

This Ain't Your Parents' Judicial Branch

By DANIEL J. HORGAN

Collaboration and Cooperation between the CBA and the Judicial Branch on Full Display

Many seasoned members can recall a time when communicating and problem solving directly with the heads of the Judicial Branch was nonexistent. Judicial administrators set the rules and lawyers were expected to follow them. Who would think of emailing or calling a judicial administrator with a problem facing practitioners? The days of accepting, dealing with, and not complaining about the system are over. Our Judicial Branch has their collective finger on the pulse of pressures and problems facing lawyers in the post pandemic era. This article is not intended to curry favor with the Judicial Branch but rather to report to our members on how the Connecticut Bar Association and the Judicial Branch have been working partners on several initiatives during this bar year.

The collaborative tone has been set by Chief Justice Richard A. Robinson (a former litigator), who encourages attorneys to bring any concerns to the branch to discuss a possible resolution. It is critical to have a good working relationship with the Judicial Branch, especially coming out of the COVID-19 pandemic where our customs and habits of practicing law have been shifted, with more reliance on technology and less opportunity to develop our skills through interpersonal connections in court. Working with Judge Patrick L. Carroll III and

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Judge Elizabeth A. Bozzuto in their capacities as court administrators has been a pleasure, because we can exchange ideas and they have truly listened to and care about the issues facing the Connecticut Bar Association.¹ Justice Alan Scheinkman, presiding justice of the New York Appellate Division, recently said: "Judges and court administrators should be actively engaged with the Bar in order to assure that the Bar is aware of the concerns of the Judiciary and has a true understanding of pending changes and the reasons for them, and, importantly, to provide the Bar the opportunity to weigh in and help shape reforms. By active engagement, I mean regular attendance at meetings, legal education programs, receptions and dinners. Our judges should fully participate so that our Bench-Bar dialogue is as meaningful as possible."² I personally have witnessed this cooperative philosophy working in Connecticut.

Here are a few examples of the Bench/Bar working relationship.

■ Future of Court Technology Task Force

Chief Court Administrator Elizabeth A. Bozzuto and her predecessor, Judge Patrick L. Carroll III, were instrumental in managing the skilled personnel of their technology department as they upgraded and integrated platforms to allow lawyers to continue to represent our clients. They joined the CBA's Future of Court Technology Task Force and made the senior IT employees available to the task force to provide information and exchange ideas on how we can collectively improve our ability to represent our clients and make a living. After appropriate study, the CBA Future of Court Technology Task Force will consider and make recommendations to the Connecticut Judicial Branch on the short- and long-term future use of technology in Connecticut court proceedings.

■ Bench-Bar Symposium on Professionalism

These symposiums were developed by the CBA Standing Committee on Professionalism to bring together members of the bench and bar in a collaborative effort to identify and discuss how to maintain and elevate the level of professionalism in the practice of law. The program in Waterbury this bar year was well-attended with dynamic speakers that discussed and debated how to improve civility and mentorship in our profession. When you see the number of judges who attended, including District Court Judge Omar Williams, you realize that we are all a part of an energized and committed team. This program will continue to be rewarding and informative to our members and has the full support and involvement of the CBA, including our very active Young Lawyers Section and the Judicial Branch, as Chief Justice Richard A. Robinson, Senior Judge Patrick L. Carroll III, Chief Court Administrator Elizabeth A. Bozzuto, and Deputy

Chief Court Administrator Anna M. Fice- to also participated.

■ New Admittees Reception

In February, the CBA joined local and affinity bar association leaders from its Young Lawyers Section, Connecticut Hispanic Bar Association, Connecticut Italian American Bar Association, Connecticut Trial Lawyers Association, Fairfield County Bar Association, George W. Crawford Black Bar Association, Hartford County Bar Association, New Haven County Bar Association, South Asian Bar Association of Connecticut, and Tolland County Bar Association to host a New Admittees Reception at Anthony's Ocean View for all attorneys newly admitted to practice in Connecticut since 2020. Due to COVID-19 restrictions, there had not been a reception for new admittees sworn in to the bar for three years, and this event was the perfect opportunity to welcome all recent new lawyers. Meaningful and inspiring remarks were given by Chief Jus-

tice Robinson, Chief Court Administrator Bozzuto, Chief Judge Bright of the Appellate Court, and Superior Court Judge Moses. I don't know about you, but when I was admitted, there was not a reception that followed. I drove from my office in New London to Hartford Superior Court. I walked into the cavernous courtroom, was given the oath, and picked up a baloney sandwich for the ride back to the office. No fanfare, no reception, and certainly no inspiring remarks by our elite judges who took personal time after work hours to stay late into the evening to welcome new lawyers. This is a prime example of our Judicial Branch being invested and caring about Connecticut lawyers.

■ Family Law Section and Amendments to Pathways

The CBA's Family Law Section leaders have been meeting on a regular basis to discuss proposed amendments to the recently enacted Pathways docket. Presid-

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CBA PRESIDENTIAL INITIATIVE | Wellness, Pro Bono Volunteering, and Fundraising Event

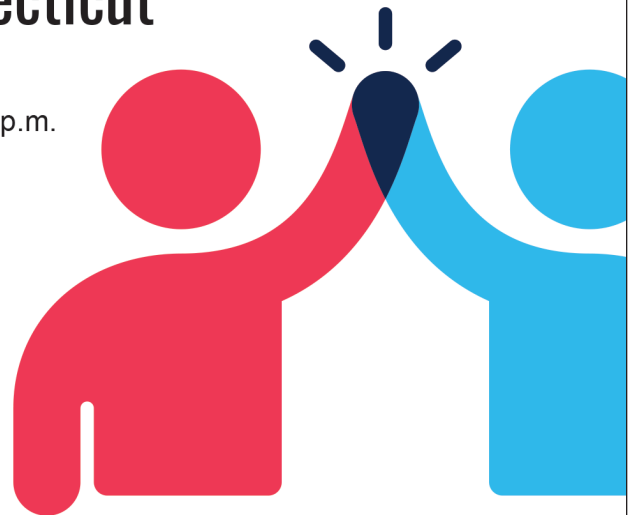
Collaboration for a Cause with Special Olympics Connecticut

Kinsmen Brewing Company
409 Canal St, Milldale

Sunday, April 30
12:00 p.m. to 4:00 p.m.

\$10 Admission Donation

- Wellness events planned (10K Bike Ride, 5K Run, 5K Walk)
12:30 p.m. to 2:30 p.m.
- Reception with pizza, beer, wine, and soda
2:30 p.m. to 4:00 p.m.
- Volunteer to give legal advice during 30-minute sessions with Special Olympics athletes and their families and compete with other sections and committees in a fundraising competition for a sky box party at a Hartford Yard Goats game



Visit ctbar.org/collaboration for more information or scan the QR code.

President's Message

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ing Family Administrative Judge Michael A. Albis, Chief Justice Robinson, and Chief Court Administrator Bozzuto are personally involved in the discussions and have repeated that any reasonable amendments within the Pathways framework that makes the system work better for lawyers, clients, and court staff will be seriously considered. Judge Bozzuto has stressed that she needs to hear specific anecdotal evidence of when and how the use of Pathways may be preventing litigants from receiving due process. Our Family Law Section has submitted proposed changes and review and discussions are underway.

■ Civics Academy

The Judicial Branch and the CBA partnered to launch the Civics Academy in February at a ceremony held in our Supreme Court. The program is aimed at 5th grade students across the state whereby judges team up with lawyers and educators to teach basic civics education concepts. Participating judges and lawyers watch a video created by the CBA Young Lawyers Section titled, *Rules, Fairness, Democracy and You* to help them break down civics-based concepts on a 5th grade level. They then go in-person to the classroom to teach the kids—once again showing the commitment to this critical issue.

If anyone reading this article has a connection to a middle school teacher or administrator, or wishes to participate in this program, please reach out to Alison Chandler at Alison.Chandler@jud.ct.gov

FTR REVIEWS

Our court monitors record all judicial proceedings occurring throughout every judicial district in the state using “for the record” technology. This allows the chief court administrator to “listen in” on any proceeding. This is a valuable tool in assessing the conduct of judges and lawyers.

Our Superior Court judges are on the front lines and undoubtedly strive for impartiality and respectful demeanor towards lawyers and litigants appearing before them. On few and far between oc-

casions, judges have demonstrated uncivil behavior toward lawyers. Whether due to having a bad day, a case of robe-itis, or something more serious, the Judicial Branch has made it clear that they want to be made aware of this type of behavior. This open-minded approach by the Judicial Branch helps reinforce the importance of civility and professionalism in our justice system from judges and lawyers. We are all accountable!

■ Courtroom Practice for Less Experienced Litigators

I recently wrote about the lack of opportunity for less experienced lawyers to be in court more often to develop their skills. I spoke with many veteran trial and appellate lawyers who lamented that the hands-on experience they gained through short calendar and the like are long gone. How do we create those opportunities knowing the archaic short calendar/motion system will never return? There is opportunity on the Judicial Branch’s website to view appellate arguments as well as some recorded trials and CLE seminars, which is helpful, but cannot replace the real thing. The Judicial Branch has been open to our ideas, which was again displayed when YLS Chair Christopher Klepps and I met with Judge Bozzuto and Judge Ficeto to discuss a few ideas to increase practice courtroom opportunities. The first idea, presented by Attorney Klepps, was a mock/moot court style program that would allow lawyers to argue appellate issues in front of sitting judges, using issues already briefed from cases that have already been decided. This saves the judges and lawyers time, yet provides great experience.

The other idea involved giving less experienced lawyers more chances to argue motions in person. If motions as a matter of right or even complicated non-arguable matters were scheduled to be heard on the Teams virtual platform, a Caseflow request would be submitted to the court asking to have the matter argued in person. The requesting party must represent that a lawyer with less than five years’ experience will argue in-person and the opposing counsel has no objection. The ideas

were well-received and we look forward to further discussions with the Judicial Branch and implementation of this collaborative program.

■ We All Have Skin in the Game—Let’s Do Our Part

Please keep in mind members of this esteemed Connecticut Bar Association, especially younger and new lawyers. On the topic of CIVILITY:³

- 1. Be Proud** Be proud and show pride to clients and the public about your practice, profession, and fellow lawyers.
- 2. Zip Up** Do not badmouth or ridicule fellow lawyers to your clients or the public.
- 3. No Jokes** Do not partake in jokes about lawyers/judges.
- 4. Image** Keep in mind that the courtesy and civility displayed in your office reflects greatly on the client’s perception of justice. ■

NOTES

- ¹ Effective January 1, 2023, Hon. Patrick L. Carroll III took senior status and stepped down as chief court administrator; Hon. Elizabeth A. Bozzuto was appointed to replace Judge Carroll as chief court administrator.
- ² Scheinkman, Alan. “A View From the Bench: Why Involvement in the Organized Bar Is More Important Now Than Ever.” *Law.Com*. January 11, 2019. www.law.com/newyorklawjournal/2019/01/11/a-view-from-the-bench-why-involvement-in-the-organized-bar-is-more-important-now-than-ever.
- ³ A View From the Bench: Why Involvement in the Organized Bar Is More Important Now Than Ever.” *Cba.Org*. Canadian Bar Association, <https://www.cba.org/Publications-Resources/CBA-Practice-Link/Young-Lawyers/2014/Civility-in-the-Legal-Practice-Practical-Tips?lang=fr-ca>.

Book Review

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- ⁵ 395 U.S. 444, 447 (1969).
- ⁶ 376 U.S. 254, 276 (1964). The United States Supreme Court extended the constitutional protection to defamatory statements about public figures. *Curtis v. Publishing Co. v. Butts*, 388 U.S. 130, 155 (1967).
- ⁷ 418 U.S. 323, 347 (1974).
- ⁸ *Id.* at 339-340.