Sweeney, and Christopher McCormick.

The following LCL board members were unable to attend this workshop: George W. Adams III, Dr. Walter Borden, Jeffrey J. Drewniany, Hon. James P. Ginocchio, Amy F. Goodusky, Matthew Hallisey, Ms. Suzanne Lucas-Deneen, Justice Richard N. Palmer, Hon. Eliot D. Prescott, and Prof. Brad Saxton.

lective legal culture. Impaired lawyers make everyone's job more difficult, frustrate clients and judges (and other lawyers), and generally cost everyone more time and money.

In the past, our bar admissions process did little to promote the seeking of help. Rather, there was an inherent penalty toward those who had (successfully) sought help, and a fast track to those who might need assistance yet had not exhibited outward signs of that need. It would amaze most people to learn that even indicating that one had sought some form of medical treatment for substance abuse or mental health could slow an application down for a year or more. This delay would leave candidates in limbo, forcing them to explain the delay to po-

tential employers or friends, adding insult to the injury. By most accounts, this delay has been shortened by the current committee. More importantly, since January 2019, the application to the Connecticut Bar no longer asks about mental health diagnosis, but about behavior. This change lines up with the 2015 American Bar Association House of Delegates Resolution 102, calling on bar examiners to focus on conduct rather than someone who has successfully sought treatment.

We at LCL find ourselves in a time of change and self-awareness that was hardly predictable in 2005. It was even less predictable from the law offices and living rooms where the informal lawyer assistance program began as one lawyer helped another find recovery for years before that. In 2006, we conducted a strategic planning session with our board members and some other interested parties, with a goal of mapping our course for the foreseeable future. We now find ourselves on the verge of another such session in May of 2019. It will have occurred by the time this article is published, and I am excited about the surprises, challenges, and ideas that will no doubt emerge from having so many lawyers in one place, focused on one thing: the future of LCL.

Going forward, denying the fact that we in the legal profession suffer from the same maladies that affect the public at large carries





no weight. In fact, most have realized that our profession probably suffers more than the average population due to the nature of what we do and the personality type of our membership. The notion that if we ignore the problem it will just go away has been cast to the trash heap where it belongs. The cost in terms of sick time, rework, or mistakes is the tip of the iceberg. The cost in terms of public perception, legal malpractice, defalcations, suicide, and incarceration is simply too high to bear. And with the correct attitude, we can do our best to avoid these consequences if assistance is available and can be sought without stigma or reservation.

That has been LCL's goal from the start, and it will continue to be long after this writing. Tell a friend.



ANTHONY J. LABELLA

Anthony J. LaBella is a founding member/director of Lawyers Concerned for Lawyers and currently serves as president of the LCL Board of Directors. He is a senior associate with the law firm of Ury & Moskow LLC in Fairfield.

Notes

- 1. http://lawyerwellbeing.net
- D. B. Marlowe, Alcoholism, Symptoms, Causes & Treatments, in STRESS MANAGEMENT FOR LAWYERS 104-130 (Amiram Elwork ed., 2d ed., 1997) (cited in M. A. Silver, Substance Abuse, Stress, Mental Health and The Legal Profession, NEW YORK STATE LAW. ASSISTANT TRUST (2004).



31

These efforts not only

saved lives and

stabilized families.

but also protected the

public from dereliction of

duties by lawyers afflict-

ed with these devastating

health issues.

BY WILLIAM C. LEARY

have been asked by Connecticut Lawyer to recollect and to describe the early years-the formative years-of efforts in Connecticut wherein lawyers who had overcome the disease of addiction or other mental health problems reached out to other lawyers who were still sick and suffering from impairments to offer assistance and encouragement. These efforts not only saved lives and stabi-

lized families, but also protected the public from dereliction of duties by lawyers afflicted with these devastating health issues.

This writer related his own road to recovery from alcoholism in Connecticut Lawyer in the March 2002 issue, which credited others, particularly a fellow lawyer, for coming to his aid and spurring his recovery.

A Brief History of **Recovery Programs**

Throughout history, lawyers have

earned a well-deserved reputation for helping others overcome problems of various kinds and continuing on with productive lives, so it is not surprising that lawyers who overcame the disease of addiction and other mental health issues have long been active in helping their sisters and brothers of the bar overcome these same impairments.

It is appropriate to start by traveling back to the mid-1930s when the progenitor of successful recovery programs that lifted participants out of a foggy, alcoholic existence into the bright sunlight of lasting sobriety came into being. Alcoholics Anonymous (AA) began in 1935 when two longtime suffering alcoholics came together quite by accident to inspire and aid each other to acquire a lasting sobriety. The two men were Bill Wilson (Bill W.) and Dr. Robert Smith (Dr. Bob). Bill W. and Dr. Bob were able to help each other obtain and maintain an uninterrupted sobriety and went on with the help and guidance of many others to formulate the 12-Step Movement that has rescued millions of alcoholics throughout the world from a life governed by addiction and hopelessness.

Both these men had ties to the legal profession. Bill W. was a graduate of Brooklyn Law School and Dr.

Bob was the son of a prominent judge from the State of Vermont. Additionally, the third person to join AA was a member of the Ohio Bar.

Jumping ahead a few decades, the first known lawyer assistance program had its humble beginnings in California when a lawyer there who once had enjoyed a splendid career lost everything: family, job,

> and his own self-respect as well as his license to practice law as a result of alcoholism. As he hit bottom. he contacted another lawyer who had escaped his alcoholic demons and was living a sober and productive life. Together they sought out and enlisted more lawyers who were still suffering from alcoholism and the Lawyer Assistance Program (LAP) was up and running. News of its success spread and likegroups followed suit in other jurisdictions. The movement was aided

and pushed forward by another movement begun by lawyers who had overcome alcoholism and came together under the banner of "International Lawyers in AA." (ILAA) This group originated in Canada and soon enrolled members from throughout North America and beyond. Their goal was to help their fellow lawyers suffering from the emotional and physical pain of alcoholism or other significant problems. International Lawyers in AA is still going strong and continues to meet annually in various locations throughout North America. It is quite common to encounter a lawyer at these conclaves who is still addicted to alcohol or other drugs and has been invited by a sympathetic recovering lawyer friend to attend in order to see that he or she is not alone and that help is available. It warms one's heart to meet that lawyer, sober and well, the following year at the ILAA Convention.

Connecticut's Turn

Turning now to Connecticut, in the early 1980s the Connecticut Bar Association established a standing committee of the CBA known as "Lawyers Concerned for Lawyers." Its long-time chair was Attorney Robert Klomp. This committee was populated by both lawyers in recovery and other lawyers sim-

Gett

Connecticut's Lawyer Assistance Program

ply interested in contributing to the effort to help other lawyers. The committee came into existence at the urging of a group of lawyers who were in successful recovery from alcoholism.

The existence and purpose of the committee was promulgated by numerous mentions of it in various publications, particularly *Connecticut Lawyer* magazine. The Connecticut Bar Association also funded

a confidential hotline for lawyers looking for help. This hotline was located in the law office of an LCL Committee member. The caller's anonymity was fully protected. The committee met on a regular and frequent basis and reached out to other members of the bar in need of assistance. Many lawyers contacted committee members and sought advice and support, which resulted in numerous successes.

A few of the committee members also hosted Alcoholics Anonymous 12-Step meetings for recovering lawyers in their law offices. I recall attending a number of meetings in

a law office in Hartford many years ago hosted by an internationally recognized pioneer in the lawyers' recovery movement. In the years preceding the formation of the formal Lawyers Concerned for Lawyers program, there were meetings hosted by a Rocky Hill lawyer in his law office that were well-attended and successful in attracting lawyers who were still struggling. That particular lawyer-host was a stalwart and influential advocate and an important contributor to the success of the current programs as was his predecessor who had hosted meetings at his home. (Their names are omitted due to the wish to preserve their anonymity.) As time went on, meeting sites increased and attendees proliferated but clearly only a small fraction of sick and suffering lawyers were being reached and helped.

In February 1998, the LCL Committee arranged to have some participants meet with Bonnie Waters, then-executive director of the Massachusetts Lawyers Assistance Program, which was a well-established, broad-based, fully-funded lawyer assistance program. Ms. Waters became a key advisor and strong advocate of LCL's efforts in Connecticut. She made numerous trips to our state to assist in the efforts to secure a program in Connecticut. She described in detail the broad-based program that the Massachusetts Bar offered the lawyers of the Commonwealth, addressing not only addiction issues, but other mental health issues as well. For the attendees from Connecticut, it was an eye opening experience and they quickly realized that Connecticut needed to launch an all-out effort to catch up to Massachusetts and the multitude of other programs in many jurisdictions throughout North America. The objective of all these existing programs was not only to help lawyers who struggled with addiction and

> other mental health issues, but to protect the public from defalcations and other misdeeds and malpractice of afflicted lawyers.

> It was recommended that Connecticut send a representative to the American Bar Association's Commission on Lawyer Assistance program's (CoLAP) annual conference to be held in Montreal, Canada in October of that year. I attended the conference and met LAP directors from throughout North America who offered encouragement and assistance for Connecticut's efforts to move ahead with a program.

Back in Connecticut, the LCL Committee voted to solicit the support of the Connecticut Bar Association (CBA) and the Judicial Branch to assist in bringing about the creation of a Lawyer Assistance Program for Connecticut.

I then contacted the late Connecticut Supreme Court justice, David M. Borden, who was an old friend of many years standing. Justice Borden recognized the need for a lawyer assistance program in Connecticut, and together with Justice Richard N. Palmer, a meeting with the then-Chief Justice Francis M. Mc-Donald and the Connecticut Bar Association's LCL Committee was arranged. Chief Justice McDonald pledged his support. At his direction, Justice Palmer and I attended the annual meeting of Connecticut's judges in New Haven and described the purpose and workings of a Lawyer Assistance Program to the assembly. The judges offered overwhelming support for the proposed LAP.

The Judicial Branch then assigned a key staff member, Attorney Melissa Farley, to work with the supporters of the proposed Connecticut LAP.

The CBA, under the leadership of President Donat C. Marchand, also gave its support to move ahead. Its then-executive director, Tim Hazen, and external affairs director, Matthew Hallisey, joined the members

(Continued on page 44)

a regular and frequent basis and reached out to other members of the bar in need of assistance. Many lawyers contacted committee members and sought advice and support, which resulted in numerous successes.

The committee met on

Taking Care of Each Other

By Jonathan M. Shapiro

IN 2016, THE AMERIcan Bar Association Commis-

sion on Lawyer Assistance Programs, in collaboration with the Hazelden Betty Ford Foundation, took on the task of studying behavioral and substance abuse among attorneys. Nearly 13,000 attorneys throughout the country were surveyed. The results were eye-opening, confirming what many had surmised: lawyers suffer from a high level of mental health issues and substance abuse. Over 20 percent of attorneys screened positive for hazard-ous, harmful, and potentially alcohol-dependent drinking. Twenty-eight percent showed symptoms of depression, 19 percent experienced anxiety, and 23 percent struggled with stress. Rates among younger attorneys were higher than their older peers.¹

We are more aware of mental health issues than we have ever been, but the problems only seem to be getting worse. I am betting that every person reading this article has had a personal experience with someone suffering from either drug or alcohol dependence, or other mental illness. And I bet almost everyone that reads this has been touched by a friend or family member taking their own life. I have. I have friends and family members who have suffered from alcoholism and depression. A little more than a year ago, my neighbor took his own life.

I know I am not alone. And when tragedy strikes, you often feel helpless. You question whether there was anything you could have done to prevent the tragedy. What if I paid a little closer attention? What if I called more often? Maybe I would have noticed something.

So what can we do? There is no simple answer. Since the 2016 study, bar associations and law firms have tackled substance abuse and mental health with newfound vigor. The CBA launched its well-being website this year, which contains resources to aid our members in taking care of themselves. The Well-Being Task Force also started its well-being video series, which provides a forum for members to share their inspirational stories and help members with similar experiences know they are not alone. If you have not seen the website, go to it now at chalawyerwellbeing.com. It contains invaluable resources.

Providing these resources to the members of our profession is just the start. We need to do more. We need to remove the stigma associated with mental health issues. The Connecticut Bar Examining Committee's decision this year to remove mental health questions from the bar application is another step in the right direction. Not only does it help to reduce the stigma associated with mental health issues, but it will hopefully ensure that our fellow and potential members of the bar seek the treatment they need.

This profession is hard enough. It can be an unrelenting and unforgiving grind. We have all seen it—remember that. At the end of the day, we are all in this together. We need to help take care of each other. I believe it is part of our professional responsibility. Talk to your colleagues. Take the extra minute and ask how they are doing. If you feel something is wrong, make sure our fellow attorneys are aware of the resources available to them. Make sure they are aware of the Wellbeing website. Make sure they are aware of Lawyers Concerned for Lawyers. You might just make a difference in someone's life.



JONATHAN M. SHAPIRO

Jonathan M. Shapiro is the 95th president of the Connecticut Bar Association (2018-2019). He is a partner in the 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.

Notes

 See The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, Journal of Addiction Medicine, Krill, Patrick R. JD, LLM; Johnson, Ryan MA; Albert, Linda, January/February 2016, Volume 10, Issue 1, available at: https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

SHIFTING TH Gatekeeping, Acc


E PARADIGM: ess, and Inclusion

By Karen DeMeola

HERE ARE MANY GATEKEEPERS to our profession. Family members familiar and unfamiliar with higher education, high school and college counselors, and law school admissions committees all play a role in whether or who is fortunate enough to attend law school. There should be checks and balances along the way to ensure that everyone who is admitted can succeed. The system however, assumes a meritocracy, assumes that all applicants are equal, and that there are no biases, overt or unconscious, at play. Professional gatekeepers have learned over the years, that systems of oppression, implicit and explicit bias, and unquestioned traditions, prevent people from gaining access. Recent changes by the Connecticut Bar Examining Committee are a great example of the importance of the role gatekeepers have in creating access and inclusion in our profession. This was not always the case.

I still vividly recall the fear of seeking help while in law school for what I would later learn was chronic depression, anxiety, and post-traumatic stress disorder. I was told by my confidants and friends that it was a mistake because it would prevent me from practicing law. I listened for a while, but life has a way of unravelling, and unravel it did. I couldn't wait until graduation to find a therapist. Again, every step of the way, I felt I should turn around, cancel the appointment, tell the doctor that it was all a big mistake and I was fine. I am glad I didn't. Though I was lucky that my application was not held up, the fear was real, informed my perception of the bar examining committee, and shaped the way I do my work when I entered higher education.

We are all storytellers, passers of tradition, lore, and fantasy. Like playing a game of telephone through the generations, each new class of law students throughout the country knows someone, who knew someone, who was denied bar admission because of a mental health condition. That history is real and for so very long has prompted law students to not seek treatment for mental health conditions and/or addictions. Across the country, students lucky enough were able to maintain status quo mentally. Others could not maintain their mental health and academics and were forced to withdraw so that they could manage, or were forced out by the institution for academic or other reasons. This was not sustainable. Law school admissions gatekeepers encouraged students to be authentic during the application process. Students entered law schools with a narrative valued by the admission offices and faculty alike. Faculty and administrators began local and national campaigns to support students with mental health conditions and addictions. Deans of students pushed for student health insurance to cover psychological and psychiatric appointments, as well as Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) chapters locally or on campus and the relationship between law schools and lawyer assistance programs blossomed. Mental health counsellors were either hired by the schools or easily accessible as the push for law student wellness (before it became de rigueur) grew. And still there was fear.

So many Connecticut heroes fought a long battle to eliminate the mental health questions on the Connecticut Bar Exam. Even after changes in 2014, and with increased focus on balance in law schools and the profession, the fear remained.

Gatekeepers instill anxiety and fear. Will they like, love, and admit or judge, loath, and deny us? We model our behavior, ask forgiveness, and beg to be let into the club despite who we are; constantly proving that we belong. When the gatekeepers continue to follow rules steeped in bias, organizations and professions cannot and do not change. In 2019, the Connecticut Bar Examining Committee removed all questions related to mental health conditions and addiction. Law school graduates seeking to sit for the Connecticut Bar no longer have to fear seeking treatment for a mental health condition. This paradigm shift will have a significant impact on the number of people who have mental health conditions or addictions considering or enrolled in law schools. A gatekeeper's role should be framed around access and inclusion, recognizing that they have the power to impact the trajectory of another's future. The Bar Examining Committee's step created a new narrative; one that will hopefully quickly replace the challenges of the past.

KAREN DEMEOLA



Karen DeMeola is a past president of the Connecticut Bar Association (2017-2018). She currently serves as the assistant dean for finance, administration, and enrollment at UConn School of Law.

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

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More than a VA Medical-Legal Partnership: Connecticut Veterans Legal Center Partners with Law Firm Pro Bono Programs to Serve Our Veterans

By Ashleigh Backman

VETERANS CONTINUALLY STRUGGLE with and suffer from the invisible wounds of war. Indeed, our veterans experience unbelievable trauma—including violent and repeated combat or military sexual trauma—which often times result in post-traumatic stress disorder (PTSD). Sometimes these PTSD symptoms begin during service.

Unfortunately, the military misinterprets these biological symptoms as misconduct. As a result, veterans suffering from mental illness are issued other-than-honorable discharges, also known as a "bad paper" discharge. "Bad paper" discharges can prevent veterans from receiving federal benefits, such as healthcare, disability payments, and education and housing assistance. More specifically, veterans are returning home seeking treatment for PTSD but are being prevented from gaining access to critical mental health services.

Celebrating its 10th anniversary, Connecticut Veterans Legal Center (CVLC) is the first legal aid program in the country to establish a medical-legal partnership (MLP) with the Veteran Administration healthcare system. As a trailblazer, CVLC and the VA recognize mental health problems can be more effectively treated by integrating access to free legal assistance.

CVLC eliminates access to justice barriers by integrating legal services into the setting where veterans already receive other forms of care. CVLC attorneys and VA clinicians work side-by-side to advocate for the well-being of our veterans. This network of support increases a veteran's fair and equal access to stable housing, affordable healthcare, employment, educational opportunities, suitable income, and access to VA medical and financial benefits. Indeed, CLVC is the only legal aid organization in Connecticut helping our veterans restore their right to VA mental healthcare through a discharge upgrade legal process.

Although CVLC attorneys tirelessly work with veterans to secure discharge upgrades and VA disability compensation claims, CVLC enlists and leverages pro bono legal assistance from Connecticut's leading law firms in order to meet the legal needs of our veterans.

McCarter and English LLP has been a tremendous supporter and long-standing partner of CVLC's work to provide legal assistance and increased access to justice for our veterans. McCarter's pro bono attorneys-throughout their nine officesprioritize pro bono work for veterans, and have successfully assisted veterans with VA disability compensation claims, discharge upgrades, and eviction defense to break through the cycle of chronic homelessness among veterans. McCarter pro bono attorneys who partner with CVLC believe men and women, who have spent years protecting all of us, deserve the utmost respect and support at home as they face what is often a difficult transition back into "civilian" life.

Joseph J. Cherico, managing partner of Mc-Carter's Stamford office, explains, "Several partners and associates based in our Stamford and Hartford offices have taken on pro bono matters with the CVLC because these cases make a real, meaningful difference in the day-to-day lives of these men and women."

Moy N. Ogilvie, managing partner of McCarter's Hartford office, said, "Offering legal aid for veterans who have been left behind has been a transformative, eye-opening experience, and CVLC is an indispensable organization. We look forward to continuing our work to serve Connecticut's veterans and help them start anew."

CVLC and the Connecticut Bar Association continue to challenge CBA members and Connecticut law firms to join McCarter and English LLP in learning more about the ways to serve and honor our veterans by providing them with the necessary free legal representation and legal support. To join CVLC's team of pro bono supporters, please contact CVLC's pro bono manager, Ashleigh Backman at abackman@ctveteranslegal.org.



ASHLEIGH BACKMAN

Ashleigh Backman is the pro bono manager and intake attorney at the Connecticut Veterans Legal Center where she leverages private bar

engagement and works with veterans to identify their legal issues.

Mangiafico v. Town of Farmington, et al., 331 Conn. 404 (2019): The Court Makes It a Little Easier to Bring § 1983 Claims in State Court

By Charles D. Ray and Matthew A. Weiner



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.

WHEN THE PLAINTIFF IN *MANGIAFICO V. Town of Farmington, et al.*, 331 Conn. 404 (2019), appealed from the trial court's judgment against him, the defendants must have felt pretty confident that they would prevail. Not one, but two lines of Connecticut Supreme Court precedent appeared to support the trial court's dismissal of most of the plaintiff's claims. The defendants, however, were in for a rude awakening.

In *Mangiafico*, the dispute between the plaintiff, a homeowner in Farmington, and the defendants, the town and various town officials, concerned the town's response to complaints made about the appearance of the plaintiff's home. As alleged in the complaint, about ten years ago, the plaintiff's home suffered "catastrophic damage," causing it to become uninhabitable. The plaintiff's insurance company delayed demolition and rebuilding of the home and the insurance company and the plaintiff reached a settlement agreement in August 2011.

About one year later, Farmington's town manager received complaints about the home's appearance. The town building official informed the plaintiff of the complaints on July 25, 2012. On August 14,

2012—without providing the plaintiff notice or an opportunity to be heard—the Farmington town council voted to place the home on the town's blighted building list. The town manager then sent notice to the plaintiff that the town had placed his home on the blighted building list. The town manager also demanded that the plaintiff undertake certain improvements before October 1, 2012. Although the plaintiff tried to comply with the town manager's demands, town building officials began imposing daily punitive fines in the amount of \$100 on September 4, 2012-more than three weeks before the town manager's deadline.

Thereafter, the plaintiff requested, among other things, a hearing before a municipal hearing officer. At the hearing, the plaintiff challenged the blight designation and the imposition of daily fines. The hearing officer claimed that he lacked authority to rule on the propriety of the blight designation, but reduced the total amount of fines due from \$4,000 to \$2,000. The hearing officer also ordered the plaintiff to present a building plan within 30 days.

On January 4, 2013, the daily \$100 fines began anew. At a hearing held on February 21, 2013—of which the town did not provide the plaintiff notice—a municipal hearing officer imposed \$4,700 in fines for the time period between January 4 and February 21. When the plaintiff refused to pay the fines, the town manager caused two municipal real estate liens to be placed on the plaintiff's property.

On September 5, 2013, the plaintiff filed suit against the town and its officers in Connecticut state court. His five count complaint, which cited 42 U.S.C. § 1983, alleged, among other things, that the blight designation, the daily fines, and the liens constituted an "unconstitutional taking of property without compensation and [a] violation of due process of law...." In addition to money damages, the plaintiff sought injunctive and declaratory relief.

The trial court dismissed the § 1983 claims because the plaintiff had failed to exhaust his administrative remedies; specifically, the plaintiff failed to appeal the municipal hearing officer's citation assessments to the superior court as permitted by General Statutes § 7-152c. The trial court also granted the defendant's motion for summary judgment on the remaining fifth count. The plaintiff appealed to the appellate court, which affirmed. In doing so, the appellate court relied on, among other things, General Statutes § 7-152c, which set forth the procedure to be used when contesting liability for fines imposed for blight violations, and requires that an appeal to the superior court be filed within 30 days. Under § 7-152c(g), a plaintiff who files such appeal is entitled to a *de novo* hearing in the superior court. Because the plaintiff did not timely appeal from the municipal hearing officer's decisions—and, therefore, did not exhaust his administrative remedies—he was out of luck.

The plaintiff had better fortune in our Supreme Court, which reversed the appellate court's decision and remanded the case to the trial court. To reach that outcome the Court had to overrule two lines of precedent. The first line required a plaintiff seeking injunctive relief under § 1983 to exhaust administrative remedies, while the second held that a court lacks jurisdiction over a takings claim unless "the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue."

The Court began its analysis by addressing its decisions in Laurel Park, Inc. v. Pac, 194 Conn. 677 (1984) and Pet v. Department of Health Services, 207 Conn. 346 (1988). In those cases, the Court determined that a plaintiff seeking injunctive relief pursuant to § 1983 first had to exhaust any administrative remedies. In both decisions, the Court recognized that the United States Supreme Court had held, in Patsy v. Board of Regents, 457 U.S. 496 (1982), that "exhaustion of state administrative remedies is not a prerequisite to an action under § 1983...." Nevertheless, the Laurel Park and Pet Courts had carved out an exception to Patsy in "an effort to observe the time-honored equitable principle that a party seeking injunctive relief must establish that he has no adequate remedy at law and that irreparable harm will ensue absent injunctive relief." In effect, the *Laurel Park* and *Pet* Courts had "treated the existence of an inadequate legal remedy as a prerequisite to the exercise of the court's subject matter jurisdiction, rather than as an essential element of the plaintiff's claim for injunctive relief."

Justice Ecker, writing for a unanimous Supreme Court, concluded that Laurel Park and Pet were wrongly decided. In doing so, he relied heavily on the basis for the Patsy decision. In Patsy, the United States Supreme Court explained that the history and purpose of the Civil Rights Act of 1871—the precursor to 42 U.S.C. § 1983—reflected Congressional intent "to throw open the doors of the United States courts to individuals who were threatened with, or who had suffered, the deprivation of constitutional rights...and to provide these individuals immediate access to the federal courts notwithstanding any provision of state law to the contrary." Congress intended the statute to serve as a bulwark against "state authorities that had been unable or unwilling to protect the constitutional rights of individuals or to punish those who violated those rights." To require a plaintiff seeking to remedy constitutional violations via injunctive relief to jump through state imposed hoops before gaining entry to the courthouse therefore made little sense. Accordingly, though a plaintiff seeking injunctive relief must establish that no adequate remedy at law exists, that burden is one of proof, not one that goes to the court's subject matter jurisdiction.

The second line of precedent that the *Mangiafico* Court overruled also concerned its prior interpretation of a United States Supreme Court decision. In *Williamson County Regional Planning Commission v. Hamilton Bank*, 473 U.S. 172 (1985), the United States Supreme Court held that a

claim asserted under § 1983 that a government regulation effects a taking is not ripe until the government reaches "a final decision regarding the application of the regulations to the property at issue." In Port Clinton Associates v. Board of Selectmen, 217 Conn. 588 (1991), the Connecticut Supreme Court treated the Williamson *County* ripeness doctrine as jurisdictional in nature. Citing Port Clinton Associates, the defendants in Mangiafico argued-for the first time the Connecticut Supreme Court—that the de novo appeal process set forth in General Statutes § 7-152c(g) "provides that the Superior Court is the final decision-maker " According to the defendants, because the plaintiff failed to obtain a decision from the "final decision-maker," his takings claim failed the Williamson County test—a defense that, because it concerned subject matter jurisdiction, could be raised for the first time on appeal.

The Court disagreed. Relying on more recent decisions from the United States Supreme Court and federal appellate courts that had concluded that *Williamson County* did not impose impediments to a trial court's jurisdiction, the Court abandoned its determination in *Port Clinton Associates* that the *Williamson County* doctrine implicates jurisdiction. As a result, the defendants' Williamson County defense could not be asserted for the first time before the Supreme Court.

Though the defendants' defeat must have been a tough pill to swallow in light of the state of Connecticut law when the appeal commenced, we can't quibble with the Court's analysis. It certainly seems as though its decisions to overrule precedent were well supported by federal authority. But does *Mangiafico* stand for the broader proposition that the "new" court, comprised of four justices who have two or fewer years on the Court, is less deferential to precedent? Only time will tell....

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.

Bankruptcy and Foreclosure

Water Pollution Control Authority v. Ortiz, 67 CLR 734 (Jennings, Alfred J., J.T.R.), holds that the winning bid at a foreclosure sale may be adjusted for vandalism occurring before, but not after, court confirmation of the sale. See also *Liberty Bank v. Heffernan*, 68 CLR 43 (Cosgrove, Emmet L., J.T.R.), holding that the approval of a foreclosure sale may be voided at the request of a buyer because of substantial uninsured property damage incurred before title is transferred.

While defenses arising out of participation in a mediation program may not be asserted as counterclaims or special defenses to a foreclosure action because they are not based on the "making, validity or enforcement" of the mortgage or loan, defenses based on a lender's violation of a final and binding loan modification reached at the conclusion of a mediation program are based on the "enforcement" of the mortgage and loan and therefore may be asserted as a defense or counterclaim. *Wilmington Savings Fund Society, FSB v. Frascatore*, 67 CLR 699 (Jennings, Alfred J., J.T.R.).

Breach of the covenant of good faith and fair dealing claim is not a valid special defense to a mortgage foreclosure action. *Bank of New York Mellon v. Takatsu*, 67 CLR 773 (Jennings, Alfred, J., J.T.R.). State courts have concurrent jurisdiction with the federal bankruptcy courts to make a post-discharge determination of whether a claim was discharged in a debtor's prior bankruptcy proceeding. *Bennett v. Shaheer*, 67 CLR 850 (Bellis, Barbara N., J.).

Abode service on a Connecticut resident at an address maintained on file with a government agency does not assure personal jurisdiction over a defendant who has moved from that address without notifying the agency. *Bolduc v. Wendel*, 68 CLR 83 (Shaban, Dan, J.). The opinion holds that attempted service on a tavern permittee at the permittee's address on file with the Liquor Control Commission was invalid because one week before the service the permittee had permanently moved from the address on file with the Commission to a new place of abode without notification to the Commission.

Civil Procedure

Johnson v. NEHDS Logistics, LLC, 67 CLR 803 (Kowalski, Ronald E., J.), holds that Connecticut has not adopted the "sham affidavit" rule pursuant to which a party is precluded from submitting in opposition to a motion for summary judgment an affidavit that contradicts the party's earlier deposition testimony. Rather, the opposing party's only remedy is to use the conflicting testimony at trial for impeachment.

Reliance on the "continuing course of conduct" doctrine to extend a statute of limitations requires proof of a special relationship between the parties akin to a fiduciary relationship. *Squillante v. Capital Region Development Authority*, 68 CLR 105 (Noble, Cesar A., J.).

The Prior Pending Action Doctrine does not apply to a state action brought while a prior action on the same claim is pending in a federal district court, even if the federal district court is located in the same state. *Sullivan v. Western World Insurance Co.*, 67 CLR 685 (Bellis, Barbara N., J.).

A bystander emotional distress claim is derivative of the claim of the party whose injury was witnessed. Therefore, settlement of the injured party's claim will discharge any pending bystander emotional distress claims, including a settlement by the acceptance of an offer of compromise. *Pascola-Milton v. Millard*, 67 CLR 732 (Kowalski, Ronald E., J.).

The statute extending limitations periods for 30 days upon delivery to a marshal applies to claims under statutes that waive sovereign immunity such as the two-year limitations period for bringing an action under the state defective highway act. *DeJesus v. Department of Transportation*, 67 CLR 736 (Stewart, Elizabeth J., J.).

Contracts

Ulfsson v. Anderson, 68 CLR 102 (Kowalski, Ronald E., J.), holds that a delay in processing an insurance company payment of a settlement, caused by a failure on the part of the claimant's attorney to submit an IRS Form W-9 containing the attorney's tax identification number, as requested by the insurer, does not relieve the defendant of the obligation to deliver payment within 30 days of receipt of the settlement papers or pay interest of 12 percent on the settlement amount until payment is made, as required by Conn. Gen. Stat. § 52-195c.

The long-term provision of bus service on a particular route pursuant to a certificate of convenience issued by the Department of Transportation pursuant to the Motor Buses Statute, Conn. Gen. Stat. § 13b-80 et seq., does not create an implied right to be the exclusive provider of service on the route. The opinion also holds in dictum that the DOT does not even have the statutory authority to grant exclusive certificates of convenience to bus companies. *Dattco, Inc. v. Department of Transportation*, 67 CLR 825 (Moukawsher, Thomas G., J.).

Corporations and Other Business Organizations

16 Truman Street, LLC v. Salvation Army, Inc., 68 CLR 63 (Cosgrove Emmet L., J.T.R.), holds that pursuant to the merger provisions of the Nonstock Corporation Act, a nonstock corporation immediately ceases to exist upon a merger with another nonstock corporation in a transaction in which the other corporation is designated as the surviving entity, Conn. Gen. Stat. § 33-1158(2).

The dissolution of an inactive corporation may be prosecuted by an attorney appointed by an insurer with exposure to future claims against the corporation, even though there is no evidence that the dissolution was formally authorized by the corporation, or that the attorney that implemented the dissolution was directly authorized by the corporation to act on its behalf. The plaintiff has claimed the dissolution was invalid because neither the dissolution nor the attorney's representation were authorized directly by the corporation. Wilsey v. Special Electric Co., 67 CLR 711 (Bellis, Barbara N., J.). The opinion also holds that a statute limiting the time for prosecuting a claim against a dissolved corporation is not a statute of limitations and therefore is not subject to tolling rules applicable to statutes of limitations.

A corporation does not owe a fiduciary duty to shareholders. *Levco Tech, Inc. v. Levene*, 168 CLR 93 (Lee, Charles T., J.). The opinion relies on Delaware case law to reach this conclusion, observing that there is no Connecticut authority on the issue. The opinion grants a motion to strike a counterclaim alleging that unfair conduct by a group of opposing shareholders should be construed as an act of the corporation and therefore a breach of fiduciary duty by the corporation as well as the other shareholders.

Employment Law

Marcaurel v. Champions Skating Center, LLC, 68 CLR 53 (Budzik, Matthew J., J.), holds that "chronic" as used in the Connecticut Fair Employment Practices Act's definition of a "physically disabled" person—"any individual who has any chronic physical handicap, infirmity or impairment," Conn. Gen. Stat. § 46a-51(15)—requires proof that a claimed condition is either recurring or longlast*ing.* The opinion holds that a foot injury incurred in a motor vehicle accident requiring approximately six weeks to heal did not constitute a "handicap" and therefore an employer's refusal to provide alternate work assignments as an accommodation during the plaintiff's recovery did not constitute a CFEPA violation.

The right of free association provided by the federal and state constitutions protect only "intimate" and "expressive" associations and not mere "social" associations. Therefore, the termination of an employee for engaging in a social relationship against the wishes of a superior does not violate the statute prohibiting disciplinary action in retaliation for an employee's exercise of certain first amendment constitutional rights, Conn. Gen. Stat. § 31-51q. *Rataic v. Dutch Point Credit Union, Inc.*, 67 CLR 419 (Noble, Cesar A., J.).

In an action under the Connecticut Fair Employment Practices Act based on the dismissal of an employee with frequent absences necessitated by a handicap, the jury's rejection of the employer's non-discriminatory explanation for the termination is not sufficient to support a verdict for the employee; rather, some additional evidence must be in the record to support a finding that the termination was motivated by the handicap. *Lukachik v. Bridgeport Hospital*, 68 CLR 33 (Truglia, Anthony D., J.).

The provision of the state Palliative Marijuana Act that bars employers from discriminating against qualified palliative users of marijuana is not preempted by either the federal controlled substance act; which makes it a crime to use, possess, or distribute marijuana; or the federal Americans with Disabilities Act, which excludes illegal drug users from its definition of an "individual with a disability." *Smith v. Jensen Fabricating Engineers, Inc.*, 68 CLR 108 (Budzik, Matthew J., J.).

State and Local Government

Feehan v. Marcone, 67 CLR 746 (Bellis, Barbara N., J.), holds that the Judiciary has no jurisdiction over the merits of an election contest concerning candidates for either the State Senate or the House of Representatives. Rather, the State Constitution as well as the Senate and House rules delegate such authority solely to the respective legislative body. The opinion also holds, however, that a court does have jurisdiction to enter remedial orders necessary to

(Continued on page 44)





David A. McGrath is the chair of the Connecticut Bar Association Young Lawyers Section for the 2018-2019 bar year. He is a partner at Louden Katz & McGrath LLC in Hartford, where he handles divorce and custody litigation. He graduated with honors from the University of Connecticut School of Law in 2009 and has exclusively practiced in the area of family law since that time.

AT THE CONNECTICUT BAR ASSOCIATION

Litigation Section Retreat this May, attendees engaged in an exercise about loss during the final segment of the program. The purpose of the exercise was to assist in better connecting with juries. As a family litigator, if I ever see a jury it will be because I am serving on one. Nevertheless, as with many other aspects of the retreat, it was highly educational.

Every litigator in the room (except for one uncannily fortunate soul) had experienced some deep loss in their lives that they had not fully overcome. The vast majority of the participants opened up to their colleagues and sometimes-adversaries about something deeply painful and personal. I will not give any examples of specifics, as I was given to understand that what happens in Chatham stays in Chatham.¹ That being said, witnessing stoic and hardcharging litigators demonstrate a high

Young Lawyer Concerned for Lawyers

By David A. McGrath

level of vulnerability and emotion to one another was both surprising to me and moving. It served as a reminder that there is not one among us who will not at some point deal with serious loss and grief.

It is fitting and fortunate, therefore, that the Connecticut Bar Examining Committee entered into a resolution agreement with the United States Department of Justice in April of 2019, substantially restricting the authority of the Connecticut Bar Examining Committee to ask applicants to the bar questions about their mental health diagnosis and treatment. Neither applicants to the bar nor members of the bar should be punished or harmed by the recognition that grief and loss are unavoidable aspects of the human (and lawyer) experience. Seeking support in times of trouble is not a sign of weakness and discriminating against those who do seek support only serves to weaken the profession.

The exercise at the retreat caused me to consider how my own worst and most unpleasant experiences have unquestionably made me a better lawyer.² As a divorce and custody litigator, my own losses and challenges in life have helped me better understand and appreciate the trauma my clients have suffered in their losses of marriage, of financial security, of partnership, of love, of time with their children, and every other permutation of loss.

Building better understanding and appreciation creates greater capacity for empathy and inevitably leads to a better ability to communicate my advice and counsel to my clients. It is not enough to know the right advice to give. It is not enough to know when to make a concession and when to hold the line. Lawyers must be able to communicate that knowledge to clients who are suffering and who cannot see their own position remotely objectively. Hearing is not the same as listening. If we cannot effectively listen to our clients, then they will not be able to listen to us and our advice. These principles transcend family law. Whether it is a divorce, a business-divorce, an eviction, a bankruptcy, a crime, an injury, a battle over intellectual property, or a prospective contract, lawvering is fundamentally about conflict resolution and anticipation of future conflict.

It was uplifting to see so many senior members of the CBA support one another through such personal vulnerabilities at a professional event. At the risk of repetition in my articles, it is critically important to professionalism that we personally engage our colleagues and build relationships outside of the courtroom. It takes us out of the crucible of conflict and forces us to recognize our commonalities. Whenever I find myself at a well-organized and valuable yet sparsely attended bar association event, I fear for our professional future.

This is my last column as chair of the Young Lawyers Section. As with many other challenges I have taken on, serving in this ca-

pacity has made me a better lawyer. I find it hard to believe, but this June, I will attend my 10th YLS leadership retreat.³ Over the course of my time on the YLS I have been fortunate enough to ask a question of Justice Ruth Bader Ginsberg⁴ as well as watch her give an impassioned dissent from the bench. The YLS has hosted numerous judges from our superior court all the way up through both the Connecticut and United States Supreme Courts. The YLS has hosted former FBI counterintelligence agents, attorneys general, the founders of the Innocence Project, all manner of politicians, and on and on. I have had the good fortune to moderate and present on panels in my field of family law. I have received more hours of continuing education than I can count. I have participated in a diverse array of pro bono and public service projects from serving soup to donating suits and, invariably, I have gotten more out of the efforts than I put into them. I have had the privilege of introducing my colleagues for awards and honors that were well deserved. I have formed many close friendships with talented young lawyers who are dedicated to the profession and generous with their time. Among their numbers, I can safely say, are future (and in some cases present) judges, justices, partners at respected law firms, politicians, and other public servants.

Serving on the YLS executive committee for the last decade has been one of the most valuable formative experiences of my (admittedly relatively young) career. I want to issue heartfelt thanks to all of those that have helped me with the YLS through the years. The YLS is a tremendous community. Young lawyers: please get involved with the YLS, build a professional support network of future leaders for yourself, and help keep the YLS and the CBA going strong in the process. The incoming chair of the YLS is Amanda Schreiber. She is a talented lawyer and leader and I have tremendous confidence in her to do a better job than her predecessor.

Notes

- Except the sand. That will come back with you.
 To quote the immortal Calvin and Hobbes: "It builds character."
- 3. I visualize many more senior readers rolling their eyes at my account of the years that have passed. It is axiomatic that, no matter how old you are, it is always the oldest you have ever been, and therefore always surprising and noteworthy to you, even while your age and experience may be simply mundane to others.
- 4. We discussed Stephen Colbert. I had not planned or expected to meet Justice Ginsberg that day, and there was a lull in the discussion after which I feared the justice would leave, so do not judge my lack of a prepared legal question too harshly. Justice Ginsberg explained to me that Mr. Colbert "does his pushups from his knees, but he is a very funny man."



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Assistance Program (Continued from page 32)

and supporters of the LCL Committee and provided much valuable assistance to the committee's ultimately successful effort.

Backed by the Judicial Branch and the CBA, advocates could begin a crucial stage of the process-seeking the support and approval of Connecticut's General Assembly, as legislation was needed to provide a method of funding the proposed LAP. Obviously, it would not be fair or prudent to use public funds, and without mandatory bar association membership, which could levy fees, it was proposed by LAP advocates to increase slightly the Client Security Fund fee paid by each lawyer licensed to practice in Connecticut and to use the additional fee to fund the Lawyer Assistance Program. As simple as this solution seemed to be, it encountered some resistance by a few legislators and the process was delayed for two legislative sessions before the General Assembly approved the plan and the Connecticut LAP was able to begin its final organizational efforts.

To Those Who Helped Pave the Way

I am slightly ahead of myself in relating this story. To get to the finish line, it took monumental efforts by a host of people to achieve success. I believe it is important to recognize and honor all those who made this possible. I will begin by noting the crucial role played by the CBA's LCL Committee. Without the initiative and hard work of that committee, this would not have happened.

Chief Justices Francis M. McDonald and William J. Sullivan played crucial roles in the process. Chief Justice Sullivan was particularly committed and effective in aiding the process. Justices Borden and Palmer were key supporters and provided constant support and much time and talent to the effort as did numerous judges of the appellate and superior courts, especially Hon. William Lavery, Hon. Jonathan J. Kaplan, Hon. James K. Robertson, Jr., Hon. Robert L. Holzberg, and Hon. Joseph H. Pellegrino.

Melissa Farley from the Judicial Branch was a key organization leader and advocate throughout the process and a vital key to achieve a successful result.

CBA Presidents Barbara Collins and Louis Pepe lent their unwavering support and played active roles throughout the process as did President Fred Ury.

Tim Hazen and Matt Hallisey of the CBA were tireless and valued supporters from beginning to end.

Special thanks to the American Bar Association Commission on Lawyer Assistance Programs (CoLAP) and especially to Atty. Bill Leary, former director of the Louisiana Lawyers Assistance Program; Attorney Ann Foster, former director of the Texas Lawyers' Assistance Program; and Attorney Michael Cohen, now deceased director of the Florida Lawyers Assistance program.

To those contributors, whose names have been inadvertently omitted, I offer my profuse apologies and assure you that all concerned are very grateful for your invaluable assistance.

It was an arduous and sometimes frustrating process to achieve success, but it was surely worth the time and the effort as will be noted in another article in this issue, written by my friend and colleague, Attorney Anthony LaBella, the current president of LCL-CT's Board of Directors.



WILLIAM C. LEARY William C. Leary was one of the principal organizers of Connecticut's lawyer assistance program and its first acting executive director during the

start-up phase. He served as chairman of the Lawyers Concerned for Lawyers-CT (LCL-CT) Board of Directors until 2014. He is a former member of the Connecticut General Assembly and a retired probate judge for the district of Windsor Locks. He is presently of counsel to the law firm of O'Malley Deneen Leary Messina and Oswecki.

Highlights (Continued from page 41)

protect the legislature's exclusive jurisdiction over such matters.

A private company hired by a housing authority to conduct a safety inspection of Section 8 public housing owes a direct duty in tort to the authority's tenants. The opinion reasons that the federal Section 8 Housing Regulations make tenants beneficiaries of a housing authority's duty to conduct annual safety inspections, and the Restatement Second of Torts §324 imposes on the inspector, as an independent contractor hired to perform a duty owed by its principal (the housing authority), a direct duty in tort that is owed to the tenants. Furthermore, because the federal regulations also make tenant guests beneficiaries of the housing authority's duty to inspect, the defendant also owes a direct duty in tort to tenant guests. This opinion holds that a guest may recover from the inspector for injuries from a fall on a stairway allegedly caused by the inspector's negligent failure to discover a defect in the stairway railing. Buchanon v. J&A Equities, LLC, 67 CLR 678 (Noble, Cesar A., J.).

Standards adopted by a national athletic association for conducting team practices do not support a claim that a high school coach was engaged in a ministerial duty (and therefore protected by governmental immunity) for injuries during a team practice. Teodoro v. Bristol, 68 CLR 16 (Morgan, Lisa K., J.). The opinion rejects the plaintiff's argument that practice standards established by the American Association of Cheerleading Coaches and Administrators, and an independent set of standards developed by the National Federation of State High School Associations, provide sufficient safety guidelines to establish that a coach performs a ministerial rather than discretionary function during team practices.



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