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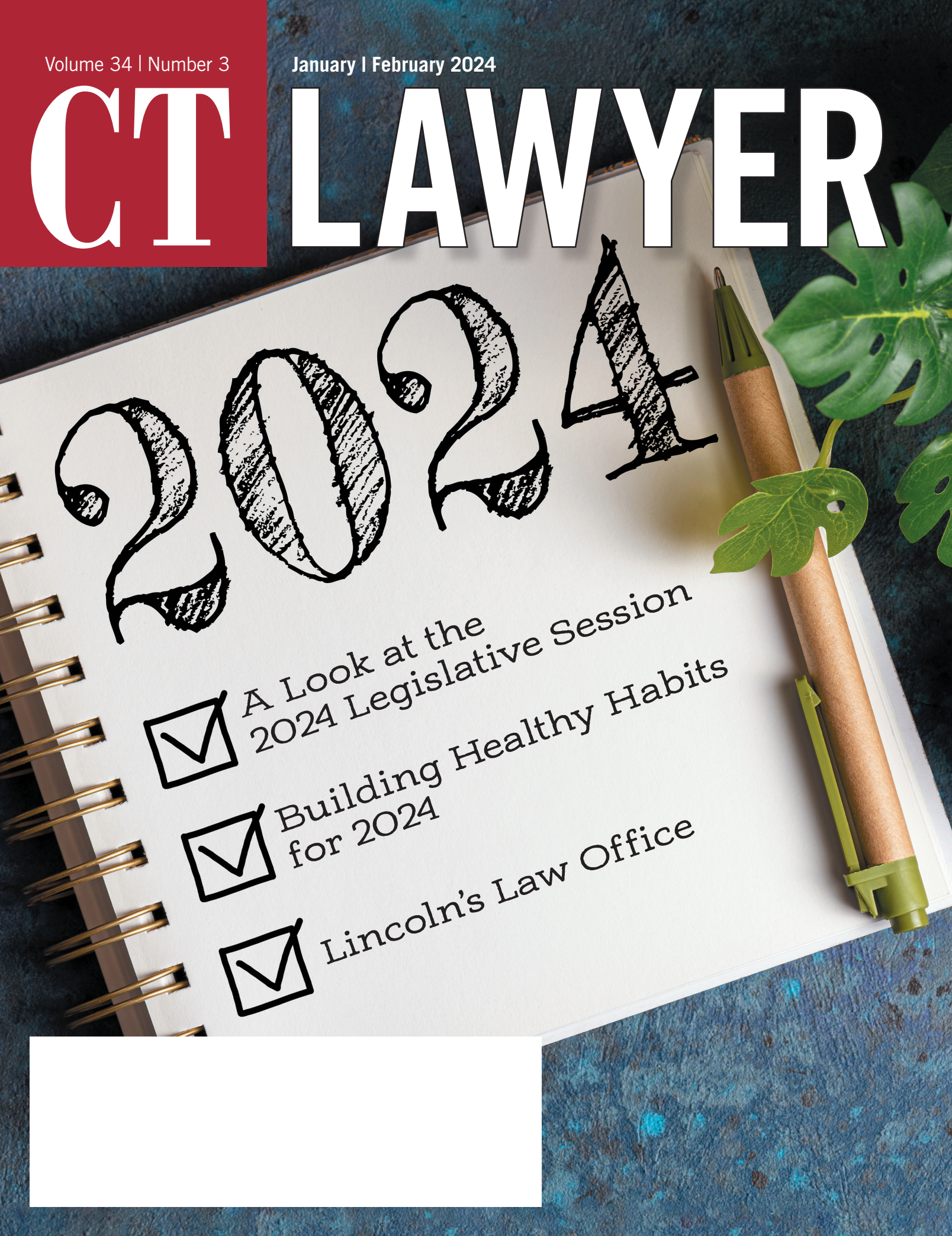
CT LAWYER



Connecticut Bar Association

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Wednesday, April 3 | Aqua Turf Club, Plantsville

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The Honorable Maria Araújo Kahn, United States Court of Appeals for the Second Circuit, New York, NY

JOHN ELDRED SHIELDS DISTINGUISHED PROFESSIONAL SERVICE AWARD
Monte E. Frank, Pullman & Comley LLC, Bridgeport

EDWARD F. HENNESSEY PROFESSIONALISM AWARD
Joseph D. Garrison, Garrison Levin-Epstein Fitzgerald & Pirrotti PC, New Haven

CITIZEN OF THE LAW AWARD
Thomas J. Sansone, Carmody Torrance Sandak & Hennessey LLP, New Haven

TAPPING REEVE LEGAL EDUCATOR AWARD
James H. Stark, UConn School of Law, Hartford

CHARLES J. PARKER LEGAL SERVICES AWARD
Lucy Potter, Greater Hartford Legal Aid Inc., Hartford

CITIZEN FOR THE LAW AWARD
Robin "Zilla" Cannamela, Candace Bouchard, and Linda Pleva, Desmond's Army Board of Directors, Winsted

YOUNG LAWYERS SECTION VANGUARD AWARD
Colleen M. Garlick
Hassett & Donnelly PC, Hartford

THE HONORABLE ANTHONY V. DEMAYO PRO BONO AWARD
Cynthia I. Crockett, Hersh & Crockett, Hartford
Cullen W. Guilmartin, Gordon Rees Scully Mansukhani, Glastonbury
Rebecca A. Iannantuoni, Day Pitney LLP, New Haven
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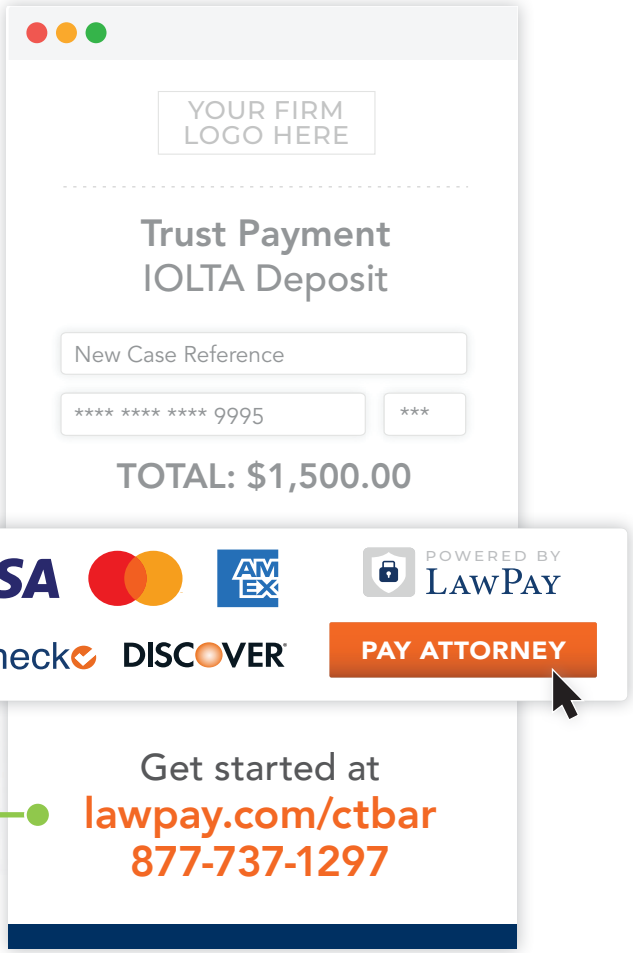

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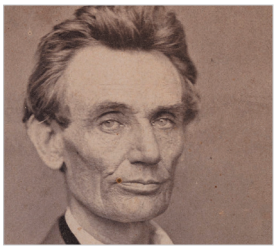

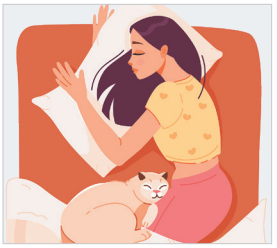

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Raising the Bar:
A Bench-Bar Symposium on Professionalism

NOTE: *These remarks are being reprinted with the permission of The Hon. Elizabeth A. Bozzuto, Chief Court Administrator, from the December 1, 2023 event, Raising the Bar: A Bench-Bar Symposium on Professionalism. Thank you Judge Bozzuto for your leadership and words!*

–CBA President Maggie Castinado

Maggie Castinado *is the 100th president of the Connecticut Bar Association and first Hispanic leader of the association. She is a past president of the Connecticut Hispanic Bar Association and a senior assistant public defender at the Office of the Public Defender in New Haven; she has defended thousands of clients with criminal matters since 1999.*

DECEMBER 1, 2023

Good afternoon. Today's Bench-Bar symposium has been convened each year at one of the judicial districts around the state for at least the past 20 years, by some accounts for 40 years! And I have no doubt that this symposium will continue to convene annually to engage in thoughtful discussions about this topic that is very important to our profession.

So here we are, at least 20 years after the first symposium. Professional in 2023—*it's still about you*. and i use the word *you* singularly and collectively. The success of our profession, the success of us raising the bar is about you, it's about me, it's about all the judges in the room, it's about us collectively and how we conduct and carry ourselves in our shared profession.

So, I want to spend the next few minutes talking about professionalism, share with you some real-life Connecticut examples of what isn't professional, some common and preventable errors we make, some data as to how we are doing as a profession, and what we can do individually and collectively to raise the bar.

I want to thank the Connecticut Bar Association's Professionalism Committee for organizing this event in collaboration with the New London County Bar Association. Specifically, Johanna McCormick, President of the New London County Bar Association.

Thanks also to our New London Judicial District judges: Judge Josephine Graff, Judge Ken Shluger, Judge Ed O'Hanlan, and Probate Judge Charles Norris. And for today's speakers: Attorney Mark Dubois, Attorney Dana Hrelic, Attorney Michael Blanchard, Attorney Dado Coric, Attorney Shelly Graves, and Attorney Jonathan Lane. And special thanks to our current CBA President Maggie Castinado and Past President Dan Horgan for being here and participating in today's program.

This topic is not only important to us as individual lawyers and judges wanting to do the right thing day in and day out. But it is equally important to us as members of a shared, time-honored profession. And the reason why it is so uniquely and vitally important to us as a collective profession is because *we are our own keepers*. We are one of the few remaining professions that is self-regulated and self-governed. From oath to admission, from conduct to discipline, from education to good standing, we as lawyers are our own keepers. We make our own rules of professional conduct. We decide who we will admit to the bar. We review the complaints made against us. We recommend sanctions. In serious cases, judges impose the sanction. So, professionalism is not just about us as lawyers making sure we do the right thing every day, but it is about taking care of our profession collectively, so no one else does. The current and the future health of the legal profession is in the hands of the lawyers who

"So, professionalism is not just about us as lawyers making sure we do the right thing every day, but it is about taking care of our profession collectively, so no one else does. The current and the future health of the legal profession is in the hands of the lawyers who currently stand within its ranks. It is up to you. It is up to me. It's all of us here today."

currently stand within its ranks. It is up to you. It is up to me. It's all of us here today.

Professionalism encompasses the full embrace that being an attorney has been, and so long as we live up to its ideal, it always will be a noble, time-honored profession. And let's not take for granted nor forget that we don't have a right to do the work we do. We are the few who have been granted a license to do the work we do. With that comes the responsibility to always carry ourselves with dignity and to act with integrity and good intentions in any situation, even when it is most challenging to do so. It is about being mindful and serious about the Rules of Professional Conduct and exemplifying the expectations that the bench, bar, and entire community have of us.

When in court, professionalism is exemplified by everything we say and do.

Some of the most telling signs of professionalism are fundamental…. How do you address the court? How do you address opposing counsel? How do you address and interact with staff? How do you react to an adverse ruling on an objection? At the end of a hearing or trial, the conclusion should end courteously and with respect for the process. You don't have to part as friends, but you do have an obligation to part respectfully, as professionals.

Speaking of respect, that's a big piece of what professionalism is all about. What we as judges and you as officers of the court must always remember is that *to respect one another, to respect the process, is to respect the profession*. We are on a much bigger stage than that courtroom. The impact of how we conduct ourselves has a wide range of influence. At its best, it demonstrates to members of the public and litigants that even the most grievous actions can be resolved within the parameters of an open and fair court proceeding. At its worst, it can lead to grievances and disciplinary action for attorneys, unpleasant reappointment hearings for judges and most unfortunate, the erosion of public trust and confidence in our judicial system.

Let me give you a few examples of what unprofessional conduct looks like…. these are all from Connecticut cases.

An attorney representing the ex-husband in a post-dissolution conference was sanctioned for humming "The Twilight Zone" theme song under his breath while looking at the ex-wife. After the conference, he proceeded to hum the same song as he passed the ex-wife in the courthouse hallway. The attorney was reprimanded. That kind of behavior benefits no one and is an embarrassment to our profession.

Or how about the attorney who got so angry after a settlement conference that he trapped opposing counsel in the revolving door leading out of the courthouse. That behavior also led to a reprimand.

Then there was the pretrial conference where an attorney showed up with alcohol on his breath. He proceeded to rudely interrupt opposing counsel and made an obscene hand gesture mimicking a sexual act during opposing counsel's presentation. That behavior led to a reprimand as well.

Or the attorney who flew into a rage during a deposition and physically threatened people in the room by waving around his fists. His conduct was all caught on video because the attorney had hired a videographer for the deposition. The attorney was disbarred for five years before being reinstated.

You might be surprised to hear that several complaints each year involve attorneys who have made inappropriate comments and actual threats toward opposing attorneys or their clients. There also seems to have been an increase in the number of complaints that the Chief Disciplinary Counsel handles involving attorneys who have made inappropriate and false claims against Superior Court judges. These matters have resulted in severe license suspensions.

These are some egregious examples, and thankfully they are rare. But each unprofessional act works to degrade and undermine the integrity and honor of our beloved profession.

What can we do? *We must all* pay attention to and avoid the most common lawyer pitfalls.

The most common violation of the Rules of Professional Conduct is Rule 1.4—Communications—the bedrock of our profession.

Poor communication or no communication at all between the attorney and the client is often the subject of a grievance. Your business, your practice, your reputation, your brand is greatly enhanced by regular and relevant conversations with your client, no matter how painful those conversations might be. Pick up the phone, write the letter, send the email, keep in touch. That is professionalism.

There is also a new trend among younger attorneys that involves the use of texting when communicating important legal information to a client. The problem, of course, is that the text is usually brief, incomplete, and something often gets lost in translation. And poor communication, which often signals the beginning of a declining lawyer client relationship, leads to

other claims, including the lawyer's timeliness in addressing concerns, diligence, and issues regarding billing.

By far, however, the most serious violation involves the use of client funds from the IOLTA account. This could be a lawyer using the funds of one client to meet obligations of the lawyer or a different client, or the outright misappropriation of client funds. These issues usually arise when the lawyer is the subject of a random audit by the Statewide Grievance Committee or if a check is returned for insufficient funds. As you can imagine, the penalties are swift and severe, resulting in suspension and disbarment.

Another not so uncommon issue involves grievances where an attorney fails to respond to the complaint in the first place. Reasons may vary—failure to update the registration, anger that the grievance was filed in the first place, or simply putting their head in the sand, hoping that the situation will disappear. Rest assured, the grievance will not go away and failing to respond makes the situation worse and may result in a suspension.

But there is some good news. The number of grievances filed annually is down from where it was 15-20 years ago, when there were approximately 1,200 grievances filed annually. In 2022 there were approximately 700 grievances and year-to-date for 2023 there have been 515 grievances filed.

Although as a practitioner, one grievance is one too many, when you put these numbers in the context of the hundreds of thousands of appearances on file at any given time, and the fact that we have 18,370 active attorneys with Connecticut addresses, these grievances numbers aren't too bad.

What else can we do?

Well aside from participating in symposiums like today, how about mentoring one young lawyer. How many of us are here today? 80? If we each mentored one new lawyer, what would our profession look like in the years to come? I think it can only lead to a positive outcome and I further think it is our responsibility to do this kind of work. Bring them along with you when you go to court, or when you take a deposition or engage in a mediation. Have them shadow you for a couple of hours in the office. Have them sit in on a pretrial. I know my colleagues on the bench would not have a problem with that.

To the young lawyers in the audience, let me take this opportunity to offer 5 simple tips regarding what judges expect and appreciate when you appear before them.

1) **Stand up when you address the court.** And I say this not because the judge demands that respect, but because the institution does. You are in a courtroom, a sacred place where arguments are made, issues are joined, and justice is served. You show that respect as a member of the bar, of the institution, by standing when you address the court.

2) **Don't argue with opposing counsel**. When in front of the court always address your remarks to the court, never to counsel.

3) **BE PREPARED.** There is no substitute for preparation. A judge knows when you are prepared and when you aren't. You can't fake it. Know your case and your opponent's case thoroughly. It will pay dividends in any number of ways…you'll be a better representative of your client, you'll impress the court, and you'll likely cause your opponent to be better prepared as well.

4) **Be reasonable.** If someone is asking for a reasonable continuance or gives you 5 dates when they will be available for a deposition and you say "no" to all suggestions, your ability to be reasonable will be called into question. And that kind of reputation will follow you.

5) **Dress appropriately.** We are a very old institution and probably one of the last that still requires men to wear ties. It distinguishes us from all the rest and I for one am ok with that.

If you do these five things, I am sure those you appear before will be impressed with your appearance before the court. And therein the seeds to a good reputation as a professional will be laid.

Education of course is fundamental to our profession and professionalism. The CBA is very active in providing programs designed to enhance professionalism, and the Judicial Branch is so grateful for its innovative programs and initiatives. Besides today's program, they offer several programs committed to professionalism:

- They have a Professionalism Boot Camp designed so that newly admitted lawyers could master the skills needed to practice more effectively and ethically.
- The CBA Standing Committee on Professional Ethics has scheduled a program entitled, "Ethics: How to Avoid Disciplinary Problems."
- In March of next year, the Rule of Law Committee will present The Rule of Law Conference, the topic of which is how the deterioration of civility and civics education is eroding the rule of law.

Clearly, for attorneys and judges committed to doing the right thing, a blueprint to raise the bar is out there, and every bar association contributing to the cause makes a difference. And to all of you in this room involved with these initiatives, I speak on behalf of all our judges when I say, "thank you." Your efforts have a direct and positive impact on our profession.

Finally, we must recognize and accept that our beloved profession carries a lot of stress and pressure, unlike any other vocation. We enhance the stature of our profession when we pay attention and are mindful of our own well-being and that of our brothers and sisters.

Many of us here today may have known that colleague or friend who at one time

was at the top of his game. Then, one day, they were angry after court and showed it; wear and tear started creeping in. Family issues mounted, they drank more, a divorce occurred, and the practice started slipping—nothing big at first, but one omission after another piled on, until this good and decent attorney was emotionally and physically depleted as the number of grievances increased. This individual was never a bully, threatening, or uncivil, but was nearly at the end of the rope.

The legal community has a professional obligation to look out for our own, particularly for those attorneys who are experiencing mental health issues and/or substance abuse problems.

We are lucky to have Lawyers Concerned for Lawyers. LCL is committed to helping members of the Connecticut legal community overcome personal, mental and addiction problems. LCL understands and explains that "lawyers as accomplished and self-reliant professionals often wait until they are in crisis before they seek help."

One of our very own was brave enough to share his experience. He said: "There came a time several years ago that I found myself in a desperate state of utter despair. My 40 years of substance use was affecting my wife, my children/grandchildren, my clients, and my business. I had not been called on the carpet professionally, but that was not far off. At court one day, I saw a lawyer that I grew up with who had found sobriety. During a pause in proceedings, I asked him how he turned it around. He put his arm around my shoulder and said, 'I've been waiting for you.' It seems that I was not the closet drunk I fancied myself to be. He gave me the number and email for Lawyers Concerned for Lawyers … LCL was the first step in my recovery journey. It has resulted in several years of contented sobriety and incredible camaraderie with my fellow lawyers in LCL. I am a better husband, father, grandfather, friend, and lawyer."

The attorney who wrote of his journey deserves our congratulations. But so does the attorney who was there for him that day when he finally turned to someone for help. LCL services are free and completely confidential, so please, if you or someone you know needs help, reach out because this program works.

So, professionalism in 2023—it's still about you, it's still about me, it's still about us. Our beloved and honorable profession is entrusted to us for its care and success.

Your presence here today, the commitment of the organizers and participants, the conversations we had today bode well for our profession.

And I will end as Attorney Mark Dubois did—"Let's shoot for the stars…"

Thank you. ■

Connecticut Bar Association

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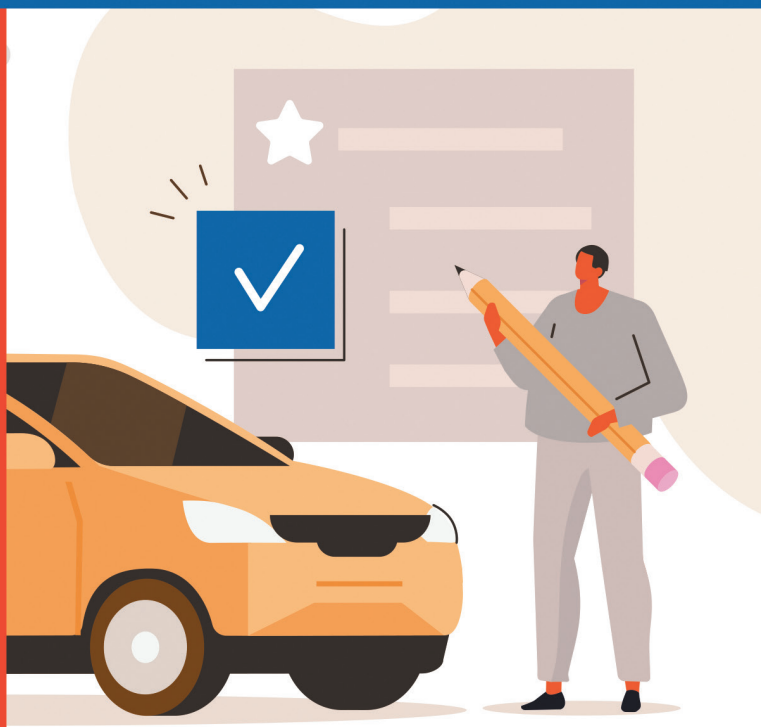


YLS Raises Funds for Charitable Causes at Holiday Events

Members of the CBA Young Lawyers Section (YLS) and the New Haven County Bar Association (NHCBA) gathered at Stony Creek Brewery in Branford for Trivia for a Cause on November 20. The event served as a charitable fundraiser and included a trivia contest hosted by CBA YLS Executive Committee member Alison J. Toumekian. Attendees were encouraged to provide non-perishable food items which were provided to the New Haven food pantry Downtown Evening Soup Kitchen. A total of $500 in monetary donations was also raised in advance of and during the event for the YLS and NHCBA's Horn of Plenty Food Drive, which supported Connecticut Foodshare's Thanksgiving for All fundraiser.

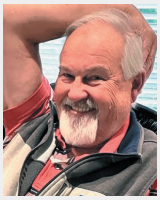
A few weeks later, YLS members gathered on December 6 at Elicit Brewing in Manchester for the section's annual holiday party. During the event, over $300 in contributions were raised for the Feeding Families Foundation, a non-profit organization whose mission is to cover the cost of three meals per day for the parents/caregivers of pediatric patients during their hospital stay.

"Thank you to everyone who joined us for these events and helped support these great causes," stated YLS Chair Sara J. O'Brien. "We are pleased to have been able to provide an opportunity for our members to network and socialize with one another while also helping to support those in need."

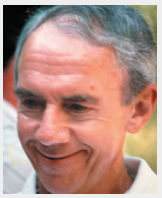
CBA YLS and New Haven County Bar Association members joined together at Stony Creek Brewery in Branford for Trivia for a Cause.

Over 50 YLS members celebrated at Elicit Brewing in Manchester during the section's holiday party.

IN MEMORIAM



Robert J. Hannon passed away on December 15, 2023 at the age of 72. He received a BA from Washington University in St. Louis in 1974; a master's degree in City Planning from The Georgia Institute of Technology in 1981; and a JD from UConn in 1991. Attorney Hannon pursued a career in city and urban planning with various towns, including Midstate Regional Planning Agency in Middletown; Woodbury; and Manchester. He later joined the CT Department of Energy and Environmental Protection (DEEP) as an environmental analyst and was later promoted to supervisor within the agency; he retired in 2021. Among his many responsibilities within the agency, Attorney Hannon represented the DEEP Commissioner on the Connecticut Siting Council, becoming a permanent member in 2023. In addition to his full-time job, he maintained a robust law practice specializing in real estate and probate, for which he served as Conservator of Person and Estate for numerous clients in Connecticut for more than 30 years. In addition to his professional career, Attorney Hannon served as the Town of Farmington Hearing Officer; Charter Revision Commissioner; a Plan of Development Committee member; Conservation Commission member and Chairman; Conservation and Inland Wetlands Commission member and Chairman; Farmington Land Trust ex-officio member; Town's Land Acquisition Committee member; and on the Lower Farmington River and Salmon Brook Wild and Scenic Committee.



Robert William Marrion passed away on December 9, 2023, at the age of 92. He attended the College of the Holy Cross on a Naval Reserve Officer Training Corps scholarship, graduating in 1952. Following graduation, Attorney Marrion served in the Navy as Gunnery Officer on Destroyer USS Watts (DD567), leaving the Navy as a Lieutenant JG. He graduated from Harvard Law School in 1958 and moved to New London where he began his 40+ year career practicing law, first at McGarry Prince McGarry & Marrion and later at Waller Smith and Palmer, where he worked until his retirement in 2001. His career included his long service as Town Attorney for East Lyme. In 1966, early in his career, Attorney Marrion worked with a group of lawyers to establish Legacy, New London's first legal aid organization. He served as its president before it was incorporated into Connecticut Statewide Legal Services. Attorney Marrion also served for many years on the Connecticut Bar Examining Committee as well as Chairman of the Board of Trustees of Mitchell College. He was a founding member and the first Board President of the Pequot Community Foundation (now the Community Foundation of Eastern Connecticut). After his retirement, he served as a tutor at the Benny Dover Jackson Middle School in New London and as a Literary Volunteer at the Gates Correctional Institution.

Seale Wilder Tuttle passed away on December 23, 2023 at the age of 81. He attended Cornell University, where he graduated with a degree in Industrial and Labor Relations, and was immediately commissioned into the Army as a Field Artillery officer. Following artillery basic officer training and Airborne School, he was stationed at Bismarck Kaserne, Schwäbisch Gmünd, West Germany, and was later deployed to the Republic of Vietnam. Upon his final separation from the Army, his honors included the Aircraft Crewman Badge, Parachute Badge, Vietnam Campaign Medal, Vietnam Service Medal, National Defense Service Medal, Army Commendation Medal, Air Medal (5 Awards), Purple Heart, and Bronze Star Medal. After his service, he served as a patrol officer in Upstate New York, while studying at Cornell Law School. After law school, he became the Assistant District Attorney of Tompkins County, and later joined the New York State Organized Crime Task Force (OCTF) as an Assistant Attorney General. Next, he joined the firm of Bouck Holloway Kiernan & Casey in Albany, where he became partner. In 1987, Attorney Seale joined the specialized-risk company Industrial Risk Insurers (IRI) of Hartford, where he eventually became Vice President and General Counsel through the remainder of his professional career.

– SPECIAL ANNOUNCEMENT –

The CBA Is Officially Moving

We have sold our building in New Britain and will operate remotely for the next several months until we move into our new, permanent location. During this transitional time, all CBA member services will remain uninterrupted. Please call or email us if you need any help or have any questions. We will keep you informed of further updates as they are available.

Upcoming Education Calendar

Register at ctbar.org/CLE

FEBRUARY

5 The Employment Debate: Legal Challenges in Recognizing College Athletes as Employees

6 An Overview of Domestic Violence Cases

20 Navigating the New Pregnant Workers Fairness Act

22 Civil Trial: Opening and Closing—Experiential

27 Insurance Law

✦ *Ethics credit available*

CLE PASS ELIGIBLE: *For more information about the CLE Pass, visit ctbar.org/CLEPass.*

MARCH

1 More Effective Writing Makes More Effective Lawyers

4 LGBT

12 Family Law

13 How to Attract and Retain Top Talent, Including Millennials & Gen Zs for Law Firms

19 Depositions 101

21 Professionalism Boot Camp✦

27 Annual Employment Law Symposium

28 The Rule of Law Conference

PEERS AND CHEERS

Steven A. Certilman is pleased to announce that he is now devoted full professional time to serving as an international and domestic arbitrator and mediator of commercial, employment, and construction disputes. He is also honored to have been recently selected by the Silicon Valley Arbitration & Mediation Center to join its 2023 List of the World's Leading Technology Neutrals (the "Tech List"), which is known as a premier panel of exceptionally qualified arbitrators and mediators also known for their skill in crafting business-practical solutions for actual or potential disputes involving technology or the tech sector.

Furey Donovan Cooney & Dyer PC has announced the addition of **Molly Plante** to the firm. She will focus her practice on wills, probate, and real estate transactions.

Litigation law firm **Gfeller Laurie LLP** is pleased to announce the launch of its Healthcare and Professional Liability practice group and the addition of partners **Karen Noble** and **Edward W. 'Ed' Mayer, Jr.**, who have been named co-chairs of the new practice group, and **Gabriella L. Izzo**, who joined the firm as an associate. In addition, Gfeller Laurie increases its bench strength and depth of experience across all defense litigation practice groups, including the Healthcare and Professional Liability practice group, with the additions of Attorneys **Christine Blethen** and **Hannah Lauer**.

Kahan Kerensky Capossela LLP in Vernon has announced the promotion of **Allison Poirier** to partner. She has been a member of the firm's Estate Planning Department since 2013 and focuses on complex estate planning and wealth transfer issues.

John N. Montalbano announces the relocation of his firm, **Montalbano law LLC**, from West Hartford to 262 Marlborough St., PO Box 246, in Portland. The firm concentrates in personal injury and Workers' Compensation claims for injured persons.

Robinson+Cole is pleased to announce the promotion of Trevor Bradley, Dan Brody, and Scott Garosshen to Counsel. **Trevor Bradley** is a member of the firm's Business Litigation and Intellectual Property + Technology Groups. His commercial litigation practice focuses on intellectual property litigation and competition claims, including non-compete, trade secret, and unfair and deceptive trade practices claims. **Dan Brody** is a member of the firm's Litigation Section, including the Business Litigation Group and the Government Enforcement and White-Collar Defense, and Internal Investigations and Corporate Compliance Teams. He focuses his practice on complex business litigation, government and internal investigations, corporate compliance, and criminal defense matters. **Scott Garosshen** is a member of the firm's Business Litigation Group and Appellate Practice Group. They focus their practice on appellate legal needs at the federal and state level, managing all aspects of appellate litigation, from pre-appeal consults with trial counsel to secure appellate strategy to briefing and oral argument at the appellate level.

CBA Celebrates Its 100 Presidents

(L to R) CBA Past Presidents Barry C. Hawkins (2012-2013); Louis R. Pepe (2005-2006); Monte E. Frank (2016-2017); Hon. Cecil J. Thomas (2021-2022); Mark A. Dubois (2014-2015); Daniel J. Horgan (2022-2023); Hon. Kimberly A. Knox (2013-2014); Keith Bradoc Gallant (2011-2012); Rosemary E. Giuliano (1994-1995); Livia DeFilippis Barndollar (2008-2009); Frederic S. Ury (2004-2005); Donat C. Marchand (2000-2001); Barbara J. Collins (2001-2002); current CBA President Maggie Castinado; CBA Past Presidents William H. Clendenen, Jr. (2015-2016); Amy Lin Meyerson (2020-2021); Jonathan M. Shapiro (2018-2019); and Francis J. Brady (2009-2010)

Past presidents and members of the Board of Governors and House of Delegates gathered on November 30 for a gala celebrating 100 presidents of the Connecticut Bar Association at Anthony's Ocean View in New Haven.

CBA President Maggie Castinado welcomed attendees and thanked the past presidents in attendance for their involvement in maintaining and advancing the CBA over the years. "All of the work that we are able to do today is based on the efforts that you have put in in the past, and you have given us a well-oiled machine," stated President Castinado. "This is a way to thank you and to honor you for all you've done."

President Castinado introduced two CBA past presidents, Louis R. Pepe (2005-2006) and Monte E. Frank (2016-2017), who each spoke at the gala. In his remarks, Past President Pepe thanked the CBA for the many experiences and lessons he had gained through his membership and encouraged those in attendance to "go forth and preach the gospel, the gospel of membership and active participation in our great organization."

Past President Frank spoke about the ongoing relevance of the CBA to legal professionals in Connecticut. He highlighted the CBA's pro bono efforts, the work that CBA sections undertake in supporting their members, and the association's important relationship with the American Bar Association. He also noted the significant growth in diversity achieved by the association's Diversity & Inclusion Pledge & Plan, concluding, "I hope that this progression will continue. It will make us a better bar and a better legal community."

The celebration of the history and achievement of the Connecticut Bar Association contined with dinner, dancing, and socializing among attendees.

CBA President Maggie Castinado presented welcoming remarks at the gala.

CBA HOSTS 2023 PRESIDENTIAL FELLOWS DINNER

(L to R) CBA Presidential Fellows Committee Co-Chair Lucas Hernandez, 2023-2025 CBA Presidential Fellows Kaydeen M. Maitland, Dayna Chucta, Emilio A. Estrella, Tamara J. Titre, Miriam E. Hasbun, Aaron Arias, and CBA Vice President and Presidential Fellows Committee Co-Chair Emily A. Gianquinto.

Current and past CBA presidential fellows and association leaders gathered at Grassy Hill Country Club in Orange on December 5 for the annual Presidential Fellows Dinner.

At the event, the 2022-2024 and 2023-2025 presidential fellows and other attendees enjoyed dinner and a panel presentation moderated by Presidential Fellows Committee Co-Chair Lucas Hernandez, which consisted of CBA Vice-President and Presidential Fellows Committee Co-Chair Emily A. Gianquinto, CBA past President Mark Dubois, and presidential fellows program alumni Yamuna Menon and Suphi Philip.

Vice President Gianquinto initiated the dinner by introducing herself and her fellow co-chair Lucas Hernandez as alumni of the presidential fellows program. She emphasized that the event is meant to provide the opportunity for new fellows to meet and socialize with other fellows, alumni of the program, and leaders of CBA sections.

CBA President Maggie Castinado (pictured sixth from the right) joined current presidential fellows and alumni of the presidential fellows program attending the dinner.

Co-Chair Hernandez asked the panelists about their reasons for applying to become presidential fellows, what they most enjoyed from their experiences in the programs, and in what ways the Connecticut Bar Association has assisted them in their careers. Vice President Gianquinto encouraged the new presidential fellows to "be proactive as much as you can," noting that the personal and professional connections she developed through the presidential fellows program and other CBA events have been among the most important benefits of her membership in the association.

The CBA Presidential Fellows Program was launched in 2015 as a prestigious leadership development program for the future leaders of the Connecticut legal profession. New Presidential Fellows are selected each year and assigned to the executive committee of a sponsoring CBA section. Graduates of the program have gone on to hold prominent leadership positions within the Connecticut Bar Association and the Connecticut legal community at large.

The CBA congratulates all the current Presidential Fellows and looks forward to seeing their development and achievements within the association.

CBA PRESIDENT PARTICIPATES IN CONNECTICUT JUDICIAL BRANCH CIVICS ACADEMY

On November 9, CBA President Maggie Castinado and Hon. Nuala E. Droney, Connecticut Superior Court judge, visited Bristol's Greene-Hills School as part of the Connecticut Judicial Branch's Civics Academy program, where they taught two fifth grade classes about the importance of rules and fairness in society, how our representative democracy functions, and the ways that even young children can participate in democracy.

The Civics Academy, created in partnership between the Connecticut Judicial Branch, the Connecticut Bar Association, and the Connecticut State Department of Education, consists of a group of judges and attorneys who visit elementary school classes from grades four to six to present civics education lessons to teach young students about their role in American representative democracy. ■

Professional Discipline Digest

VOLUME 32 NUMBER 1 | By JOHN Q. GALE

Presentment ordered for violation of Rules 1.5(b), 8.1(2), 8.4(4) and P.B. § 2-32(a)(1) where attorney, with four prior reprimands in the preceding eight years, accepted a partial retainer in paternity matter but failed to provide a written agreement, failed to appear in court, and failed to respond to the grievance complaint. *Figueroa v. Alisha C. Mathers*, #21-0258.

Presentment ordered for violation of Rules 1.4(a)(3), 1.4(a)(4), 1.5(a), 1.5(b), 1.15(d), 1.16(d), 8.1(2), 8.4(3) and 8.4(4) and P.B. § 2-32(a)(1) when attorney, with five prior successful presentments in preceding five years, accepted a retainer to draft a will but provided no services, failed to communicate with client, and failed to respond to grievance complaint. *McQuillan v. Robert O. Wynne*, #21-0067.

Presentment ordered for violation of Rules 1.1, 1.3, 1.4, 1.5(a), 1.5(b), 1.6, 1.7, 1.15(f), 1.16(d), 8.1(2), and 8.4(4) and P.B.§ 2-32(a)(1) where attorney accepted a case when she could not properly communicate with client due to limitations placed by DOC, failed to provide fee agreement, failed to answer the grievance complaint, violated attorney client privilege by communicating with third parties, had a conflict with another client, failed to refund any unused retainer when terminated, and has extensive prior disciplinary history. *Charette v. Alisha C. Mathers*, #21-0103.

Presentment ordered for violation of Rule 1.15(e), 8.1(2), 8.4(3), and 8.4(4) where attorney with extensive disciplinary history failed to deliver funds due to creditor from closing, avoided repeated requests for same, and failed to respond to grievance complaint. *Apanovitch v. Robert O. Wynne*, #21-0102.

Agreed disposition of **reprimand** where likely that attorney's conduct violated Rules 8.1(2) and 8.4(4). *New London J.D. Grievance Panel v. John A. Pinheiro*, #19-0480.

Agreed disposition of **reprimand** where likely that attorney's conduct violated Rules 1.3, 1.4(a), 1.5(a), 1.15(e), 8.1(2), and 8.4(4) and P.B. § 2-32(a)(1). Attorney agreed to make **restitution** of $2,250.00 within two weeks. *Perduta v. Robert L. Fiedler*, #20-0194.

Agreed disposition that attorney will take three hours of in-person CLE in IOLTA management within nine months, in addition to the annual CLE requirements, where likely that attorney's conduct violated Rules 1.5(b) and 8.1(2) and P.B. § 2-32(a)(1). *Liongson v. Toya A. Graham*, #20-0282.

Agreed disposition that attorney will take three hours of in-person CLE in IOLTA management within nine months, in addition to the annual CLE requirements, where likely that attorney's conduct violated Rules 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.15(d), and 1.15(e). *Paisner v. Thomas J. Lengyel*, #20-0387.

Agreed disposition that attorney will take three hours of in-person CLE in legal ethics within nine months, in addition to the annual CLE requirements, for violation of Rule 8.4(4) where attorney admitted she violated an agreement which resolved a prior grievance complaint.. *Staines v. Norma L. Arel*, #20-0464.

Agreed disposition in which attorney agrees to audit of his IOLTA account for prior four years and to enter binding fee dispute arbitration with Complainant within 30 days where likely that attorney's conduct violated Rules 1.5(b), 1.15(b), 1.15(j), and 8.1(2). *Chipperini v. Donald L. Williams*, #20-0493.

Prepared by CBA Professional Discipline Committee members from public information records, this digest summarizes decisions by the Statewide Grievance Committee resulting in disciplinary action taken against an attorney as a result of violations of the Rules of Professional Conduct. The reported cases cite the specific rule violations to heighten the awareness of lawyers' acts or omissions that lead to disciplinary action.

Presentments to the superior court are de novo proceedings, which may result in dismissal of the presentment by the court or the imposition of discipline, including reprimand, suspension for a period of time, disbarment, or such other discipline the court deems appropriate.

A complete reprint of each decision may be obtained by visiting jud.ct.gov/sgc-decisions. Questions may be directed to editor-in-chief, Attorney John Q. Gale, at jgale@jqglaw.com.

VOLUME 32 NUMBERS 2 & 3

By MARK DUBOIS

Agreed disposition of **reprimand** where likely that attorney's conduct violated Rule 7.1. *Garrick v. Stefany F. Buckley*, #21-0418, 6 pages.

Attorney ordered to take six hours of CLE, in addition to the annual CLE requirements, for failure to answer grievance complaint in violation of Rule 8.1(2) and P. B. § 2-32(a)(1). *Lemire v. Kelly A. Carden*, #20-0241, 6 pages.

Agreed disposition of **reprimand** for violation of Rule 5.5(a) when Respondent solicited legal work by mail from potential clients in Florida related to making claims for excess proceeds from foreclosure sales. *Williams v. Marc A. Krasnow*, #20-0099, 7 pages.

Agreed disposition that attorney will take three hours of CLE, in addition to the annual CLE requirements, where there was sufficient evidence to prove violations of Rule 1.3 and 5.3. Attorney agreed to make **restitution** of $70.00. *Leffard v. Jose A. Palacio*, #21-0071, 10 pages.

Agreed disposition that attorney will take three hours of CLE, in addition to the annual CLE requirements, where attorney admits conduct which violated Rules 1.5(a)(1) and 8.4(4). Attorney agreed to make **restitution** of $2,000. *Papadopoulos v. John D. Watts*, #20-0153, 9 pages.

Agreed disposition of **reprimand** where there was sufficient evidence to prove violations of Rules 1.1, 1.4(3), 1.4(4), 1.5, 3.3(a)(1), 8.4(3) and 8.4(4). *Francois v. Andre Cayo*, #19-0391, 7 pages.

Presentment for violation of Rules 8.4(3) and (4), 8.1(2), and P. B. § 2-32(a)(1) where Respondent interviewed child involved in a divorce at the home of her client's spouse, misrepresented herself, and denied to the spouse that she was an attorney. Attorney also failed to respond to the grievance complaint. *Rodriguez v. Alisha C. Mathers*, #21-0420, 5 pages.

Agreed disposition that attorney will take three hours of CLE, in addition to the annual CLE requirements, where there was sufficient evidence to prove violations of Rules 1.3 and 1.4(a)(3). *Santana v. Juliana M. Romano*, #21-0302, 9 pages.

Agreed disposition that attorney will take three hours of CLE, in addition to the annual CLE requirements, where there was sufficient evidence to prove violations of Rules 1.5(b) and 8.1(2). Attorney agreed to make **restitution** of $600. *Blakeman v. Alan A. Rimer*, #20-0448, 9 pages.

Consolidation of Presentment by agreement for violations of Rule 8.1(2) and P. B. § 2-32(a)(1). *Rothchild v. John J. Radshaw III*, #20-0171, 7 pages.

Reprimand for violations of Rules 1.4(a)(3), 1.5(a), 1.5(c), and 8.1(2) where Respondent, while representing Complainant as to a breast implant claim, charged costs for driving the Complainant to New York for doctor appointments, failed to explain in the fee agreement which costs she would be responsible for, failed to keep her informed about the status of her claim, and failed to produce records requested by Disciplinary Counsel. *Memoli v. Jeffrey Olgin*, #20-0169, 10 pages.

Agreed disposition of **reprimand** where there was sufficient evidence to prove violations of Rules 1.5(a) and 1.5(b). *Bromfield v. Andre Cayo*, #20-0184, 8 pages.

Consolidation of Presentment by agreement with other matters for findings of probable cause of violations of Rules 1.15(b), 8.1, and 8.1(2), and P. B. §§ 2-27, 2-28 and 2-32(a)(1). *Slack v. Lisa Roberts,* #21-0328, 6 pages.

Consolidation of Presentment by agreement with other matters for findings of probable cause of violations of Rules 1.15(b), 8.1, and 8.1(2), and P. B. §§ 2-27, 2-28, and 2-32(a)(1). S*lack v. Lisa Roberts,* #22-0023, 6 pages.

Consolidation of Presentment by agreement with other matters for findings of probable cause of violations of Rules 1.15(b), 8.1, and 8.1(2), and P. B. §§ 2-27, 2-28 and 2-32(a)(1). *Slack v. Lisa Roberts*, #21-0370, 6 pages.

Reprimand ordered for violation of Rule 1.16(d) for closing client's file without returning documents and for violation of Rule 1.15(b) and P. B. § 2-27(b) for failure to preserve clients' records for the required period. *McInnis v. Judith E. Paquin*, #18-0664, 6 pages.

Reprimand for violations of Rule 4.4 and 8.4(4) where Respondent made disparaging, irrelevant, and embarrassing claims against Complainant in Probate Court filings. The Grievance Committee rejected claim by Respondent that her conduct was protected by the litigation privilege recognized in *Simms v. Seamon*, 308 Conn. 533 (2013), holding that the privilege does not immunize otherwise protected conduct from disciplinary charges. *White v. Maria C. Chiarelli*, #21-0285, 7 pages.

Presentment ordered for violations of Rules 1.1, 1.3, 1.4, 1.5, 1.15, 8.1(2), and 8.4(4) where Respondent did not pursue a CHRO complaint after filing it, missed a critical hearing, and failed to communicate with Complainant. *Kondash v. Leonard A. McDermott*, #20-0322, 4 pages.

Agreed Disposition that attorney will take three hours of CLE, in addition to the annual CLE requirements, where there was sufficient evidence to prove violations of Rules 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.5(d), and 1.15(d). *Boland v. George P. Guertin*, #20-0447, 11 pages.

Agreed Disposition that attorney will take six hours of CLE, in addition to the annual CLE requirements, where Respondent admitted that, when acting as executor, he failed to submit an accounting or make any disbursements for a period of 3.5 years, which conduct violated Rules 1.15(e) and 8.4(4). *Alzheimer's and Related Disorders Assn. v. Frank B. Velardi, Jr.*, #20-0114, 10 pages.

Agreed Disposition of **reprimand** where there was sufficient evidence to prove violations of Rules 8.1(2) and 1.15(e) for failure to answer the grievance complaint and where Respondent failed to prove that disbursements were expenses paid on Complainant's behalf. Attorney agreed to make **restitution** of $25,000. *Mandic v. Benjamin B. Hume*, #20-0281, 9 pages.

Agreed Disposition of **reprimand** where there was sufficient evidence to prove violation of Rule 5.5(a) where attorney admitted she held herself out to be a lawyer while her license was administratively suspended for failure to pay the Client Security Fund fees. *Sequeira v. Barbara J. Resnick*, #21-0299.

Presentment ordered for violation of Rules 1.1., 1.2, 1.3, 1.4, and 8.1(2) and P.B. § 2-32(a)(1) where attorney was retained in a discrimination matter but took no action to advance case, failed to respond to client's repeated attempts to communicate, and failed to respond to grievance. *Moran v. Leonard A. McDermott*, #21-0134.

Agreed disposition that attorney will take three hours of in-person legal ethics CLE within nine months, in addition to the annual CLE requirements, where there was sufficient evidence to prove a violation of Rule 1.7(a)(2). *Sequeira v. Barbara J. Resnick*, #21-0099.

Reprimand ordered for violation of Rules 4.4(a) and 8.4(4) where attorney in child protection matter, threatened to "knock you out of the box," "embarrass you on the record," and "burn you to the ground" in email to opposing counsel. *Cohan v. John J. Ghidini, III*, #20-0177.

Reprimand ordered for violation of Rules 1.5(a), 3.3(a)(1), 8.4(3), and 8.4(4) where attorney accepting appointment in regional children's probate court matters, where payment is $50 per hour for time except first hour of court which billed at $75, overbilled the state by double billing when he represented multiple children in single matter, and inflated other billable activities. Panel considered mitigating factors. *Middlesex J.D. Grievance Panel v. Frank B. Twohill*, #19-0378.

Consolidation of Presentment by agreement with other matters for probable cause findings of violations of Rules 1.15(b), 1.15(d), 1.15(e), 8.4(2), 8.4(3), and 8.4(4). *Spinella v. Anthony J. Spinella*, #21-0408. ■

Within the Connecticut Judicial Branch and Beyond,

Diversity, Equity, and Inclusion Matter

BY THE HON. ELIZABETH A. BOZZUTO

AS THE NEW YEAR UNFOLDS, it typically is a time for the Judicial Branch to assess its goals and reflect on ways to further enhance the good work that our judges and staff do to serve the public and the Bar. Creating and sustaining a diverse, equitable, and inclusive organization has been at the top of that list for many years, and 2024 is no different.

More than ever, our courts must visibly mirror Connecticut's many diverse communities. Our courts also must eliminate barriers to access, and therein pave the way toward inclusion and equity. The impact of such positive momentum is obvious internally, yet its reach extends far beyond to our many stakeholders.

The Judicial Branch's path toward diversity, equity, and inclusion dates back to 1996, when then-Chief Justice Ellen A. Peters appointed a Judicial Branch Task Force on Minority Fairness, which confirmed that both real and perceived racial and ethnic biases existed in our state judicial system. The report also concluded that minorities and non-minorities had profoundly different views and perceptions of the court system. As a result of its work, the task force recommended that "comprehensive, mandatory cultural sensitivity education and training initiatives should be available for all Judicial Branch personnel at all levels of the system."

The important work of Chief Justice Peters and the task force sustained through the decades and was expanded and fortified when the Honorable Chase T. Rogers became chief justice. Chief Justice Rogers developed a long-term strategic plan for the Judicial Branch through a newly created Public Service and Trust Commission. And through that process, the commission, in 2008, released several specific outcome goals, which included the following directive: "The Judicial Branch will provide a diverse and culturally competent environment that is sensitive to the values and responsive to the needs of all who interact with it."

The commitment to this goal was an important step in the Judicial Branch's continued progress toward achieving a more robust model of diversity, equity, and inclusion. It led to the creation of the Advisory Committee on Cultural Competency in 2009, a strong cultural competency training program, and the creation of the Judicial Branch's successful Diversity Week.

Our most recent Diversity Week event occurred this past October when we celebrated its 10th anniversary. Given the occasion, it made perfect sense to have Chief Justice Richard A. Robinson—Connecticut's first Black Chief Justice—as our Opening Day keynote speaker.

Many of you who know Chief Justice Robinson know his commitment to making the Connecticut state court system a model for other states, especially when it comes to diversity, equity, and inclusion. He brings so much to the table—his own experience as a Black man in the legal profession, his tenure as the first chair of the Advisory Committee on Cultural Competency, his groundbreaking work toward eradicating racial bias from the jury selection process in Connecticut, and his national reputation as a leader in diversity training, to name just a few. His goal for the Branch is succinct: to have a Judicial Branch that is respectful, sensitive, and culturally competent.

Chief Justice Robinson also believes strongly that more can—and must—be

Image credit: smartboy10/GettyImages

done. Thus, the Judicial Branch took another step forward last year, with the creation of its first Diversity, Equity, and Inclusion (DEI) Unit.

We can credit the Advisory Committee on Cultural Competency for its recommendation a few years ago to create such a unit. Subsequently, and with Chief Justice Robinson's full support, we worked with the National Center for State Courts to develop a job description for a new director to lead the office. The Connecticut Supreme Court followed up when it approved the proposal to create the DEI Unit and hire a director, a position for which Troy M. Brown, a longtime Judicial Branch employee, was selected following a broad search, screening, and interviews.

Under Director Brown's leadership, the DEI Unit is responsible for the development, advancement, implementation, and analysis of existing and new DEI activities, such as training, consultation, policy administration, data collection and reporting, and strategic planning. It is dedicated to:

- Building capacity around issues of diversity, equity, and inclusion. For example, improving social communication across differences and establishing inclusive policies and procedures.
- Developing best practices for building diversity and inclusion in the Judicial Branch's workforce and its services.
- Tracking and measuring equity and inclusion efforts.

Director Brown also plans to interact with external stakeholders. Moreover, as an expert in cultural competency training, he is available to consult with law firms about DEI training. I would urge those of you in private practice to feel free to contact Director Brown at Troy.Brown@jud.ct.gov.

As the Chief Justice noted in his remarks in October, DEI is about respect. It is about respecting individuals for who they are and where they come from. We owe it to our employees and those whom we serve to continue looking for ways to remove barriers and enhance our diversity, equity, and inclusion initiatives. The Judicial Branch is committed to ensuring that we meet the challenge. ■

The Hon. Elizabeth A. Bozzuto *is Chief Court Administrator for the Connecticut Judicial Branch.*

Image credit: gnagel/GettyImages

A look at the 2024 Legislative Session

By MELISSA BIGGS

Connecticut's 2024 Regular Session is set to convene February 7th and it will conclude on May 8th. The session is called the "short session," two months shorter than last year's session. Originally, the short sessions were intended to address the two-year budget and make any changes needed; however, short sessions have become just as busy.

One of the biggest differences between short session and long session is how bills are proposed. During short session, individual legislators may only propose bills that have an impact on the budget, this significantly reduces the bills we will see introduced. Committees are still able to propose bills on subjects in their purview. The session schedule and committee deadlines were approved during the passage of the rules last session—while Joint Favorable Deadlines will be moved up significantly, the 5-day notice requirement for public hearings will remain in effect.

Last session was the first time the General Assembly introduced hybrid public hearings, which provided individuals with the opportunity to testify either in person or virtually. While there were a few hiccups as the process got started, it was clearly very beneficial for both members of the public as well as legislator and we anticipate the hybrid approach will continue.

We anticipate during this session the General Assembly will seek to tackle a variety of topics outside of amendments to the state budget. In addition to funding, we believe the legislature will focus on education, housing, transportation, healthcare, and energy polices. Earlier this month, State Comptroller Scanlon predicted the state General Fund will end Fiscal Year 2024 with a $178.0 million surplus and the Special Transportation with a $210.3 million surplus. While this is a vast improvement to where the state has been with continual fiscal deficits, many non-profits and service providers are struggling financially and looking for the state for additional supports.

This year marks the "COVID relief fiscal cliff," the deadline of federal COVID-19 relief funding; the state and many municipalities have used this money to develop successful programs in the community. Connecticut has already heard from many school districts, non-profits, and more of the devastation that will bring to their ability to operate effectively. This General Assembly will need to develop a plan how to support these programs within the state budget constraints.

Legislative leaders, such as Senate President Martin Looney and Education Committee House chair, Representative Jeff Currey, have publicly said that early childhood education is a priority this session. Connecticut has debated housing policies for many years with a focus on how to create affordable housing and reduce homelessness in the state. We believe housing policies will take a front seat this session. We will continue to see conversations about how the state can best improve transportation and what investments will best support the daily life of residents and tourists.

Sections of the Connecticut Bar Association have been working diligently throughout the summer and fall months to prepare for session by crafting draft legislation and gaining support from relevant state agencies and legislators. We anticipate the Bar Association will be very active at the legislature this session both on proposals we have introduced as well as reacting to proposed legislation.

In the coming weeks, we will begin to see legislative leaders announce their legislative priories and rules for the upcoming session. As we move towards the close of session, we will also learn of legislators' plans for the 2024 election cycle. We anticipate a number of retirements will be announced, as well as individuals announcing their candidacy for a variety of offices across the state. ■

Melissa Biggs *serves as the Connecticut Bar Association's lobbyist. She is a partner at DePino, Nuñez, & Biggs, LLC (DNB), a trusted Connecticut bipartisan government relations firm.*

The Urgent Call:

By LYNN M. THOMAS

Introduction

In the dynamic and highly competitive world of law firms, attracting and retaining talented legal professionals is a fierce rivalry that will only increase as the pool of law school graduates annually shrinks. The legal industry, marked by its high-stress environment and rigorous demands, often grapples with a revolving door of employees. This article will focus on why law firms would reap compelling benefits from evaluating their employee attraction and retention efforts and implementing leading-edge retention strategies to be a magnet for top talent.

1 The Financial Cost of Constant Turnover

One of the most glaring reasons law firms need to reconsider their employee retention strategies is the significant financial cost of turnover. Attracting, recruiting, interviewing, hiring, onboarding, and training new employees demands considerable time and expenses. Law firms must divert significant resources toward these processes that could otherwise be allocated to core business operations, technology investment, employee growth and development, or business growth. Law firms rarely view their Onboarding Process as a potent retention tool, even though 66 percent of companies with one have a higher retention rate than their competitors.

2 Erosion of Client Relationships and Firm's Reputation

Trust, expertise, and consistency are the cornerstones of the legal profession. Clients choose law firms based on their confidence in the firm's capabilities and the quality of service. A law firm's reputation and brand image are their most valuable IP. However, a constantly changing roster of lawyers and staff can erode that trust, disrupt client relationships, and discourage talented lawyers and professionals from considering the firm a career destination.

3 Impact on Morale, Productivity, and Culture

Replacing a key team member takes time, whether finding a suitable replacement or redistributing the workload among existing staff. During this transition period, clients' needs may not be met promptly, leading to dissatisfaction, potential loss of clients, and harm to the firm's reputation. High employee turnover can have a demoralizing impact on the remaining staff. The constant comings and goings of colleagues create a sense of instability and uncertainty among employees. The extra workloads employees need to handle diminish morale, job satisfaction, produc-

Image credit: Yutthana Gaetgeaw/GettyImages

Law Firms Need to Increase Their Ability to Attract and Retain Top Employees

tivity, and ultimately affecting the firm's overall performance. Creating a culture that allows employees to be engaged, excelling, and thriving is the challenge. The best firms frequently ask and deeply listen to what their employees want and need to remain productive, engaged, and thriving.

4 Loss of Institutional Knowledge

Experienced employees have an immense wealth of institutional knowledge indispensable to a law firm's success. They are well-versed in the firm's unique processes, historical cases, individual lawyers' expertise, and client preferences. When these experienced individuals depart, they take this knowledge with them, creating a knowledge vacuum that can be virtually impossible to fill quickly. This loss of institutional knowledge can hinder the firm's efficiency and effectiveness in serving clients. Few law firms conduct extensive, in-depth exit interviews specifically designed to capture as much of their institutional knowledge as possible. These interviews significantly help to make these transitions smoother and easier for the employees and clients.

Conclusion

The imperative for law firms to revisit their employee attraction and retention strategies cannot be overstated. The financial burdens, disruptions in client relationships, erosion of institutional knowledge, damage to reputation, competitive disadvantages, workflow disruptions, loss of legal expertise, and impacts on morale all emphasize the urgency of addressing this issue. While we have elucidated the reasons for change, the specific solutions will vary, contingent on each law firm's unique circumstances and culture.

Acknowledging the need for change is the critical first step toward improving employee attraction and retention and thus ensuring long-term success in the legal industry. ■

***Lynn M. Thomas**, of Lynn M. Thomas Consulting in Newton, MA, is one of the country's leading retention experts and a former tax attorney.*

Learn more from Lynn M. Thomas at How to Attract and Retain Top Talent, Including Millennials & Gen Zs for Law Firms.
March 13, 2024 • 12:00 PM – 3:00 PM • Hawthorne Inn, Berlin • Register at ctbar.org

LINCOLN'S LAW OFFICE

By Hon. Henry S. Cohn

When people today think of Abraham Lincoln's legal career, they likely think of him as a trial lawyer. The famous movie *Young Mr. Lincoln* portrays him skillfully winning an important case and becoming a national figure. But Lincoln's law office practice between 1836 and 1861 was as important as his trial work, both to Lincoln himself and for his legal career. This article describes Lincoln outside of the courtroom.

Lincoln began studying for the bar in 1834 in New Salem, Illinois, reading Blackstone's famous treatise, which he had borrowed from a lawyer friend. He passed the Illinois bar in 1836 by establishing his credentials before a panel of local lawyers. He began his legal practice by assisting residents fill out various forms. Then, in 1837, with New Salem no longer a viable place to expand a law practice, Lincoln moved to Springfield, the state capital. Lincoln, as an Illinois state representative, had been a major force in making Springfield the capital.

Lincoln's mentor and then first law partner was John Todd Stuart, a cousin of Mary Todd, who would become Lincoln's wife. But because Stuart was a member of the U.S. Congress, he was often absent from Illinois, and the legal practice was effectively left in Lincoln's hands.

Lincoln and Stuart ended their partnership in 1841, and Lincoln formed a partnership with Stephen T. Logan, which lasted until 1844. Logan was different from Stuart in that he lacked charm. Described as "brilliant and blunt," he had been an Illinois judge and was serious when it came to practicing law. Logan was a perfect tutor for a young lawyer like Lincoln, and Lincoln acknowledged that Logan provided him with an education in law that Lincoln had not previously received.

After Lincoln parted with Logan, he formed his final partnership with William "Billy" Herndon. This partnership lasted over fifteen years, until Lincoln left Springfield for Washington, D.C. in 1861.

The building that housed Lincoln and Herndon's office dated from 1843 and was across the street from the state capital in downtown Springfield. It is the only Lincoln office left standing today. The first

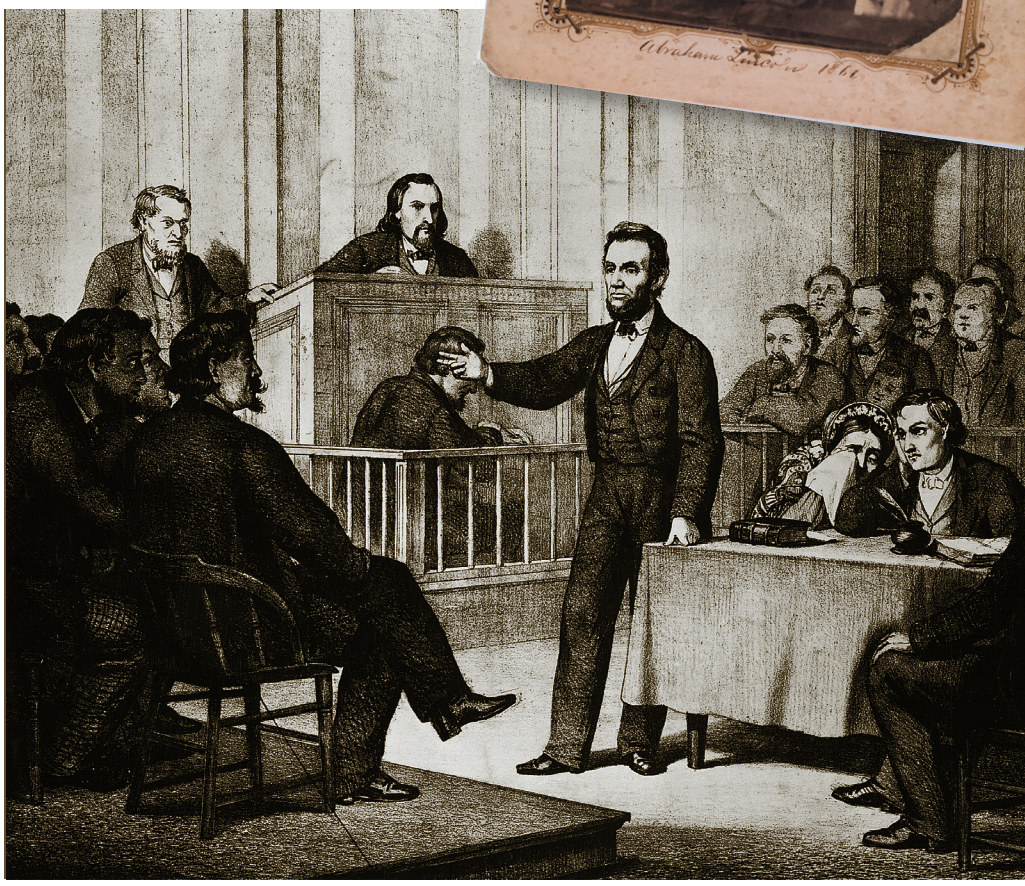
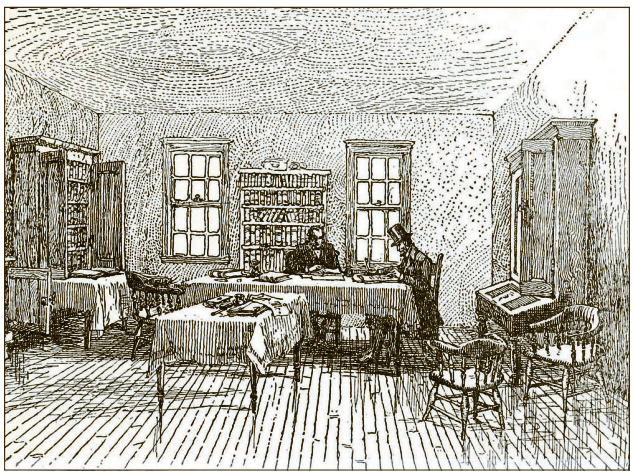


Image credits: Zol87; metmuseum.org; and Bettman /GettyImages


LINCOLN - HERNDON LAW OFFICES
TONIGHT
7:30 Lincoln's
Ghost Walk



floor had a federal post office, the second floor was a state courtroom, and Lincoln and Herndon's office was on the third floor. In 1852, they moved a block away.

There are several recollections of their office from Herndon and other lawyers. The first thing we know about the office is that Lincoln kept it filthy. He had a huge spot on the wall where two of his interns had been fighting with inkstands. There was so much dust in the corner that somebody said that some beans that had been lying around there had started to sprout.

Lincoln had a huge black hat. He carried his papers around in it, and an occasional wind would blow it away, leaving him running around the streets of Springfield picking up his papers. He'd come into his office and he'd put two chairs together; one he would sit in and the other he would stretch his long legs on. At 6'4" he was our tallest president.

One thing Lincoln liked to do was read aloud while he was trying to think, and this drove Herndon crazy. Herndon was also not pleased that Lincoln would often allow his sons to run around at the office.

In 1845, Gibson Harris joined the firm as a student and clerk. Years later he recalled the office this way: "The furniture, somewhat dilapidated, consisted of one small desk and a table, a sofa or lounge with a raised head at one end, and a half-dozen plain wooden chairs. The floor was never scrubbed…. Over the desk a few shelves had been enclosed; this was the office bookcase holding a set of Blackstone, Kent's Commentaries, Chitty's Pleadings, and a few other books. A fine law library was in the Capitol building across the street to which the attorneys of the place had access."

According to Fred Kaplan in *Lincoln: The Biography of a Writer*, the office became the center of Lincoln's law practice. He disliked extemporaneous talks and court appearances, so, to feel comfortable, he wrote out an outline of his intended addresses or court presentations.

His outline was always compact and plain with direct sentences. When asked to draft reports and legislation for the Illinois legislature, the results were sharp and free of boilerplate. Sometimes he worked in references to Shakespeare or other literary figures. He was a master of words and had perfect penmanship. Many of his fellow lawyers were not as careful, and their writing was sloppy. Lincoln's superiority was remarkable considering that he had only six months of formal education.

What legal work occurred in his office? One of Lincoln's chief sources of income was representing creditors in debt collection actions. He often drafted notes and pleadings and court actions to collect on notes drafted at his office.

There were a lot of debts out there. People owed other people money. This was frontier Illinois. A well-regarded book, *Lincoln the Lawyer,* states, "He practiced law in a veritable shower of promissory notes. They rained down on him year in and year out for his entire 25-year practice." This was his specialty, the collection business.

But he also defended some debtors. One case occurred during the gold rush. A poor soul had decided to go to California to find his fortune. He needed money to get there, and his neighbors in Springfield backed him. They figured they'd get a percentage of the gold that he found. He got about as far as Oregon, but it got to be too much, and he came back to Springfield, a failure. But his neighbors wanted their $250 back. Lincoln, representing this fellow, worked out a settlement with the backers.

A record of Lincoln's cases shows that the first case that Lincoln handled in 1836 was the conveyance of a ferry for his client. Other office work included issues over the sale and conveyance of land. He also drafted wills and advised on the validity of an heir's conveyance of land inherited in a will. He advised clients on the wisdom of the purchase of public land. He advised on patents and was the only president who had patented an invention himself. He received the patent in 1849 for a device that would lift boats over shoals to enable them to pass over bars or through shallow water without discharging their cargoes; it was never manufactured, however.

He assisted bar associations in reviewing the qualifications of persons seeking admission to the bar. He accepted clients seeking military pensions. Starting in 1856, Lincoln obtained one of his most important clients, the Illinois Central Railroad. He gave significant advice to the railroad on pending litigation and on a state tax claim.

In addition to managing a successful law office, Lincoln's 25 years, not just in court, but also in downtown Springfield, taught Lincoln several things. He mastered the organization of facts, putting them together in a readable fashion. This skill carried over to the Civil War, where he had to manage difficult generals such as George McClellan and Joseph Hooker.

He was also a member the Whig political party and was a disciple of the Whig, Henry Clay. Even when Lincoln became a Republican, he retained the Whig philosophy. David Donald wrote an essay about Lincoln called *A Whig in the White House*. The Whigs, from the legal point of view, valued order, resolving cases, and independence, so that one never had to rely on just one client.

The final important thing to say about Lincoln is that he learned from the lawyer's perspective what a Lincoln scholar called "grease." He learned how to smooth his way and make friends with all different types of people under different circumstances. As Doris Kearns Goodwin demonstrates in *Team of Rivals,* Lincoln had skills in "cabinet making." We may conclude that Lincoln's law office was at least a factor in the North's successful outcome in the Civil War. ■

Hon. Henry S. Cohn *is a judge trial referee in New Britain.*

Image credits: InternetArchive book images *Lincoln the Lawyer*

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It Looks Sort of Like a Duck, But It's Not a Duck—

Arbitration Is Not Litigation

By Roy L. De Barbieri and Robert Harris

TRIAL LAWYERS FULLY INDOCTRINATED into the nuances of federal and state court sometimes find arbitration to be an alien and uncomfortable venue. No longer are they in a familiar setting with fulsome discovery, multi-year case timelines and a process that is designed to develop a record that will be subject to appellate review. Nonetheless, when a client calls looking for representation in connection with a contractual dispute that mandates arbitration, it is the attorney with litigation skills—the master of the courtroom—who enters the fray.

The discomfort that litigators display in an arbitration setting has been palpable and witnessed by commercial arbitrators, and they, together with arbitration administrative organizations such as the American Arbitration Association and JAMS, have taken many steps to provide educational opportunities to familiarize courtroom litigators with the arbitration process.

The Scene

In commercial arbitration, the attorneys are expected to appear for the preliminary conference fully prepared to discuss arbitration logistics and milestones. Sometimes, however, arbitrators encounter attorneys who have given these matters little, if any, thought, leaving their clients exposed to a scheduling and discovery order that may not accord with their needs. Unlike courtroom litigation, in arbitration the attorney who comes armed with a well thought out case management plan gains the advantage.

Consider the Following: Your new client is a principal in a business venture that has gone sideways. Colleagues have turned into enemies; acrimony has replaced friendship. The saga is complicated, convoluted, and contradicted. As your client exits your office after your first meeting, you reach for the agreement she has left with you. Turning immediately to the Dispute Resolution Section, you discover that it calls for arbitration of the dispute. No matter. It's paying work and you have a job to do. "How different can it be from trying a case at court?"

Fast forward several weeks. The arbitration demand has been filed, the arbitrator has been selected and appointed. You have received notice of a preliminary telephonic conference, scheduled for Monday morning.

After a relaxing weekend, you call in at the appointed hour, looking forward to beginning your work week with the pleasantries of a low key "meet and greet" with the arbitrator and your adversary. Instead, you find yourself on the receiving end of a call with an arbitrator intent on establishing a soup-to-nuts schedule that envisions a substantive arbitration hearing in a few months' time. The arbitrator expresses skepticism about discovery, indicating openness to, at most, a limited document exchange. And the parties should not even think about deposing experts, as the arbitrator firmly believes that expert reports are all that a party will need before examining the expert during the hearing.

Image credits: PeopleImages/GettyImages

In short, you have run into the buzz-saw known in today's vernacular as "muscular arbitration."

The Context

Historically, as contractual arbitration provisions worked their way into more complex transactional documents, arbitration proceedings often came to resemble litigation. The attorneys addressing the conflict, trained to battle in federal and state courts, understandably brought their litigation toolbox to the arbitration.

Consequently, discovery became expansive and expensive, parties took every imaginable opportunity to file dispositive (and non-dispositive) motions, and the hearings became increasingly prolonged, only to routinely be followed by post-arbitration efforts by the losing party to have the award vacated. In short, arbitration became unmoored from its historical underpinnings as a less formal, more economical and efficient way for parties to resolve a dispute and to move on with their commercial lives.

Not surprisingly, a countervailing industry wide push followed. Arbitration providers such as the American Arbitration Association sought to reinforce arbitration's genesis and purpose. Rules were tweaked, and arbitrators were educated to recognize the inherent distinction between arbitration and litigation. Arbitrators—some more than others—began to "muscularly" assert more control over the arbitration process.

Witness the most recent American Arbitration Association Commercial Rules, published September 1, 2022. The Rules have enlarged the already extensive powers to arbitrators to outline, design, and control the process in every individual arbitration with the goal in mind to achieve a less formal, more economical and efficient dispute resolution path.

The Call to Action for Arbitration Attorneys

"Muscular arbitration" need not undermine the fundamental reality that, as a "creature of contract," arbitration remains the parties' process, enabling them to fashion the contours of the proceeding in a manner to their liking. However, snoozing may mean losing. Attorneys bear the responsibility to proactively present the arbitrators with their clients' needs and expectations for the arbitration. Failure to provide direction creates a vacuum that an arbitrator readily will fill. (See AAA Commercial Rules P-1 and P-2 for a detailed list of issues to consider.)

Counsel for the parties should be seeking to adopt a more cooperative process rather than a contentiously argumentative, delay-oriented, stance. An analogy can be found in the now accepted process of cooperative family law practice where counsel shed their litigious characteristics and collaborate together to find

a process that serves both parties interest and leads to an appropriate resolution path.

Definitive matters will be addressed as early as the initial preliminary conference between the arbitrator and the attorneys. For example, the AAA Practice Guide for preliminary hearings explains that "decisions will be made that will affect the course, scope, and cost of the arbitration. Expectations will be set. This is an opportunity for the tribunal to be sure that client expectations (typically for efficiency and speed) are in line with those of their advocates (who may believe more time is needed for discovery)." Accordingly, attorneys should be prepared to set forth their requirements for discovery and document exchange, expert reports and testimony, dispositive motions, the time and place of the hearing, and pre- and post-hearing submissions.

The prehearing conference phase of arbitration lends itself to a negotiation between the parties' counsel before the preliminary hearing. This is part and parcel of the underlying principle that arbitration is a creature of contract and "contracting" can be done post-dispute in terms of the process. The initial scheduling conference in court proceedings is very different from the prehearing conference in arbitration. In an arbitration "best case" scenario, counsel meet in advance of the hearing and either submit a joint report or separate statements on a list of common/to-be-anticipated topics. And, to the extent that counsel for the parties are able to agree on scheduling, dispositive motion procedures, voluntary exchange parameters, scheduling of the evidentiary hearing, etc., those agreements will be respected and accommodated to the extent that they are reasonable.

At the preliminary hearing, counsel should come prepared to set dates for the evidentiary hearing and a roadmap for getting there—identifying the common tasks to be discussed/worked through with opposing counsel and the arbitrator.

Optimally, attorneys for the competing parties will confer in advance of the conference and reach agreement on many of these issues. Arbitrators typically will encourage such arrangements, with a confirming order, so long as the agreement reasonably conforms to the goals of arbitration. In the absence of agreement, attorneys should be prepared to provide the arbitrator with their respective clients' specific requests and their reasons for them, confirming the relief each party is seeking, using more summary presentations than the expensive law and motion practice from the courts.

Another tip: while arbitration is promoted as providing confidentiality that is unavailable in courts, the more accurate description is privacy. Attorneys should remember that privacy of arbitration is not the same thing as confidentiality. Nothing in arbitration inherently precludes a party or its counsel from discussing what transpires in the arbitration room or submissions. If confidentiality is desired, counsel should introduce the need for a protective order. Protective orders are not limited to that which is eligible for protection under "general legal principles" in the courts; parties can bargain for something broader, leading to an order which operates akin to an NDA. Arbitration, more so than litigation, provides the parties with an opportunity to shape the process. Those who squander this opportunity by not adequately preparing run the risk of an arbitrator deciding for them.

There are very many advantages in arbitration that counsel can design into the process that would not be permitted in litigation. Modern arbitrators are seeking to receive the evidence in expeditious and concise methods, which may include(in contrast to traditional litigation) utilizing witness statements and expert opinions as direct testimony, and moving on quickly to cross.

In closing, legal counsel can expect and look forward to a fair, expeditious, and complete process in arbitration that will serve their clients' needs. However, it remains counsel's obligation to engage early on in the process of design and implementation of

the arbitration program, specifically tailored to that client's present needs. Cooperation and understanding of the process is essential in representing one's client in arbitration. Attorneys who have not had extensive experience in this area should seek assistance and advice in preparation. ■

Roy L. De Barbieri *of New Haven, Connecticut is Of Counsel to the Firm of Zangari Cohn Cuthbertson Duhl&Grello P.C. with offices in New Haven, Hartford and Providence. Attorney De Barbieri is a distinguished dispute resolution neutral, and continues to perform his independent services as an arbitrator and mediator throughout Connecticut and across the country. He has distinguished himself as a Fellow of the College of Commercial Arbitrators, where he also served as the Chair of the Law Firm CLE Education Committee, and a Director. He is a member of the Executive Committee of the Dispute Resolution Section of the Connecticut Bar Association, and a Past Chair. Attorney De Barbieri has 30 years of experience as an arbitrator and mediator of domestic and international commercial disputes.*

Having served as a neutral during his careers as a private firm commercial litigator and inhouse counsel for two financial services companies, ***Robert Harris*** *now is a full-time arbitrator and mediator, including service for the American Arbitration Association's general commercial and employment panels, and its specialty panels for Large Complex Cases, Mergers and Acquisitions and Joint Ventures. Attorney Harris is a Past Chair of the Connecticut Bar Association's Dispute Resolution Section.*

AMERICAN ARBITRATION ASSOCIATION—COMMERCIAL ARBITRATION RULES

R-1. Agreement of Parties*

a) The parties shall be deemed to have made these Rules a part of their arbitration agreement whenever they have provided for arbitration by the American Arbitration Association ("AAA") under its Commercial Arbitration Rules or for arbitration by the AAA of a domestic commercial dispute without specifying particular rules. These Rules and any amendment to them shall apply in the form in effect at the time the administrative requirements are met for a Demand for Arbitration or Submission Agreement received by the AAA. Any disputes regarding which AAA rules shall apply shall be decided by the AAA. The parties, by written agreement, may vary the procedures set forth in these Rules. After appointment of the arbitrator, such modifications may be made only with the consent of the arbitrator.

b) Unless the parties agree or the AAA determines otherwise, the Expedited Procedures shall apply in any case in which no disclosed claim or counterclaim exceeds $100,000, exclusive of interest, attorneys' fees, and arbitration fees and costs. Parties may also agree to use these Procedures in larger cases. Unless the parties agree otherwise, these Procedures will not apply in cases involving more than two parties. The Expedited Procedures shall be applied as described in Procedures E-1 through E-10, in addition to any other portion of these Rules that is not in conflict with the Expedited Procedures.

c) Unless the parties agree otherwise, the Procedures for Large, Complex Commercial Disputes shall apply to all cases in which the disclosed claim or counterclaim of any party is at least $1,000,000, exclusive of claimed interest, attorneys' fees, arbitration fees and costs. Parties may also agree to use the Procedures in cases involving claims or counterclaims under $1,000,000 or in nonmonetary cases. The Procedures for Large, Complex Commercial Disputes shall be applied as described in Procedures L-1 through L-3 in addition to any other portion of these Rules that is not in conflict with the Procedures for Large, Complex Commercial Disputes.

d) Parties may, by agreement, apply the Expedited Procedures; the Procedures for Large, Complex Commercial Disputes; or the Procedures for the Resolution of Disputes Through Document Submission (Procedure E-6) to any dispute.

e) All other cases shall be administered in accordance with Rules R-1 through R-60 of these Rules.

** The AAA will apply the Employment Fee Schedule to any dispute between an individual employee or an independent contractor (working or performing as an individual and not incorporated) and a business or organization and the dispute involves work or work-related claims, including any statutory claims and including work-related claims under independent contractor agreements. A dispute arising out of an employment plan will be administered under the AAA's Employment Arbitration Rules and Mediation Procedures. A dispute arising out of a consumer arbitration agreement will be administered under the AAA's Consumer Arbitration Rules.*

** Beginning June 1, 2021, the AAA will apply the Consumer Arbitration Fee Schedule to any dispute between an online marketplace or platform and an individual user or subscriber (using or subscribed to the service as an individual and not incorporated) and the dispute does not involve work or work-related claims.*

R-2. AAA, Delegation of Duties, Conduct of Parties, Administrative Review Council

a) When parties agree to arbitrate under these Rules, or when they provide for arbitration by the AAA and an arbitration is initiated under these Rules, they thereby authorize the AAA to administer the arbitration.

b) The authority and duties of the AAA are prescribed in the agreement of the parties and in these Rules, and may be carried out through such of the AAA's representatives as it may direct. The AAA may, in its discretion, assign the administration of an arbitration to any of its offices. Arbitrations administered under these Rules shall only be administered by the AAA or by an individual or organization authorized by the AAA to do so.

c) The AAA requires that parties and their representatives conduct themselves in accordance with the AAA's *Standards of Conduct for Parties and Representatives* when utilizing the AAA's services. Failure to do so may result in the AAA's declining to further administer a particular case or caseload.

d) For cases proceeding under the Procedures for Large, Complex Commercial Disputes, and for other cases where the AAA, in its sole discretion, deems it appropriate, the AAA may act through its Administrative Review Council to take the following administrative actions:

i) determine challenges to the appointment or continuing service of an arbitrator;

ii) make an initial determination as to the locale of the arbitration, subject to the power of the arbitrator to make a final determination; or

iii) decide whether a party has met the administrative requirements to file an arbitration under these Rules.

Building Healthy Habits for 2024

By TANYEE CHEUNG

As attorneys, we can often get lost in the demands of our profession, but the ushering in of a New Year provides us with the opportunity for reflection and renewal. It's a great time to tackle the perennial challenge of balancing a demanding career with personal well-being. Making time for our own well-being is not only good for ourselves and our family but also for our clients. Better well-being is correlated with greater productivity, and it can create a better work environment and also boost retention. By prioritizing wellness, we can enhance our professional efficacy as well as our personal satisfaction. There can be little doubt that wellness is not only desirable but necessary for a sustainable practice. But how do we turn this awareness into action? One of the best ways we can improve our well-being is by building new, healthy habits.

1
Slow Down! Mindfulness and Stress Management

The legal profession is inherently stressful, with high stakes and long hours. Mindfulness practices can be a game changer. Techniques such as meditation, deep breathing, and yoga can be integrated into daily routines, even for the busiest attorneys. Utilizing apps like Headspace, Insight Timer, Waking Up, or Calm for guided meditation sessions can be a convenient way to start. Many of the apps provide a free trial period at no cost so you can test them out to see which one most resonates with you.

None of these practices need to be hours long. Short, guided meditation sessions in the morning or deep breathing exercises during breaks can make a significant difference. You can take a couple of minutes, a few times a day to meditate or do some mindful breathing. Just noticing the tension in our bodies can help us begin to release it. Find a time that works for you. It can be first thing in the morning, during your lunch break, or at the end of your day. Better yet, do a few minutes at each of these times.

In the fast-paced world of law, stress is a constant. However, embracing mindfulness can significantly alleviate stress and improve concentration. Beyond immediate stress relief, mindfulness fosters a greater awareness of thought patterns and emotional responses, leading to better decision-making and emotional regulation and better interactions with opposing counsel, colleagues, and clients. The benefits of these practices extend beyond stress relief, improving cognitive functions critical for legal practice, and building better relationships.

2
Move It! Physical Activity

Physical activity is a critical component of overall well-being, and we all know the benefits of regular exercise. Not just about maintaining physical fitness; it also boosts mental health, enhancing cognitive function and emotional well-being. As a busy attorney, I know regular exercise can be a challenge, but did you know that even moderate breaks in a sedentary day can be a huge benefit?

Research has shown that a sedentary lifestyle, characterized by prolonged periods of sitting or inactivity, can lead to several adverse health outcomes. These include an increased risk of heart disease, Type 2 diabetes, certain types of cancer, and even a higher risk of mortality from these conditions.[1] Create a habit of standing up at your desk every 20 minutes and try and take a walk around the office every hour. If you are working at home, break up your day with household chores. Consider doing laundry, vacuuming, or loading the dishwasher every half-hour to give yourself a mental time out and a physical boost.

Once you have conquered the sedentary life, move onto finding an activity you can fit in once or twice a week that brings you joy. You don't need to lift weights with a personal trainer every day to get the benefits of physical activity. A morning walk, 15 minutes of yoga, or even a mini dance party can be a great boost. The benefits of regular exercise extend beyond the immediate. It improves endurance, which is essential for the long hours typical in legal practice and is a natural stress reliever, releasing endorphins that can improve mood and reduce feelings of anxiety and depression.

3
Eat it! Nutrition

Nutrition often takes a backseat in a hectic schedule. For lawyers, it's much too easy to skip meals and find ourselves turning to a candy bar or chips during the workday. Long days can lead to coffee consumption and late dinners, both of which interfere with sleep, another important lever to maintaining energy and focus. Trying to find ways to eat healthier may seem daunting but there are some simple changes that can have big impacts.

Decrease sugar consumption—Diets rich in refined sugars are associated with a heightened risk of several chronic diseases, including diabetes, obesity, heart disease, and even certain types of cancer. One of the easiest ways to decrease your sugar intake is to stay away from sugar laden beverages. Swap out a club soda with puree fruit for a healthy carbonated alternative that counts toward your water intake. If you use sugar in your coffee or tea, decrease the amount of sugar by half a teaspoon per week. Skip dessert and opt for a small square of dark chocolate as your evening treat.

To help avoid skipping meals, consider bringing your meals to work. While it may seem like there is no time to prepare meals, creating a meal plan and prepping on the weekend can save you time, money, and calories. Buy a bag of salad, some cranberries, and nuts, and then add your favorite protein. Grill chicken or shrimp for the week or consider ordering from a healthy meal delivery service.

Changing nutrition habits can be a pivotal step towards a healthier lifestyle, and these easy habits can be a great start to help you on your way.

4
Turn Off: Sleep

The demanding nature of the legal profession often leads to long hours and inadequate sleep. The National Sleep Foundation recommends that adults (and that includes attorneys!) should aim for seven to nine hours of sleep per night.[2] Insufficient sleep can lead to decreased cognitive performance, mood swings, weight gain, hypertension, and more severe health conditions over time.

One of the best ways to boost your sleep is to create a pre-sleep routine. Limit screen time before bed and check emails sparingly if possible. Turn off electronic devices at least an hour before bedtime to reduce exposure to blue light, which can disrupt sleep patterns. I often put my phone to sleep mode (which minimizes notification except for "designated people" and emergencies (which are calls from the same number twice). I tell my team that if they need to reach me, to call my phone twice in a row. Developing rituals like meditation, deep breathing, or light stretching before bed can also get your body to "anticipate" sleep. I listen to some quiet meditation music to wind down.

As we enter 2024, we should each consider a new habit that can contribute to our well-being. Building new habits is a journey of small, consistent steps. There are several great books that provide insight and inspiration in habit formation. A few favorites include *Atomic Habits* by James Clear, *Mindset* by Carol Dweck, and *Rewire* by Richard O'Conner. Remember, the greatest investment you can make is in yourself so start creating that new habit today.

We would love to hear from you on personal favorites and what has helped you create sustainable healthy habits! Write to tcheung@fdh.com if you would like to share your story with our readers! ■

Tanyee Cheung *is a debt finance partner at Finn Dixon & Herling LLP and is chair of her firm's Wellness Committee and co-chair of the Connecticut Bar Association's Wellbeing Committee. Attorney Cheung received her Master's in applied positive psychology from the University of Pennsylvania.*

NOTES

1 Johns Hopkins Medicine. (n.d.). Sitting Disease: How a Sedentary Lifestyle Affects Heart Health. Retrieved from https://www.hopkinsmedicine.org/health/wellness-and-prevention/sitting-disease-how-a-sedentary-lifestyle-affects-heart-health

2 National Sleep Foundation. (n.d.). How much sleep do we really need? Retrieved from https://www.sleepfoundation.org/how-sleep-works/how-much-sleep-do-we-really-need, https://legal.thomsonreuters.com/blog/why-sleep-is-essential-for-attorneys-well-being-and-performance

Thank You

By JAMES T. SHEARIN AND JENN SHUKLA

Thank you for the hundreds of employees of the legal service providers in the state who have dedicated their professional lives to helping out those in need of legal representation but who cannot afford it. We are fortunate in this state to have such a committed group of organizations who have made it their goal to ensure access to justice for all. Those organizations include the following (and we apologize for those we missed):

Center for Children's Advocacy

Center for Family Justice

Children's Law Center

Connecticut Bar Foundation

Connecticut Coalition Against Domestic Violence

Connecticut Community Law Center

Connecticut Fair Housing Center

Connecticut Institute for Refugees and Immigrants

Connecticut Legal Rights Project

Connecticut Legal Services

Connecticut Veterans Legal Center

CTLawHelp.org

Greater Hartford Legal Aid (GHLA)

Integrated Refugee and Immigrant Services

Lawyers for Children America

New Haven Legal Assistance Association

Open Communities Alliance

Pro Bono Network

Pro Bono Partnership

Statewide Legal Services of Connecticut

Victim Rights Center of CT

Together, they represent thousands of individuals each year whose legal needs would not otherwise be met.

Thank you to the Judicial Branch for its dedication to access to justice. In addition to its Equal Access to Justice Commission, the Branch runs two pro bono programs—the Probate Court's Volunteer Services Program and the Superior Court's Small Claims Volunteer Attorney Program.

Thank you to the legal departments of Connecticut's corporations. We are fortunate to have so many businesses who have an ingrained culture of sharing their legal talent with those less fortunate. Many of them are members of the Corporate Pro Bono Challenge®. The Challenge recognizes the "critical importance of pro bono services as a cornerstone of our professional identity…."

Thank you to our state's three law schools whose faculty and students assist scores of people through their clinic and legal assistance programs.

Thank you to our local and affinity bar associations who likewise support the delivery of pro bono services to individuals within their regions and the constituencies they represent. Often unheralded, they give back.

Thank you to the Connecticut Bar Association and the various programs it has developed to provide for pro bono service opportunities for the Bar, as follows:

CT Free Legal Answers

Since the program started in 2016, 1,574 Connecticut residents with low or no income have gotten a civil legal question answered on the CT Free Legal Answers website, and hundreds more have been directed to helpful resources. Additionally, 68 volunteer attorneys have provided pro bono services through CT Free Legal Answers.

Image credit: Tetiana5/GettyImages

Free Legal Advice Clinics

In the 2022-23 bar year, the CBA hosted four quarterly legal advice clinics. During those clinics, about 200 individuals got to meet with a member of our 53 volunteer attorney team for 30 minutes.

Lawyers in Libraries

Lawyers in Libraries recently opened its tenth location in the state, Berlin, with several more locations, including Hartford, expected to open in the next few months. This bar year, 51 attorneys volunteered at Lawyers in Libraries events. The program hosted approximately 70 events that provided opportunities for Connecticut residents to get needed legal assistance at a location convenient for them during the year.

Pro Bono Connect

Pro Bono Connect involves a significant commitment to pro bono services with attorneys pledging to take on at least one full direct representation case. In 2022-23, 14 new volunteers joined the Pro Bono Connect program, bringing the total number of volunteers since the program started in 2020 to 81.

Bankruptcy Pro Bono

In 2021, the Commercial Law and Bankruptcy Section of the Bar created a pro bono program. This past year, 32 experienced bankruptcy attorneys have volunteered to provide pro bono representation to indigent clients in Chapter 7 Bankruptcy proceedings. So far, 11 clients have fully worked through the screening and application process and received pro bono counsel through the program.

Emeritus Pro Bono and Small Claims Volunteer Attorney Program

Through the Emeritus Pro Bono Program, 23 retired or semi-retired attorneys have worked with the bar to create a customized pro bono opportunity that fits their talent and time. Several of those attorneys work with the Small Claims Volunteer Attorney Program, a partnership between the CBA and Judicial Branch. In 2022-23, the Small Claims Volunteer Attorney Program held a total of about 30 events at three locations. At each event, volunteer attorneys met with members of the public with pending small claims matters to provide guidance and advice.

And, finally, thank you to each of you who have helped an indigent client or counseled a nonprofit organization dedicated to public good. We are an honorable profession, and nowhere is that more obvious than in the work we do for those whose legal needs would otherwise go unaddressed but for our service. ■

James T. Shearin *is the president-elect of the Connecticut Bar Association. He is a trial attorney at Pullman & Comley LLC with wide ranging experience in federal and state courts at both the trial and appellate levels, and before arbitration and mediation panels.* ***Jenn Shukla*** *is the director of access to justice initiatives at the Connecticut Bar Association.*

CBA Relaunches the Future of the Legal Profession Scholars Program

The Connecticut Bar Association (CBA) Diversity, Equity, and Inclusion (DE&I) Committee has revised and relaunched the Future of the Legal Profession (FLP) Scholars Program. The DE&I Committee invites eligible applicants—aspiring law students who are currently enrolled or have graduated from a Connecticut-area undergraduate institution—to submit applications to this program. CBA members are encouraged to share this information with potentially eligible students who are considering applying to law school and plan to take the Law School Admissions Test in the near future.

The CBA FLP Scholars Program provides financial and mentoring support to aspiring Connecticut-area, first generation law students who have demonstrated a commitment to diversity, equity, and inclusion or who have overcome adversity in their pursuit of a future career in the law. Accepted scholars receive a full scholarship for a LSAT preparation course, currently offered through Kaplan Test Preparation Solutions, and are also invited to participate in mentoring, networking, and educational programs designed to offer guidance and support in the journey to law school admission and matriculation.

Past FLP Scholars programs have included education on the law school application process, financial aid and scholarship, personal statement review, business etiquette, as well as opportunities for networking and learning about different careers in the legal profession. Similar programs are offered throughout the academic year to all scholars. These programs also provide an invaluable opportunity for scholars to meet with and learn from prominent members of the Connecticut legal community. FLP Scholars have enjoyed the opportunity to meet with and learn from members of the Connecticut judiciary, past and present CBA leaders, and attorney leaders employed within private, corporate, non-profit, and government law firms and legal organizations. For the 2023-2024 bar year, the FLP Scholars Committee has organized three events to date, focused on how to prepare a law school application, strategies for an effective law school personal statement, and how to fund a law school education. These sessions have included admissions and financial aid officers from the Quinnipiac University School of Law, University of Connecticut Law School, Yale Law School, and Western New England University Law School. Committee members have also offered one-on-one personal statement review and feedback. Future sessions for this bar year will include a "speed networking" session with Connecticut lawyers, to allow Scholars to learn about different areas of the law and types of practice, and a session focused on achieving success in the first year of law school.

The CBA FLP Program is a collaborative effort of the CBA and the signatories to the Connecticut Legal Community Diversity, Equity, and Inclusion Pledge. The program is guided by the CBA DE&I Committee through its FLP Scholars Subcommittee. Members of the FLP Scholars Committee assist with program development, the administration of the program, and application review. Since its inception in 2019, the program has accepted 37 scholars. A list of current and previous scholars is reprinted below. In the 2022-23 bar year, fifteen scholars joined the program, the largest cohort of accepted scholars yet. Eight scholars from prior cohorts have matriculated to law school, attending schools including UConn, Quinnipiac, George Washington, and Duke. If you know of a potentially eligible aspiring law student, please encourage them to apply.

The revised and relaunched FLP Scholars Program features the following eligibility criteria:

1. Must be a junior, senior, or graduate of a Connecticut-area college or university (meaning schools located in Connecticut or in Western Massachusetts).

Image credit: rudall30/GettyImages

2. Must be committed to pursuing a law degree at an accredited law school in the Connecticut-area (including law schools located in Connecticut and Western Massachusetts) or pursuing a legal career in the Connecticut area in the future.

3. Applications are welcome from all aspiring law students that meet the prior eligibility criteria. Preference will be given to first-generation law students (meaning students who would be the first member of their immediate family to attend law school) with a demonstrated commitment to advancing diversity, equity, and inclusion in prior academic, professional, or personal pursuits, or who are able to demonstrate that the applicant has overcome adversity or other challenges in the pursuit of a future career in the law.

Applications may be submitted online at ctbar.org/scholars. In addition to the scholarship application form, applicants must submit a professional letter of recommendation, resume or curriculum vitae, official college or university transcript, and two personal statements.

The CBA DE&I Committee is heartened by the growth of this program since its launch in 2019. The Committee hopes that this program will continue to grow and offer meaningful support to aspiring Connecticut-area law students. A list of all FLP Scholars is provided below. We look forward to all that they will accomplish in the future, and welcome your support and suggestions for the future success of the program. ■

ACCEPTED FUTURE OF THE LEGAL PROFESSION SCHOLARS

2023-2024

Isabelle Lastrina
Eastern Connecticut State University, Class of 2024
Major: Political Science
Minors: Pre-Law, Peace & Human Rights

Sontochukwu Okam
University of Connecticut, Class of 2022
Major: Political Science

Hamna Qureshi
University of Connecticut, Class of 2024
Major: Political Science

2022-2023

Haneen Alkabas
Central Connecticut State University, Class of 2024
Majors: Political Science and Journalism

Daniell Bawuah
University of Connecticut, Class of 2023
Major: Political Science

Lauren Beizer
Villanova University, Class of 2023
Major: Political Science

Lunise Constant
Eastern Connecticut State University, Class of 2021
Majors: Labor Relations and Human Resource Management

Aya Cruz
University of Saint Joseph, Class of 2023
Majors: English and Political Science

Morvin Ducroisy
Eastern Connecticut State University, Class of 2022
Major: Business Administration

Keren Gabriel
Bentley University, Class of 2023
Major: Economics-Finance

Shakira Gray
Southern Connecticut State University, Class of 2016
Major: Political Science

Kaliyah Knight
Southern Connecticut State University, Class of 2024
Major: Sociology—Criminology & Criminal Justice

Alahaniss Lopez-Zea
University of Connecticut, Class of 2024
Major: Political Science

Daniela Mays-Sanchez
Barnard College, Class of 2024
Major: Sociology

Riley Morrill
University of Connecticut, Class of 2023
Majors: History and Economics

Yeraida Reinheimer
Charter Oak State College, Class of 2023,
Major: Business Administration & Organizational Leadership

Olivia Sally
Yale University, Class of 2024
Major: Political Science

Janak Sekaran
Columbia University, Class of 2025
Major: undeclared

Jonathan Smalls
University of Connecticut, Class of 2022
Major: Political Science

2021-2022

Jalyn Brown
University of Connecticut, Class of 2023
Major: Political Science

Lelani Gorham
Cornell University, Class of 2023
Major: Government and American Studies

Maria Kelley
University of Connecticut, Class of 2023
Major: Law, Social Justice, and the Family

Huzaifa Khan
Wesleyan University Class of 2021
Major: Government and Social Studies

Gladencia Majule
University of Saint Joseph, Class of 2023
Major: Political Science

2020-2021

Rebecca Cabot
Norwalk Community College, Class of 2020
Major: Legal Assistant; Amsterdam University of Applied Sciences the Netherlands, Class of 2002
Major: Business Administration

Emma Farrell
Wesleyan College, Class of 2022
Major: Government

Ricardo Lombera
Connecticut College, Class of 2022
Major: Sociology, Government

Alexandra Prendergast
Wesleyan University, Class of 2020
Major: Government

2019-2020

Maman Cooper
University of Connecticut, Class of 2017
Major: Political Science

Frankie De Leon
Wesleyan University, Class of 2020
Major: American Studies

Debaditta Ghosh
Wesleyan University, Class of 2020
Major: Government

Fernecia Smith
University of Bridgeport, Class of 2020
Major: Political Science

New Year, New Perspective

By SARA J. O'BRIEN

Sara J. O'Brien *is chair of the Connecticut Bar Association Young Lawyers Section for the 2024-2024 bar year. She is an attorney at Stanfield Bechtel Law LLC in Middletown, where she handles civil matters, including personal injury, professional malpractice, employment, and small business law.*

According to historical records, it is believed that the concept of a New Year's resolution dates back some 4,000 years ago to the ancient Babylonians. Although the year began in mid-March, rather than in January, they are said to have made promises to the king and the gods to pay their debts or return borrowed goods—serving as an antecedent to the modern New Year's resolution as we know it. First celebrated in 46 B.C. after Julius Caesar adjusted the calendar to institute January 1 as the start of the new year, this date marks the tradition of reviewing our accomplishments and downfalls, resolving to make changes in the future.[1] A holiday celebrated across the globe, it is welcomed through countless traditions fostered from different cultures, heritages, and religions.

In anticipation of it all, we often reflect upon our personal and professional lives. Maybe you count the blessings that have been bestowed upon you, or perhaps you ponder the things that you wish had turned out different. As people (especially us lawyers) share these observations, we often see them denoted as a "year in review." However, you frame it, it creates an environment for New Year's resolutions to form. We are energized by the ticking clock, certain that upon the stroke of midnight we will be set in our new ways, committed to do more and be better in the new year. And so, as the countdowns are shouted, the fireworks go up, the church bells ring out, and people around the world yell out, "Happy New Year!"—we pop the champagne and toast to our new selves and new perspective on life.

This ambitious energy may carry some of us for months (or weeks) before we throw in the towel or resort back to old routines. (A survey completed by Forbes Health found that the average New Year's resolution lasts 3.74 months.)[2] The truth is, developing a new habit or way of life takes time, and is not something that happens overnight. In fact, forming a new habit can take anywhere from 18 to 254 days, and it takes an average of 66 days for a new behavior to become automatic.[3] In a world of instant gratification, this can be a daunting concept. As lawyers, between meeting billable hour quotas, advancing our careers, maintaining healthy behaviors, and managing a healthy work life balance, we don't always feel we have time in our days to commit to developing new habits. Perhaps this is a systemic problem, one in which we need to initiate change within the profession itself. Or perhaps, it is simply a disconnect between our lived realities and how we measure our own success and well-being.

As young(er) lawyers, we are acutely aware of the fact that our profession and personal lives are in constant contest with one another, that we are pulled in multiple directions, and that every decision we make inevitably creates a ripple effect, adding more and more to our to-do lists. In our own minds, we may feel overwhelmed, but others are left wondering how we accomplish so much and still find time to sleep. It comes down to perspective. In a way, it is similar to the two perspectives in a pending litigation matter. The facts may not be in dispute, but a plaintiff perceives they were wronged, while a defendant perceives they did everything right. How a client views their case must be reconciled with the boundaries of the law and the perception of the opposing party, and in some cases a jury of six unknown persons. In deciding how you will view the realities of your day-to-day life and how you will choose to measure your own success and well-being, give yourself credit where it is due, and consider all perspectives on the facts.

Image credit: AlexRaths/GettyImages

Undoubtedly, we all made at least one resolution at the start of this year, and some of us may be made a few. While some of us may still be going strong, upholding and sticking to our new habits, others may have "missed" a day or two, and are thinking maybe we will do better next year. (Don't worry, you are not alone.) Despite tradition, there is no black letter law limiting resolutions to be made on January 1. Tomorrow is as good a time as any to commit to putting your best foot forward, to do more, or to be better. The anticipation of the clock striking midnight happens every day. This year, I encourage you to embrace the tomorrow that comes every night at 12:00 a.m. Don't wait for tradition, or for the world to join you. Reconcile the successes and failures of each day, and march on the opportunities of tomorrow. Be the lawyer you went to law school to become, and the attorney your clients need. ■

NOTES

1 www.history.com/news/the-history-of-new-years-resolutions

2 www.forbes.com/health/mind/new-years-resolutions-statistics

3 www.healthline.com/health/how-long-does-it-take-to-form-a-habit#takeaway

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