

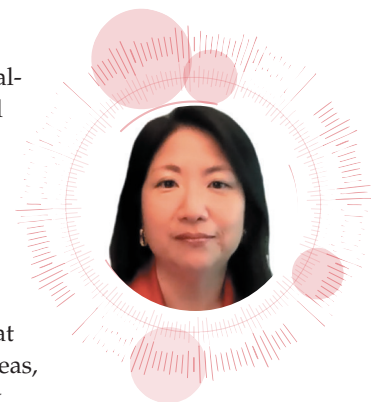
THE SECOND VIRTUAL CONNECTICUT LEGAL CONFERENCE

Addresses Issues Facing Our Nation and the Legal Profession

BY CORRINE KING

More than 750 attendees participated in the second virtual Connecticut Legal Conference (CLC) on June 15, 16, and 17. Attendees were able to receive 13.75 CT CLE credits and learn from six national plenary speakers and over 100 local leaders in the law, who discussed current issues facing our nation and legal community. Topics addressed at this year's CLC included racial inequality; the eviction epidemic; access to justice; democracy and the law; and diversity, equity, and inclusion.

Before the conference officially opened, seven vendors held demonstrations of their products and services during the pre-conference demo day to help attorneys enhance their practice of law. The vendors ranged from law practice management software companies to services that can benefit certain practice areas, such as real estate and family law.



CBA President Amy Lin Meyerson

Tuesday, June 15

CBA President Amy Lin Meyerson welcomed attendees and highlighted the upcoming plenary sessions as well as available concurrent sessions in response to the COVID-19 pandemic: "So You Want to Be a (Microsoft) Team Player?—Best Practices for Conducting Virtual Trials and Hearings" presented by the Family Law Section and "21st Century Litigator: How to Take Depositions, Use Them at Trial, & Get Evidence Admitted in the Age of Remote Depositions & Trials" presented by the Litigation Section. Annual reviews of case law, sessions on law practice management, updates in practice areas, and current issues were also presented by various CBA sections.

Senator Richard Blumenthal welcomed attendees and stressed



the importance of the work of the legal community, especially in regard to the rule of law.

Asha Rangappa, a senior lecturer at the Yale University's Jackson Institute for Global Affairs, addressed democracy and the law with her discussion of the bar association's role in protecting the threat to democracy due to disinformation during the morning plenary.



Asha Rangappa

Later that morning, the CBA Annual Meeting was held during the lunchtime plenary. Chief Justice Richard A. Robinson opened the meeting by discussing the current events of the Judicial Branch. President Amy Lin Meyerson delivered her farewell address before the 2021-2022 officers were installed: Cecil J. Thomas (president), Daniel J. Horgan (president-elect), Margaret I. Castinado (vice president), Sharad A. Samy (secretary), David M. Moore (treasurer), Cindy M. Cieslak (assistant secretary-treasurer), and Amy Lin Meyerson (immediate past president). Incoming CBA President Cecil J. Thomas then presented his vision for the 2021-2022 bar year (see page 14 to read his speech).



Richard Rothstein

The evening plenary explored the topic of racial inequality in our state and nation at the summative event of the first year of the Constance Baker Motley Speaker Series on Racial Inequality. Chief Justice Richard A. Robinson discussed racial segregation with Richard Rothstein, the author of *The Color of Law: A Forgotten History of How Our Government Segregat-*

ed America. After, a panel, featuring Connecticut leaders in police accountability, housing desegregation, and political access, highlighted what has been done in the past year and how we will continue to address racial inequality in Connecticut.

Wednesday, June 16

Lieutenant Governor Susan Bysiewicz and Attorney General William Tong provided remarks before beginning the day's programming.

During the Wednesday morning plenary, Rebecca L. Sandefur, a faculty fellow at the American Bar Foundation and founder of the Access to Justice Research Initiative, discussed how jurisdictions around the country are permitting nonlawyers to own or profit from the sale of legal services and permitting nonlawyer humans and computer programs to practice law to expand access to justice. Following her presentation, in an afternoon concurrent session, CBA Pres-



Rebecca L. Sandefur

ident-elect Cecil J. Thomas, Lorraine Carcova, Jennifer Quaye-Hudson, Alexis H. Smith, Natalie S. Wagner, and Ryan Wilson assessed and addressed Connecticut's access to justice gap in the wake of the COVID-19 pandemic and discussed ways to best advance the promise of equal justice for all.



Matthew Desmond

Pulitzer Prize-winning author of *Evicted: Poverty and Profit in the American City*, founder and principal investigator of Princeton's Eviction Lab, and CLC Keynote Plenary Speaker Matthew Desmond examined the eviction epidemic during the lunchtime plenary.

CONNECTICUT LEGAL CONFERENCE



Dr. Arin N. Reeves

Dr. Arin N. Reeves, an inclusion and leadership strategies business advisor, explored how inclusion needs to continue to play a role during these challenging times and incorporate new research that reflects the new realities of the workplace during and post COVID-19 during the day's evening plenary.

Thursday, June 17

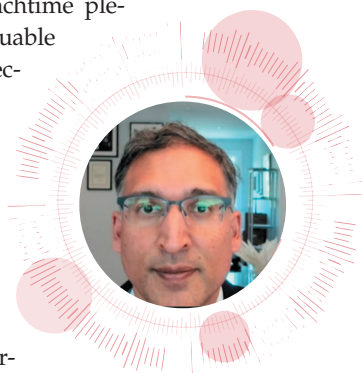
The final day of the conference opened with remarks from Chief United States District Judge for the District of Connecticut, Stefan R. Underhill and Probate Court Administrator Judge Beverly Streit-Kefalas, who discussed the court's response to the pandemic over the past year.

The CBA's Lawyer Well-Being Committee's morning plenary addressed how law firms can shift toward a culture of well-being. The panelists described the issues that led the participating firms to prioritize well-being, any roadblocks and barriers that needed to be addressed, how those challenges were addressed, and subsequent positive impacts of well-being prioritization.

An encore presentation of the 2020 CLC session "Safe Harbors and Calm Seas" was presented by the Insurance Programs for the Bar Committee during the lunchtime plenary. The plenary provided valuable instruction, risk control, and recommendations to help lawyers safely navigate today's complex legal environment and assist them in minimizing professional liability risk.

During the conference's closing plenary on Thursday evening, Neal Katyal, the former Obama administration acting solicitor general of the United States, continued the conversation of democracy and the law and shared his insights into the decisions of the Supreme Court, what we could expect this term, their importance for the country, and the Court's sometimes tragic role in protecting our civil liberties.

The CBA thanks all those that helped make the CLC a success—the presenters, moderators, attendees, vendors, and the sponsors, particularly Platinum Headline Sponsor Kronholm Insurance Services and Plenary Sponsors CATIC, LEAP, Liberty Bank, and MONESQ. ■



Neal Katyal

The following is a reprint of Incoming President Cecil J. Thomas' 2021 CBA Annual Meeting speech.

Together for Justice, Together for Equity, Together in Service

Thank you, Karen [DeMeola], for that kind introduction. I am here, in this new role, because of so many doors that you have opened for me, and encouraged me to step through, beginning with my admission to the University of Connecticut School of Law so many years ago. You have personified inclusive leadership for me and for so many others, creating rich environments for us to grow and develop, and I am lucky to call you a mentor, a role model, and my friend.

Chief Justice Robinson, thank you for your words of wisdom. I am honored to be sharing this virtual platform with you today. Thank you for your profound leadership of the Connecticut Judicial Branch during this tumultuous year, as we have wrestled with so much change, so much unrest, and yet witnessed so many advances in the pursuit of justice. There are many challenges and much work ahead, but I look forward to continuing the strong partnership that has existed between the bench and the bar in Connecticut as we face the "new normal" together.

I have, over the last year, increasingly felt the immense weight and responsibility of this moment, and of the year ahead, and so look with great admiration and respect at those who have served in this role before me. I join the particular ranks of "pandemic bar presidents," though at a time when we collectively hope to emerge from the worst of the COVID-19 pandemic, and begin to dream a brighter future together. I have had the honor and privilege of serving under the leadership of President Amy Lin Meyerson this past year. She has led the CBA with wisdom and care, guiding us in her typical calm, collected, and efficient manner, through many unexpected challenges and tremendous shifts. Thanks to her leadership, the CBA is in sound fiscal and organizational health, and is poised to continue its track record of excellence in the years ahead. I must also thank former CBA president, Judge Ndidi Moses, who led the CBA in a highly impactful way at the start of the COVID-19 pandemic, and launched several timely and vital measures, such as the CBA Policing Task Force, that have continued well beyond her term as president. Presidents Meyerson and Moses did not have the CBA presidential terms that they expected, but they have answered the call to remarkable service without hesitation. I have learned so much from both of them, and we owe them a debt of gratitude for their service in these unprecedented times.

The theme I have selected for this year is "Together for Justice, Together for Equity, Together in Service." With this theme, I seek to emphasize our greatest strength as a profession—our mutuality and sense of community. As I deliver these remarks, virtually, it is impossible not to feel the hope that rises all around us. COVID-19 infection and mortality rates are dropping

Corrine King is the marketing lead at the Connecticut Bar Association.

Incoming 2021-2022
President Cecil J. Thomas



in Connecticut, as vaccination rates increase. This virtual conference, featuring over 30 concurrent high-quality CLE sessions and globally-renowned speakers addressing the most pressing issues of our time, has drawn almost 800 registered participants. We have embraced this new technology that has made the world smaller, helped us to stay connected, and challenged us to change, sometimes overnight, to new methods of practicing law, serving our clients, and advancing justice. Amidst all of this, we have also gained a newfound appreciation for the communities that sustain us. The opportunity to reconnect with those communities lifts our spirits, and reminds us of why organizations like the Connecticut Bar Association are so important to us, to our democracy, and to the rule of law.

While we celebrate, and reconnect, we must not forget the tremendous challenges facing those most vulnerable in Connecticut. Connecticut residents have struggled significantly to meet their most basic human needs, facing high levels of food and economic insecurity, throughout this pandemic. Tens of thousands of Connecticut renter households are struggling to meet rental obligations, just as state and federal eviction moratoriums are set to expire at the end of this month [June 30, 2021]. Serious mortgage delinquencies are also on the rise in this state. The COVID-19 pandemic has brought about a shadow pandemic of domestic violence, with calls to domestic violence helplines and law enforcement rising across the country. We have long wrestled with an access to justice gap, and the legal challenges facing indigent Connecticut residents as a result of the COVID-19 pandemic are serious and overwhelming. Currently, just seven percent of tenants facing eviction are represented by counsel, compared to 80 percent of landlords. The vast majority of family cases have at least one unrepresented party. Consumers are overwhelmingly unrepresented in debt collection matters, often facing sophisticated commercial parties represented by able counsel. There are pressing unmet civil legal needs in immigration, education, and employment law, for veterans and for individuals with disabilities, for so many who face overwhelming legal problems without the assistance of counsel. Increasingly, we have come to understand that these legal challenges disproportionately affect communities of color,

families with children, and others who are often most vulnerable and most at risk. These are the challenges of our times, challenges that the legal profession is called answer. And so, to paraphrase the words of Hillel the Elder, we must ask ourselves, “If not now, then when? If not us, then who?”

I am reassured by many recent positive developments. The 2021 legislative session has witnessed powerful advances for access to justice for tenants facing eviction and individuals seeking relief from domestic violence in the courts, with a new statewide right to counsel program for tenants facing eviction, and an expanded access to legal counsel program for those filing applications for domestic violence restraining orders. Both of these efforts, which were supported by the Connecticut Bar Association, represent our CBA constitutional commitment to pursue access to justice for those in greatest need, and build upon our organization’s work, spanning many years, to advance civil right to counsel, and shrink the access to justice gap in Connecticut. The CBA has created and expanded many programs to engage in pro bono service- CBA Pro Bono Connect, Free Legal Answers, Virtual Legal Clinics, the Lawyers in Libraries programs- which I hope you will participate in to help advance access to justice.

I am deeply humbled by the honor and trust represented in this moment, and its significance. I am the son of immigrants, who came to this country, like so many others, in pursuit of a better life. That I am stepping into this role, a little over 40 years after their arrival, the first South Asian and Indian American to lead an organization that was first founded in 1875, is a testament to the promise of this country and this profession. I am mindful that I share this Annual Meeting presentation with others who are also firsts in so many regards: Chief Justice Richard Robinson, President Amy Lin Meyerson, Past Presidents Karen DeMeola and Ndidi Moses, incoming Vice President Maggie Castinado. If we plotted out the milestones represented here on a timeline of the Connecticut legal profession or the judiciary, we would see that this incredibly diverse representation is a very small part of that overall history, and still very recent and infrequent. This is a reflection of how far we have come, but also how far we have yet to go, to realize a truly diverse, equitable, and inclusive bench and bar in Connecticut.

Both of these issues—diversity, equity, and inclusion, and access to justice—have much broader and deeper implications for our profession. We are the protectors of justice, and guardians of the rule of law. We shape statutory, administrative, and common law, guide and broker many of the transactions that are the lifeblood of our economy and society, and we are essential to those navigating life’s most stressful legal challenges. Our profession is and has been, for many years, significantly represented in every branch of government. These are positions of incredible public trust, and to hold that trust, we cannot be seen as a profession that is only accessible to the elite, and the wealthy, or as a profession that does not reflect the rich diversity of the society that we serve.

Continued on page 40 →

Pro Bono

Continued from page 35

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Incoming President's Speech

Continued from page 15

Almost 250 years ago, in 1776, our founders stated a bedrock principle of this country, that equality is a self-evident truth. It was, at the moment of its writing, an ideal that was perfect in its conception, and imperfect in its application. We debated then, and have continued to debate ever since, what those words should mean in application. Ninety-nine years later, in 1875, a group of lawyers formed one of the oldest bar associations in this country—the Connecticut Bar Association—the statewide bar association of lawyers in Connecticut. It was then, as it is now, a perfect vision, imperfect in its application, as is the way of all human endeavors. The common thread of both moments is the creation of an opportunity for togetherness; social contracts that brought people together to advance ideals that are greater than any one individual, the pursuit of which would continue long after them. Today, in 2021, we are no different, we pursue the perfect ideals of our profession imperfectly, but with commitment and dedication to the journey. The challenges facing us may be unprecedented and at times, overwhelming, but we are stronger and more effective when we face them together.

I am honored and humbled by this measure of trust and confidence. I believe that leadership is service, and I will do my utmost to fulfill the trust and

confidence you have placed in me. I am reassured that I will not be alone in that service. The incoming slate of officers of the Connecticut Bar Association is incredibly diverse, with deep experience, from the private and the public sector, representing the richness of our profession, and bringing the strengths of our collective differences to the common issues facing the bar. It is therefore my great privilege to introduce to you the incoming officers of the Connecticut Bar Association: Daniel J. Horgan, president-elect; Margaret I. Castinado, vice president; David M. Moore, treasurer; Sharadchandra Samy, secretary; and Cindy M. Cieslak, assistant secretary-treasurer.

I look forward to working with all of these accomplished individuals, along with Immediate Past President Amy Lin Meyerson, in the year ahead. Together we represent a bar association that is open and inclusive to all lawyers in this great state, unwavering in its commitment to the needs and concerns of our profession, and to advancing the bedrock principle of equality and justice for all. We are all but stewards, who hope to leave the CBA a stronger organization for those that will follow us. We will need your help in this pursuit, as we work Together for Justice, Together for Equity, Together in Service. ■

Supreme Deliberations

Continued from page 35

agreements Wesleyan currently has with other fraternities, then nothing would prevent Wesleyan from immediately giving notice of its plan to terminate the agreement. If, on the other hand, one read the order as requiring Wesleyan to reach a new agreement with DKE that impinged on Wesleyan's right to terminate its relationship with the fraternity for any reason, then the order violated established law prohibiting a court from expanding the rights of parties governed by an enforceable contract. (Justice D'Auria authored a concurring opinion that expressed additional concerns regarding the mandatory injunction.)

Finally, resolving an issue with broader implications, the Court concluded that the trial court did at least one thing right: it correctly instructed the jury that the cigarette rule governs a CUTPA claim. The cigarette rule is a test for whether a practice is unfair. It originally was set forth decades ago by the Federal Trade Commission but, after a statutory amendment, is no longer applied by the FTC or by federal courts. The Court concluded that, notwithstanding certain justices' openness to abandoning the rule in Connecticut, it is up to the General Assembly to change the operative standard for unfair trade practices claims under CUTPA.

In the end, what we find most interesting is a big picture observation: the defendants secured a reversal based on claims of instructional error even though the proposed charges they submitted to the trial court were, themselves, legally incorrect. We're curious to see whether Kent is a one-off matter based on how badly the trial court's instructions missed the mark, or whether it signals the Court's openness to consider imperfectly preserved claims of instructional error in civil cases at a level traditionally reserved for criminal cases. ■

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