

# State of the Legal Profession

**T**HE CONNECTICUT BAR ASSOCIATION (CBA)'s State of the Legal Profession (SLP) Task Force recently issued its Final Report. The Final Report embraced the charge of the CBA, under the leadership of then-President Ndidi N. Moses, to study and make recommendations to address the rising cost of legal services, to improve legal services efficiency, and to ensure that the public has meaningful access to justice. The SLP Task Force was also asked to develop practical, cost-effective, and viable suggestions to advance opportunities for lawyers, including the next generation of lawyers, to practice in a more sustainable, financially-stable, and consumer-centric manner. Specifically, the SLP was asked to consider, among other things:

- ◆ the utilization of online legal providers and business technology to more efficiently provide legal services;
- ◆ programs to educate lawyers on underused tools to provide affordable legal services to the public, such as limited scope representation;
- ◆ models that would allow for the maximization of non-lawyer legal professionals in the provision of legal services;
- ◆ revamping legal educational curricula and courses to better prepare young lawyers; and
- ◆ changes to the rules of ethics and professional conduct to reflect the current needs of the profession.

The SLP Task Force, its subcommittees, and its advisory committee represented a diverse array of legal professionals and educators in the private and public sectors in Connecticut and nationwide, including large and small firms, solo practitioners, federal and state governmental agencies, non-profit organizations, corporations, legal aid, legal educators, legal think tanks studying access to justice issues, and bar associations. As co-chairs (Hon. Elizabeth A. Bozzuto and Patrick T. Clendenen) and co-vice chairs (Hon. Ndidi H. Moses and Kyle LaBuff) of the SLP Task Force, we thank these stakeholders and the numerous others who dedicated time and resources to develop concrete recommendations in the Final Report.

The SLP Task Force's directives were assigned ultimately to four subcommittees. The reporting subcommittees and their summary recommendations are listed below. For detailed discussion of each recom-



# Task Force FINAL REPORT

By Hon. Elizabeth A. Bozzuto; Patrick T. Clendenen; Hon. Ndidi N. Moses; and Kyle LaBuff





mendation, please refer to the Final Report, which can be found at [ctbar.org/SLPReport](http://ctbar.org/SLPReport).

## 1. Subcommittee on Leveraging Technology to Advance the Legal Profession

**Chair: Edward C. Chang, U.S. Attorney's Office and Reporter: Austin Berescik-John, Law Office of Austin B. Johns LLC**



The Subcommittee on Leveraging Technology to Advance the Legal Profession was charged with evaluating how legal services are delivered by entities that employ new technologies, including associated benefits and risks to the public, and with exploring how the legal profession can most effectively partner with online legal service providers to make self-help resources more reliable and readily available to the public.

During the course of its work, the subcommittee observed that the practice of law was already changing dramatically as a result of the pandemic, as judges, lawyers, and courts found new ways to conduct all manner of legal proceedings fairly, efficiently, and remotely. Even beyond remote conferencing and collaboration tools, the subcommittee found that numerous technologies have the potential to transform the legal profession. For example, machine learning and other artificial intelligence solutions are already incorporated into products and services for use by the legal profession, including the use of “predictive coding” in discovery and analytics that can estimate the likelihood of damages awarded in a particular case.

### The subcommittee made five recommendations:

First, that efforts be made to identify and institutionalize technology-based practices implemented as a result of the pandemic that promote efficiency and access to justice. In particular, the subcommittee found that the ability to participate in remote proceedings was not only convenient and cost-effective for attorneys, but also improved access to justice in the delivery of legal services.

Second, that attorneys be surveyed annually to better understand whether and where the legal profession is adopting new legal technology. The subcommittee noted in particular that attorneys have an ethical obligation to maintain competence, including a proficiency with the use of relevant technology.

Third, that training opportunities in the use of new legal technology should be made more widely available and consistent. The subcommittee suggested, for example, that the CBA continue to provide programming and educational materials on legal technology at the Connecticut Legal Conference.

Fourth, that innovation is encouraged in the use of new legal technology to improve access to justice in underserved populations. In particular, the subcommittee found that technology could be

used to greater effect in areas such as landlord-tenant disputes or eligibility for public benefits, such as housing assistance or food stamps.

Fifth, that continued evaluation of the Rules of Professional Conduct was needed to encourage compliance in the development and deployment of new legal technology. The subcommittee expressed concern, for example, the certain rules could impede collaboration between attorneys on the one hand, and software developers, on the other. The subcommittee encouraged “carefully considered revisions” that would provide appropriate guidance and oversight on the development and use of new legal technology by lawyers and non-lawyers alike.

According to the subcommittee, “lawyers were able to adapt successfully to remote proceedings when driven by necessity. [The bar] should look more proactively to adopt new legal technology that can help to make the delivery of legal services more effective, more efficient, and more available.”

## 2. Subcommittee on Reforming Law Schools and Preparing Future Lawyers

**Chair: Karen DeMeola, UConn Law School and Reporter: Thomas H. Wilkeson Verrill Dana LLP**



The Subcommittee on Reforming Law Schools and Preparing Future Lawyers reviewed and assessed changes in the legal profession; the changing skill set young lawyers will need to practice law successfully in the future; and proposed changes to law schools, as well as continued review of potential recommendations to the Connecticut Bar Examining Committee. In line with the ABA's Section on Legal Education and Admission to the Bar, this subcommittee recommended adding diversity, equity, and inclusion training to law school curricula, including anti-racism within legal education. It also recommended leadership and professional development requirements and specific competencies to law school curricula for law students. In line with the National Task Force of Lawyer Well-Being, this subcommittee further recommended the addition of well-being programming, resources, and course work throughout law school curricula. Finally, this subcommittee recommended that the CBA continue exploring and studying alternative licensure with the Connecticut Bar Examining Committee.

## 3. Subcommittee on Advancing the Legal Industry through Alternative Business Models (and Modernizing Lawyer Referral & Law Firm Models)

**Co-Chairs: Hon. John L. Cordani, Connecticut Superior Court; Steven Conover, Carmody Torrance Sandak & Hennessey LLP; and the late Ralph Monaco, Conway**

Londregan Sheehan & Monaco PC;  
Reporters: Jennifer Zakrzewski, CT  
Department of Social Services and  
Claire Howard, Madsen Prestley &  
Parenteau LLC



The Subcommittee on Advancing the Legal Industry observed that, over the past decade, there has been increasing concern across the United States about the public's ability to access justice, the future of the legal profession, and the delivery of legal services.

This subcommittee generally found that there is a gap in access to justice in the United States and that the current model of providing legal services to the public must change because it does not provide available legal services to/for a significant portion of the consumer public.

In response to this need, this subcommittee recommended that Connecticut take the necessary steps to expand the roles of paraprofessionals in the legal field so that a greater number of the public have access to legal services. This recommendation invited a more detailed study to create a program to license nonlawyer limited legal advocates ("LLAs") qualified by education, training, and examination, to provide legal advice and services to advocate for clients within discreet areas of practice.

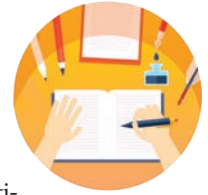
This subcommittee recommended that the Connecticut Supreme Court appoint a committee with lawyers, judges, consumers, and non-profit entities to study and establish parameters for LLAs, including (A) education, examination, and licensing requirements; (B) areas of practice where benefits could be achieved; and (C) governing rules, oversight, and disciplinary procedures.

This subcommittee found that other states and jurisdictions have reached similar conclusions and have implemented, or are actively considering the implementation of, similar programs. These states and jurisdictions include Arizona, California, Colorado, Florida, Minnesota, New Mexico, New York, North Carolina, Oregon, Utah, Washington, various Canadian provinces, and the United Kingdom. The Judiciary Committee of our legislature reached similar conclusions in a December 15, 2016 report, which recommended a pilot program to license non-lawyers to assist in eviction and consumer debt matters.

This subcommittee was of the opinion that establishing an LLA program will significantly increase the availability of affordable legal assistance in certain discreet areas of the law. Providing legal assistance in these currently underserved practice areas will likely benefit the operation of the courts as well. This subcommittee concluded, therefore, that an LLA program would benefit the public, the bar, and the courts.

## 4. Subcommittee on Revising Ethics Rules

Chair: Desi Imetovski, University of Bridgeport; Reporter: Justyn P. Stokely, Gordon & Rees LLP



The Revising Ethics Rules Subcommittee initiated amendments to the Rules of Professional Conduct ("RPC") 5.5 and Practice Book Section ("P.B.") 2-44A to make clear that lawyers who are physically present in Connecticut and practicing the law of their jurisdiction were not engaged in the unauthorized practice of law. The amendments to the RPC and P.B. were approved by the Rules Committee in February 2022 and will be voted on at the annual Judges' meeting in June. Connecticut is one of only a few states who acted to amend its RPC to clarify UPL and remote practice. This subcommittee recommended that the RPC and P.B. continue to undergo comprehensive review to both rectify and address inconsistencies amongst the RPC, P.B., and Conn. Gen. Stat.

This subcommittee also recommended a standing committee be convened to bring additional attention, education, and resources to lawyers concerning limited scope representation ("LSR"). The RPC were amended in 2016 to allow for LSR; however, the number of attorneys filing LSR appearances has been minimal while the number of appearances filed by self-represented parties has continued to rise. The CBA has since convened an LSR standing committee to create more awareness about LSR for not only the bar, but the public as well. Additionally, the CBA hosted a seminar in early May specifically focused on LRS. That seminar was paneled by judges, regulatory counsel, and practitioners successfully using LSR as a business model.

### Conclusion

As co-chairs and co-vice chairs of the SLP, we are grateful to the leadership of the CBA and its Executive Committee for its careful review and consideration of the Final Report. Many of the Final Report's recommendations have been addressed and adopted. But we all agree that further work is necessary.

Embracing technology and technology-based practices will remain important to the profession and to the CBA. Preparing, training, and supporting the lawyers of the future will remain important. Access to justice will remain important. And our professional responsibility to the public, to the courts, and to the profession will remain important. We remain committed to continuing this work together—bench, bar, and legislature—to find and pursue impactful solutions for the legal profession in the public interest. *See generally* Preamble: A Lawyer's Responsibilities: Connecticut Rules of Professional Conduct. P.B. at 1-4. ■

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