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CT

LAWYER

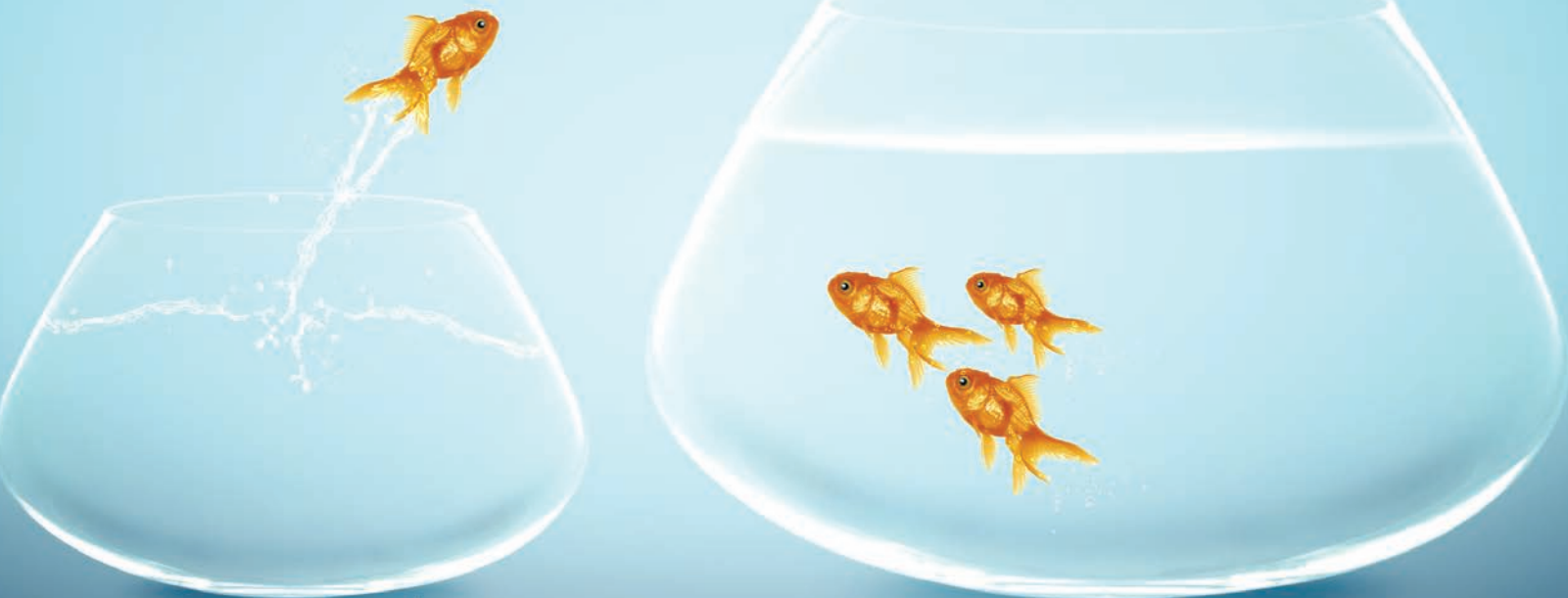
Bar Year **in Review**

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Service

By HON. CECIL J. THOMAS

Final presidential columns are often used as a space for reflection, accounting, and the expression of gratitude. This column will be no exception to that tradition. In reflecting back to my nomination as an officer in 2019, no one, least of all me, could have imagined the challenges we would face as a profession and as a society these last three years. In March of 2020, during my term as vice president of the Connecticut Bar Association (CBA), the global COVID-19 pandemic struck and fundamentally changed our world. A few months later, the horrific death of George Floyd brought about a renewed focus on issues of social and racial justice. These were “all hands on deck” moments for CBA leadership, and I am proud of all the responsive measures that we have implemented in recent years: the COVID-19 Task Force, the creation or expansion of several new pro bono programs and access to justice initiatives, the Constance Baker Motley Speaker Series on Racial Inequality, the CBA Policing Task Force, passage of Rule 8.4(7) of the Rules of Professional Conduct, to name just a few. Virtual meetings have become our “new normal” and we have embraced this technology to expand our organizational reach, improve efficiency, and continue high-quality and high-impact events and initiatives throughout the pandemic.

I am proud to count myself among the “pandemic bar presidents,” and want to express particular gratitude and admiration for my immediate predecessors, the **Hon. Ndidi Moses** and **Amy Lin Meyerson**. Both have been highly effective leaders in the face of unprecedented challenges to the CBA. I have learned a great deal

Hon. Cecil J. Thomas was the 98th president of the Connecticut Bar Association. In May 2022, Hon. Cecil J. Thomas resigned from the position of president as a formal requirement due to the finalization of his confirmation as a Connecticut Superior Court judge. Daniel J. Horgan assumed the office of the president of the association.



from both of them, and am proud to count them both as mentors and friends. While these three past years have taken the CBA into uncharted waters, I cannot help but observe that we have had an unprecedented diversity of leadership at the helm, with each of us representing notable firsts in CBA history. In my teaching and training on issues of DE&I, I often emphasize the many studies that show that diverse and inclusive teams are more effective. The CBA, which has weathered the pandemic’s storms and is now emerging from the worst of it with significant growth and renewed organizational strength, is testament to that truth.

My service as the president of the Connecticut Bar Association has been among the greatest honors of my professional career. As I have ended that service, and share a few final words with all of you, this is my opportunity to reflect one last time on the theme for this bar year, “Together for Justice, Together for Equity, Together in Service.” I will take this opportunity to recount briefly the many highlights of this past bar year, in emphasis of the “Service” element of that theme.

Membership Growth, Membership Value, and Organizational Stability

The overall strength of the CBA, reflected in part in its membership numbers, has been a significant focus of my presidential service. While membership had been fairly constant at 9,500 members prior to the COVID-19 pandemic, we saw a decline between 2019-2021, with the most significant decline attributable to the period of March 2020 to March 2021 during the height of the COVID-19 pandemic. We have grown the CBA membership back to over 9,100 members, close to 10 percent growth in a single year, attributable in part to the following efforts:

Membership Campaign

To address membership decline, we implemented a successful year-long membership outreach campaign. Non-member attorneys received a series of letters and postcards throughout the bar year inviting them to join the CBA, with an accompanying CLE credit incentive. Almost 250 previously non-member attorneys have joined the CBA as a result of this campaign. Our renewal campaign, coupled

“I slept and dreamt that life was joy. I awoke and saw that life was service. I acted and behold, service was joy.”

–Rabindranath Tagore

with personal outreach efforts by CBA leadership, members, and staff have also been successful in ensuring continued membership growth and stability.

Connecticut-Area Law School Inclusion

Group faculty and student membership participation from all of our Connecticut-area law schools is essential to early CBA engagement with law students, providing invaluable networking and professional development opportunities. With Quinnipiac University School of Law and the University of Connecticut School of Law already group members, we successfully added Yale Law School and the Western New England University School of Law to the program this year, which increased CBA membership by over 500 new faculty and law student members.

Membership Value and Benefit Awareness

We launched three significant new efforts this year to enhance the CBA membership value proposition. First, we have added a host of new social, entertainment, and personal **member discount programs**, with an emphasis on local Connecticut-based venues and services. Members will now be able to enjoy new discounts at local wineries and breweries, airport parking, clothing, and family entertainment venues. In order to promote member awareness of these benefits, the CBA launched a new annual **CBA Membership Card**. Finally, we have launched a new **CBA CLE Pass**, which will allow unlimited attendance at all live CBA CLE events of two credits or less (with some exclusions) throughout the year, at an incredible annual price of \$129.

Organizational Stability

The CBA has enjoyed significant financial stability in recent years, and in or-

der to continue this stability, the CBA Board of Governors approved a **modest structured dues increase** at my request in March. This dues increase, the first in over ten years, will add \$10 to most paid membership categories this coming bar year, and another \$10 in two years. Additionally, we have grown the **1875 Society**, consisting of those leaders of the Connecticut legal profession who voluntarily contribute \$100, to over 90 members this year. In another effort to ensure long-term organizational stability, I convened a new **Building Committee**, which is chaired by incoming Vice President **James T. Shearin**. The committee will assess the long-term physical needs of the CBA, and make recommendations for appropriate and necessary future infrastructural changes, investments, or repairs to the CBA's headquarters.

Access to Justice

The CBA Constitution includes a charge to “facilitate the delivery of competent legal services to the public and particularly those in greatest need.” I am proud to say that the scope and scale of the CBA's pro bono and access to justice efforts has increased greatly in recent years. This year, we created a new director of access to justice initiatives position, which, along with the efforts of our Pro Bono Committee, led this year by **President Dan Horgan**, has allowed us to significantly expand all of our pro bono programs. Our **Virtual Free Legal Clinics** have expanded to a quarterly model, allowing dozens of lawyer, paralegal, and law student volunteers to provide free legal advice to hundreds of low-income individuals. The CBA has significantly expanded the footprint of the **Lawyers in Libraries** program, now held in ten locations across the state. Our volunteer engagement with **CT Free Legal Answers** has also been tremendous, with volunteer attorneys consistently complet-

ing all outstanding queries from the public each month. **CBA Pro Bono Connect**, with its companion **Pro Bono Pledge**, has also grown, with new attorneys signing up, taking the virtual on-demand pro bono trainings, and receiving case referrals throughout the year. The CBA was a leader and key supporter of both the **Eviction Right to Counsel Program** and **Domestic Violence Temporary Restraining Order Pilot Program** last year, and I am thrilled to see these programs being implemented throughout the state. This year, the CBA created a new **Legal Aid and Public Defense Committee**, which will be led by **Ben Daigle** of the Office of the Public Defender, and **Nilda Havrilla** of Connecticut Legal Services, to serve as a forum for legal aid and public defender attorneys in their service to the economically-disadvantaged, and will be a vital aspect of the CBA's ongoing efforts to address the access to justice gap in Connecticut.

Diversity, Equity, and Inclusion

I have previously recounted the significant growth of the CBA's diversity, equity, and inclusion efforts in the March/April 22 issue so will not recount that journey again here. The organization continues to lead a successful Diversity, Equity, and Inclusion Summit annually in the fall and expand its Pledge & Plan.

Task Forces and New Initiatives

Two significant task forces, launched during the Hon. Ndidi Moses' term as CBA president, have concluded their work this year, producing comprehensive and impactful reports. The **Policing Task Force**, led by **Deirdre Daly**, **Rev. Keith King**, and **Alexis Smith**, compiled its final report at the start of this bar year, which has had significant impact on Connecticut's policing and community

Continued on page 40 →

News & Events



Law Day 2022

Students Ava Cunningham, Emilia Gardner, Julia Schroers, and Marcus Palumbo present arguments before the Connecticut Appellate Court judges.

"Toward a More Perfect Union: The Constitution in Times of Change"

The CBA Civics Education Committee held its annual Law Day celebration at the Connecticut Appellate Court in Hartford on May 6. This year's Law Day Celebration was the first held in-person since 2019 due to the COVID-19 pandemic. Law Day is a national celebration held annually to celebrate the role of law in our society and to help encourage a deeper understand of the legal profession. This year's theme was "Toward a More Perfect Union: The Constitution in Times of Change."

Chief Judge William H. Bright, Jr. of the Connecticut Appellate Court opened this year's event and welcomed guests to the Law Day celebration. CBA President Daniel J. Horgan provided brief remarks commenting on the importance of civic engagement and understanding the mechanisms of our legal system.

Retired Superior Court Judge John Boland provided the introduction for the Law Day program. This year's program consisted of a moot court appeal oral argument presented by four of Connecticut's leading debate students: Ava Cunningham and Emilia Gardner of Deep River's Valley Regional High School and Julia Schroers and Marcus Palumbo of West Hartford's Westfield Academy. The two pairs of students presented their opposing arguments in front of Connecticut's appellate court judges in a fictional case involving the issues of cyber bullying and how far students' first amendment rights extend.



CBA Civics Education Chair Jonathan Weiner presented Secretary of the State Denise Merrill with a plaque on behalf of the CBA.

This year's Law Day event also included the inaugural presentation of the Ralph J. Monaco Memorial Civics Education Award. CBA Past President Livia DeFelippis Barndollar and Ralph Monaco's wife, Dina Monaco, began the presentation of the awards, speaking about CBA Past President Ralph J. Monaco's commitment to civics education and Law Day. Civics Education Committee Chair Jonathan Weiner presented the award to three Connecticut high school students: Ava Cunningham of Valley Regional High School, James DeDenato of Xavier High School, and Mel Shkrepi of Thomaston High School.

The award was provided to these students based on their demonstration of a significant commitment to advancing civic engagement, civics education, and/or the rule of law. Along with the award, the three students each received a \$1,000 grant.

At the end of the Law Day celebration, students walked to the state office building to have lunch and meet Secretary of the State Denise Merrill. Secretary Merrill was presented with a plaque by Jonathan Weiner on behalf of the CBA in recognition of her extraordinary friendship and leadership in promoting civics education and the rule of law as a member of the Civics Education Committee of the CBA. Judge Matthew Dallas Gordon also presented Secretary Merrill with an official proclamation from Governor Ned Lamont, acknowledging her many achievements in the roles of state representative, house majority leader, and secretary of the state.

GET THE NEWS and JOIN THE CONVERSATION www.ctbar.org

Commercial Law and Bankruptcy Section Present 2022 CLABBY Awards

Attorneys Patrick W. Boatman and Thomas J. Welsh received CLABBY awards from the Connecticut Bar Association's Commercial Law and Bankruptcy Section on May 31. The CLABBY awards, established in 2016, are presented by the section each year to honor the professional achievements of section members.

Patrick W. Boatman received the 2022 Career Achievement Award for his professionalism and exemplary practice of commercial and bankruptcy law for over 40 years. Attorney Boatman is a founding partner of Glastonbury's Boatman Law LLC. Prior to practicing law, Boatman served in the United States Coast Guard and as an officer in the U.S. Army. He attended Boston University School of Law while continuing his military service as a member of the Massachusetts Army National Guard. He was admitted to the Connecticut State Bar in 1979 and the Federal District Court

in 1980. Early in his career, at the request of the Hartford Bankruptcy Court, Attorney Boatman served as a trustee in two large commercial cases. Over the years, he has continued to vigorously pursue his bankruptcy practice, while treating his clients, adversaries, and colleagues with dignity, good humor, and respect.

Thomas J. Welsh received the 2022 Service to the Profession Award for his section leadership, development of educational programs, and delivery of pro bono services. Attorney Welsh is currently of-counsel to Updike Kelly & Spellacy PC, having previously practiced for many years as a principal in the firm of Brown & Welsh PC. He is a member of the Connecticut Law Revision Commission, where he provided special service as co-chair of the Advisory Committee on the 2010 revisions to Article 9 of the Uniform Commercial Code. He is the former chair of the American Bar As-



2022 CLABBY Award winners Patrick W. Boatman and Thomas J. Welsh.

sociation's Joint Task Force on Alternative Dispute Resolution in Commercial Transactions. Additionally, he is a fellow and former regent of the American College of Commercial Finance Attorneys. Attorney Welsh has served as chair of the CBA Commercial Finance Section and is currently a member of the Commercial Finance, Commercial Law and Bankruptcy, and International Law Section Executive Committees.

CBA PAST PRESIDENTS DINNER



On May 17, CBA past presidents and current Executive Committee members gathered at Luce Restaurant in Middletown for the annual Past Presidents Dinner. Past Presidents in attendance included: Livia D. Bamdollar (2008-2009), Francis J. Brady (2009-2010), Barbara J. Collins (2001-2002), Mark A. Dubois (2014-2015), Rosemary E. Giuliano (1994-1995), Brian T. Mahon (1995-1996), Donat C. Marchand (2000-2001), Louis R. Pepe (2005-2006), Jonathan M. Shapiro (2018-2019), Deborah J. Tedford (2002-2003), and Hon. Cecil J. Thomas (2021-2022). The 2021-2022 Executive Committee members in attendance included: 2022-2023 President Daniel J. Horgan, Vice President Margaret I. Castinada, and Treasurer David M. Moore

Upcoming Education Calendar

SEPTEMBER

- 12 Addressing Bias and Stereotyping in Mediation*
- 16 Marijuana and Synthetic Cannabinoids: High-lights of the Science for Attorney
- 21 ESG for Law Firms
- 22 Winning Your Case with a Better Memory

OCTOBER

- 13 Un-Ringing the Bell: Diagnosis and Treatment in Concussion and Brain Injury
- 25 Introduction to the Practice of Criminal Law
- 26 Introduction to Mediation
- 27 Federal Practice Bench Bar Conference

NOVEMBER

- 10 2022 Bankruptcy Conference*

*Ethics credit available



State Representative
Rosa Rebimbas

YLS Hosts 2022 Annual Virtual Legislative Breakfast

The CBA Young Lawyers Section (YLS) held its annual legislative breakfast virtually over Zoom on Tuesday, April 19. Section members met with State Representative Rosa Rebimbas, who was the guest speaker for the event.

Rosa Rebimbas represents the 70th general assembly district in Naugatuck. She is a member of the Connecticut State House of Representatives' Environment, Judiciary, and Transportation Committees. She is currently serving her last term in office. At the event she spoke about the importance of using her experience as an attorney to inform her duties as part of the House's bipartisan Judiciary Committee. She explained that having a legal background provides the ability to decipher the practical implications of proposed bills that are under review, and grasp whether they may have unintended consequences beyond their original intentions. While describing the importance of legal literacy in her role, she reiterated, "There's no substitution to reading a bill. Someone can tell you what the intent of the bill is. What they're saying and what the bill is are two different things. The intent doesn't always match the application of a bill."

During a question-and-answer period held at the end of the breakfast, one YLS member asked Representative Rebimbas how she manages to balance her schedule between her cases and her duties as an elected official. She stated that it was important to be careful about taking on too many cases and that gaining the trust of colleagues, other attorneys, and judges would help to ensure that they will be understanding when special accommodations are necessary.

YLS Chair Joshua Devine ended the event by thanking Representative Rebimbas for meeting with those attending and reminded everyone of the importance of public service.

CBA Establishes Two New Committees

Legal Aid and Public Defense Committee

The mission of The Legal Aid and Public Defense Committee is to provide a forum for Connecticut's legal aid and public defense attorneys to develop a supportive network of lawyers, exchange ideas, and learn about issues of shared interest. Broadly, the Legal Aid and Public Defense Committee works to advance the promise of equal access to justice for people in Connecticut who are economically-disadvantaged. The Committee works to maintain and enhance effective civil legal aid and criminal indigent defense delivery systems by providing guidance, information, training, education, and technical assistance. This committee will be chaired by Tara C. Dugo.

Limited Scope Representation Committee

The Limited Scope Representation Committee will work to promote Limited Scope Representation ("LSR") and Unbundled Legal Services to the public and to the Connecticut bar. The LSR Committee will monitor the use of LSR within Connecticut courts, particularly in areas with significant numbers of self-represented litigants, such as residential foreclosures, family custody and dissolution, and consumer matters. The LSR committee will work to continually provide attorneys and the public with resources and education to encourage the use of LSR, and work to facilitate greater use of LSR in practice, as a means of increasing access to justice. This committee will be chaired by Margaret I. Castinado, Benedict R. Daigle, and Nilda R. Havrilla.

For more information on these committees, visit ctbar.org/committees.

NEW ATTORNEYS SWORN INTO THE CONNECTICUT BAR

Twenty-five new attorneys were sworn in to the Connecticut bar at the Connecticut Supreme Court on May 20. Connecticut Supreme Court Chief Justice Richard A. Robinson, Justice Joan K. Alexander,

opening remarks provided by Chief Justice Robinson and a special recognition provided to the attorneys by Justice Alexander, who was recently appointed to the Connecticut Supreme Court by Governor Ned Lamont last month. Justice Alexander encouraged the new attorneys to participate in pro bono work and to always remain professional and respectful



The new attorneys sworn in to the Connecticut State Bar.

Justice Gregory T. D'Auria, Justice Steven D. Ecker, Justice Maria Aruajo Kahn, Justice Andrew J. McDonald, and Justice Raheem L. Mullins were in attendance.

The morning ceremony began with

towards the attorneys they oppose in cases.

Following the administration of the oath of attorney, CBA President Daniel J. Horgan provided a welcome to those inducted. He informed the new attorneys of their complimentary year of bar association membership with the CBA and extolled

the various benefits he has experienced personally through the association. He welcomed the inductees to what he referred to as "the greatest profession in the world."

CBA Hosts Managing Partners Breakfast

On May 13, the Connecticut Bar Association held its Managing Partners Breakfast at the Graduate Club in New Haven. This year marks the first time the event has been held in person



since 2019 due to the COVID-19 pandemic. Attendees were joined by President Daniel J. Horgan, Executive Director Keith J. Soressi, and special guest, Connecticut Supreme Court Chief Justice Richard A. Robinson, who engaged in a discussion with the firm partners. The Connecticut Bar Association thanks all those who attended and the firms that provide support to the association.

IN MEMORIAM



C. Harold Schwartz passed away on February 2 at the age of 93. He practiced law for 36 years at the firm of Goldstein & Peck in Bridgeport and Westport and was president at his retirement. He graduated from Stetson University and NYU Law School. Attorney Schwartz was an accomplished attorney, mediator, arbitrator, pro-bono parajudicial officer (in retirement), and was known as a “lawyer’s lawyer,” respected for his intellect, imagination, impeccable work ethic, integrity, kindness, and his appreciation of artistic qualities in others.



Joseph J. Toohar, Jr. passed away on April 1 at the age of 91. He attended Stamford public schools and attended the University of Connecticut for both his under-

graduate and JD. After being discharged from the Army, Attorney Toohar commenced work at the law firm of Moore & Epifanio. He became a prosecutor for the Stamford Municipal Court and an assistant prosecutor in the new Circuit Court. Shortly thereafter, he became a partner in the law firm of Moore Epifanio & Toohar; he was a founding partner in the law firm of Toohar Wocl & Leydon and was “of counsel” to the succeeding law firm of Wocl Leydon. Attorney Toohar served as chairman of the Stamford Democratic Party and was appointed chief counsel to the Joint Senate House Judiciary Committee of the Connecticut State Legislature, where he had a significant part of the drafting of the Model Penal Code and the Connecticut Wire Tapping Law.



graduate and JD. After being discharged from the Army, Attorney Toohar commenced work at the law firm of Moore & Epifanio. He became a prosecutor for the Stamford Municipal Court and an assistant prosecutor in the new Circuit Court. Shortly thereafter, he became a partner in the law firm of Moore Epifanio & Toohar; he was a founding partner in the law firm of Toohar Wocl & Leydon and was “of counsel” to the succeeding law firm of Wocl Leydon. Attorney Toohar served as chairman of the Stamford Democratic Party and was appointed chief counsel to the Joint Senate House Judiciary Committee of the Connecticut State Legislature, where he had a significant part of the drafting of the Model Penal Code and the Connecticut Wire Tapping Law.

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Lawyer Well-Being Week 2022

During the first week of May, to celebrate Lawyer Well-Being Week, the CBA Lawyer Well-Being Committee hosted a series of free events for CBA members that took place on each weekday between noon and 1:00 p.m.

Well-Being Week commenced on Monday, May 2, with a meditation session hosted by instructor Siena Loprinzi, a lifelong yoga practitioner, ayurvedic yoga therapist, herbalist, and yin yoga and meditation teacher.

On Tuesday, May 3, Lawyers Concerned for Lawyers (LCL) Executive Director David Williams provided an overview of the substance abuse issues facing the legal community. He discussed common signs of impairment and the challenges attorneys face when they consider seeking help. Attorney Williams emphasized that LCL provides free and confidential support for attorneys seeking aid with substance abuse issues.

Khemara Sical hosted “Unlocking High Performance: Cultivate Employee Wellbeing, Increase Energy and Resilience” on Wednesday, May 4. Sical’s presentation focused on managing

stress and burnout through well-being practices. She taught attendees how to recognize the five signs that your body needs an energy boost, learn quick fixes to raise energy levels when working on a deadline, create boundaries to help increase mental and physical energy, and to regularly include self-care time into a schedule.

On Thursday, May 5, Siena Loprinzi followed up on her meditation session from earlier in the week by returning to lead participants in a one-hour yoga session.

The last event of Lawyer Well-Being Week, which took place on

Friday, May 6, focused on the importance of proper nutrition in healthy living and was led by registered dietician Sara Soyeju. Soyeju’s presentation centered on building sustainable healthy behaviors and utilizing positive psychology to gain long-term success in improving diet and overall well-being. We thank everyone who participated in these events and helped to make this year’s Lawyer Well-Being Week a success.

Access the CBA’s full list of well-being resources at ctbar.org/Wellness.



Lawyer Well-Being Week | May 1 – 7

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5th Annual
Connecticut
**Bankruptcy
Conference**

Thursday, November 10

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CBA Members Confirmed and Sworn in as Connecticut Superior Court Judges

Sixteen CBA members were confirmed and sworn in as superior court judges earlier this spring by the Connecticut legislature after being nominated by Governor Ned Lamont:

- Hon. Alyce Alfano
- Hon. Victoria W. Chavey
- Hon. Eric Daniels
- Hon. Tamar Esperance-Smith
- Hon. Robert G. Golger
- Hon. Wendy Grispin
- Hon. Jassette Ann-Marie Henry
- Hon. Steven D. Jacobs
- Hon. Tara L. Knight
- Hon. Cherie Phoenix-Sharpe
- Hon. Christine P. Rapillo
- Hon. Charles P. Reed
- Hon. Kevin M. Shay
- Hon. Cecil J. Thomas (2021-2022 CBA President)
- Hon. Neeta Vatti
- Hon. Matthew A. Weiner

Those sworn in are now in the process of completing training for their role as judges, after which they will receive their assignments.

CBA CLE Programming

Whether you prefer to attend in-person or from the comfort of home, with the CBA you can access high-quality CLE seminars covering the latest updates in numerous areas of legal practice.

Visit ctbar.org/CLE to learn more.



PEERS AND CHEERS

Louden Katz & McGrath LLC, a family law firm in Hartford, is pleased to announce the addition of **Kayleigh E.**

Bowman as an associate. She is a 2018 magna cum laude graduate of Quinnipiac Law School and was named by *Connecticut Magazine* to “Top Attorneys in Connecticut” (2020-2021).

Britt-Marie K. Cole-Johnson of Robinson+Cole has been elected by the firm’s partners to serve on its Managing Committee. As a member of Robinson+Cole’s Managing Committee, the firm’s main governing body, Cole-Johnson participates in decisions related to strategic planning development and execution of firm policies, finance, talent management and practice planning. Additionally, she was also recently appointed by Governor Ned Lamont to serve on the board of the Connecticut Paid Leave Authority and elected to the UConn Health Board of Directors.

Cynthia Johnson, deputy director of the Connecticut Veterans Legal Center, was selected to receive the Hartford County Bar Association Liberty Bell Award for her commitment to advocacy on behalf of low-income veterans facing homelessness and struggling with mental illness linked to their military service. The honor is given to lawyers and judges who have strengthened the American system of freedom under the law, encouraged respect for law and the courts, stimulated civic responsibility and contributed to good government.

Daniel Krisch, a partner at the law firm of **Halloran Sage** and chair of the firm’s Appellate Law and Advocacy Practice Group, was elected to be a member of the American Academy of Appellate Lawyers. The academy recognizes outstanding appellate lawyers and promotes the improvement of appellate

advocacy and the administration of the appellate courts.

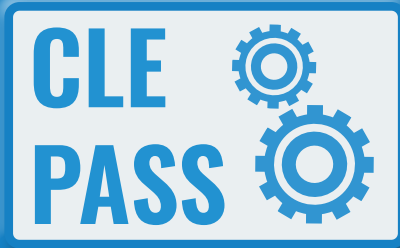
Keisha S. Palmer, Robinson+Cole Public Finance Group lawyer and partner in charge of the firm’s Hartford office, was selected by the *Hartford Business Journal* for inclusion in its 2022 “Women in Business” recognition. She is among 25 honorees who demonstrate business savvy, confidence in themselves and their organizations, and a strong track record of professional leadership. Attorney Palmer advises state, municipal and Indian tribal governments as well as quasi-government agencies on all aspects of the issuance of tax-exempt and taxable bonds and other debt.

Murtha Cullina LLP has named **Nicholas W. Vitti, Jr.** the chair of the Firm’s Real Estate Practice Group, which encompasses all aspects of real estate development and finance, with emphasis on retail developments, leasing, housing, tax credit syndication, office and business park developments, and assisted living and healthcare facilities. Attorney Vitti has extensive experience in the area of commercial real estate and land use development.

McCarter & English LLP has elevated **Shawn Smith** to partner in the firm’s Hartford office. He focuses his practice on a broad range of complex civil and commercial litigation, often involving partnership and business disputes, unfair competition, environmental, commercial real estate, bankruptcy, and insurance related matters.

Andrew L. Wizner, whose practice is limited to immigration law, launched **Wizner Law PLLC**, on April 1. Attorney Pamela D. Lucas joined Wizner Law PLLC as Counsel. Attorneys Wizner and Lucas were previously with Leete Kosto & Wizner LLP. ■

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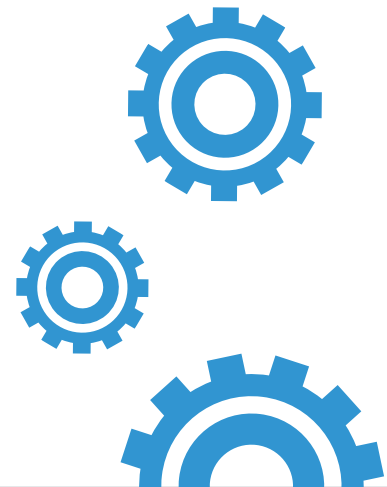
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The CLE Pass may only be used for programs that take place during the 2022-2023 bar year.

CBA members may purchase a CLE Pass while renewing their membership for the 2022-2023 bar year. Alternatively, any time during the 2022-2023 bar year (July 1, 2022 - June 30, 2023), members may purchase a CLE Pass from the CBA website.

**Exclusions apply, visit ctbar.org/clepass for full terms and conditions.

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 August 31, 2022. Please email nominations to awards@ctbar.org or mail to: Attention: Awards Committee, 30 Bank St, New Britain, CT 06051.



Celebrate with the STARS!

A Night of Honor and Inspiration

2022



The hosts of this year's Celebrate with the Stars: 2021-2022 President, Hon. Cecil J. Thomas; then Vice President Margaret I. Castinado; and then President-Elect Daniel J. Horgan.

Over 260 legal professionals, community members, families, and friends attended the ninth annual "Celebrate with the Stars" event on April 20 at the Aqua Turf Club in Plantsville to honor 12 individuals and 16 attorneys observing 50 years of practice. Then president, Hon. Cecil J. Thomas, opened the event by welcoming attendees to the first "Celebrate with the Stars" held in-person since 2019 due to the COVID-19 pandemic. US Senator Richard Blumenthal took the stage and thanked the attorneys present for their work during the past few difficult years and specifically congratulated those receiving awards.

The first recognition of the evening was for members of the bar admitted in 1972, who were honored for their 50 years of practice with half-century pins.

The awards presentation began with The Honorable Anthony V. DeMayo Pro Bono Award. The winners of this award, as selected by the Pro Bono Committee, exhibit commitment to pro bono service and serve as role models for the profession. This year's winners included: Bruce E. Bergman, Sarah E. Dlugoszewski, Charles D. Ray, and Dale C. Roberson.

Young Lawyers Section (YLS) Chair Joshua Devine presented the Young Lawyers Section Vanguard Award to Logan A. Carducci. She was recognized for her longtime commitment to the YLS, including coordinating some of the section's largest and most complicated events. Attorney Carducci expressed her appreciation to the YLS, stating "I have been a member for seven years. I have gained invaluable friendships and opportunities I wouldn't have had if not for my membership."

After dinner, the signature awards were presented by 2021-2022 President, Hon. Cecil J. Thomas; then Vice President Margaret I. Castinado; and then President-Elect Daniel J. Horgan.

The first signature award, the Charles J. Parker Legal Services Award, was presented to Mary-Christy Fisher for her dedication to the delivery of legal services to the disadvantaged of Connecticut. Attorney Fisher spoke about her work with the Connecticut Veterans Legal Center. "It is those veterans, those clients, who have also given me life without their even knowing it. And in the process, they have allowed me to be the kind of attorney that I understand Charles Parker was."

The Citizen for the Law Award was posthumously bestowed to Shawn M. Lang for her tireless advocacy for the LGBTQ+ community, the HIV positive and those affected by AIDS, opioid addiction sufferers, and people experiencing homelessness. Lang's friend Vicki Veltri accepted the award on behalf of Lang, stating, "when she was there, you knew to take her seriously. She knew her stuff. She may not have been a lawyer, but she knew the law." Veltri later added, "She always took it upon herself to make sure that state leaders would talk to the next generation of LGBTQ+ students and professionals so that they knew they could make it and they could succeed in life."

Image credits: Bannosuke and Tamiris6 / iStock/Getty Images+

Professor J. L. Pottenger received the Tapping Reeve Legal Educator Award for his commitment to legal education in the state. Professor Pottenger noted that receiving the Tapping Reeve Legal Educator Award was especially significant to him due to his personal relationships with past recipients of the award, Quintin Johnstone, Kate Stith, and Jon Bauer.

The Citizen of the Law Award was presented to Sara Bronin for her work as an advocate for the reform of discriminatory land use and zoning laws and particularly for founding DesegregateCT, a pro-homes grassroots coalition made up of 70 nonprofit organizations and thousands of equitable, affordable, and environmentally sustainable land use policies in Connecticut. She put out a call for attendees to speak up on equity in housing and “to not stay silent when there’s a development project that will be really good for your community,” stating, “Affordable housing and multifamily housing actually add tremendous value to Connecticut, and we don’t have enough of them.”

Daniel A. Schwartz received the John Eldred Shields Distinguished Professional Service Award for his years of service to the Connecticut Bar Association for the benefit of the legal community. Attorney Schwartz stated, “This is an incredibly meaningful award to me. I look at the list of past awardees and they’re all people I admire greatly and who I try to model myself after.” He spoke about the difficulties that the pandemic has posed for new attorneys in finding their place in the field. He encouraged those attending to “reach out to those young lawyers and ensure that they know what a great profession this is and that they’ve made the right choice in this profession.”

The Edward F. Hennessey Professionalism Award was bestowed on Ernest J. Mattei for his decades-long career in which he exhibited the highest standards of passion and professionalism. “One group I want to thank are the lawyers with whom I had cases. I learned that you had to respect all of these lawyers and you can never underestimate any of them.” He credited his colleagues with teaching him new skills over the years and the judges that oversaw the cases he tried for setting high expectations that he determined to meet.

The final award of the evening was the Henry J. Naruk Judiciary Award, presented to The Honorable Bernadette Conway for her substantial contributions to the administration of justice in Connecticut. Judge Conway praised her mentor, Justice Christine E. Keller, for encouraging her to take a juvenile court assignment when she was a newly appointed judge. She also took a moment to recognize the hard work of the lawyers who practice in the state’s juvenile courts.

The evening concluded with dessert cordials being served, music, and dancing.



CBA Leadership with the 2022 award winners: (Top Row, L to R) Daniel J. Horgan, Sara C. Bronin, Daniel A. Schwartz, Sarah E. Dlugoszewski, Hon. Cecil J. Thomas, Ernest J. Mattei, Bruce E. Bergman; (Bottom Row, L to R) Logan A. Carducci, Mary-Christy Fisher, J.L. Pottenger, Jr., Hon. Bernadette Conway, Dale C. Roberson

50-Year Awardees

These CBA member attorneys are observing the 50th anniversary of their admission to practice in Connecticut:

William Breslau

Hon. Robert K. Killian, Jr.

Hon. Sydney W. Elkin

Glenn M. Messemer

Victor M. Ferrante

James M. Moher

Louis W. Flynn, Jr.

Franklin G. Pilicy

C. Thomas Furniss

Joan L. Saglio

Steven Grushkin

Barry Scheinberg

Peter D. Hershman

Hon. Karen N. Sequino

Edward S. Hill

John F. Shaw



CBA member attorneys observing the 50th anniversary of their admission to practice in Connecticut

CONNECTICUT
LEGAL
CONFERENCE



Connecticut Bar
Association

CBA Hosts First In-Person **CONNECTICUT LEGAL CONFERENCE** Since 2019

AFTER TWO YEARS OF BEING HELD VIRTUALLY, the Connecticut Legal Conference returned in person on June 13. More than 700 attorneys, judges, paralegals, and other legal professionals throughout the state gathered at the Connecticut Convention Center. The day began with a networking breakfast, as well as alumni breakfasts for Quinnipiac University School of Law and UConn School of Law.

This year's conference featured 39 CLE Seminars in 11 tracks. Topics covered at the conference were widely diverse in their focus. Various seminars included content on techniques for presenting trial cases; the latest topics in Diversity, Equity, and Inclusion; well-being practices; cryptocurrency and digital asset concerns; venture financing transactions; antitrust and trade regulation; and more.

During "Making the Case: Solving the Adversary's Dilemma," featured national CLE presenter, Jan Schlichtmann, provided a two-part interactive session where he taught attendees how to efficiently gather, analyze, and present their case, while avoiding the perils and pitfalls of an adversarial mindset. Attorney Karen C. Burgess, past CBA president Monte E. Frank, and author Elizabeth Williamson grappled with the rise of misinformation and rapid spread of conspiracy theories throughout the United States in "Sandy Hook, the Battle for Truth, and the Fabric of our American Society."

The CBA Annual Meeting and Luncheon recognized judges taking trial referee status and also marked the installation of the

2022-2023 officers. Daniel J. Horgan, the 99th president of the CBA, had already rose to the position of president at the start of May when his predecessor, Hon. Cecil J. Thomas, resigned prior to being sworn in as a Connecticut Superior Court judge. President-elect Margaret I. Castinado, Vice President James T. Shearin, Secretary J. Paul Vance, Jr., Treasurer Sharad A. Samy, and Assistant Secretary-Treasurer Joshua J. Devine were installed during the annual meeting.

The Annual Meeting and Luncheon began with a performance of "God Bless America" from 2021-2022 Treasurer David M. Moore. After CBA President Daniel J. Horgan took to the stage, he held a moment of silence for all those within the legal community who have passed away over the course of the last year. Attendees heard remarks from Senator Richard Blumenthal; Attorney General William M. Tong; Probate Court Administrator Judge Beverly Streit-Kefalas; Appellate Court Chief Judge William H. Bright, Jr.; Connecticut Supreme Court Chief Justice Richard A. Robinson; and U.S. District of Connecticut Chief Judge Stefan R. Underhill. U.S. Attorney for the District of Connecticut Vanessa R. Avery provided the keynote speech, which focused on her office's efforts in addressing the issues of gun violence, fentanyl and opioid overdose deaths, and civil rights violations and hate crimes. "We will ensure that every case is handled with fairness in accordance with the rule of law and the ends of equal justice under law. But we also know that we simply cannot prosecute our way out of many of the challenges facing our state," Attorney Avery noted. "Meaningful success will require active community engagement and collaboration."

The 2021-2022 president, Hon. Cecil J. Thomas, spoke regarding the initiatives he helmed during his leadership of the association. He emphasized his successful efforts to increase CBA membership and expand the Diversity, Equity, and Inclusion initiatives of the association.

ING THE CASE

The Adversary's Dilemma
Jan Schlichtmann, Esq.
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Session B 10:15AM - 12:15PM
Session C 2:30PM - 4:30PM

June 13, 2022



Featured national CLE presenter,
Jan Schlichtmann, environmental lawyer,
author, and subject of the film, A Civil Action.



2022-2023 President Daniel J. Horgan thanks Hon. Cecil J. Thomas for his service as president during the 2021-2022 bar year.



Annual Meeting and Luncheon keynote speaker, Vanessa R. Avery, U.S. Attorney for the District of Connecticut.



Daniel J. Horgan during his incoming presidential speech.

CBA President Daniel J. Horgan presented his vision for the upcoming bar year, emphasizing civility and well-being for legal professionals. "How we treat each other, not just with our words, but with our actions, by not using litigation to harass an opposing party, not filing baseless objections or motions, or agreeing to fair extensions of time is the Hallmark of professionalism which we all must strive to meet," stated President Horgan. "...before you get into the weeds of your case, start out conversations on a personal note; especially coming out of the pandemic where we all have had common struggles and losses in our practices and personal lives."

Following the final session of seminars, the President's Reception, sponsored by Liberty Bank, was held for all attendees to mingle with colleagues and discuss the day's event as well as the year to come. Cocktails and an assortment of appetizers were served while live jazz music was provided by Hartt and Soul Trio.

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.

2022-2023 President Daniel J Horgan's CBA Annual Meeting speech



The following is a reprint of 2022-2023 President Daniel J Horgan's CBA Annual Meeting speech.

Thank you for that warm reception— makes me feel 6ft tall. It made my day.

What a performance by Dave Moore; maybe you can sing my remarks, sound better. It is my privilege to serve as the CBA's 99th president. We have a wonderful organization, and I've always been proud to be associated with it in any capacity. As you know, CBA presidents typically serve for one year. But in my case, it's a little different. When our past president, Cecil Thomas, resigned at the beginning of May to become a superior court judge, I moved up to finish the last two months of his term before beginning mine.

We hired Keith Soressi in 2018 as our executive director. Keith had tried malpractice cases while in private practice in California and earned his stripes as an effective executive director with the Nassau New York County Bar Association. Keith has done a remarkable job leading the CBA through the pandemic, keeping the staff energized, focused and healthy. Thank you, Keith! To have the CLC in person again with outstanding CLE programming and dynamic and knowledgeable presenters is truly a blessing. None of this would be possible without the dedication and leadership of our Director of Continuing Legal Education, Attorney Thomas Genung. He, Chanie Rosenfeld, Carol DeJohn, and the rest of the CBA staff deserve all the credit for this event.

Let me tell you a bit about myself.

I made sure to wear a green tie today, not for the Celtics, but as a reminder of how lucky I have been in my life and career. It's like the old adage, "Better to be lucky than good"—that's me. Lucky to have three loving and supportive siblings; lucky to be born to parents from South Boston who taught me right from wrong, to always give your maximum effort because that really is the only thing you can control in life, to treat others the way you want to be treated, and for showing me by example the importance of giving back to your community. Although my father passed away a few weeks after I graduated from law school, my mother's perseverance through difficult times, her zeal for life and unwavering support of my siblings and I, has been a constant inspiration to me. So happy my mom Jean can be here today—I promised her I would not reveal her age.

My law career has also been blessed with luck and good fortune. From selling woman's shoes in a mall after college when law school was never on my radar—a pair of Gloria Vanderbilts to a girl I had gone to middle school with who was a legal secretary and suggested I send a resume to her boss who hired me as a glorified Go-For. That led to law school at WNEC. While studying for exams at the end of my first year, I ran into a graduating third year student who asked what I was going to be doing for the summer. I told him I didn't have anything lined up and didn't really know

what I was going to do. He fixed that problem by making a call to his former summer employer, the New London State's Attorney's Office, and getting me a job there. Not only did I have a job, but I also had the opportunity to watch and learn from one of the best in our business, Kevin Kane.

My luck would continue in my 2nd and 3rd year when I interned for RisCassi & Davis. To be mentored and learn from that crop of litigators led by the late great Bill Davis, opened up so many opportunities for me in Connecticut. I guess you could say that what I learned at RisCassi & Davis laid the foundation for me to run a small litigation firm in New London. By the way—my office is located within a stone's throw from the historic New London courthouse built in 1784. It's the oldest continuously operating courthouse in New England and 11th in the country. I've had my fair share of trials in that old courtroom and can tell you that it's a special experience to walk into that room knowing that I'm following in the footsteps of attorneys who have tried cases there for more than 230 years. If you haven't been there, I hope you will find the time to visit. If you are assigned to that courtroom as defense counsel for an insurance company and I happen to represent the plaintiff, please let me win. I will need the money after my presidency is up.

It seems that my 30-year career as an attorney has passed in a blink of an eye. As I look back today, I realize the important role the CBA has played in my life. Seminars, workshops, and other CLE programs have made me a better lawyer. Social events have made it possible for me to meet many people in our profession, establish helpful connections with colleagues, and develop enduring friendships with members I might never have gotten to know otherwise. I owe a lot to the CBA. I hope that each of our members will enjoy the same positive experiences that I have.

Just as I was heading to the back nine of my career, looking forward to having a lot more time to play golf, spending time with friends and family,

and maybe doing a little traveling, I got a call from Jonathan Shapiro about applying for the CBA executive track. At that point, I figured my luck had just run out!—but I was wrong. Jonathan was offering me the opportunity to serve the profession and association that had been so good to me. I was lucky, yet again, to have the chance.

Mohammed Ali once said, “Service to others is the rent you pay for your room here on earth.” During the past few years, I’ve found it immensely rewarding to serve the CBA under Judge Moses, Amy Lin Myerson, and Judge Thomas. I applaud them for their strong leadership in confronting the extreme challenges that we and our courts faced during the darkest days of the Covid pandemic. As difficult as the nearly two-year crisis was for all of us, it would have been far worse without their extraordinary efforts.

The CBA was formed in 1875, three years before the ABA. Like all associations then, the CBA was white male dominated for over 100 years until a three-year period from 1989 to 1992 delivered us our first three female presidents, beginning with Marilyn P. Seichter (1989-1990), Carolyn P. Kelly (1990-1991), and Susan W. Wolfson (1991-1992). These three intelligent and determined lawyers didn’t ask to have a seat at the table, they simply pulled up a chair and led the CBA with distinction. They opened the door to a more diverse and stronger CBA that would later bring us tremendous presidents like Karen DeMeola, Judge Ndidi Moses, and Amy Lin Meyerson. While Marilyn and Susan are no longer with us having passed much too early, I am happy to have Attorney Carolyn Kelly here today, who still has an active practice in New London at the firm of Suisman Shapiro. Thank you, Carolyn for your strength and leadership.

History has shown that as we become more diverse in our membership, we become stronger. We become more capable of recognizing problems affecting discrete communities, and more effective in addressing those problems as we pursue the association’s goals

We are in part a member services driven association! Our membership has grown to over 9k members and we have an area of specialty and interest for everyone, with 43 sections and 27 committees; full time lobbying efforts to support or oppose legislation consistent with the interests of the public good and our members; a robust and active YLS; and offer extensive CLE programming. We form task forces to study and address daunting issues facing our profession, like last year’s State of the Legal Profession Task Force who studied and suggested remedies to begin to shrink the serious problem of access to justice.

thought I said, it really isn’t my bar year we are talking about, but our bar year—there is no “I” in “team.” When you work together in a cooperative spirit, you can accomplish anything. We will continue to collaborate with the affinity and local bar associations to enhance the profession. I also thought about how productive lawyers are in such a stressful and adversarial environment, and the role civility plays. Civility among lawyers does not mean that either lawyer lacks aggressiveness or vigorous advocacy. Each lawyer in fact has an ethical obligation to zealously represent his or her client. Zealously does not mean being

“...there is no “I” in “team.” When you work together in a cooperative spirit, you can accomplish anything. We will continue to collaborate with the affinity and local bar associations to enhance the profession.”

We will continue to work with Judicial in finding practical solutions while fulfilling our by-laws, which state that the CBA shall aid its members in the development and maintenance of their respective practices and to facilitate the delivery of competent legal services to the public and particularly to those in greatest need.

Our country is going through a very tumultuous time. The rule of law and individual rights and equality, especially for the most vulnerable members of our society are under attack. And while we are not a political association, make no mistake, the CBA will continue to stand up against acts of hate and bigotry aimed at our Asian, Black, Latino, and LGBTQ+ brothers and sisters, among other positions.

I had been asked as I approached the year of my presidency what theme would I be focused on. I said theme? “Keep it simple stupid, don’t screw up” came to mind. But when I gave it more

uncivil, abrasive, rude, condescending, or demeaning. Zealous means full of energy, effort, and enthusiasm. How we treat each other, not just with our words, but with our actions, by not using litigation to harass an opposing party or not filing baseless objections or motions or agreeing to fair extensions of time. This is the hallmark of professionalism which we all must strive to meet. I read recently where CBA member Chuck DeLuca received the Civility and Professionalism Award from the Fairfield Bar Association. I called Chuck who has had that kind of reputation throughout his 45-year career and asked him—what is the secret to being a successful attorney while being civil and professional in dealing with your colleagues? He said to get to know your colleagues on a personal level, which was easier back in the day when we had things like short calendar or dormancy call, or he would often take a new associate and have them sit in his

Continued on page 39 →

State of the Legal Profession

THE 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.

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.

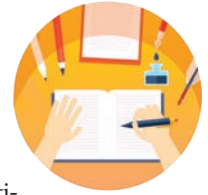
This subcommittee recommended that the Connecticut Supreme Court appoint a committee with lawyers, judges, consumers, and non-profit entities to study and establish parameters for LLAs, including (A) education, examination, and licensing requirements; (B) areas of practice where benefits could be achieved;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

Hon. Elizabeth A. Bozzuto is Deputy Chief Court Administrator for the Connecticut Judicial Branch; Attorney Patrick T. Clendenen practices at Clendenen & Shea LLC; Hon. Ndidi N. Moses, of the Connecticut Superior Court, is a former Connecticut Bar Association President; and Attorney Kyle LaBuff practices at the Connecticut State's Attorney's Office.

Demystifying Limited Scope Representation in Post Judgment Family Law Matters

By TARA C. DUGO

Whether it be a large firm or solo practitioner, Limited Scope Representation (“LSR”) is an immensely valuable addition to any family law practice, especially in the context of post judgment litigation. I exclusively use LSR for all my post judgment litigation matters, but I was surprised to learn that LSR remains a largely untapped resource for many attorneys in Connecticut.

What is LSR?

Limited Scope Representation is a tool that allows attorneys to file an appearance on a discrete issue, rather than the entire litigation. This limited role may include representing a client for a certain motion or motions, appearing for a scheduled hearing, and/or representing a client at a deposition or in the preparation and exchange of discovery. Pursuant to Connecticut Practice Book § 3-8(b), LSR can be utilized to represent clients in family, family support magistrate, civil, housing, and small claims matters.

Filing an LSR appearance is a simple process. An attorney is only required to complete Form JD-CL-121 and fax file it with the court, along with the client’s general appearance, which must be on file with the LSR appearance. Once an attorney’s role in a case is completed (i.e. resolution of the pending motion, completion of discovery), counsel simply needs to fax file a one page *Certificate of Completion of Limited Appearance (Form JD-CL-122)*.

This ends counsel’s role in the court and their appearance is removed from the case’s file.

While the scope of an attorney’s representation is limited with LSR, that scope can always be expanded. This can be accomplished by a new/supplemental engagement agreement and a new LSR appearance. A well-crafted engagement agreement is incredibly important to protect both the attorney and the client in LSR cases. It not only clearly sets forth the scope of the limited representation, but also defines when the representation will end.



Why Should I Consider LSR for my Post Judgment Family Law Practice?

When speaking with colleagues about LSR, I heard comments such as: “I don’t see how this would benefit my practice,” “full representation has been working for me over the years, so there’s no reason to try LSR,” and “there isn’t enough money to be made with LSR.” These comments, however, overlook the vast benefits of LSR.

While LSR can be effectively utilized in many different types of matters, for the purposes of this article, the focus will be on the benefits of LSR in post judgment family law matters. Be it financial motions or issues relating to custody; enforcements or modifications, LSR allows attorneys to represent clients in a highly effective and financially advantageous manner. Specifically, LSR will ensure that an attorney’s role in a matter is clearly defined, while minimizing the potential “financial blackhole” that post judgment litigation can sometimes lead to, for all involved. Certainly, LSR can benefit those of modest means who otherwise

may not have access to legal representation.¹ LSR is also a great tool for meeting attorneys' Rule 6.1 ethical obligations to provide pro bono services. LSR can be used to effectively serve individuals in need on a pro bono or discounted basis. Overall, however, the utilization of LSR in post judgment family matters can be used effectively for any client, regardless of their financial circumstances or the complexity of the issues.

From a financial perspective, there is no downside to using LSR in post judgment matters. While retainers should be budgeted according to the estimated amount of work involved in the limited representation, attorneys do not need to alter or otherwise modify their hourly rate requirements. Where LSR excels in post judgment family matters is when additional, unanticipated litigation arises. If an attorney files a full representation appearance for a post judgment matter, that attorney is representing the client for all pending issues, including those outside of the initial intended representation.

For example, you agree to represent a client for a post judgment contempt motion relating to the nonpayment of alimony. You and the client sign the post judgment engagement agreement stating that you will represent the client in connection with that discrete issue. You receive the requested fee/retainer funds for that representation and file a full appearance. A few months later, the opposition files a motion to modify custody of the parties' children. Regardless of the provisions of your engagement agreement and the retainer funds you received, a full representation appearance means you are representing that client in connection with the motion to modify custody. This could leave you in the unfortunate position of potentially having insufficient funds to cover the work not previously contemplated. If a client is unwilling to pay the additional funds to cover this unanticipated work, you must now either continue to work on the matter without funds or request that the court allow you to withdraw as counsel from the matter. This request is not always granted.

There are important practical and ethical considerations to LSR in post judgment family matters as well. Colleagues have indicated that LSR is not necessary in post judgment matters, as they can limit their role via their engagement agreement. Attorneys, however, should be cautioned against relying on the terms of an engagement agreement to limit their role when filing a full representation appearance.

The court is not bound to follow or adhere to the terms of an engagement agreement. When filing a full appearance with the court, post judgment, an attorney is considered appearing for all pending issues, including those that arise after the filing of their appearance. An attorney telling a judge that they are not working on a particular matter with a full appearance in the file is unlikely to get them very far. Further, if the engagement agreement only covers a specific issue (i.e. the prosecution of a contempt motion), an attorney may have ethical issues by representing or advising

the client on other issues outside of those set forth in the engagement agreement.

LSR, however, takes those issues out of the equation. An attorney's role and the scope of their representation is clearly defined with LSR. If additional issues arise, the LSR attorney will have no role or obligation to appear in connection with those issues, unless and until the client agrees to expand the attorney's role. If not, an attorney's role remains limited and there is no requirement to handle those additional issues. With LSR in post judgment family matters, an attorney's representation is not compelled for additional issues. With a full representation appearance, it is.

LSR protects both attorneys and clients by clearly defining the attorney's role in a case, managing everyone's financial expectations and limiting the potential financial impacts of additional issues arising outside of what was anticipated. With the abundance of benefits and no real downside, all family law attorneys should consider incorporating LSR into their post judgment family law practice. ■

Tara C. Dugo practices at Dugo Law LLC, which focuses on divorce and family law litigation, mediation, and appeals. She is chair of the CBA Limited Scope Representation Committee.

NOTES

1. Between 7/1/2020 and 6/30/2021, approximately 71% of divorce litigants and 77% of custody litigants were self-represented, according to the State of Connecticut Judicial Branch's Performance Management and Judicial Branch Statistics Unit.

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2022 Legislative Session in Review

By BILL CHAPMAN

This year's legislative session was the shortest on record. Elections are coming up in November, and two-thirds of the legislature will remain in their seats for four years or less. At least 25 legislators are not running in the fall. Caucus chairs are expected to be the same for the next session. The only sure thing about change is that there will be. The CBA and its sections aim to get bills passed, amended, or stopped, and during this short session, all three have been accomplished.

Uniform laws are often proposed or corrected each session through the Judiciary Committee, which has cognizance over uniform laws. This session, two offerings were moved to the Court Operations bill, An Act Concerning Court Operations and the Uniform Commercial Real Estate Receivership Act (HB 5393). The offerings included legislation on interstate depositions, AA Adopting The Connecticut Interstate Depositions And Discovery Act (HB 5393), which was just placed as-is into the Court Operations bill for the Litigation Section. And as noticed by

some of our Real Property Section members, it was necessary to try to move the enactment date out another year if a uniform bill passed last year. We were able to do that by placing another line into the Court Operations bill for the Uniform Commercial Real Estate Receivership Act (UCRERA).

The Department of Economic Community Development proposed a bill to the Commerce Committee in order to define terms as to how to deal with digital assets in Connecticut. The CBA Commercial Law & Bankruptcy Section noted that the Uniform Commercial Code (UCC) was already developing language ready to go uniform by the fall, which would be much better offered in the next session. However, the CBA tried to assist by striking language that would be acceptable for now but again would need changes in the spring. Thus, we had written a bill that was good to go developed with Department of Economic and Community Development (DECD), but in the last week the Commerce Committee decided the bill should wait until next year when everything was acceptable on a national level through uniform laws and the UCC.

Also in regard to uniform laws was the remote notarization proposal. Our Real Property and Estates and Probate Sections were brought into this proposal after language had been proposed to create a work group. Meanwhile, language had been changed that it would not be a work group but that remote notarization would be acceptable throughout the state. The Estates and Probate Section carved themselves out of the bill, since a uniform law on will and codicils will be completed this summer that would separately be ready to for next session. This aspect fully would incorporate many of our estate and probate and elder law attorneys. At the end, there were two issues with the bill. The Judicial Branch continued to assure that they had jurisdiction over how lawyers practice and that at least some of this language may have cognizance of either the Rules Committee or the legislature. Also, it might be thought that this issue is the domain of the Judiciary Committee and not the Commerce Committee. Thus, there was a challenge to language that was trying to be amended, and though the Senate passed the amended bill, when it came to the House, the Judiciary chairs were able to hold the bill until it returns in different language to a different committee in a different session.

Each year, the Court Operations and the Probate Court Operations bills are proposed by the Judicial Branch and the Probate Assembly and pass, which the CBA always supports. This year, another bill always supported by the Elder Law Section, *An Act Concerning State Agency Compliance with Probate Court Orders*, which had never been given a chance to pass, successfully passed.

Another bill that passed this year after five years of trying included the Probate Assembly and the Department of Revenue Services. SB 424, *An Act Concerning Real Estate and the Probate Courts*, included both the Real Property Section and the Estates and Probate Section, to clarify statutory provisions relating to a person having a title interest in real property that is subject to a lien for probate fees. During the discussions on this legislation, there were two different Probate Assembly administrators, four State Department of Revenue Services commissioners, along with new section chairs changing during the lifetime of this proposal.

The Litigation and the Real Property Sections were both opposed to legislation that would require the filing of an appraisal for certain property assessment appeals and prohibit contingency fee agreements for assessment appeals, found in SB 478, *An Act Concerning Property Assessment Appeals And Homeownership Incentive Tracts, Establishing Tax Credit Voucher Programs to Incentivize Commercial Leases and Residential Conversions and Authorizing the Capital Region Development Authority to Solicit Investment Funds*. As with any section support or opposition, it is important to receive testimony, oral or written, by section members rather than only the lobbyist. Unfortunately, this bill did not make it out of the Finance Committee. However, there was potential placement in the 673-page Budget Implementer Bill, HB 5506. One wins by squashing the bill in the Finance Committee, but can lose if it's in the Implementer Bill. Contingency was avoided. However, there was plenty of conversation with the caucuses, and the appraisals were not amended in HB 5506, but amended in SB9, the companion Implementer. However, the recommendation was that the appraisals be totally dropped since you could not get an expert appraisal, especially within 90 days. They were told that if you couldn't get rid of them then we could live with six months.

Studying the lists of bills as they became available and discussing with the legislator proposing the bill, the Family Law Section was able to deny HB 5268, *An Act Concerning the Award of Reasonable Attorney's Fees to the Prevailing Party in a Family Relations Matter Alleging Contempt of a Court Order*, before it was able to advance any further.

And again, the Tax Section and the Construction Law Section were successful in defeating the False Claims Act. Hard work, good work. The same can be said for the Workers' Compensation Section making technical changes to their statutes.

We worked behind the scene on passing SB 6, *An Act Concerning Personal Data Privacy and Online Monitoring*. And worked very hard for the Business law Section in defeating HB 5249, *An Act Concerning Non-compete Agreements*.

NEXT YEAR: And then there was legislation that we tried but there was not only lack of support but lack of time. That includes Elder Law's "Aid in Dying" bill, Planning and Zoning's "Variances" proposal, Estates and Probates *Revocation by Dissolution in Marriage* legislation which got roughed up on JF day in judiciary. The ADR Section decided to wait until next year for their Uniform Mediation bill. And there's always the International Law Section. And that's what the summer and Fall is for ... preparing language, talking to supporters and opponents of the bills, and cleaning up any language that's necessary.

We are all looking forward to section reauthorizations, new proposals, and finding out who will be sitting in those seats in the Spring. ■

Bill Chapman served as the CBA director of government and community relations until his retirement in June 2022.

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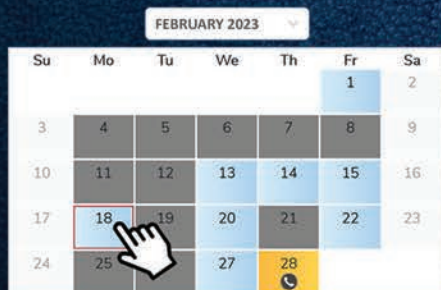
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Members Answer Call to Provide More Pro Bono Services

By DANIEL J. HORGAN

“We make a living by what we get, but we make a life by what we give.”

—Sir Winston Churchill

Summer is in full swing and the recent bar year ended on a high note as our commitment to increasing pro bono activities and opportunities for our members is at an all-time high. Led by Jenn Shukla, our

industrious director of access to justice initiatives, our pro bono programs counseled hundreds of Connecticut residents who were facing serious legal problems for FREE! The CBA is proving with action that we are ready to take on

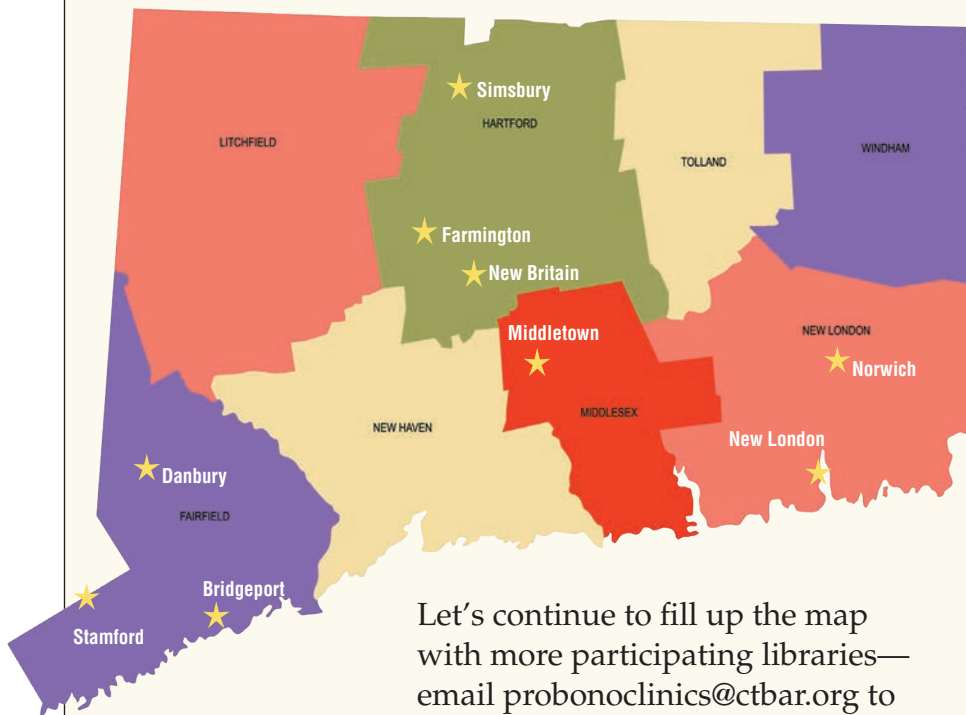
our access to justice crises facing our state. Below are some highlights of our successful year.

For the first time ever, the CBA held four virtual Free Legal Advice Clinics in one bar year, from October through June. Each clinic spanned two days with over 40 attorneys and 30 paralegals and law students assisting approximately 160 clients. Plans are underway to continue providing four separate sessions throughout the upcoming year.

The Lawyers in Libraries program grew from two participating libraries when our program began in the fall of 2020 to ten libraries! Once a month for two hours, our members travel to those libraries and meet with clients. The librarians who are instrumental in organizing these programs can't thank us enough for helping to fill a great and growing need for legal advice for their patrons. I have personally worked Norwich, New London, and Middletown libraries, and the feeling of helping a fellow citizen with a stressful legal problem is worth my time and effort.

Our CT Free Legal Answers program went on the road to UConn Law School where several students worked with CBA members to help research and answer questions from pro bono clients. In case you are unaware, all UConn, Quinnipiac, Yale, and WNEU faculty and students are now CBA members. We intend to continue our pro bono efforts with the law students next year adding to the robust and innovating programs already established.

Lawyers in Libraries Program



Let's continue to fill up the map with more participating libraries—email probonoclinics@ctbar.org to volunteer.

We must continue our collective efforts to provide free legal services. Whether you are a new or a seasoned lawyer, managing partner in a large law firm, or a small/solo firm, we are counting on you to help spread the word and carry the momentum into next year. We do not require mandatory pro bono hours as many other states require; however, we should all be reminded of our ethical responsibility pursuant to Rule 6.1 of the Professional Rules of Conduct, "A lawyer should render public interest legal service." Enjoy these warm summer days. ■



Daniel J. Horgan is the CBA president and chair of its Pro Bono Committee. He is an experienced litigator with Horgan Law Office in New London.

"Helping one person might not change the whole world, but it could change the world for one person."



**CBA Free Legal Advice Clinic:
Volunteers Needed**

Tuesday, July 26, 2022
10:00 a.m. - 6:00 p.m.

Wednesday, July 27, 2022
10:00 a.m. - 6:00 p.m.



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Thank You to Our CBA Pro Bono Volunteers

The CBA is grateful to the following attorneys who provided representation to clients in need through the CBA's pro bono programs during the 2021-2022 bar year.

CBA PRO BONO CONNECT

Volunteers in the Pro Bono Connect Program pledge to take on at least one direct representation case each year for a client with low or no income. Volunteers receive complimentary on-demand training and are connected with a legal aid organization to be matched with a pro bono case based on the volunteer's geographic area and expressed interests.

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Cassandra L. Dulepski
Christopher R. Henderson
Sylvia M. Ho
Alexa T. Millinger
Vivian M. Moreno-Zelinka
Julie A. Moscato
Robert G. Pethick
Melvin A. Simon

BANKRUPTCY PRO BONO PROGRAM

Attorneys with experience handling bankruptcy matters can volunteer

to represent qualifying individuals in Chapter 7 Bankruptcy cases in the U.S. Bankruptcy Court. Volunteers can choose to help with petition filing only or with adversary proceedings and contested matters.

Janine M. Becker
David F. Falvey
Earle Giovanniello
Bonnie C. Mangan
Paige M. Vaillancourt

FREE LEGAL ADVICE CLINICS

Held quarterly, volunteer attorneys provide legal advice virtually for 30 minutes to Connecticut residents who cannot afford an attorney. Prior to the client meeting, volunteers receive information about the client's situation and a summary of an intake interview to help the attorney prepare.

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John Aldrich
Jennifer Antognini-O'Neill
Patricia A. Ayars
Nicole C. Bikakis
Tamar R. Birckhead

Ronald J. Brien
Dana R. Bucin
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Paige M. Vaillancourt
Jayna Velez-Molina
Honorable M. Nawaz Wahla (ret.)
Russell D. Zimmerlin

CT FREE LEGAL ANSWERS

Administered by the CBA in Connecticut, Free Legal Answers is an ABA-supported website where eligible Connecticut residents can post their legal questions. Volunteer attorneys provide confidential written responses to the clients on the website.

James G. Clark
Joanne S. Faulkner
Brian J. Glenn

Elizabeth J. Hartery
Christopher R. Henderson
Daniel J. Horgan
Ronald D. Japha
Kyle J. LaBuff (Initiated program)
Stephanie C. Laska
Linda C. Lehmann-Taylor
Megan Maynard
David M. Moore
Vivian M. Moreno-Zelinka
Daryll E. Odierna
William C. Sherman

LAWYERS IN LIBRARIES

Volunteer attorneys provide legal advice to members of the public at local libraries during a two-hour block each month. Clients register in advance for a 20-minute appointment. Areas of law covered include landlord/tenant, immigration, family, employment, consumer rights, and personal injury.

Michael L. Anderson
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Alison J. Toumekian
Thomas H. Wilkeson
Kyle J. Zrenda

CBA DISASTER RELIEF LEGAL ASSISTANCE HOTLINE

To assist victims of the remnants of Hurricane Ida in Connecticut, the CBA established a legal assistance hotline in which attorneys provided legal advice and guidance to hotline callers.

Maria I. Garriga
Eric P. Hoffman
Micoya G. Hutchins
Erin I. O'Neil-Baker

VOLUNTEER TODAY AT [CTBAR.ORG/PROBONO](https://ctbar.org/probono).

Adopting an Intersectional Lens

By KAREN DEMEOLA

“Black women, historically, have been doubly victimized by the twin immoralities of Jim Crow and Jane Crow...Black women, faced with these dual barriers, have often found that sex bias is more formidable than racial bias.”

– Pauli Murray



Since October 2020, *CT Lawyer* magazine has published articles addressing Diversity, Equity, and Inclusion (DE&I). The first year focused on advancing DE&I in the profession, providing common language, pitfalls, and practical steps to assist in the journey. Lawyers shared their lived experiences, formulated calls to action, opened eyes, and created dialogue. Narrative storytelling, as referenced in an early article, breaks down barriers and biases and gives us a better understanding of those who have identities different from our own. Further, understanding that identities are not monolithic but instead exist independently and intersectionally is critical to moving inclusion and equity forward.

People are unique and complex. Shaped by family, friends, faith communities, neighborhoods, schools, and cultures. Our race, sexual orientation, ability, ethnicity, gender identity, and other aspects of who we are also define us. Moreover, overarching societal constructs, U.S. history, the legal system, and structural inequities place these identities into unique and complex boxes, creating and defining our place in society, organizations, and the profession.

I learned I was adopted when I was five, came out as a lesbian at 18, and shortly thereafter learned I was bi-racial. I was raised Italian Catholic in a suburb of New Haven. Life was about food, faith, family, and friends—mostly in that order. I knew I looked different from my family and was constantly asked why I was in a particular store and with whom I was shopping. However, I did not think about identity, as I did not yet have the language. I have experienced biases and stereotypes on each front, but separating one identity from the rest is impossible, because I am all things.

Society as well as the legal framework addressing discrimination take a singular approach and often fail to recognize that people have multiple identities and each one has a unique history as well as systemic barriers and marginalization attached thereto. Intersectionality and adopting an intersectional lens would allow us to take a more inclusive approach not only to anti-discrimination cases but also in our DE&I work.

Pauli Murray was a civil rights lawyer, activist, poet, and Episcopal priest. In 1947, she coined the term *Jane Crow* to highlight the impact of gender-based oppression against Black women. The phrase recognized that Black women experienced oppression in terms of race and gender within Jim Crow. Murray was a black, multiracial, gender fluid woman who was active in the civil rights and feminist movements in the 50s and 60s. Her identity and experiences as a Black woman allowed her to see the way power and privilege collided in both of those movements and she openly criticized the Black civil rights movement for relegating women to the back seat of the movement.

Murray's approach to advocacy focused on eradicating *Jane Crow* by removing the systemic barriers Black women faced. As a result, an intersectional lens framed her advocacy and work, including with the NAACP and ACLU.

Forty-two years later, in 1989, scholar and civil rights leader, Kimberlé Crenshaw, coined the term *intersectionality*, to explain how discrimination and oppression overlap. Like Murray, Crenshaw wrote about the unique experience of Black women. Intersectionality, as conceptualized by Crenshaw, is a recognition that there are overlapping forms of discrimination and oppression based on a person's identities. Though used originally to highlight the experience of Black women was different than white women and black men, intersectionality is inclusive of the experiences of multiracial, LGBTQ+, and other minoritized communities.

In the May/June 2022 issue, then President Cecil Thomas, in his final column before ascending to the bench, provided data highlighting the progress made in the CBA Diversity & Inclusion Pledge signatories. Like all data, it does not explicitly address intersectionality. The data, however, includes the lived experiences of attorneys of color, trans men and women, lawyers with disabilities, immigrants, queer lawyers, women, first generation, and other lawyers who have multiple identities.

A one size fits all approach to DE&I does not exist. Recognizing that colleagues with similar identities are different and that some colleagues carry more than one identity, even if that identity is invisible, is critical in moving DE&I forward.

We are complex and unique. That complexity allows us to experience and see the world in a unique way. Intersectionality recognizes that identity is not monolithic, and that each identity has unique experiences, and barriers, systemic or cultural, that serve to oppress and marginalize. Intersectionality is a lens through which we can move DE&I issues forward in a more inclusive way. ■



Karen DeMeola is a past president of the CBA and the assistant dean for finance and administration for the UConn School of Law. Attorney DeMeola has been instrumental in the development of many of the CBA's diversity and inclusion initiatives, and regularly speaks on and teaches diversity, equity, and inclusion in the legal profession.

Removing Judges

By CHARLES D. RAY

On February 10, 2022, a state marshal served a summons on Judge Alice Bruno. Included with the Summons was an Order to Show Cause:

Pursuant to Article XXV of the Amendments to the Constitution of the State of Connecticut, General Statutes § 51-51j, and Rules 2.14, 2.15 and 2.16 of the Code of Judicial Conduct, the Connecticut Supreme Court hereby orders the Honorable Alice Bruno, a Judge of the Superior Court, to appear before this Court on April 5, 2022 at 10:00 A.M., to show cause why this Court should not commence proceedings to either suspend or remove Judge Bruno from her judicial office for potential violations of the Code of Judicial Conduct. Specifically, Judge Bruno shall show cause why her failure to perform judicial functions for at least the last two years is not a violation of the following Rules contained within the Code of Judicial Conduct: 1.2 (Promoting Confidence in the Judiciary); 2.1 (Giving Precedence to the Duties of Judicial Office); 2.5 (Competence, Diligence, and Cooperation). Judge Bruno may be accompanied by counsel if she chooses.

To our knowledge, this was a first-of-its-kind hearing for the Supreme Court.

The Supreme Court's order, hearing, and the ensuing aftermath mark the culmination of what was a more than two-year-old dispute between the Judicial Branch and Judge Bruno over the extent to which she could or would be granted accommodations for her claimed disabilities. The



hearing took place as scheduled, with the justices posing questions, in reverse order of seniority, first to Judge Bruno's counsel and then, eventually, to the judge herself. A week later, the Court ordered the commencement of an investigation "to determine whether there exist grounds for removal or suspension of Judge Bruno from her judicial office" and appointed Inspector General Devlin to conduct that investigation. About a month after his appointment, Inspector General Devlin and Judge Bruno presented a Statement of Resolution to the Court. Under that agreement, Judge Bruno's application for a disability retirement will be decided by the Judicial Review Council. If the application is denied or withdrawn, Judge

Bruno will resign from judicial office but remain free to seek a pension based on her government service.

All told, resolution of this saga took just over three months once the Supreme Court issued its show cause order. Impressive! But let's stop for a moment and consider the question of why the Supreme Court even has a right to act in this situation. After all, judges are nominated by the governor and appointed by the legislature. How is it that a judge can be removed by the Supreme Court? Turns out that until 1976, they couldn't. Our 1818 Constitution, in Article Fifth, Section 3, originally provided that judges were appointed by the General Assembly,

held their offices during good behavior, and could be removed by impeachment or by the governor “on the address of two-thirds of the member of each House of the General Assembly....” Article XII of the amendments to the 1818 Constitution, adopted in 1856, instituted eight-year terms for judges but limited removal to the same two methods: impeachment and by the governor on address from the General Assembly. The 1965 Constitution provided for nomination of judges by the governor, but did not change the scheme for removing judges, although the operative language was moved from Section 3 to Section 2 of Article Fifth.

The change we’re interested in was adopted in 1976, as Article XI of the amendments to the 1965 Constitution. That amendment added a new Section 7 to Article Fifth and did two things. First, along with removal by impeachment and by the governor, it provided that “judges of all courts, except those courts to which judges are elected, may, in such manner as shall by law be prescribed, be removed or suspended by the supreme court.” Second, it authorized the General Assembly to create a Judicial Review Council which could, “in such manner as shall by law be prescribed, censure any such judge or suspend any such judge for a definite period not longer than one year.” There has been additional tinkering with the constitutional amendments since 1976 such that the Supreme Court’s power to remove or suspend judges now appears in both Section 2 and Section 7 of Article Fifth.

The statutory framework governing the removal of judges is in Chapter 872a of Title 51 of the General Statutes. The terms of that chapter apply to judges of the Superior Court, the Appellate Court, the Supreme Court, administrative law judges, and family support magistrates. The term “judges” refers to the judges mentioned, as well as to senior judge

es and state referees. Conn. Gen. Stat. § 51-51h.

Together with the constitutionally provided methods of removal, Section 51-51i provides that judges are subject to censure, suspension, or removal from office for:

1. Conduct prejudicial to the impartial and effective administration of justice which brings the judicial office in disrepute;
2. Wilful violation of section 51-39a or any canon of judicial ethics;
3. Wilful and persistent failure to perform the duty of a judge;
4. Neglectful or incompetent performance of the duties of a judge;
5. Final conviction of a felony or of a misdemeanor involving moral turpitude;
6. Disbarment or suspension as an attorney-at-law;
7. Wilful failure to file a financial statement or the filing of a fraudulent financial statement required under section 51-46a; or
8. Temperament which adversely affects the orderly carriage of justice.

The Judicial Review Council emerged by way of Section 51-51k. Procedures for complaints and investigations by the Council can be found in Section 51-51l. When judges are involved, the Council, at the end of an investigation, has five options:

1. Publicly censure the judge;
2. Suspend the judge for a definite term not to exceed one year;
3. Refer the matter to the Supreme Court with a recommendation that the judge be suspended for a period longer than one year;
4. Refer the matter to the Supreme Court with a recommendation that the judge

be removed from office; or
5. Exonerate the judge.

Section 51-51j provides the nuts and bolts for action by the Supreme Court. That section allows the Court to remove or suspend a judge for any period either upon recommendation by the Council or on the Court’s own motion. Once the process begins, the Court “shall make an investigation of the conduct complained of and hold a hearing thereon, unless such an investigation and hearing has been held by the Judicial Review Council.” Hearings under Section 51-51j “shall not be public unless requested by the judge ... under investigation.” And a final determination of the judge’s fate “shall be made by a full court ...”

This is not quite what happened in Judge Bruno’s case. Indeed, the Court avoided the closed hearing provision by initiating its proceedings with an Order to Show Cause why the Court “should not commence proceedings” The hearing on that Order was clearly held in full public view, save for Judge Bruno’s medical records. All in all, some skillful maneuvering by the Court, but probably for the better, given the public interest and attention Judge Bruno’s case engendered.

A final note. My hearty congratulations to Matt Weiner (now The Honorable Matthew A. Weiner) upon his nomination and confirmation as a Judge of the Superior Court. Judge Weiner is taking a sabbatical from Supreme Deliberations. It remains to be seen for how long. I thank Matt for his writing, guidance, insight, and friendship during the many years we have been at this. ■



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.

■ Any views expressed herein are the personal views of the author.

Thank You!

By JOSHUA J. DEVINE

This will be my last article as the outgoing chair of the Young Lawyers Section. As the summer is well underway, I do hope you are taking time to enjoy the few warm weather months we have here in New England with your family and friends. I want to thank you for taking the time to read what I have written in these articles, and I hope you have found them insightful and at times thought-provoking. I also want to take a few moments to thank a few others, some of whom you will hear and see in the years to come as emerging leaders in the Young Lawyers Section.

First, I want to thank the 53 YLS Executive Committee members for their hard work and incredible dedication this year. I set several lofty goals for them, and I am pleased to report that nearly all of them were not only met but many were exceeded! Turning to the accountability I've spoken about previously—I am happy to report that the YLS Executive Committee members have provided over 1,000 hours of pro bono and volunteer services to individuals and organizations throughout the state. Your incoming officers—Chris Klepps, Sara Dickson, Vianca Malik, and Trent LaLima—were all instrumental in several ways this year as well, whether it be leading a group in organizing the annual Holiday Party (Sara), tracking pro bono and volunteer hours (Vianca), or leading a group in organizing the year-end event (Chris and Trent). To all of you, thank you for your sharing your time and leadership with the Young Lawyers Section. I look forward to many of you returning next year

Joshua J. Devine is the chair of the Connecticut Bar Association Young Lawyers Section for the 2022-2023 bar year. Attorney Devine is investigations lead counsel and associate general counsel at UnitedHealthcare in Hartford, where he advises on data protection and cyber security laws. He graduated from Massachusetts School of Law in 2012.



where I am certain you will all continue to succeed.

Next, I would like to thank my professional mentors. Bonnie Kumiega, a Shareholder with Updike Kelly & Spellacy PC, provided me with my first oppor-

ed my efforts and continued leadership growth with the Young Lawyers Section while also guiding me on the transition to being a successful in-house counsel. Thank you, both of you, for your professional support and guidance along my career journey.

"...the YLS Executive Committee members have provided over 1,000 hours of pro bono and volunteer services to individuals and organizations throughout the state."

tunity to practice in an established firm, providing me with the guidance and training necessary to be a successful attorney. She was and remains instrumental in helping me build my brand and learning the art of successful networking. I'd also like to thank Brian DuPerre, Deputy General Counsel and Global Chief Privacy Officer for UnitedHealthcare. Brian, much like Bonnie, has support-

Mentors matter. They are the compass that guides us to where we want to go and who we want to become. All too often young lawyers struggle to find mentors to help them build their brand and counsel them early in their career journey, where their impact is most important. If you need a mentor, please let me know. If I or others on the YLS Executive Committee are not a match for you, we

would be happy to help you connect with others within the Bar Association who might be.

I would be remiss if I did not take the time to thank my family and the unyielding support I am so very fortunate to have at home. My wife, Kristina, has supported me and my volunteering in organizations such as the Connecticut Bar Association for as long as we have been together. And now with three children at home and her own very busy and successful career, she continues to support and encourage me to push myself. I know with certainty that I would not have been able to serve in the capacity I have without her loyal partnership in all of this. Thank you, Kristina, for all that you do to support me and care for our family while also driving your own professional success.

Lastly, the Connecticut Bar Association and the Young Lawyers Section provided me with the opportunity to network and meet with colleagues throughout the



state, many for whom I would not have otherwise had the opportunity to meet. I am and will remain forever grateful for this opportunity and time in my career. Thank you, to all of you at the Connecticut Bar Association.

I hope you have taken some of the challenges and insights I've provided throughout the year to push yourself far-

ther outside of your comfort zone, or to maybe set loftier goals, and find someone to hold you accountable. If you did, I'm sure you have recognized the professional growth and development that comes with intentional self-reflection and self-development.

I'm certain our paths will continue to cross. —Josh ■

CBA Annual Meeting Speech

Continued from page 19

office while he made calls to opposing counsel. It is much harder to do that now. So, before you get into the weeds of your case, start out conversations on a personal note, especially coming out of the pandemic where we all have had common struggles and losses in our practices and personal lives. Compassion and empathy need to replace anger and apathy. And yes, it is true, you do get more with honey than vinegar!

I also want to address the importance of lawyer wellbeing! Lawyer burnout is a serious problem. While legal work can be incredibly fulfilling, it can also, by nature, be stressful and downright exhausting. Industry-wide, ultra-competitive professional cultures and excessive hours are leading to overworked lawyers and widespread wellness and mental health struggles. Consider the following

lawyer burnout statistic: A 2020 ALM study revealed that 31 percent of lawyers feel depressed; 21 percent have a problem with alcohol; 28 percent suffer from depression; and 20 percent struggle with chronic anxiety. Now add two years of dealing with the pandemic and we have a profession in crises.

We had these CBA wellness wristbands made up for each participant. If only we could tap it three times and be healthy physically and mentally. No, it is a reminder of activities and thoughts of wellness and calm to help combat our stressful days. Our Lawyer Well-Being Committee has grown in numbers, ideas, and programs offered, led by co-chairs Tanyee Cheung and Sara Bonaiuto. Check out our well-being webpage, which contains articles on healthy daily habits.

We also started a law firm well-being

pledge last year led by CBA member, Dr. Traci Cipriano. The pledge seeks a commitment from legal employers to promote lawyer well-being and healthy work environments. While the legal community has gradually been tuning-in to the value in promoting lawyer well-being, the pandemic and a multitude of other stressors arising since March 2020 have accelerated this recognition by necessity. If your firm has not signed up for the pledge, please visit our website and join the cause. Let's make a concerted effort to focus on the well-being of lawyers and our staff in this bar year and beyond.

Finally, a gifted lawyer, former President of CBA, and personal friend of mine, Ralph Monaco, was only 54 when he passed last July after giving so much to our profession and the CBA. His many accomplishments during a life caught short are a reminder that the light that burns twice as bright burns half as long. He will be missed. ■

President's Message

Continued from page 5

relations efforts. The **State of the Legal Profession Task Force**, led by the **Hon. Elizabeth Bozzuto**, **Patrick Clendenen**, **Kyle LaBuff**, and **Hon. Ndid Moses**, has also completed its final report, which has provided much food for thought and present and future action. I encourage you to review their article summarizing their excellent, thoughtful, and future-looking report, found in this issue. The CBA has taken steps to implement many of their recommendations this year, including successfully advocating for rule clarifications on remote practice before the Rules Committee, organizing a successful webinar on **Limited Scope Representation (LSR)** in May, and forming a new **LSR Committee** led by **Tara Dugo**. I encourage you review her article on LSR, also found in this issue.

Finally, the CBA also launched the **Pandemic Recovery and Future of Court Technology Task Force**, led by **Amy MacNamara** and **Andrew Nevas**. The task force will consider and make recommendations on: the use of virtual technology in Connecticut courts as we emerge from the pandemic, as well as technological changes that may be employed in Connecticut courts in the near and long-term future, such as greater use of hybrid proceedings, digital and text message court notices, or virtual assistance for the completion of basic court forms by self-represented parties.

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

many other members of our profession, I looked up to Attorney Monaco, and I am happy to know that his life will continue to inspire and support future generations.

Gratitude

These have been truly unprecedented times, and I am deeply grateful for the open lines of communication we have maintained with the Connecticut Judicial Branch throughout this past year. **Chief Justice Richard Robinson**, **Chief Court Administrator Patrick Carroll III**, and **Deputy Chief Court Administrator Elizabeth Bozzuto** have met with me and other CBA leaders throughout the year, and have always been receptive to our feedback and concerns.

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

I am also grateful to several past presidents who have been a source of advice and counsel throughout these last few years: **Karen DeMeola** and **Monte Frank** have been constant in their friendship and support at every step. **Livia Bardollar**, **Fran Brady**, **Bill Clendenen**, **Lou Pepe**, **Jonathan Shapiro**, and **Mark Dubois** have also generously offered their time and counsel throughout the years. **The Hon. Neeta Vatti** and **Kean Zimmerman** have been tireless in their commitment as my fellow co-chairs of the CBA DE&I Committee, along with so many other attorneys and judges, too many to name here, who have been so helpful in leading our various sections, committees, subcommittees, task forces, and working groups.

I have greatly enjoyed getting to know and work with my successor, President Dan Horgan. I wish him all the best in his service in this vital role, and have the utmost

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

I have not answered the call to service as an officer of the CBA alone. I am deeply grateful to my wife, Sindhu, for her constant love and support throughout this journey. These past three years as an officer, past seven years as co-chair of our DE&I Committee, together with my other bar association activities and the demands of my day job as a legal aid lawyer over the last 16 years, have called for long hours and many missed family dinners and events. Sindhu has been patient and supportive through all of it, selfless in her understanding of my own sense of duty to the callings that have come my way. Our three sons, Isaiah, Elijah, and Joshua have also been understanding and supportive in ways that are beyond their years. I hope, in their own long view of this time, they will understand my own sense of responsibility to the legacy that I have received and sought to preserve for them: a set of deeply-held values that have sustained our family for generations.

I could not have led this organization without gaining a deep love for its history, its traditions, its many contributions to our profession and to society, and its potential for future good. As with all presidents, my dream for my service was to leave the organization stronger than it was when I commenced my term. In such service, I have always found a deep and sustaining joy. A new calling to service now beckons. As I answer that call, I bid you all a fond farewell, full of gratitude for the trust and confidence that you have placed in me these past years, and an immense sense of hope for the bright future of the Connecticut Bar Association. ■

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